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1. Introduction

Before summer 2015, the prevailing representation of irregularized migration to the EU concerned maritime migration routes. The dominant images depicted overcrowded boats in distress and tragedies like the capsizing of a boat just off the coast of Lampedusa on 3 October 2013, when more than 300 people drowned. In summer 2015, however, the focus in the portrayal of migration shifted abruptly to the *Balkan route*. Media reports showed exhausted migrants walking down railway tracks through Macedonia and migrant families waiting in Belgrade parks or at the *Keleti* train station in Budapest. Later in the year, widely disseminated images showed migrants walking in long lines through fields or traveling on crowded trains in Croatia and Slovenia.

The *Balkan route* is not a new phenomenon. It has a long history, marked by successive transformations in scope and visibility. However, the unique development of a *formalized corridor*, established in early summer 2015, constituted an unprecedented and significant rupture in its long existence. The *formalized corridor* enabled refugees to cross the Balkans from northern Greece to Western Europe within two or three days, in special trains and buses (often even free of charge). They no longer needed to hire smugglers or risk their lives in dangerous circumstances, as they had to before. As this research paper will demonstrate, the *formalized corridor* was an example of how persistent informal migratory transit practices can result in the transformation of state and EU policies and practices. The *formalized corridor* came to extend up to Germany after the events of late August-early September 2015, when thousands of migrants who had been stranded at the *Keleti* train station started their *march of hope* towards Austria, resulting in Angela Merkel's momentous decision to open the border. But several months before that, the for-

malization process had already started on the southern end of the *Balkan route*: in Serbia and Macedonia.

In the paper we first examine the different processes which contributed to Macedonia's and Serbia's integration into the *European border regime*. Those included regional and bilateral programs of economic and political aid, the EU's involvement in resolving their internal conflicts and tensions with neighbouring countries, and the gradual incorporation of their national institutions and policies into the EU's wider migration control agenda. The paper then analyses the countries' respective national strategies to address the "mass transit" of migrants through the Balkans in 2015 and 2016. Those strategies reflected a constant balancing act, in which governments needed, on the one hand, to respond to the actual migratory practices and the demands of the EU, and on the other hand, to take long-existing internal problems related to ethno-national developments in the region into consideration.

The Europeanization of migration policy within the EU and its externalization to non-EU states is broadly interpreted as result of migration becoming a security issue: "In this setting migration has been increasingly presented as a danger to public order, cultural identity, and domestic and labour market stability; it has been securitized, [resulting] from a powerful political and societal dynamic reifying migration as a force which endangers the good life in west European societies" (Huysmans 2000: 725). But the *European border regime* is not only influenced by *securitization*, but also by *humanitarianism*: "Humanitarian government can be defined as the administration of human collectives in the name of a higher moral principle that sees the preservation of life and the alleviation of suffering as the highest value of action" (Fassin 2007: 151). These two governmental logics are neither merely two sides of the same coin, nor divergent forces,

as William Walters emphasizes in his article on the *humanitarian border*: "For instance, there are frequently occasions on which security practices and effects materialize within the institutions and practices of humanitarian government" (Walters 2011: 147). Vice versa, humanitarian logic can become a dominant dimension for security actors and practices. One example of that is the operation *Mare Nostrum*, which was launched in response to the above-mentioned tragedy on 3 October 2013 and has seen the Italian navy rescue more than 150.000 people from the Mediterranean Sea, who were brought to Italy. This reflection of *humanitarianism* in the *European border regime* is part of a broader trend since the 1970s of states increasingly "develop[ing] a humanitarian rhetoric and policies to describe [their] own governmental practices" (Fassin 2011: 152).

In the paper we trace how Macedonia and Serbia strategically positioned themselves regarding the government of transit migration though their territory by dynamically shifting between *humanitarianism* and *securitization* before the *formalized corridor* emerged, during its existence, in the process of its closure, and after it was shut down. This is not to say that precise dates can be pinpointed to distinguish these "phases": the emergence of the *formalized corridor* in the south of the *Balkan route*, for example, was a dynamic process which resulted from the interplay of state practices, practices of mobility, activities of activists, volunteers, and NGOs, media coverage, etc. The same applies for its closure. However, the text follows a diachronic line in which we describe the contextual factors that decisively shaped the transformation of the migration policies of the two states. It focuses in particular on transportation practices, accommodation, (in)visibility of migrants, activity of (non-)state actors, unique national instruments (such as the *72-hours paper*), the *One Stop centres* and the *transit zones* at the Serbian-Hungarian border.

Methodologically, the research paper follows the *Ethnographic Border Regime Analysis* (Tsianos and Hess 2010), meaning that we refer to written data – such as laws, official reports of national and EU institutions and NGOs, and media reports – as well as on field research, which we conducted in July-August 2016, and which included interviews with representatives of national and international (non-)governmental organizations, activists and migrants.[1]

2.1. Macedonia: Political situation and the influence of the EU

The newly elected multi-party assembly of Macedonia or *former Yugoslav Republic of Macedonia* (FYROM)[2] declared the country's independence from Yugoslavia in January 1991, confirming the decision on a national referendum in September 1991 in which the vast majority of the citizens voted in favour of a sovereign and independent state. Since 1992 all national governments have comprised inter-ethnic coalitions, including at least one Albanian party and one Macedonian party.[3] But apart from a "few Albanian politicians, their family clans and their clientele, many ethnic Albanians remained excluded from state positions in politics, public administration and the economic sector" (Opfer-Klinger 2008: 26). Additionally, many contested the provision in the original national constitution which defined Macedonia as a 'national state of the Macedonian people' with equal rights for different minorities (among them the Albanian minority), rather than as a multi-ethnic state.

Apart from internal ethnic divisions and strife the young state was confronted with difficult relations with its neighbours, especially in regard to its international recognition and its efforts to achieve full

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2   According to the 1994 census, Macedonia has approximately 2.1 million inhabitants. 65% of the population is Macedonian, 22% Albanian, and the remaining 13% consists mostly of Turks, Serbs, Roma, and Vlachs. The religious composition is 67% Eastern Orthodox Christian and 30% Muslim.

3   The two main actors in the Macedonian block are the *Socialist Democratic Union of Macedonia* (SDSM) and the *Internal Democratic Revolutionary Organization – Democratic Party for Macedonian National Unity* (VMRO-DPMNE). The SDSM is a member of the *Party of European Socialists* and the *Socialist International* while the VMRO-DPMNE participates in the framework of the *European People's Party* and the *International Democratic Union*. The Albanian block consists of three major parties: the *Party for Democratic Prosperity* (PDP), the *Democratic Party of Albanians* (DPA) and the *Democratic Union of Integration* (DUI).

membership in various international organizations, most promi-
nently the EU. The first country that recognized Macedonia was
Bulgaria. But despite its recognition of Macedonian sovereignty,
Bulgaria contested the existence of a separate Macedonian national-
ity and even the existence of a Macedonian language. While relations
with Serbia deteriorated during the Kosovo crisis in 1999, the most
complicated challenge to Macedonia's early geopolitical develop-
ment and positioning was posed by its southern neighbour Greece,
which insisted that "'Macedonia' was a purely geographical term
that included a territory in northern Greece. As a result, the Greek
government feared an expansionist Macedonia. Greece also contest-
ed the depiction of the 'Vergina Star' on the new flag of Macedonia,
claiming that it was the symbol of Philip of Macedon and Alexander
the Great" (Rubeli 2000: 6). In its determination to protect what it
considered to be an attack on its national culture and heritage, the
Greek government resorted to various kinds of blockades, ranging
from thwarting each Macedonian attempt to enter various inter-
national organizations to closing off its borders with Macedonia in
1994 and even imposing an economic embargo.[4] Due to the name
dispute, "Macedonia was only admitted to the United Nations in
April 1993, under the temporary name 'The Former Yugoslav Repub-
lic of Macedonia', pending a final negotiation settlement" (Rubeli
2000: 6). The dispute was partially settled at the end of 1995, when
Greece and Macedonia signed an agreement "calling for mutual
recognition, the opening of commercial routes, and the exchange of
liaison officers. The Macedonian government agreed to drop the dis-
puted symbol of the Vergina Sun from its flag, to which the Greeks
objected most vehemently" (Glenny 1996: 261). Nevertheless, the
issue of the permanent name of the Macedonian republic remains
open and constitutes a continuous source of conflict between the
two countries.

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4   The Greek economic embargo was lifted in September 1995.

While Macedonia slowly and steadily improved its international position,[5] internal ethnic disputes continued. Tense conflicts arose over demands to establish an university with Albanian language lectures in 1995, and the display of Albanian flags at municipal buildings in 1997, as well as continuous allegations over ethnicity-based electoral and representational irregularities. The Kosovo war of 1999 exacerbated the internal divisions, intensifying concerns over Macedonia's internal balance, fragile international relations and the possibility of another widespread military conflict in the region.

Out of the many impacts of the Kosovo conflict on Macedonia, the large number of people seeking refuge on its territory probably constituted the greatest challenge. It was not the first crisis of this nature in its history as independent country, since Macedonia hosted many displaced persons from the countries that were affected by the wars of dissolution of the *Socialist Federative Republic of Yugoslavia* (SFRY) from 1992 onwards, but the influx in 1999 had unprecedented proportions. "In total, temporary humanitarian protection was granted to 400,000 refugees from the region, out of which 360,000 were from Kosovo"[6] (UNHCR Macedonia 2015: 4-5). In its effort to reduce these figures, Macedonia imposed strict limits on entry, and implemented registration procedures inside Macedonia at a very slow rate, declining "to give the United Nations a full mandate to process, register and care for refugees, despite the agency's offer" (Rubeli 2000: 10). Several violent dispersals were reported as well: "On Tuesday night, April 6, some 45,000 refugees were deported from the border camp at Blace, evacuated on buses and dispersed throughout the region. The operation, unannounced and executed

5   In 1995 Macedonia was admitted to the *Council of Europe*, the OSCE, and NATO's *Partnership for Peace Program.*

6   Only 812 of these refugees remained in Macedonia, the majority of them belonging to the Roma, Ashkali and Egyptian (RAE) ethnic groups from Kosovo.

by the Macedonian authorities under the cover of darkness, was chaotic" (Gall 1999). The Kosovo war and the refugee crisis encouraged the EU and other international actors to broaden and deepen their engagement in the region. In Macedonia, some institutional reforms were enacted regarding better employment possibilities for Albanian Macedonians in lower and middle layers of public administration,[7] but "access to higher positions remained difficult due to weak education possibilities" (Opfer-Klinger 2008: 27). Additionally, the gap which already existed between the Albanian political elite and the growing number of excluded, mostly young Albanians, was still increasing.

The young state entered another deep crisis with the emergence of armed conflicts between Macedonian security forces and the so called *National Liberation Army*, also known as the Macedonian UÇK, in 2001. Three root causes which have been identified for this conflict are, first, insufficiently implemented minority rights; second, disputes within the Albanian community; and, third, the spill-over of militant Albanian nationalism from Kosovo (Ackermann 2001). A further escalation of violence was prevented by the *Ohrid Agreement* from August 2001, signed by the two main parties of ethnic Macedonians as well as the two main parties of the Albanian minority. The agreement encompassed several measures and constitutional changes, which were to ensure the inclusion of the Albanian minority in the state apparatus and the cooperation of the political establishment of both "fractions", strengthen Albanian autonomy through greater decentralization, expand minority rights, and recognize minorities as a constitutive element in the constitution (Bieber 2011). While the *Ohrid Agreement* was officially signed and implemented under Macedonian authority, "the EU constantly provided external

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7   In 2001 approximately 10% of public servants were ethnic Albanians.

financial and expert support, while also exerting significant political pressure for its implementation. In this manner, the EU meddled in the management of party relations through its role in inter-ethnic policies" (Kacarska 2014: 72-73).

