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Chair of Geopolitical Scenarios and Political Risks

**The new centrality of the Western Balkans for
the European Union: the current challenge of
managing the Balkan migration route and its
security issues.**

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Introduction

Migration is an expression of the human aspiration for dignity, safety, and a better future. It is part of the social fabric, part of our very make-up as a human family.

— *Ban Ki-Moon*¹

The term boundary stands for that which demarcates a predefined area, where something ends and something new begins. Throughout history, there has always been a willingness on the part of people to defend these boundaries or to expand them to go and create something different. This indicates how much this notion, while purporting to mean something definitive, actually still appears to be a very labile concept today. In every age, there has emerged a desire on the part of people to cross these boundaries, to go beyond them for reasons that are sometimes not entirely honorable.

Sometimes, however, the desire to go beyond the borders of one's home state turns out to be a compulsory choice, taken to escape difficult, sometimes impossible living conditions or simply to seek something new, a better life towards greater opportunities and to escape from the horrors that occurred in a state that is no longer able to protect its citizens. This continuous crossing of borders, i.e., migration, thus turns out to be one of the most constant human phenomena in history. According to the definition provided by the European Commission, migration is defined «movement of a person either across an international border (international migration), or within a state (internal migration) for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate²». Migrants, however, cannot be described by a united definition under international law; rather, they are described through the common law as a person who moves from the place where he or she usually resides by crossing a national or international border, for a short or

¹ United Nations. (2013, October 3). *Secretary-general's remarks to high-level dialogue on international migration and development secretary-general*. United Nations- Secretary-General. <https://www.un.org/sg/en/content/sg/statement/2013-10-03/secretary-generals-remarks-high-level-dialogue-international>

² European Commission. (n.d.). *Migration*. Migration and Home Affairs- Definition(s). https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/migration_en

indefinite period³. In addition, further differentiations can be made between the concept of asylum seekers and refugees, two terms that will be used extensively throughout this thesis.

A refugee is defined, as arranged by the 1951 Geneva Refugee Convention and its 1967 Protocol, as a person who flees war, violence, and persecution and has therefore crossed an international border to seek safety. These people are unable or do not want to return to their country of origin for fear of receiving persecutory treatment based on race, religion, political opinion, nationality, or membership in a specific group⁴. As far as the asylum seeker is concerned, this is a person seeking international protection, whose application has not yet been processed by the competent state bodies⁵. This means that not all asylum seekers will be granted refugee status, but, on the other hand, every refugee has previously been an asylum seeker. Migration has always marked the history of the old continent, both as regards the citizens of European countries who have left their state of origin to settle overseas or in another European city, as concerns migratory movements to the European Union. In this regard, there is a region on the European continent that has been both a place of departure and a place of transit and destination, a land where cultures, religions, and stories meet, between mountain ranges and overlooking the sea, between diversity and continuity.

The Western Balkans are a fascinating land in its complexity, a place where the coexistence of different cultures and religions has gone from being a symbol of unity to becoming a theatre of death and destruction. But the Western Balkans has also been a land of migration, both Balkan citizens escaping the horrors of the war that moved to the European Union, both a land of passage for migrants from distant regions. The Balkans have always been considered a land characterized by great instability, caused by strong internal divisions and conflicts that led to the destruction of what was then

³ International Organization for Migration (IOM). *Definition of Migrants*. IOM, About Migration. <https://www.iom.int/about-migration>

⁴ United Nations High Commissioner for Refugees. (n.d.). *What is a refugee?*. UNHCR. <https://www.unhcr.org/what-refugee>

⁵ United Nations High Commissioner for Refugees. (n.d.). *Asylum-seekers*. UNHCR. <https://www.unhcr.org/asylum-seekers>

Yugoslavia. But, the instability of the region was also caused by the humanitarian catastrophe resulting from the war and also by the migratory flows that ensued. Migration is intertwined with the history of the Balkans, including the more recent one, which, equally, merges with the European one. In this regard, the Balkans and Europe are connected not only by geographical links but by a hopefully common future and the effects of the migration crisis on both territories.

The migration crisis that has hit Europe since 2015 has been the cause of the large flow of migrants who, fleeing the Middle East at war, sought refuge in the old continent. The tragic journey of migrants to Europe took place not only through the crossing of the Mediterranean waters but also through what is defined as the Balkan Route. The latter extended both to Turkey, the first point of entry for migrants, and to European countries, such as Greece, and Bulgaria. In addition, the migrant route crossed the candidate Balkan countries and then attempted the exit point in other European countries such as Croatia, Hungary, and Slovenia. Migrations have had considerable effects on the states affected by the flows, especially in terms of security. When we talk about security about the issue of migration, we must say that it can be analyzed both from the point of view of state security and the point of view of the security and rights of the migrant himself. Migration, following the numerous entry of irregular migrants, has been perceived since the peak of the crisis as a threat to national security⁶.