The country was officially granted candidate status for EU membership in 2005, and in 2009 the European Commission proposed to launch negotiation talks. But this proposal was blocked by the European Council and there have been no further official invitations to initiate the process. This state of political "limbo", in which Macedonia's aspirations were thwarted by stalling the negotiations, "has granted the EU – via its integration process and membership conditionality – the opportunity to become heavily involved in everyday political affairs" (Kacarska 2014: 69). To prevent possible EU fatigue and keep a sense of accession momentum, however, the European Commission approved visa-free entrance into the Schengen space for citizens of Macedonia from 2010 onwards.

The year 2015 was marked by the eruption of major protests over a *wiretapping scandal*, as leaked information suggested that Prime Minister Nikola Gruevski[8] was illegally monitoring the communication of thousands of Macedonian citizens. Protesters specifically accused the Prime Minister and his government of electoral fraud, restrictions on the freedom of the press and the persecution of political opponents, but the protests soon transformed into a general revolt against political elites, widespread corruption and bad social conditions. The crisis was finally "resolved", at least temporarily, with the so called *Pržino Agreement*, mediated by the European Union, in which the Prime Minister agreed to resign. President Gjorge Ivanov[9]

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8   Gruevski has lead the VMRO-DPMNE party since 2003 and was Prime Minister of Macedonia from August 2006 to January 2016.

9   Assumed the presidential office in May 2009 as the candidate of the VMRO-DPMNE party.

appointed a new Prime Minister from the ruling party VMRO-DP-MNE, Emil Dimitriev, in January 2016. Protests flared up again in April 2016, however, when Ivanov granted presidential amnesty to 56 officials who were being investigated by a special prosecution body. They were predominantly politicians, affiliated with Gruevski and his government, and accused of charges "ranging from election rigging, embezzlement of public money and property, to corruption and party capture of state institutions" (Gjorgjioska 2016). In its attempt to curb the rising unrest, the ruling party resorted to various mechanisms of control over the political opposition and wider spheres of the civil society[10] and to criminalization of any forms of autonomous social dissent. Nevertheless the protests continued for months, developing into a set of events and occupations which came to be described as the *colourful revolution*.

From 2005, when Macedonia was granted the official status of an EU candidate country, the European Commission has been regularly monitoring its progress in the harmonization of its national asylum system with the *Common European Asylum System* (CEAS). The current legislative framework covering the asylum system in Macedonia is laid out in the *Law on Asylum and Temporary Protection*.[11]

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10 For example, civil servants were threatened that they might lose their employment if they did not attend pro-government rallies.

11 The basic rights of asylum seekers guaranteed under the existing legal framework are: the right to freedom of movement and protection from arbitrary detention; the right to reside in the country and to accommodation in a reception centre for asylum-seekers, or other accommodation assigned by the *Ministry of Labour and Social Policy*; the right to receive information relating to the asylum procedure, their rights and obligations as well as access to interpretation during the entire asylum procedure in a language that they are reasonably supposed to understand; the right to free legal aid; the right to basic health care; and the right to primary and secondary education. In regard to integration, the law guarantees refugees and persons who have been granted subsidiary or temporary protection several rights that can be compared to the rights enjoyed by citizens, namely the right to accommodation,

The asylum procedure is enacted by the *Section for Asylum* under the authority of the Ministry of the Interior. Although the legal framework concerning the asylum procedure and integration policies are in general largely in conformity with the relevant EU standards, there are substantive shortcomings in regard to its implementation, and the approval percentage is extremely low. For example, only one person has been recognized as a refugee in the first half of 2015, despite the high number of applications.[12] Despite some positive developments, the UNHCR observes that "significant weaknesses persist in the asylum system in practice" and that Macedonia "has not been able to ensure that asylum-seekers have access to a fair and efficient asylum procedure" (UNHCR Macedonia 2015: 21). The UNHCR therefore concludes that the FYROM "does not as yet meet international standards for the protection of refugees, and does not qualify as a safe third country" (UNHCR Macedonia 2015: 3).

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health care, education and employment, as well as the right to family reunification for members of the nuclear family. While the formulations of integration policies are satisfactory, however, their implementation is hindered by a lack of state or NGO-sponsored language courses. Access to employment is granted by law, "but extremely difficult to obtain in practice due to language barriers, cumbersome administrative procedures, and the already high national unemployment rate" (UNHCR Macedonia 2015: 19). Similarly, many refugee children don't go to school because the courses are in Macedonian and no special alternative courses are offered. In regard to the acquisition of citizenship, the national law assumes a facilitated naturalization of recognized refugees and stateless persons. However, "the persons concerned continue to experience many challenges in the process, including when seeking to obtain the necessary personal documents that are required to apply" (UNHCR Macedonia 2015: 20).

12   1,353 asylum applications were lodged in 2013, but only one interview was conducted, and a positive decision of subsidiary protection was granted in that case. In 2014, 1,289 applications were lodged but only 16 asylum procedures were completed, resulting in 12 Syrian citizens receiving a refugee status and one subsidiary protection being granted.

2.2. Irregular transit migration

Until early 2015, transit migration through Macedonia was not very visible and not present in the public debate at all. According to Frontex data, only 1,825 people without documents were caught at the border in January and February 2015 (Frontex 2015: 20). But invisibility does not mean nonexistence: "Macedonia was always a transit place. It's just we couldn't really see them, because they were going through the forests. And the numbers of people crossing were significantly smaller".[13] This period of invisibility was linked to illegality, since migrants didn't have any status in Macedonia and any interaction with them, even to provide humanitarian aid, was seen as a criminal act. Citizens were also obliged by law to report any suspected "illegal migrant". Migrants who were arrested by the police, including children, were usually detained in a detention centre called *Gazi Baba* in Skopje. They could be detained there for up to six months, waiting for a court procedure to take place – not on their cases, but supposedly against their smugglers. Until the beginning of 2015, there was hardly any knowledge about the legal, humanitarian or infrastructural conditions inside *Gazi Baba*. This changed after the *Helsinki Committee for Human Rights of the Republic of Macedonia* (MHC) investigated the situation in *Gazi Baba*, and when the organization published a detailed report on torture and ill-treatment cases in Macedonia in April 2015 it included the following recommendations: "Stop threating refugees as illegal migrants and allow them to freely lodge asylum requests, should they request so. Take immediate steps to improve the living conditions in both the Reception centre in Gazi Baba and the Asylum centre in Vizbegovo [...]. Allow NGO's and other stake holders to visit the centres and offer their services to the refugees/asylum seekers." (MHC 2015: 10).[14]

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13 Interview with a local activist and volunteer in July 2016.

14 Further information was also included in the "urgent action" reports and appeals on Gazi Baba from Amnesty International in February and July 2015.

The spring of 2015 witnessed a rapid increase in the scale of transit movement as well as its visibility, with people walking along railway tracks from southern Macedonia towards Serbia, usually traveling for about ten days and mainly during the night. Their final destination in Macedonia before crossing the border into Serbia was usually one of two "famous" villages, *Lojane* and *Vaksince*. Both are known for the existence of "informal migrant camps" and according to the UNHCR, "they are run by smugglers. There were only two police raids until now. We have presence there, but we don't see very much, since people are hiding from the officials and the criminals are very inventive and one step ahead".[15] Namely, in both villages also several cases of kidnappings were reported, with refugees being forcibly kept in special houses until their families could pay the ransom. Such practices are not new either: "cases of kidnappings and ransom requests have been occasionally reported by migrants from 2012 onward. Immediately after the British Channel 4 broadcasted a report in June 2015 on migrants being held and kidnapped in the village of Vaksince, the Macedonian police raided the village. But instead of arresting the kidnappers, they arrested 128 migrants" (Stojić Mitrović 2016). The criminal activity in these villages which continues to fuel a profitable grey economy, abetted by silent tolerance from local and national authorities, has since become a "public secret" of sorts: "You just can't go to these villages. You can't bring humanitarian aid, because the local community is earning money from refugees. If you bring aid, you are interfering with their business and you will have problems".[16]

15   Interview with a representative of the UNHCR in Macedonia in July 2016.

16   Interview with a representative of the NGO LEGIS in July 2016.

2.3. Increased visibility of transit migration and the 72-hours paper

As the numbers of clandestine transits increased exponentially during the spring and summer of 2015 and Macedonian authorities mostly just allowed people to move, knowing the goal of migrants was to cross through Macedonia and leave the country as soon as possible, an informal "transit economy" soon developed in the southern border region. Local volunteers and activists regularly reported numerous illegal trade practices, like water, food and bicycles being sold to refugees for significantly higher prices than to locals, but the police did not intervene much, claiming that such trade activities fell under the authority of market inspection officials. The police did not show any similar restraint when it came to very actively controlling any kind of solidarity practices, however: "Each and every day the police kept asking for the IDs of volunteers if we wanted to interact with some refugees or migrants. So this tolerance towards criminal activity in the broad daylight and severe criminalization of people who were trying to help: it's all connected to profits".[17]

Increasing media coverage of tragic accidents on railway tracks – train collisions on bridges and in tunnels in which a rising number of refugees were fatally or severely injured – gradually raised public awareness of the scale and depth of the transit phenomena. The biggest of these accidents – when 14 refugees died in April 2015 – led to the establishment of a Facebook group called *Help the refugees in Macedonia*, where many Macedonian citizens started to share information and organize humanitarian support: "People became aware that thousands of refugees are entering, and that we have to help. So the Macedonian community organized itself: by going on

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17   Interview with a local activist and volunteer in July 2016.

the road, waiting for the refugees, going on the train tracks".[18] That accident also became a turning point in Macedonia's official policy on transit migration. Parliament passed amendments to the *Law on Asylum and Temporary Protection* in June which introduced a so called *72-hours paper*. Similar to existing practice in Serbia, asylum-seekers could now "register an intention to apply for asylum at the border entry points, in which case the asylum-seeker is provided with a travel permit valid for 72 hours, for the purpose of traveling to a police station to formally register the asylum claim. If already inside the country, the asylum-seeker must register his or her asylum application at the nearest police station" (UNHCR Macedonia 2015: 7). After the new legislation came into force, refugees were able to legally transit through the country, and use public or private housing and transport as well as free medical aid in any local or state health facility.

This introduction of a de facto transit visa can be considered a result of the increased national and international visibility of the severe conditions and consequences of transit through Macedonia, but it would also never have been enacted without continuous pressure from local civil society and local NGOs like LEGIS. The organization had tirelessly advocated and lobbied for immediate policy changes: "We translated the law from the Serbian example and we said to the Ministry of Interior: 'We have a solution for you. It's called 72 hours'. There was pressure from several sides, including the UNHCR. We talked to Albanian communities, members of parliament, anyone. And I went to the parliament, I gave them the documents and I said: 'Please, you have to push it'".[19] Initially, the introduction of the new "transit paper" caused some chaotic scenes in the southern border

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18   Interview with a representative of LEGIS in July 2016.

19   Interview with a representative of LEGIS in July 2016.

town of *Gevgelija*,[20] but the police soon received support from the UNHCR and the *Young Lawyers Association* to help with registration procedures.

2.3. The temporary border closure

In the end of August 2015, the new "paradigm of mobility" was suddenly interrupted when the Macedonian government decided to temporarily close its southern border completely and declared a state of emergency. Police fired stun grenades and plastic bullets to drive back refugees. The Macedonian authorities may have resorted to this radical measure in order to build pressure on the EU and the rest of the international community to provide Macedonia with more assistance and financial aid. Another possible or complementary motivation might be related to the dissatisfaction of Gevgelija's local residents, who had organized protests against the free movement of refugees through the city: "You know, the local protest were crucial for the closure of Macedonia's border, because for politicians it was very important what the local community thinks, because local community means votes for our government".[21] The border had to be re-opened after just three days, however, because it was simply unfeasible to permanently stop thousands of migrants, including many families with children, and keep using batons and teargas against them while the international press was watching. Apart from that, the Greek government continued to send thousands of migrants directly to the Macedonian border. In the end, the temporary closure did have one positive side effect. International humanitarian

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20 Thousands of people tried to enter the regular trains from Gevgelija, which didn't have enough capacity, while the local police station turned out unequipped and ill-prepared for its new responsibility to register the refugees.

21 Interview with a representative of LEGIS in July 2016.

organizations had not been much involved in Macedonia before August 2015, but the devastating images of extreme police violence against stranded refugees and the international public and media attention they attracted spurred a greater involvement of various international actors.

2.4. The formalized corridor: Official camps and special trains

After the border was reopened, transit through Macedonia became much more formalized. The state started coordinating the movement of refugees on a centralized basis, with the so called *Crisis Management Centre* taking all responsibility for the organization of transit. On the one hand, this meant that the transport of refugees took place more quickly and efficiently, but on the other hand it also meant that refugees became more isolated and their travels more tightly controlled. A huge, new camp was created in *Gevgelija* and run with the help of the UNHCR as well as many national and international NGOs, to register refugees and hand out *72-hours papers*. At this time the government also established separate train transports for refugees, starting directly in the camp in *Gevgelija* on the border with Greece and took them without stops to the *Tabanovce* camp, located just meters away from the border to Serbia.[22] Earlier in the summer of 2015, a system had been introduced which combined special trains for refugees and shared trains with separate compartments for refugees and local residents. But resentment about the shared trains was rising, since many locals from *Gevgelija* and other regions commute to Skopje every day, and there was often no place

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22 From 1 July 2015 to 31 December 2015, 687,047 persons have passed through the camp in Gevgelija (UNHCR Macedonia 2016).

left for them. In response, the government[23] decided to completely separate local and transit train travel, and even prohibited citizens from boarding "refugee trains". As separate trains were introduced for refugees, the prices they were charged increased dramatically: while locals paid about 10 EUR per person, refugees were charged 25 EUR. This yielded windfall profits for the state railway company (and consequently Macedonia's state budget), considering how the UNHCR observed that, "from the beginning of September until 15 November, between 5,000 and 10,000 people per day crossed into Macedonia and then left with organized trains from *Gevgelija* to *Tabanovce*".[24]

In mid-November, Macedonia started employing the discriminatory practice of segregating asylum seekers and migrants at its southern border by their nationality, similarly to practices in Austria, Slovenia and Croatia, "regardless of any claims for protection they might have. It has allowed only those who could prove their citizenship from Syria, Afghanistan or Iraq to enter the country or to lodge asylum claims. Others were blocked and left stranded at the border with Greece" (HRW 2015). According to the UNHCR, these specific restrictive measures were enacted "by national authorities in cooperation with the EU".[25]

2.5. Closing the gate

In March 2016, the *formalized corridor* through Macedonia officially ended when the country suddenly closed its southern border

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23   The railway system in Macedonia is owned by the state.

24   Interview with a representative of the UNHCR Macedonia in July 2016.

25   Interview with a representative of the UNHCR Macedonia in July 2016.

completely and permanently. Consequently, across the border, in the Greek village of *Idomeni*, stranded refugees ended up in a makeshift camp which eventually housed 15,000 of them. This radical, supposedly "solo" action of the Macedonian government was not in fact an unilateral decision on its part, since Macedonia had no domestic interest in closing the border: the official transit corridor had yielded huge official and unofficial profits, thanks especially to the revenues of the train transports and the international assistance the country was receiving, but also through local acquisition of humanitarian aid which bolstered the Macedonian economy. It was rather the inevitable result of the closing that gradually started in Austria and provoked a chain reaction in other countries of the *formalized corridor*, with silent approval by the EU institutions and open support of the *Visegrád states*: "I'm severely critical of the government here, but now everyone is saying: Macedonia closed the border to migrants. But this is such a linear thinking, it's ridiculous! Because the fence was built up with EU money, Hungary brought it here for free, there's been EU police for months now in *Gevgelija*. And also, people got stuck here! If it was a Macedonian decision, then people wouldn't be stuck here! This so called Macedonian closure was a blessing for the EU, because in my opinion, EU governments still care about their image, they want to present themselves as the good guys. And when Macedonia closed the border for them, they can say: It's not us, it's those Balkan savages again".[26]

The closure of the *formalized corridor* left around 1,600 people stranded in Macedonia, and as late as July 2016 around 130 refugees were still being kept in *Gevgelija* without freedom of movement, and with little access for volunteer aid groups: "It's really different from the past. Even with all the criminalization and when people weren't able to use transport, we were able to be with them without

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26 Interview with a local activist and volunteer in July 2016.

anyone making a fuss about it. And now for each and every activity we want to do with the refugees we have to ask for the permission of the Ministry".[27] With arbitrary detentions of refugees in closed camps such as the one in *Gevgelija*, Macedonia is not only breaching international law and various conventions on human rights,[28] but also, according to local human rights advocates such as LEGIS, damaging its own interests: "I mean, if I would be the Macedonian state, these people would be a problem. If I would be the Macedonian state, I would say: we have to release them, there is no legal basis to detain them – knowing that they will go further anyway. I was asking myself the question, in whose interest is it to keep these few people detained?"[29] Formally, there is a legal possibility for detainees in *Gevgelija* to apply for asylum and be transferred to the open camp in Skopje, but almost no one chooses this option.[30]

In contrast to *Gevgelija*, the camp in *Tabanovce* is open, but around 70 migrants still remained there in July 2016 when we visited the camp, mostly because they did not have the means to continue their travel illegally. Conditions in the camp looked relatively good, with many active NGOs and a functioning infrastructure, in part thanks to its specific geopolitical location, as has been stressed by one of our interview partners: "The good thing about *Tabanovce* is that there the population is mostly Muslim. They have Muslim police,

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27 Interview with a local activist and volunteer in July 2016.

28 "Prolonged administrative custody without justification or the possibility of meaningful review violates the prohibition on arbitrary detention in article 9 of the International Covenant on Civil and Political Rights, and Article 5 of the European Convention on Human Rights" (HRW 2015).

29 Interview with a representative of LEGIS in July 2016.

30 The reason the refugees in the camp are not pursuing this option might be because they still hope to continue their journey and apply for asylum in an EU country, or because they have no confidence in the Macedonian asylum system.

who are friendlier to refugees, and they have Muslim activists and they are all interconnected and therefore it's a more friendly atmosphere".[31] From the *Tabanovce* camp it's just two kilometres to the above-mentioned villages of *Lojane* and *Vaksince*, which continue to be the main hubs for smugglers and crossing points into Serbia: not only for refugees who got stuck in *Tabanovce* but also for the estimated several hundred of refugees who have since the closure of the *formalized corridor* been passing through Macedonia in an irregular manner every week.

2.6. Once the gates were closed: illegality, push-backs and asylum limbo

After the *formalized corridor* was closed, the *72-hours law* was abolished as well. Instead, a new law was introduced which declared all neighbouring states *safe third countries*, making it possible to immediately deport all newly arriving refugees to the country of exit. An official readmission procedure would require the cooperation of the receiving country, however, meaning that the people who are being returned must also be accepted by the receiving country. In practice this requirement is not respected and there are massive illegal push-backs, in which the Macedonian police just forces people to go back to the other side of the border, often with extensive use of violence: "On a regular day 50 to 60 people are caught in Macedonia and brought back to Greece. There is Greek police watching as the Macedonian police pushes back migrants, and doing nothing".[32] According to UNHCR statistics, 10,066 people were pushed back from Macedonia to Greece in the first five months of 2016. To put these numbers into perspective: "Less than 50 people were pushed back

31   Interview with a local activist and volunteer in July 2016.

32   Interview with a representative of the UNHCR Macedonia in July 2016.

from Serbia to Macedonia since the Balkan corridor closed".[33] There has been no official reaction by Greek authorities to the push-backs so far, also due to bad historic relations and the weak or non-existent communication between Skopje and Athens: "Even when Macedonia called to Greece to receive a group of migrants on the official border for an official return, because these refugees entered illegally into Macedonia from Greece, there was no official response from the Greek side. That's why they are doing that in an illegal way. Therefore, unfortunately, refugees don't have a place where they can complain about their rights being broken all the time, not in Greece, not in Macedonia, anywhere".[34]

The closure of the *formalized corridor* did not stop transit migration through Macedonia completely. There were around 300 entries into Serbia every day until the time of writing, with approximately half of those entering Serbia having passed through Macedonia, while the other half arrives from Bulgaria. Many of the refugees who arrive in Belgrade say they transited Macedonia on foot, usually traveling up to 20 days to reach the northern border in a clandestine manner, encountering no humanitarian infrastructure, either formal or informal, and being exposed to state and mafia violence. Many of them report police violence, and some showed their injuries as evidence. Sometimes they are intercepted by the Macedonian police only once they have already reached the border with Serbia and afterwards they are mostly deported to Greece. Many of the refugees report having made the trek from Greece to northern Macedonia several times before succeeding in crossing into Serbia. The time it takes to cross through Macedonia and the odds of success are mostly linked to the financial means of the refugees. According to the UNHCR, most of them use smugglers: "The price of transit through Macedonia is now

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33   Interview with a representative of the UNHCR Macedonia in July 2016.

34   Interview with a representative of LEGIS in July 2016.

between 400 and 600 EUR; before it was only 100 EUR. The price from Turkey to Macedonia is 1,000 EUR, from Macedonia to Serbia 400 EUR. The movement remains, but is getting more dangerous and more expensive".[35] It can be concluded that the renewed criminalization of transit migration returned it to a state of invisibility and extreme vulnerability.

2.7. Emergency or opportunity? The Macedonian government's strategic uses of the refugee crisis

The European Union has played a very active role in Macedonia since the end of the 1990s in efforts to resolve a series of massive political crises. The crisis currently engulfing the country, which was ignited by the 2015 *wiretapping scandal* and the 2016 presidential amnesty of political officials and has persisted pending the implementation of the *Pržino agreement* as the government and opposition parties seem unable to reach any common ground, is no exception, since it was mediated by actors and institutions of the EU. Meanwhile, Macedonia's accession to the EU has barely moved forward since 2005 while its admission to NATO – Macedonia's other major international political goal – has been on hold since the Bucharest summit of 2008 due to a Greek veto, despite the support of all other member states.

Macedonia's role in the transnational "refugee crisis", and in particular its decision to close its borders by building up a fence, and deploy massive police patrols and push-backs, must be seen foremost in this context. For the ruling political elite, the crisis presented an opportunity to ease the EU accession process, as it improved Macedo-

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35   Interview with a representative of the UNHCR Macedonia in July 2016.

nia's bargaining position on the international geopolitical landscape, and to secure a de facto impunity for the government's undemocratic manoeuvres in its efforts to stay in power since it does not need to expect much pressure from the European Union, as long as it keeps the door to Europe closed for refugees: "I am 100% sure that they are bargaining with refugees, our government and the opposition. Today Macedonia is the gate of the EU; and that gate is closed. At this moment and from March on, Macedonia's southern border is the only border that is closed hermetically, totally. We even changed the law in April. So no chance for anyone to apply for asylum, no chance for anyone to legally enter Macedonia. Even the Hungarian border is open, refugees are entering – only 30 per day, but they are entering. So we are worse than the Hungarians on this issue".[36]

In short, in return for hermetically closing its southern border, Macedonia seeks to gain an EU "reward": "a firm date for the launch of talks on EU membership [...]. Its officials are pushing the case in weekly conference calls with countries further up the Balkan migration route, as well as with visiting EU dignitaries such as European Council President Donald Tusk. In these conversations, the Macedonians emphasize how their nation of 2 million has proved to be a reliable partner for Europe by stopping thousands of migrants from moving north" (Surk and de la Baume 2016). Moreover, the "refugee crisis" did not only play an instrumental role in the government's international relations strategies, but also in its tactics against the opposition groups that were protesting on the streets, civil society, and critical voices in general. In order to maintain power and strengthen its authoritarian rule, the VMRO-DPMNE government used the humanitarian tragedy to weaken and criminalize any autonomous opposition, constructing and hammering home a narrative in which

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36   Interview with a representative of LEGIS in July 2016.

the protesters were portrayed as part of a carefully orchestrated, externally funded attempt to destabilize the country, supposedly with the aim to "create a fake refugee crisis and violently overthrow the government".[37] In a TV show broadcasted in June 2016, for example, the Macedonian journalist Vasko Eftov claimed that anarchist groups and NGOs worked on projects how to destabilize individual Balkans states through the migrant crisis (Zurnal.net 2016).