These threats stem from the links, real or merely perceived, with regard to terrorism, organized crime, and the health risks that are accompanied by irregular migration. In this sense, it is logical that active policies for the management of these phenomena are necessary to guarantee the stability and security of the state⁷. However, it must be pointed out that the migration issue can also be addressed by taking into account another point of view. There is a general tendency in security studies to approach security from another viewpoint, namely human security. While security in the perspective of the state focuses on border management in order to protect the

⁶ Koser, K. (2011). *When is Migration a Security Issue?* Brookings, 31.3.
<http://www.brookings.edu/research/opinions/2011/03/31-libya-migration-kose>

⁷ Wohlfeld, M. (2014). *Is migration a security issue?*. (page 68). Mediterranean Academy of Diplomatic Studies. https://www.um.edu.mt/library/oar/bitstream/123456789/21715/1/Chapter_6.pdf

sovereignty of the state, human security places the individual at the center, the migrant and the challenges that he or she must face in the journey across borders⁸.

No matter what security perspective it looks at, migration turns out to be a human phenomenon that cannot be stopped but must be managed.

And it is precisely on this management that the elaborate will be concentrated. At the time of the outbreak of the crisis, the European Union was not able to create a common management policy for all the Member States, and it outsourced the burden of crisis management to those States which, although not yet members, had applied to join the Union. Despite attempts to block arrivals to Europe via the Balkan route, the number of crossings across the Balkans continued to grow, reaching a new peak in 2022. The new highest numbers related to the Balkan route coincide with another event that has upset the European geopolitical order, namely the war in Ukraine. Because of the Russian invasion at the gates of Europe, the Union again focused on the concept of securitization of borders, giving new impetus to the process of integration of the Balkans within the European Union. This renewed interest in a region that is geographically part of the old continent goes hand in hand with renewed political attention to the migration problem in the Balkans already in 2022. And it is precisely this renewed dual interest that is the focus of this thesis.

Research question and structure

Given what was previously anticipated, we can attest that the changed geopolitical situation in the European continent as a result of the Russian-Ukrainian war has revived the Union's attention to a stagnant process of European integration in the Western Balkans. Obviously, this new focus has made European leaders think again about the security issues not only arising from Russian influence in the region but also those arising from migration issues, which in 2022 found a new peak in the region. In this sense, the new European Commission Action Plan launched in 2022 to combat immigration in the region appears to be a targeted and unprecedented measure that is worth analyzing. However, the Plan in question is part of a broader framework of reforms in the perspective of the European Union's migration policy, namely the New Pact for Migration and Asylum launched in 2020 by the Commission. Within the

⁸ Ibidem, page 69.

framework of the latter, in June 2023 the European Council reached an agreement among its members to proceed with the implementation and debate of this measure with the European Parliament. Given this general framework, the question that seems relevant is whether these policies implemented by the Union can be effective in combating irregular migration in the Balkans and in addressing the security issues arising from it. In this sense, the research request for this thesis is as follows: *Are the Action Plan presented by the commission, together with the New Pact on Migration and Asylum, sufficiently effective in solving the migration problem and related security issues in the Balkan route?*

To answer the research question, the thesis will be developed into three different chapters.

The first chapter of this paper focuses on the description of the Western Balkans from both geographical and historical perspectives. Such references will be useful in outlining the complexity of the region under consideration in this thesis, going on to highlight the causes of its instability that also stem from its bloody past and a present that even today appears to be very poorly delineated. The geographical reference will be useful in understanding the strategic importance of the region for the European Union, while the historical reference will be useful in understanding the reasons that led the Balkan states to apply for membership in the Union a few years after the end of the Yugoslav War. In addition, the geographical and historical analysis included in this first chapter will be helpful both in understanding the reasons why so many small states were created in the region and the historical processes and diatribes that led to their creation. In addition, we will focus on the fact process of the formation of the new nation-states was marked by heavy interference by foreign powers that helped amplify instability in a fragile region. The second part of the first chapter focuses on the beginning of a process of enlargement of the Union to the Balkan states, a process that, however, stalled for many years. After highlighting the efforts on the part of the Union to begin the enlargement process and the procedures followed by the Balkan states in order to proceed with accession, the last part of the first chapter focuses on the reasons that led some members of the European Union to strongly oppose a possible accession of the Balkan states within the Union. In addition, the motivations of states that were in favor of integrating the Balkan states into the European family instead will also be presented.