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37   Interview with a local activist and volunteer in July 2016.

3.1. Serbia: Towards the Europeanization of the Serbian migration policy

The development of migration policy in Serbia followed a different path from the one in Macedonia. This was primarily rooted in the different role Serbia played in the process of separation of the former Yugoslavia, and consequently, its different position in the negotiation process with the EU. In the 1990s, Serbia was deemed to be the "factor of peace and stability" in the region, whether understood in an affirmative or a negative way (as peacemaker or necessary evil to cooperate with in order to make peace) and was considered the most important actor for future developments. In addition, Serbia "inherited" the UNHCR office which, since the 1970s, was successfully operating in Belgrade and conducting the asylum procedure for all asylum seekers on Serbian territory, which lessened the objective need for transferring this aspect of migration management into the hands of national institutions.

The introduction of a migration policy that is compatible with the European one in Serbia has been a long process, with benchmarks set by the EU. The process was heavily influenced by the Serbian role in the dissolution of Yugoslavia, but also by the institutions, practices, political relations, economic developments and even public discourses that existed prior to the start of the EU acquisition negotiations, as well as Serbia's geographical position.

The 1990s were dominated by the disintegration of the *Socialist Federal Republic of Yugoslavia* (SFRY) in a series of violent conflicts, and during this time the Serbian state was viewed as a regime which, supported by Serbian nationals, violently persecuted minority groups on many grounds, in particular their ethnic, national and religious identification. The country's involvement in armed con-

flicts, while denied by the Serbian government, served as the basis for economic sanctions, an arms embargo and measures to freeze its state assets abroad, which were imposed with varying intensity by various international subjects from 1991 to 2000. The transport of goods and persons from the *Federal Republic of Yugoslavia* (FRY), which existed from 1992 to 2003, was hindered by trade sanctions and citizens needed difficultly obtainable visas for travelling to most European states.

The bloodshed and instability which erupted during the wars in the former Yugoslavia led to the mass displacement of people. The conflicts were presented as based on ethnic and national differences between the groups involved. Thus the dominant form of migration was a co-ethnic one: people sought protection within groups of the same ethnic origin, or in the state perceived as their national or ethnic homeland.[38] The FRY responded with the adoption of a special *Law on Refugees* in 1992. This law focused on the admission of people from the "accidental diaspora"[39] (i.e. other Yugoslav republics), their accommodation and aid, and humanitarian support in general, and not on determining their legal and administrative status (Stojić Mitrović 2014). The *Commissariat for Refugees* emerged as the most prominent national organization dealing with these issues, taking on the responsibility for the admission of refugees, refugee status determination,[40] keeping records, coordinating the provision of aid

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38   On co-ethnic migration see Zlatanović (2015).

39   On accidental diasporas see Brubaker (2000).

40   The law defines refugees as: "Serbs and citizens of other nationalities, who were forced, on account of the pressure from the Croatian authorities, or the authorities of other republics, a threat of genocide, as well as persecution and discrimination on the grounds of their religion and nationality or political opinion, to leave their places of residence in those republics and take refuge in the territory of the Republic of Serbia (hereinafter: refugees), for the purpose of meeting their basic subsistence needs and providing them social security." The concept of refugee is very specific and refugees are granted national and not international protection.

with international and national partners, organizing accommodation and internal relocation of refugees, the return of refugees, etc.

At the same time, the UNHCR had continued to conduct asylum procedures according to its mandate. The work of the *Commissariat* and the UNHCR overlapped to some extent, considering that the majority of persons who came to Serbia as a result of separation of Yugoslavia wanted to join relocation programmes. Otherwise, the Serbian system continued to be focused on migrants arriving from other ex-Yugoslav republics as well as on *internally displaced persons* (IDPs).[41]

After years of economic devastation and isolation as well as the NATO bombing of the FRY in spring 1999, the position of the regime in Serbia had been shaken to the point where political change was possible. In 2000, after a series of demonstrations, the Serbian government was overthrown and the new government almost immediately entered the *Stabilization and Association Process* (SAP): "The EU's aim was to reconcile and rehabilitate relations between countries by introducing European values and standards, such as democracy and the rule of law, in order to foster their transition to a peaceful, stable and prosperous region. This aim was underpinned

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41 To understand the definition of IDPs in this context, it is necessary to note that the process of separation of the former Yugoslav republics and provinces is not yet complete. The Serbian republic comprised three parts, inner Serbia and two autonomous provinces, *Vojvodina* in the north and *Kosovo* (*Kosovo and Metohija*) in the south. In 1999, the *Federal Republic of Yugoslavia* (consisting of Serbia and Montenegro) was bombed by allied NATO troops in response to violence in Kosovo, where the Albanian population had for decades strived to acquire independence from Belgrade. It resulted in a peace agreement and resolution, which constituted the first step for the recognition of Kosovo's independence. That process is still going on, however, and the *normalization of relations between Belgrade and Priština* (this phrase is used to avoid more precise concepts, such as independence, in order not to provoke resentments in the Serbian political community) is the main priority in negotiations between Serbia and the EU on the accession process. Consequently, persons who left Kosovo and moved to inner Serbia or Vojvodina are not treated as refugees, but as internally displaced persons.

by the intention of primarily securing and stabilizing the region by offering incentives that will politically and economically draw and lock the countries closer to the EU" (Žarin 2007: 514). Following this principal logic, the SAP first focused on stability and later explicitly included provisions for the EU membership of the Western Balkan states. In order to complete the ratification of the prospective *Stabilization and Association Agreement* (SAA) Serbia had to introduce national legislation in line with the standards of the *Geneva Convention* and the *New York Protocol*, sign readmission agreements, and join measures for the control of illegal migration that were established by the *Stabilisation and Association Council* (European Commission 2008).

In parallel with the transformations of its legislation and institutions, FRY underwent internal structural changes. In February 2003, the adoption of the Constitutional Charter of the *State Union of Serbia and Montenegro* marked the end of FRY. Besides these structural changes, the *Geneva Convention* definitions entered the legislation of Serbia and Montenegro.[42] In April that year the State Union became a member of the Council of Europe.

At that time, the adoption of national asylum legislation in line with the *Geneva Convention* and the *New York Protocol* was considered a priority, but the Montenegrin side insisted that all laws should be adopted on the level of the constitutive republics – Serbia and Montenegro – rather than on the level of the State Union. This resulted in a long delay and hindered the impact of the law that finally came into force in March 2005: the so called *Outline Law on Asylum of the*

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42 Article 38 of the 2003 *Charter on Human and Minority Rights and Civil Freedoms*, adopted on 28 February 2003, states that anyone who is persecuted on the basis of his or her race, religion, nationality, political opinion or membership to some social group, would have the right of asylum in the State Union.

State Union of Serbia and Montenegro, was to serve as the basis for separate asylum laws to be introduced in the constitutive republics in one year's time (Jelačić 2013). However, the State Union dissolved in 2006, before the specific republic laws on asylum which would enable the Sate Union to implement asylum procedures could be introduced (Petronijević 2006).

Serbia was the last Western Balkan state to receive visa facilitation and a readmission agreement with the EU in 2007, as two of the steps of the visa liberalization process, and it resumed negotiations with the EU on the conclusion of the SAA (the resumption being justified by the improvement of Serbia's cooperation with the *International Criminal Tribunal for the former Yugoslavia* (ICTY)). The Serbian government was offered viable and certain visa liberalization with the EU member states once the law on asylum had been adopted and realized. This political framework strengthened the two outlined directions of the transformation of Serbian migration practices, on the one hand leading to freer movement for Serbian nationals, and on the other hand to the imposition of new types of migration controls for third country nationals (those who are neither EU nor Serbian citizens) passing through Serbian territory (Stojić Mitrović 2014: 1121). For the Western Balkan states, the general aim of the visa liberalization process was to remove Macedonia, Serbia, Montenegro, Albania and Bosnia and Herzegovina from the so called *Schengen black list* (a list of third countries whose nationals had to possess visas in order to cross the external EU borders) (Kacarska 2012). It was a regional process that conceived two collective actors, the EU countries and the Western Balkan states. So called *liberalization roadmaps* were established for each Western Balkan country. These were almost identical, but they took into account the specific situation in each country in terms of existing legislation and practice. They defined the prerequisites specified by the European Com-

mission that were to be fulfilled in a Western Balkan state in order for its nationals to be granted visa-free entry to the Schengen zone. Those conditions ranged from purely technical matters, such as the issuance of machine-readable passports with a gradual introduction of bio-metric data (including fingerprints), to the adoption and implementation of a raft of laws and international conventions, to very broad matters such as progress in the fight against organized crime, corruption and illegal migration (Stojić Mitrović 2014).

Key national documents were adopted in the course of the visa liberalisation process, including the *Law on State Border Protection* (2008), the *Law on Foreigners* (2008, came in force in 2009), the *Law on Travel Documents* (2007), the *Law on Migration Management* (2012) and the *Asylum Law* (2007, entered in force in 2008). These administrative and institutional transformations induced significant changes in migration practice for both Serbian and third country nationals: the number of asylum seekers in the EU with a Serbian nationality increased; as the asylum recognition rate of this group is very low, they have been labelled "false asylum seekers" (Kacarska 2012: 21).

To resume, after the Serbian government was overthrown in 2000, the country's new political leaders made Serbia's prospective integration into the EU their main objective. Serbia thus became a part of the European Union's regional approach to its neighbouring countries, as one of the Western Balkans states. During the period from 2000 to 2006, Serbia was faced with the challenge to meet EU demands which ranged from overhauling its legislation and institutions to making amends with its ex-Yugoslav neighbours, and demonstrating its willingness to cooperate with the ICTY – which implied accepting its role in the separation of Yugoslavia. At the same time, Serbia underwent the transformation from a federal

unit to an independent republic. It was also still faced with enormous numbers of refugees and IDPs, as well as demands to contain the number of Serbian residents seeking asylum in the EU member states and control the movement of third country nationals towards the EU. Although there were some initiatives to adopt and implement demands concerning the harmonization of national legislation and institutions with the *Geneva Convention* and the *New York Protocol*, there were no significant attempts to finalize these during that time.

The situation changed in 2007–2008, when frameworks of the *visa liberalisation process* and the SAA added a crucial urgency to the development of national institutions and laws concerning asylum and migration. Serbia established the institutional basis for taking over the conduct of asylum procedures from the UNHCR. However, the UNHCR retained an important role as the main advisory and monitoring organization: it contributed to the formulation of the national asylum law through seminars and direct mentoring; took part in the education of the state officers; and helped with the renovation of the object for the accommodation of asylum seekers. Meanwhile, the main relevant national institution – the *Commissariat for Refugees* – was still overwhelmed with refugees and IDPs from ex-Yugoslavia. Only after these years did its important role in the migration management of Serbia become manifest.

3.2. Migration policy and practice in Serbia from 2008 to 2014

The year 2008 brought important changes to Serbian migration policy and practice. Serbia started to implement a new asylum law based on the *Geneva Convention* and the *New York Protocol*. Further-

more, the asylum procedure and the admission of asylum seekers were put in the hands of national structures. From then on, asylum claims were examined by the *Ministry of the Interior* and, under its responsibility, the *Asylum Office*, which was tasked with first instance decisions, and the *Commission for Asylum*, which was appointed by the Government to process appeals against first instance decisions. The *Commissariat*, meanwhile, was assigned the responsibility for the admission of asylum seekers in centres in addition to its existing obligations regarding refugees from ex-Yugoslavia. Even though the UNHCR transferred its prerogatives to the Serbian state, however, it retained its advisory and supervisory role throughout this period.

Two complementary laws were given prominence in relation to migration management in Serbia: The *Asylum Law* (2007) and the *Law on Foreigners* (2008). Under the procedure prescribed in the *Asylum Law*, the police should issue any person who asks for asylum with a document which confirms that he or she has shown the *intention to seek asylum* in Serbia. That person then has 72 hours to get admitted in one of the asylum centres run by the *Commissariat*, after which officers from the *Asylum office* officially open the asylum procedure. These documents are known as *72-hours papers*. If the person fails to enter the asylum centre in time, or otherwise loses the right to be processed according to the *Asylum law*, he or she falls under the *Law on Foreigners*, which illegalizes his/her stay in Serbia.[43]

The number of persons showing an *intention to seek asylum* in Serbia rapidly increased from just 77 in 2008 to 275 in 2009, 522 in 2010, 3,132 in 2011, 2,723 in 2012, 5,066 in 2013 and 16,490 in 2014 (Belgrade Centre for Human Rights 2015a: 18). It can be assumed, however, that the actual number of transit migrants crossing through

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43   On the consequences of illegalization see: Stojić Mitrović and Meh (2015).

Serbia to reach the EU was several times higher. The increase in the number of people showing an *intention to seek asylum* and to conduct their asylum claims in Serbia was not matched by an adequate and timely increase of the capacities to accommodate them, though, and several NGOs published reports describing the difficulties they faced throughout the asylum procedure.[44]

Out of 28,295 migrants who expressed an *intention to seek asylum* in Serbia between 1 April 2008 and the end of 2014, 20,654 were actually accommodated in one of the country's asylum centres and only six persons were granted refugee status, while twelve people received subsidiary protection (Belgrade Centre for Human Rights 2015a: 17-21). Serbia has never been – and still is not – a destination country, and the *intention to seek asylum* is generally claimed in order to legalize one's status on a temporary basis and obtain some benefits, first of all accommodation. Nevertheless, even those who did strive to receive protection in Serbia could not get it, due to the highly dysfunctional system.

The increasing number of migrants crossing through Serbia in 2011 was mainly felt in *Banja Koviljača*, an asylum centre previously ran by the UNHCR. Gradually, more and more transit migrants arrived in this small town on the Serbian-Bosnian border, mainly known for its spa and rehabilitation centre. Soon it also became known in migrant networks as an important stop on the informal journey from Greece to Hungary, since smuggling networks proliferated. The capacities of the asylum centre were overwhelmed by the spring of 2011, however, and a lot of people had to find alternative accommodation. The inhabitants of *Banja Koviljača* were deeply divided: some of them refused to rent their facilities to the "azilanti", while others didn't just

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44 Among others, *Grupa 484*, the *Belgrade Centre for Human Rights*, the *Asylum Protection Centre* and the *Hungarian Helsinki Committee*.

rent out rooms, apartments and houses, but objects normally used for other purposes as well, such as industrial or farm objects. Some local community leaders began organizing protests demanding to close the asylum centre and expel the migrants who had gathered around it. After a series of such protests, the migrants residing outside the centre were transferred to a newly opened centre in *Bogovadja*, about 70 kilometres from Belgrade. In addition, the police launched intensive operations to destroy the smuggling networks in *Banja Koviljača*.

At that time, migrants also became visible in *Subotica*, a city on the border with Hungary. They lived in a dump yard close to an old brick factory, waiting for an opportunity to cross the border to Hungary. This improvised migrant settlement was the first *jungle* to appear in Serbia, and the *Subotica jungle* would only lose its status as preferred stop on the route once the *formalized corridor* was established in September 2015 on. Migrants who stayed in *Subotica* were mistreated by police and local criminal groups, as was documented by *Human Rights Watch* (2015) and others. There were also several attempts to evict the *jungle*, for example in February 2012. That attempt took place after two weeks of extremely cold weather, during which "emergency conditions" were declared in Serbia and *Subotica*'s local authorities moved migrants from the garbage dump to an abandoned restaurant in the area, where there was at least heating. However, the very morning after the emergency was declared over, the police raided the hotel, taking over 50 people away on buses and transporting them to Macedonia. At the same time, police units raided the *jungle* to chase away the rest of the migrants (Afghan Refugees 2012).

Soon after the appearance of the *Subotica jungle*, a second *jungle* started to grow in *Bogovadja*. Since the smuggling networks in *Banja*

Koviljača were being monitored by the police, *Bogovadja* soon took over the role of the main place where people came to organize their further journey to the EU. During spring 2012, an increasing number of migrants, including many families with small children, was living in the asylum centre's yard or in the surrounding forests. The list of failures and abuses at the centre was long: people were living outside rather than inside the centre, even though some beds/rooms were still available; migrants had the original documents about their *intention to seek asylum* seized from them; there was a lack of adequate health services; the centre failed to notify the *Commissariat* of the number of persons who were admitted or whose admission had been refused, and did not send any official reports about extraordinary events to the *Commissariat*; etc. (Ombudsman 2013). Furthermore, migrants stated that the centre's administrator was asking for money to be admitted in, charging them for electricity or water, verbally molesting them while drunk, asking women to dance for him, etc. (Novosti 2012; interviews with migrants).

By the end of 2014, Serbia had five asylum centres for migrants, in *Banja Koviljača*, *Bogovadja*, *Sjenica*, *Tutin* and *Krnjača*.[45] The centre in *Krnjača*, a collective centre for accommodation of ex-Yugoslavia refugees and IDP's located in the suburbs of Belgrade, had been partially transformed into an asylum centre in summer 2014.

The years from 2008 to 2014 are marked by post hoc reactions of state institutions and protests of local residents against the presence of migrants in their neighbourhood.[46] The first of two addi-

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45 The opening of the centres in Sjenica and Tutin was preceded by social conflicts in other local communities that refused to host asylum centres.

46 Fortunately no migrants were injured during these protests even though several of them had been violent. Stones were thrown in 2013 at a house in the village of Vračević to which migrants had been moved after a series of reports by NGOs and activists about the conditions in the Bogovadja jungle, and fire was set to barracks

tional important developments concerned the changing role of the *Commissariat*. The 2012 *Law on Migration Management* made the organization, renamed *Commissariat for Refugees and Migration*, the central institution in the national migration regime, greatly expanding its authorities. Not only did the *Commissariat* become responsible for all premises in which migrants are accommodated and controls the access to asylum centres of NGOs, supervisory state organs like the Ombudsman, researchers, etc. It now also defines the priorities of migration policy, suggests measures to be implemented and supervises their realisation, provides state, provincial and local authorities with information necessary to write strategic documents related to migration, suggests projects, and publishes biannual reports. Furthermore, it became the focal point for data collection and data distribution – not only for the responsible authorities, but also for the civil sector. Similar to the UNHCR before, the *Commissariat* also organises training and supervision of the work of other parties involved in migration management.

The second important new development is connected to the relations between Belgrade and Priština, and paved the way for the future *formalized corridor* and Hungarian border fence. In mid-September 2014, Belgrade and Priština concluded an agreement which enabled people holding identity documents issued in Kosovo to receive transit documents on the *administrative line* (functioning as border) with Serbia, which they could use to transit through Serbia and to exit it on five official border crossings with Hungary and Croatia, as well as at the Belgrade airport. As soon as the agreement came into force two months later, however, people began to massively leave Kosovo for Germany even though they mostly lacked valid Schengen visas, by crossing the Hungarian-Serbian "green bor-

intended for accommodating migrants near Obrenovac in 2014.

der". Tens of thousands left Kosovo in just a couple of months. This migration was massive in scope and very visible, and it was the first time – after the end of the wars on separation of the SFRY– that the *Balkan route* received more attention in the EU. Likewise, the idea of a fence to protect the border between Hungary and Serbia was first proposed in response to this migration.[47] Serbian authorities reiterated, however, that they were not responsible for it and that they would not restrict the movement of people.

3.3. Belgrade parks and the emergence of the formalized corridor

The number of migrants transiting through Serbia significantly increased over the course of 2014. In the same year, however, major floods resulted in the mass displacement of people from the affected areas, and as long as Serbia was faced with this emergency situation the issue of migrants remained relatively unexposed to the public interest.[48] Nevertheless, by autumn 2014 groups of migrants from Asia, Middle East and Africa became more and more visible in Belgrade in the area around the central railway station. Some of them slept in hostels, others in abandoned structures near the railway tracks, at the main bus station, or under bridges (Stojić Mitrović and Meh 2015). Fast food restaurants began serving halal food, cafés and shops began putting up signs in Arabic and new hostels opened. Still, until early spring 2015 public interest stayed low, although *Hu-*

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47 The first person to publicly demand the erection of a border fence was the mayor of the Hungarian border village Ásotthalom, a member of the far-right party Jobbik, who called for a fence in an interview in the autumn of 2014.

48 There was, however, a series of articles about migrants in the asylum centres who helped local residents protect themselves from the floods and took part in recovery efforts afterward.

man Rights Watch (2015) issued a report in March 2015 about serious human rights violations in Serbia.[49] As the weather improved and the number of migrants continued to grow, they began sleeping in two parks, located between the train and the bus station of Belgrade. The group *No Border Serbia* started to distribute tea for free, in order to open a public space where migrants and local people could meet and share information in a relaxed context. The media slowly began to report about the physical conditions of life in the parks, and then, in the context of *World Refugee Day*, the question of who should be called *migrant* and who *refugee* became omnipresent: in media reports and public debates this question was discussed, and it also opened the door for showing sympathy for the suffering of these persons on the move, usually by evoking the memory of refugees arriving from other former Yugoslav republics.

By May - June 2015, the parks were full of small tents, set up by migrants on the move: "[A]pproximately 1.000 refugees in very poor psychophysical condition stayed and slept in the open in parks around the main train and bus stations in the municipality of Savski Venac" (Belgrade Centre for Human Rights 2016: 3). This central Belgrade district became a transit hub for thousands of migrants on their way towards Central Europe. Nevertheless, the authorities didn't make any serious effort to remove them – or the very visibly operating smugglers – from the parks. The presence of at times over a thousand migrants in the centre of the capital, an overwhelming majority of them without any kind of valid residence permit, was simply tolerated. The municipal police occasionally forced people to move their tents from the parks, but city leaders maintained that "solving" the presence of migrants in the city was the responsibility of the state, while the *Commissariat* insisted that persons who did

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49 The Ministry of the Interior and the Commissariat responded to this report only by stating that the accusations were not true; no investigation was undertaken.

not show the *intention to seek asylum* in Serbia were not in its juris-
diction (Novosti 2015). NGOs reported long delays in the issuance
of the papers affirming that *intention to seek asylum* in the police
stations, including in Belgrade, however (Belgrade Centre for Human
Rights 2015b: 6).

Humanitarian support structures started to develop which in some
form exist until this time. At the beginning, only individual citizens
and groups of activists organized occasional initiatives to collect and
distribute aid. The NGO sector followed, but the state institutions
remained passive. Only in August 2015 did organized aid distribution
become regular, when Belgrade's cultural sector became involved
in the humanitarian work and opened up the aid distribution centre
Miksalište. The initiative for this was taken by the *Mikser Associa-
tion*,[50] which runs a cultural centre close to the parks.[51] *Miksalište*
was an open area with several barracks, located about 100 meters
from the cultural centre, and volunteers from various countries were
handing out food, clothes and hygienic items every day between 10
a.m. and 4 p.m.. Furthermore, "medical help was provided, work-
shops for children were organized; toilets, showers and washing
machines were available on location, as well as chargers for mobile
phones" (Refugee Aid Miksalište 2016: 3). *Miksalište* and the aid that

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50 "Mikser Association is a voluntary, non-governmental and non-profit organization
    aimed at improving the creative work in the field of culture, as well as scientific and
    professional research, development, and education in the field of culture and hu-
    man rights through the convergence and interaction of different cultures and social
    environments" (Refugee Aid Miksalište 2016: 2).