After giving a general overview of the region covered by this thesis, the second chapter will focus on the description of the Western Balkans as a land of migration, focusing on the migratory route through them. However, in order to fully understand the migration issue within the region, we cannot ignore the fact that the latter is not a mere land of passage, but has been and still is a place of origin for migrants. For this reason, the first part of the chapter focuses on the description of the Balkans as the land of origin of migrants, of people fleeing the horrors of war who were trying to find refuge in the European Union. In the second part of the chapter, instead, we will focus on the description of the Western Balkans as a land of transit, in which migrants from countries outside the European continent cross the borders of the various states daily, to finally reach their destination states within the Union. In addition, the measures taken by the individual states affected by the Balkan route will be presented to check the large immigration resulting from the peak of the migration crisis between 2015 and 2016. Speculatively, the policies put in place by the European Union to counter this crisis will be presented, with particular attention to migration laws before the peak of 2015. With regard to the measures implemented by the European Union, the third part of the chapter focuses on an essential measure in contributing to immigration via the Balkan route to the European Union, namely the EU- Turkey Statement. This agreement will be analyzed in its entirety, presenting the critical aspects of the measure concerning both the excessive weight imposed on some countries in the management of migration and related security issues. The latter will be discussed in the last part of the chapter, which will present the major security issues related to the Balkan route and the threats to European security related to it.

The third and final chapter of the paper focuses on the migration issues inherent in the Balkan route in the varied geopolitical context resulting from the Russian invasion of Ukraine. First, the chapter will highlight the situation of the migration route following the agreement between Europe and Turkey, pointing out that, despite the claim to permanently close the transit of migrants, the route simply moved through Balkan states that were previously less crossed by migrants. This will lead to the presentation of the crossing data on the Balkan route for both 2022 and 2023. The second part of the chapter instead focuses on the new geopolitical scenario resulting from the war in Ukraine. This general representation will be useful to demonstrate the new security challenges that the Union is called upon to face, also referring to the

enlargement process as a crisis response mechanism in European territory. The general presentation of the geopolitical scenario will be useful in introducing the new relevance that the Balkans have gained in the eyes of the European Union precisely in relation to the conflict in Ukraine. The new impetus for European integration in the region has also revived the Union's interest in handling another crucial issue concerning the Western Balkans, namely migration. Given the scenario described, the third chapter continues through the analysis of the new impetus to European integration in the Balkan region, which had its peak in the truth held in Tirana on 6 December 2022.

Taking a look at the numerous meetings within the so-called Berlin Process, it will be evident that the enlargement process towards the Balkans has always been marked by many declarations and few real steps. The Tirana summit, however, represents a turning point because, for the first time, the meeting was held within the Balkan region, symbolizing the step the Union has taken towards the accession of these states. The Tirana summit was marked not only by a strong will to move towards a genuine process of European integration but also by a proposal from the Commission for a new plan to manage migration in the Balkans. The Action Plan for the Western Balkans will be analyzed in its entirety, with an emphasis on border management and security policy. Finally, the fourth part of the chapter will focus on the description of the agreement reached at the European Council concerning the New Pact on Migration and Asylum, analyzing the new proposals on migration and asylum policy, with particular reference to the Dublin Regulation, border management, and new solidarity.

In the Conclusions of the thesis, we will try to answer the research question, highlighting the criticality of the measures considered fundamental to combat a new wave of migration within the Balkan route.

Chapter I: The Western Balkans: between divisions and prospects for European Union membership.

The first chapter of this thesis focuses on describing the Western Balkans from both geographical and purely historical perspectives. This description will help to understand the complex situation that characterizes this region, both because of its tumultuous past and of a present that at times seems not to be clearly delineated. The chapter will therefore serve to understand the reasons that make the region so important and strategic for the European Union, as well as the reasons that led the Balkan states to begin the accession process in the Union.

The first paragraph of this chapter focuses on the geographical description of the Western Balkans region. This description will be useful to understand the reasons why the region in question is composed of so many small states and the reasons that have created instability within the region. The geographical description will also be essential for the analysis that will take place within the second paragraph, that is, the description of the historical processes that led to the constitution of the states as we know them today. As many know, the history of the Balkan Peninsula is marked by traumatic events, by civil wars in which millions of people lost their lives. What will be done in the first sub-paragraph is to analyze the processes that led to the formation of the former Yugoslavia and, above all, to its dissolution. All this will be useful to show that, even in the case of the Balkan experience, the foreign powers which have traced the new borders of the states have not helped to heal the situation but to intensify the instability.

The second paragraph, however, focuses on the path that the Balkan states have taken following the dissolution of Yugoslavia to join the Union. the paragraph will be useful in order to highlighting the efforts made both by the Union and by the states themselves to proceed with the enlargement of the EU towards the Balkan Peninsula. While the second paragraph focuses on the Union's first steps towards stabilizing and annexing states, the second sub-category focuses on the procedures for the accession of individual Balkan states to the European Union. All this will serve to express that the accession process of the Balkans has its roots in the first decades of the 2000s and has not yet been concluded.