51 As it was explicitly stated in a call for donations, the opening was set on 5 August
    2015 in order to relate the arrival of refugees from Syria with the arrival of Serbian
    refugees from Bosnia and Croatia 20 years before: "The remembrance day of the
    exodus of our people, who survived the same destiny that is lived now by citizens
    of Iraq, Syria, Afghanistan, Somalia and Eritrea, represents the symbolic moment
    when we publically appeal to our community not to turn head away from the
    problem" (City Magazine 2015).

was being distributed there were mainly funded by the *Swiss Agency for Development and Cooperation* and the Norwegian embassy, which together spent about 160,000 EUR until May 2016. According to its own statistics, *Miksalište* offered services to 130,000 people. However, in late April 2016 the barracks used by *Miksalište* were suddenly demolished by diggers as a part of the controversial *Belgrade Waterfront* project.[52] Within weeks, however, the *New Miksalište* opened its doors in a neighbouring street (Refugee Aid Miksalište 2016: 4).

A common initiative of the local government and several local NGOs dealing with refugees and migration resulted in the establishment of the *Asylum Info Centre*, based in a former salesroom close to the parks and Belgrade's central train station and funded by the UNHCR: "Besides providing information to asylum-seekers, the Info Centre staff were tasked with providing information to citizens of Savski Venac on the situation in the refugees' countries-of-origin, on the position of refugees in Serbia, but also, if need be, to act as intermediaries between the local population and refugees" (Belgrade Centre for Human Rights 2016: 29). On its premises the *Asylum Info Centre* offers free internet access and a so called s*afe place for women and children*. Furthermore, maps are available, similar in style to those from tourist offices, which mark destinations like the police station (to apply for asylum), hospitals, the *Red Cross* and the mosque. The back of the map features a list of addresses of hostels and telephone numbers of taxi companies, including information about regular prices.

Another initiative called *InfoPark* was set up by Belgrade citizens who saw the need for a permanent space in the parks which would focus especially on providing the migrants staying there with relevant information: "They get food, they get clothes, they get

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52   On Belgrade Waterfront see BBC 2016b.

this, they get that – but really no one is giving them some sort of consolidated information. Like what is really happening at the border, what's really happening with the transport, how to avoid the smugglers, how to avoid taxi drivers. The funny thing is, we opened InfoPark on the day when the Hungarian border was closed, on the sixteenth of September".[53] *InfoPark* was located in a highly visible position, in a small wooden house in one of the parks. The structure was built with permission of the city administration, and was open every day from 9 a.m. to 9 p.m. Besides information, *InfoPark* offered free Wi-Fi and in January 2016 it also started to distribute food and non-food items, because more and more people were getting stuck for a longer time in Belgrade when the *formalized corridor* to Croatia was closed for *Non-SIA*.[54] *InfoPark* also operated at the migrant centres in *Dimitrovgrad* (at the Bulgarian border) and *Preševo* (at the Macedonian border).

Miksalište, the *Asylum Info Centre* and *InfoPark* are just some examples of the humanitarian support structures which started growing rapidly in Belgrade. Many international aid organisations started to operate in the parks as well, such as *Médecins Sans Frontières (MSF)*, *Caritas* and the *Red Cross*, easy to recognize by the logos on their shirts and vests. Staff of the *Commissariat* – wearing vests with the EU logo – became a permanent presence in the parks later in the year.

On 19 August 2015, even the Serbian Prime Minister *Aleksandar Vučić* – a former extreme nationalist – visited the parks and talked with the people staying there. "We will do everything for you, so you are safe like in your own house, and you're always welcome in our country", he told them. Furthermore, he thanked the organisations

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53 Interview with a representative from InfoPark in June 2016.

54 Persons who are not from Syria, Iraq or Afghanistan.

which were helping them and sent another clear message: "When people speak about refugees from Syria and Afghanistan they speak (about them) as of a great problem. We welcomed them in Serbia. We know how our people suffered 20 years ago. I am proud that Serbia is their best refuge and the safest place, on their way to the EU" (B92 2015a).

Vučić's visit took place two weeks before the situation at the *Keleti* train station in Budapest escalated, eventually leading Austria and Germany to open their borders.[55] But at the time of his visit, Hungary was already constructing a fence on its border with Serbia. The chronological order of events is revealing: The Serbian "welcome policy" opened up the *formalized corridor* in the south before it was established in the north. The first step towards the formalization of such a corridor was taken when the number of people arriving in *Preševo* a Serbian border town near Macedonia, started to rise. A local NGO asked the UNHCR for help to prevent taxi drivers and others taking advantage of migrants by overcharging them, and the UNHCR organized bus transports from the border to *Preševo*. In response to the Macedonian government's introduction of *72-hours papers* for transit migrants coming from Greece (see the part on Macedonia in this article), which lead to a further increase of border crossings, Serbia formed a governmental working group for migration. In early July 2015,[56] Serbian authorities opened the so called

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55 About the Keleti events, see: Kasparek and Speer (2015).

56 UNHCR press release from 8 July 2015: "Hans Friedrich Schodder, UNHCR Representative in Serbia today accompanied Aleksandar Vulin, the Minister of Labour, Employment, Veteran and Social Affairs and the Chairman of the Working Group for Resolving Problems of Mixed Migration Flows of the Government of Serbia to the opening of an important processing centre for refugees in Preševo. Responding to continuing arrivals of 600-1,000 refugees every day, central and local authorities, with support of UNHCR, managed to establish this impressive new centre within less than ten days. Having fled war and persecution in Syria, Iraq or Afghanistan, many of the refugees, women and children amongst them, arrive in Southern Ser-

One Stop centre in Preševo,[57] where migrants could easily register their *intention to seek asylum* and consequently receive the Serbian travel permit for *72 hours*, and bus companies started to transport people directly from the south to the north of Serbia.[58] Adopting the same rhetoric Prime Minister *Vučić* had used in the Belgrade parks, the responsible minister *Aleksandar Vulin* stated during the opening: "We act as an organized state. The state of Serbia behaves like that, takes care of every human being who finds themselves in its territory. It is of minor importance why they found themselves there, nor are we here to judge anyone, but we are here to provide every human being with medical care, food and water" (B92 2015b).

The *intention to seek asylum* which temporary legalizes the migrant's stay on Serbian territory for 72 hours, officially to reach one of the asylum centres de facto functioned as a transit visa which allowed people to easily continue their journey towards the EU.[59] In July 2015, after the opening of the centre in *Preševo*, nearly 30.000 *intentions to seek asylum* were registered, double the number of June and barely fewer than in the entire first half of 2015. In October, after the *formalized corridor* was established on the entire route from Greece

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bia exhausted after an arduous journey through Greece and Macedonia. Refugees register their intention to seek asylum at the new centre in *Preševo*. Vulnerable refugees also receive first aid, water and food there as well as referrals to medical, social or other public services, before they continue their onward journey intending to find protection with family and friends in Western or Northern Europe".

57   *One Stop centres* were intended for registration and not for accommodation.

58   The state opened another centre in August, directly at the border with Macedonia in Miratovac. In the months that followed, the procedure looked like this: Migrants crossed the Macedonian-Serbian border by foot and arrived at the Miratovac centre, were mainly security checks took place. From there they took buses, paid by the UNHCR, taxis, or walked the eight kilometres to the Preševo centre.

59   The following numbers impressively demonstrate this: in the entire year 2015, 577.995 intentions to seek asylum have been declared (nearly all of them in Preševo), although just 548 actual applications were registered (UNHCR Serbia 2016a: 1).

to Germany, the number jumped to more than 180,000 (Belgrade Centre for Human Rights 2016: 37).

In summer and autumn 2015 only Hungary seriously tried to protect its border, erecting its barbed-wire fence. After the fence was completed in mid-September a massive police force was mobilized to guard it, thousands of people suddenly got stuck at the Serbian-Hungarian border. Just one day after the border was closed, this resulted in violent clashes between Hungarian police and the migrants whose journey was now suddenly blocked. Serbia immediately reacted in a creative way to this crisis and sent buses which took the migrants who were stuck in front of the fence to the Serbian-Croatian border (Huffington Post 2015). From that moment on, the buses leaving the *Preševo* centre no longer went to the Hungarian border anymore either, but to *Šid*, a small town located directly at the Serbian-Croatian border. In its turn, the Croatian government decided to regularize the transport of migrants completely instead of letting people move freely like they could in Serbia. In November 2015, a new regime of train transports into Croatia started and a new transit camp was opened in *Adaševci*.[60]

Once direct transportation links from *Preševo* towards, first, Hungary and later Croatia were established in the second half of 2015, fewer people stayed in the Belgrade parks, simply because there was not much reason to do so. Those who did stay were primarily those who arrived from Bulgaria, since there was no direct transportation for some time from the registration centre in *Dimitrovgrad*, where *72-hours papers* were issued, to *Šid*. Nearly all migrants who arrived from Bulgaria therefore went first to Belgrade, where they stayed for a while in one of the parks, before they entered the *formalized*

60 Transit camps were intended for short-term accommodation of migrants, only while they wait for the next transport.

corridor in *Šid*. A high percentage of people who crossed Bulgaria experienced beatings and robberies by Bulgarian police officers and criminal groups. A typical conversation with migrants staying in the Belgrade parks would, at least until summer 2016, start with an exclamation that "Bulgaria is very bad, Serbia is good!", referring to the in general much better treatment of migrants in Serbia.

3.4. Closing the formalized corridor: Hungarian transit zones, smuggling, and a turn to Croatia

The *formalized corridor* which made it easier for migrants to reach the EU was closed step by step, in a process which began on 18 November 2015 when people who couldn't prove that their country of origin was Syria, Iraq or Afghanistan, were not allowed to enter it anymore. On 21 February 2016, days after an EU summit resolved to "stem the flows" of migrants, the *formalized corridor* was closed for Afghani nationals as well and entirely closed on 8 March 2016 (Moving Europe 2016). Each step in the closure of the *formalized corridor* provoked an increasing number of people getting stuck in Serbia for longer periods. These were in part migrants who had been en route when the onward journey was suddenly closed off – entirely or specifically for people from their countries of origin. Some of them had in fact been deported back from Slovenia to Croatia, and from there to Serbia (Peace Institute 2016). On the other hand, migrants from countries which were now excluded from the official route were still arriving in Serbia via Bulgaria, but were blocked from continuing onward. Some of them came from Macedonia as well, since the smuggling networks offering informal journeys from *Idomeni* through Macedonia to Serbia had started to operate again.

By spring 2016, things seemed to have somehow returned to the

situation which existed before the *formalized corridor* was established, and downtown Belgrade was full of migrants again, waiting for an opportunity to go to Hungary. The fence which had been constructed along the Hungarian-Serbian border almost one year before was in practice incapable of stopping irregular transit migration. It merely slowed down the migrants and made their journey more dangerous and more expensive. They could try crossing the border into Hungary in different ways. The smuggling business was again visibly flourishing, and tolerated, in the two Belgrade parks, where more or less well-organized trips to the other side of the fence were offered for a few hundred euros. Others just bought a 15 EUR ticket for one of the regular evening buses from Belgrade to *Subotica*. On a visit to *Subotica* in early June, we observed the following scene when the buses from Belgrade were arriving.

The central bus station was nearly empty, and the only movement was produced by taxis, which arrived one after the other and lined up in front of the entrance. The silence of a provincial bus station in the late evening was all of a sudden interrupted by the arrival of the first bus from Belgrade, and after several more buses had arrived around 200 migrants started negotiating with the taxi drivers. In addition, some NGOs handed out small snacks, water and hygiene products, and *Commissariat* staff was also present. All these professionals at the bus station gave the impression that this was nothing exceptional for them. Only after several minutes did we realize that there was not a single police officers present, at least that we could see. The first taxis left the station and came back empty about 15 minutes later. Later, people who had used their "service", for which they paid 50 EUR per taxi, told us that the taxi drivers merely drove them the shortest way to the fence and there told them to leave the taxi. This undoubtedly meant that the Hungarian police knew quite well where to expect groups of people to arrive every evening. Many

migrants who already knew this, or had made one or more failed attempts to cross the fence on their own hired professional smugglers instead, who took them to areas that were not as well-guarded by police. Others opted to wait in front of the so called *transit zones*, the legal border entry points the Hungarian authorities established for potential asylum-seekers.

When the Hungarian government completed building its fence along the entire Serbian border, it set up two so called *transit zones*. Both of them are close to *Subotica*, just meters away from the regular border crossings at *Kelebia-Tompa* and *Horgos-Röszke*. Migrants can legally pass the border only at the *transit zone*s; any other means of crossing the fence constitutes a criminal offense, punishable by up to several years' imprisonment.[61] The *transit zone*s consist of linked metal containers, which can be reached from the Serbian side only though a revolving door. The entire asylum procedure should be carried out inside the containers: "The chain of authorities inhabiting the linked containers starts with the police who record the flight route, then, if an asylum application is submitted, a refugee officer to accept it, and finally, a judge (or a court clerk) in a 'court hearing room', who may only be present via an internet link" (ECRE 2015: 1). It can be assumed that the Hungarian government originally intended this fast-track asylum-procedure to result, generally speaking, in the claim being declared inadmissible, since the Hungarian government had declared Serbia a *safe third country*, and the person in question is going back through the revolving door – "voluntary" or forcibly – into Serbian territory. From the point of view of the Hungarian government, this procedure has the additional advantage that the result wouldn't constitute a push-back to Serbia but merely a "transfer" on the other side of the fence, since the fence itself was set up several meters within Hungarian territory.

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61   The actual period of imprisonment depends on questions like whether the fence was damaged, if the person crossing the fence was carrying weapons, etc.

In practice, however, this happens almost only to single men, perceived as non-vulnerable, who are also detained for up to 28 days in the *transit zones*. Families are normally transferred within hours or days to an open asylum centre inside Hungary (and quite often to one which is located very close to the Austrian border). Single men are also already in a much worse situation when it comes to gaining permission to enter the *transit zones*. The current established practice at these zones is that only 15 people are allowed to enter each *transit zone* per day, and that 14 of these places are reserved for family members and only one for single men (Amnesty International 2016). This is why there were mostly families waiting in front of the *transit zones* at the time of the research, since single men would have to wait for many months – or even years. However, the number of people which was allowed in was so small that even families had to wait for many weeks or even months before they can enter one of the *transit zones*.

As a result of the severely restricted access to the *transit zones*, two *jungles* have grown in front the *transit zones* since April 2016, where people live under very harsh conditions. When we visited these informal camps in early June 2016, there were about 190 people in front of the *Kelebia-Tompa transit zone*, half of them children, and about 220 in front of the one in *Horgos-Röszke*, sleeping in small tents. There was no sanitation other than one water pipe, and inhabitants told us that insufficient food and non-food items were distributed, evidently as a result of the way both the Serbian and the Hungarian state heavily restricted access of NGOs to the *jungles* (Spiegel 2016).

Since it is de facto impossible for single men to cross the fence in a legal way, many of them (as well as families tired of waiting) try to do so in an irregular manner. During our visits to *Subotica* and the

transit zones, we heard many stories about the Hungarian police using pepper spray, beating people, and setting dogs on them to stop their attempts to cross the fence. We also heard about push-backs – meaning that migrants, having been caught and often beaten, were forced to go back to Serbia through a gate or a hole in the fence. Detailed reports by *Human Rights Watch* (2016) and *Amnesty International* (2016) recently confirmed that mistreatment and push-backs have become regular practices of the Hungarian police. On 1 June 2016, a Syrian migrant drowned in a branch of the Tisza river bordering Serbia and Hungary and his brother reported that Hungarian police had thrown stones at them, used pepper spray and unleashed dogs to prevent them from climbing out of the water (Reuters 2016).

Nevertheless many were still making it across the border, but this changed in early July 2016. At that point Hungary "legalized" push-backs by introducing a law which stipulates that every person arrested without documents within an eight kilometer corridor behind the fence will automatically be transferred back to Serbia. In addition, the Hungarian government sent 10,000 police officers and soldiers to the border region to protect the fence (BBC 2016a). On 1 September 2016 the Hungarian government even announced that it was recruiting "three thousand [more] police officers who will support border protection efforts" (Daily News Hungary 2016), after it had already been announced in August that a "double border barrier" will be erected.

The willingness of the Hungarian government to protect the fence by any means necessary resulted in more and more migrants waiting in front of the *transit zones*. According to the UNHCR, their number peaked when 1,553 persons were waiting in front of the two *transit zones* on 24 July 2016, but "[e]nsuing attempts by the Serbian

authorities, UNHCR and partners, to decongest the border sites by offering better conditions in governmental centres bore fruit. As a result, over 56% of aforementioned 3,600 persons [the total number of migrants stuck in Serbia] were accommodated in governmental facilities, including 547 asylum-seekers in Asylum Centres and 1,498 refugees/migrants in Reception Centres/RAPs" (UNHCR Serbia 2016b).

One of these centres is located in *Subotica*, about two kilometres from the bus station, very near the former *jungle* at the abandoned brick factory. It opened on 16 November 2015 (Belgrade Centre for Human Rights 2016: 34), almost at the same time as the process of closing the *formalized corridor* began. At the time of our visit to the *Subotica* centre in early June 2016, there were around 100 migrants and they were accommodated in bunk beds in two buildings. The camp administration informed us that the camp had been built as a common project of the Serbian state, the city of *Subotica* and the *Arbeiter Samariter Bund*, a German welfare organisation. The administrators also told us that the majority of the people accommodated there only stayed one or two days before making an attempt (sometimes a repeat attempt) to cross the fence. Some of them would return, often injured by the barbed wire or Hungarian police violence, only to try again soon after: "Sooner or later, all of them are successful".

Those prospects changed after the introduction of the "push-back law" in July 2016, however, and when we visited the camp again in mid-August 2016 the yard of the centre was full of small tents. A total of around 500 people stayed in the camp at that time. The rates smugglers were charging to take people into Hungary (or through Hungary to the Austrian border) had skyrocketed to about 1,000 EUR, we were told by one of the inhabitants. The camps in *Šid*,

Adaševci and *Principovac* also became increasingly crowded. Those three camps, located at the Serbian-Croatian border, had been part of the infrastructure of the *formalized corridor*: migrants stayed there only for some hours or a few days, arriving directly from the camp in *Preševo*, before they could continue their journey to Croatia. Once the *formalized corridor* had been closed in spring 2016, their function changed, as the majority of people staying there are now waiting – under better conditions than in the *jungles* – until they are allowed to cross into the *transit zones* or find other solutions to continue their way to their destination countries. As we have been told by migrants, lists are posted inside the camps so people can see when it will be their turn to legally cross to Hungary, and when it's their turn people are transported by the IOM to the *transit zones*. However, there is contradictory information circulating on how these list are set up, who is in charge of them and how "effective" they are. In late August 2016, about 700 migrants were accommodated in the *Adaševci* camp, nearly 500 in the *Šid* camp and about 400 in the *Principovac* camp (UNHCR Serbia 2016c). Unsurprisingly, since these three camps are all located in the border zone with Croatia, more and more attempts to cross the "green border" into Croatia could be seen. The Croatian authorities react, like the Hungarian government, with regular push-backs.

3.5. The turn from humanitarianism to securitization in discourse and migration policy

Over the course of 2015, Serbia obtained the image of a country which protects migrants and treats them in a decent and humane way, as opposed to some other countries in the Balkans and the EU. Starting in August 2015, the government proclaimed that Serbia would never erect walls, always respect international laws on

human rights, and not restrict the movement of people searching protection. Images of migrants in the Belgrade parks and smiling policemen holding migrant children were juxtaposed in the media with cages in which migrants were being held in Hungary, or angry Macedonian officers beating migrants on the border. While nearly all other states that made up the *formalized corridor* restricted the free movement of migrants, forcing them into closed camps and putting them on special direct trains from one border to the other, the situation in Serbia was relatively liberal: people could choose their means and routes of transport, camps were of an open type, and people could stay in parks or hostels.

However, even if in 2015 some elements of securitarian rhetoric could be detected in government communications, in 2016 the balance changed altogether with the official discourse shifting from protecting human rights to protecting state borders. From February 2016, politicians started making remarks about how Serbia would not become a collective centre for migrants (Telegraf 2016) or a parking lot for migrants (Blic 2016a), while the migrants arriving in Serbia were described as "those who no one in the EU wants even to see" (Tanjug 2016).

In mid-July 2016, Serbian migration policy officially took a securitarian turn when combined army and police forces were sent to guard the borders with Macedonia and Bulgaria. This was justified as a response to the trend of securitization in Europe and particularly the introduction of the "eight kilometres" law in Hungary. However, it can be assumed, that this was the result of obligatory transformations of Serbian migration policy within the negotiation process with the EU as well: Only some days after the Serbian government adopted a decision on 17 July to form joint military-police border teams (B92 2016a), Serbia opened the EU negotiation chapters 23, dealing

with judiciary and fundamental rights, and 24, dealing with freedom and security, migration management, asylum system and police cooperation. Within these negotiations it is a priority to prepare Serbia for future integration into the Schengen system and thus to tighten border controls. Nevertheless, the number of people who got stuck in Serbia increased. According to UNHCR data, there were 5,700 refugees, asylum-seekers and migrants at the end of September 2016, in comparison to 1,300 at the beginning of April (UNHCR 2016d: 1). „They don't know what they are doing here and we do not know what we should do with them", the Serbian Prime Minister *Aleksandar Vučić* commented in September 2016 (Blic 2016b), after he already stated in July 2016: "We have a situation, where Afghan and Pakistani citizens do not have a chance to be received in the EU, but they have arrived to the EU borders trough Serbia. Serbia is forced to protect its national and security interests [...]. Serbia can not become a parking lot for Pakistani and Afghans that no one else in Europe wants to see [...]." (PTC 2016).

In March 2016, the draft version of a new *Law on Asylum* was published. It introduces several procedural changes, but of particular interest is that it stipulates two new responsibilities for the *Commissariat*: Conducting the voluntary return of migrants, and integration programs. Furthermore, the law introduces the concept of temporary protection, to be applied in the case of a mass arrival of displaced persons who cannot go back, when the usual individual asylum procedure cannot be effectively conducted. The adoption of the new law is expected in autumn 2016: "She [the chief of the Asylum Office] said that completely new institutes would enable better protection of the asylum seekers, but the law would also define their rights and responsibilities, which would prevent the abuse of the asylum system – that is, registering one's *intention to seek asylum* only to evade legal responsibility for illegal entry and residence on Serbian territory" (Informer 2016).

When it became clear that migrants were not going to be able to leave Serbian territory easily and were likely to stay for a longer time, the practices of Serbian authorities started to change along with their rhetoric. They launched a strong push to evict migrants and aid groups from the Belgrade parks, partially supported by local residents. Starting in late April 2016, the authorities invested large efforts in moving people from the two parks near the central bus station to state-run centres and restricting the activities of the non-governmental groups that are providing aid. Mobile toilets were removed, a ban was introduced on putting up tents in the parks, containers from which the aid groups operated were removed, and buses began taking people to the state-run centre near Belgrade. Activists and volunteers started to report predominately verbal violence from the workers of the *Commissariat* toward migrants, and toward themselves as well. According to some witnesses, *Commissariat* workers – followed by police – went from tent to tent in the night of 22 April with flash lights and wooden sticks, waking up people by pointing light into their eyes or shaking them with sticks, and ordering them to leave the park. Just a couple of days later, a squatted building serving as the *No Border Hostel* was demolished, and shortly afterwards the nearby central aid distribution facility *Miksalište* was torn down too. In the following period, the grassy parts of the parks where migrants used to sleep were ploughed over and fenced in. After the first fence had been installed, migrants started a hunger strike, and a group of more than 300 of them began marching towards Hungary. Police and *Commissariat* escorted them. Politicians said that they would not use force against the protesters as long as they stayed calm (Vesti 2016). Some of the migrants took up the offer to be transported to one of the official camps, but some managed to reach the Hungarian border and 150 continued the hunger strike there for a week. In the end, they realized that they suffered in vain, since Hungary would not open its borders and allow them to enter, and they were transferred to state-run camps (B92 2016b).

In August 2016, activists reported increasing repression by the state institutions. During the night of 13-14 August, 20-30 police officers, accompanied by several *Commissariat* workers, came with four buses and took all the migrants they could catch (about 400 people) to the *Krnjača* centre in the suburbs of Belgrade. Since it then turned out that the centre lacked sufficient accommodation capacities, they forced 150 of them out from the centre again, who had to walk all the way back to the city in the middle of the night. The next day, the *Commissariat* spread the information that anyone who did not enter official centres and initiate the official asylum procedure there would be deported (No Border Serbia 2016). However, nothing happened and people continued their life in the parks and nearby spaces such as garages and abandoned storage units, more or less as usual, though several places which migrants had been using for informal accommodation had been demolished for the *Belgrade Waterfront* project. In July 2016, inhabitants of the area near the parks and particularly near the *New Miksalište* started to distribute leaflets demanding the removal of the "dangerous" migrants from their neighbourhood. They also started protesting every day at 6 p.m. Activists who distribute aid to migrants in the parks report that the protesters have become increasingly verbally aggressive. Furthermore, inhabitants of *Šid* and *Subotica* started online petitions against the presence of migrants.

In the beginning of November 2016, the Serbian migration policy became even more strict: on 4 November 2016, the *Working Group for Resolving Problems of Mixed Migration Flows of the Government of Serbia* sent a so called "open letter" to all international humanitarian and nongovernmental organizations which stated that "assistance and support in the form of food, clothing, footwear, encouraging migrants to reside outside designated permanent asylum centres and transit reception centres are no longer acceptable, this par-

ticularly on territory of the Belgrade city municipality". *Miksalište* stopped food distribution already on 2 November 2016 and the permanent space of *InfoPark* was dismantled on 26 October 2016 due to the cancellation of their location permit. The chief of the working group announced that the state will continue its efforts to get migrants away from downtown Belgrade and accommodate them in the official camps, although he insisted that Serbia will not increase admission capacities in these camps above the number of 6,000 places that was previously agreed with the EU (Studio B 2016).

The humanitarian face from 2015, but also this new wave of securitization, are functioning as instruments for the achievement of other political goals, for improving Serbia's bargaining power and especially as means for the country's accession to the EU. The respect for human rights was emphasized in the international context in order to show that Serbia has moved beyond its nationalist past and is ready to join the EU. Similarly, securitization is conducted through coordination of migration control policies with neighbouring countries and the EU member states and serves to represent Serbia as a reliable partner to the EU. To justify the latest change, which opposes the humanitarian face of the previous period, in front of the national and international public, the state is using typical rhetoric, that its national range of action is limited by those of its neighbours and the EU, that it is working in the best interest of its citizens and following international agreements. Narratives of threats, risks and problems for national institutions and citizens are further employed to justify stricter movement control, physical removal of migrants from the public spaces, restriction of access of monitoring organizations and criminalization of solidarity.

4. Final remarks

In pursuit of their goal to become EU member states, Serbia and Macedonia agreed to facilitate the transformation of their national legislation concerning migration in accordance with the demands of the EU, which primarily focus on the *externalization* of its border regime to so called third countries and the *containment* of illegal-ized migration on its periphery. When the so called "refugee crisis" spilled over from Turkey into Southeast Europe in 2015, the policies, practices and discourses of the EU shifted between *humanitarianism* and *securitization*, opening opportunities for the Serbian and Mace-donian governments to strategically position themselves in further-ance of their geopolitical prospects. While Serbia for a long time opted for policies that would appeal to the EU's "humanitarian face", Macedonia resorted much earlier and more extremely to the secu-ritization approach. However, their common strategy of regulating transit migration with a *72-hours paper* – first introduced by Serbia and later adopted by Macedonia – substantially contributed to the establishment of the *formalized corridor* in the south of the *Balkan route* in early autumn 2015.

The *Balkan route* governments established the *formalized corridor* in response to ad hoc border openings, depending on the force and protest practices of the transit movement of migrants on the one hand, and the strength of support by activists, volunteers, media and politicians on the other. But their response was also marked by closures, like the erection of the Hungarian border fence, which resulted in the redirection of the *formalized corridor* through Croatia and Slovenia. Even if the *formalized corridor* temporarily legalized mass transit migration through the Balkans, its aim was not to produce sustainable solutions and alternative long-term migration policies, but rather to ensure a swift transport of people which

would transfer the responsibility for them to the next state as quick as possible. In other words, the transit was considered an exceptional arrangement, and all affected states were united in their attempts to re-establish control over their borders and eventually completely close the *formalized corridor*.

Although the national legislation, policies and practices of both countries were integrated in the European border regime over the last decade, the governments of Serbia and Macedonia responded with distinctive strategies of migration management to the increased transit migration through their state territory since last year. Both states themselves dynamically shifted between the *humanitarian* and the *securitarian* pole, but nevertheless demonstrated significant differences in the rhetoric they deployed and the humanitarian infrastructure they put in place. In Macedonia, transit migration had been invisible and criminalized before the *formalized corridor* was established, and the *formalized corridor* itself was closed from beginning to end. The Serbian policy was much more "open": before the establishment of the *formalized corridor* and even after its closure, transit migrants had the possibility to freely move and gather in Serbia before continuing their journey. Responding to the transit of refugees in a "humanitarian manner" even became official state policy in Serbia in summer 2015.

However, Serbia's "humanitarian face" always depended on the condition that migration through its territory was temporary and transitional. The willingness of the Hungarian authorities to protect the fence on their southern border by any means necessary, and especially their introduction of the so called "eight kilometres" law in summer 2016, left increasing numbers of migrants permanently stranded in Serbia, justifying the turn from *humanitarianism* to *securitization* in Serbia's politics. The political and administrative

context for changing the migration policy was the opening of the negotiation chapters 23 and 24 in July 2016. The effects of this shift have become visible in recent attempts to evict refugees and support structures from Belgrade parks, intense pressure on migrants to move into one of the official centres, and rising repression against NGOs and activists. Moreover, Serbia recently launched mixed army-police patrols on its borders with Macedonia and Bulgaria, which has led to intensified border controls and increasing numbers of push-backs (Bordermonitoring Serbia 2016).

In line with overall developments in the EU, where the humanitarian approach has begun to lose its vigour as the securitarian approach gained in popularity, the *transit zones* at the Serbian-Hungarian border now remain the only legal possibility to enter the EU from the Balkans. The *transit zones* themselves can be understood as a mixture of *humanitarianism* and *securitization*, since they can either be interpreted as the materialization of the *humanitarian border* within the fence or as *securitization* based on *humanitarian filtration*.

Here it must be pointed out, however, that there is a difference between the *Balkan route*, which is historic, continuous and clandestine, and the *formalized corridor*, which was legal or state-organized, but only temporary. While the *formalized corridor* could be closed, the *Balkan route* cannot be interrupted, it can only be criminalized. Since clandestine migration toward "core" Europe will continue and most probably even rise again in the future, the EU is faced with two alternatives: the democratization of its borders, or a further disintegration fuelled by nationalist discourses and practices, fostered as well by the significantly lower social standards and subordinate political positioning of peripheral EU and transit countries.

Abbreviations

ECRE European Council for Refugees and Exiles

FRY Federal Republic of Yugoslavia

FYROM Former Yugoslav Republic of Macedonia

HRW Human Rights Watch

ICTY International Criminal Tribunal for the former Yugoslavia

IDPs Internally Displaced Persons

MHC Helsinki Committee for Human Rights of the Republic of Macedonia

RAP Refugee Aid Point

SAA Stabilization and Association Agreement

SAP Stabilization and Association Process

SFRY Socialist Federal Republic of Yugoslavia

UNHCR United Nations High Commissioner for Refugees

On the sign:
Хуманитар...
Република Македониja

الدونية مدعومة من قبل UNHCR

Humanitarian point...
Macedonia...

Greek-Macedonian border: Follow the sign (September 2015)

н пункт на Владата на
а поддржан од УНХЦР

مركز الستي للجمهورية المق

t of the government of
supported by UNHCR

Tabanovce train station at the Macedonian-Serbian border (December 2015)

Buses waiting in front of the camp in Preševo (December 2015)

Slovenian-Austrian border (October 2015)

Gas station at the Serbian-Croatian border (February 2016)

InfoPark´s wooden house in Belgrade (June 2016)

MUSIC CROSSING
< BORDERS >

Benefit Concert For Refugees In Need

Dobrotvorni koncert za emigrante kojima je potrebna pomoć

MIKSER HOUSE KARADJORDJEVA 46

THURSDAY AUGUST 18TH 20:00H

Nada Brkić &
Slobodan Brkić

performing works by

S. Brkić / N. Brkić
and from the soundtrack of
"Vruć netar"

P I A N O

V I O L I N

Alba San Quirico
& Elena Sánchez

performing works by

Mozart / Prokofiev
/ Kocakov / Leclair

FREE ENTRY - DONATIONS WELCOME

Benefit concert for refugees in Belgrade (August 2016)

TRANSPORT TO THE CAMP KRNYACHA
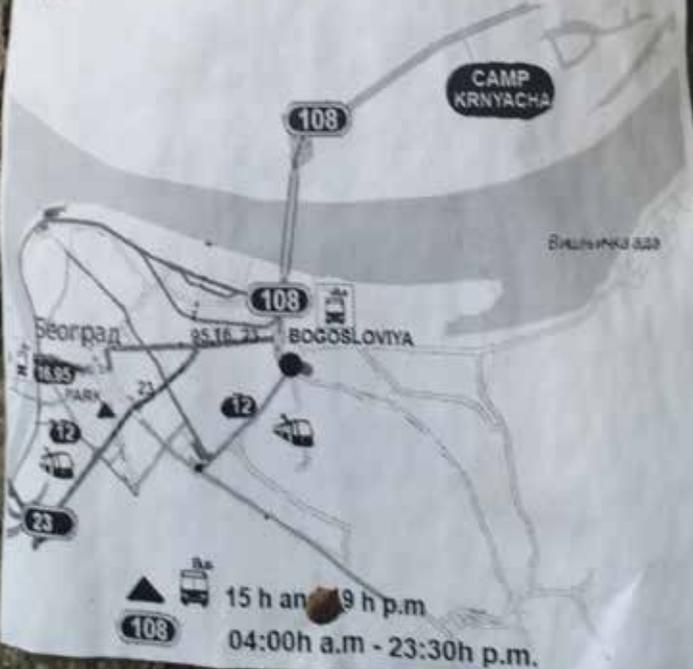
Sleeping, tents and fire prohibited in parks (June 2016)

Belgrade park (April 2016)

Fence in Idomeni (March 2016)

Railway tracks in Idomeni (April 2016)

On the highway to Idomeni (April 2016)

Krnjača camp in the suburbs of Belgrade (June 2016)

No Border Hostel after its demolition (June 2016)

The jungle in Subotica (June 2016)

Official camp in Subotica (June 2016)

Entrance to the transit zone at the Serbian-Hungarian border (June 2016)

Jungle in front of the transit zone (June 2016)

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The growth and development of transit migration along the Balkan route in 2015 and 2016 highlighted the major role Macedonia and Serbia played, not merely as the main countries of passage, but as important buffer areas within the framework of the European border regime. This research paper first examines the development and transformations of Macedonian and Serbian national migration policies and legislation in the past two decades in the light of the EU accession process. It identifies the key historical and geopolitical factors that significantly shaped them, as well as the distinct strategies the two countries pursued in coping with often countervailing EU demands, local socio-political considerations and actual migration movements and practices. The paper proceeds to analyze the gradual establishment of a formalized corridor through the Balkans by tracing the ways in which Macedonia and Serbia strategically positioned themselves in how they governed the transit migration through their territory, dynamically shifting between humanitarianism and securitization throughout the time before the formalized corridor emerged, during its existence, in the process of its closure, and after it was shut down.