Finally, the third paragraph focuses on the reasons why some Member States of the Union did not agree with the enlargement of the Union itself. The paragraph will

analyze the position of France, initially against the accession and the more generic motivations of the states in favor of the enlargement and the states that instead remained skeptical about it, mainly because of the various systemic crises that in those years were investing the European Union

1.1 The Western Balkans: between geographical boundaries and political differences.

The Balkan region turns out to be a unique geographical area on the map of the European Continent. This uniqueness is also reflected in the fact that, as early as the 19th century, travelers from the West described the Balkan Peninsula as the least known geographical area on the old continent, on a par with the "wild lands of Asia" or the "peaks of the Himalayas or Pamir."⁹ The term "Balkans," first used by the German geographer August Zeune in 1808, comes from the ancient Turkish language and the word means mountain. In fact, the Balkan Peninsula has numerous mountain ranges, and the plural form of the word that gives this region its name is used specifically to give the idea of the large number of mountain ranges that crisscross the peninsula¹⁰. It is precisely the presence of so many mountain ranges that has led to the creation of so many small states in the peninsula, and it is precisely the mountains that divide them that have made difficult their integration into a single region, despite the attempt made through the creation of the former Yugoslavia¹¹. Some scholars define, as pointed out above, the region in geographical terms, while others prefer to define the geographical area in historical and cultural terms. In addition, some scholars have observed that the term Balkans actually encapsulates numerous negative connotations that are linked to the region's stormy history as well as its ethnic divisions. As early as the twenty-first century, an additional pair of terms went to be defined, namely, Southeastern Europe, which was used to describe the region in broader terms, and Western Balkans¹².

⁹ B. Jezernik, *Wild Europe: The Balkans in the Eyes of Western Travelers*. (Cracow, Poland: Universitas 2007) p. 17.

¹⁰ Gibas-Krzak, D. (2020). The geopolitical importance of the Balkans: A general overview. *THE JOURNAL OF SLAVIC MILITARY STUDIES*, 33, 460–476.
<https://doi.org/https://doi.org/10.1080/13518046.2020.1824102>

¹¹ Marshall, T. (2016). Western Europe. In *Prisoners of Geography: Ten maps that explain everything about the world* (p. 101). essay, Scribner Book Company.

¹² Encyclopædia Britannica, Inc. (2023, April 12). *Balkans*. <https://www.britannica.com/place/Balkans>

Interestingly, there is no agreement among scholars regarding the composition of the Balkan Peninsula. Most scholars, however, agree that the Balkans include Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Montenegro, North Macedonia, Romania, Serbia and Slovenia. Geographically, some territorial portions of Greece and Turkey are also made to fall within the peninsula¹³.

Figure 1 Map of the Western Balkans



Source: Encyclopædia Britannica <https://www.britannica.com/place/Balkans>¹⁴

¹³ Ibidem.

Figure 2 Mountains in the Balkans



Source Pinterest

<https://www.pinterest.it/pin/384494886936153549>

The Balkan Peninsula is the fourth largest peninsula in

Europe and is located in the south-eastern area of the old continent. On the other hand, however, it is the peninsula most attached to the continental nucleus, and it is for this reason that it can be considered a geographical space that creates a link between Europe and Asia. And it is precisely the attachment of the peninsula to the old continent that makes it even more difficult to define which states are part of the Balkans, especially states such as

Romania, Hungary, and Slovenia. From the sources, however, taken into account in the analysis, it is clear

that scholars do not include the states mentioned above in the peninsula. Its surface, which extends for about 550,000 km², is mainly crossed by mountains that constitute a series of different landscapes for climate, soil, water network, and even social relations. Generally speaking, the Balkans can be said to border Italy to the northwest, Moldova and Ukraine to the northeast, Hungary to the north, and finally Greece and Turkey or the Aegean Sea to the south. The region turns out to be washed by three distinct seas: to the east by the Black Sea, to the west by the Adriatic Sea, and to the southwest by the Ionian Sea.

The northern border of the peninsula is represented by the Danube-Sava-Kupa-North-Rn coast of Rijeka Bay. However, there are problems with identifying northern and northwestern borders. As far as the northern border is concerned, the difficulty in delimiting where the Balkan Peninsula begins lies in the fact that the Pannonian basin of the Great Alfold, or Great Hungarian Plain, extends from central Europe to parts of Croatia, Serbia, and Romania¹⁵. The Danube turns out to be over 1.771 miles the second longest river in Europe. In fact, this country is home to 18 nations, including Slovakia, Croatia and Serbia. Nevertheless, the geography of the Danube region helps to

¹⁵ Encyclopædia Britannica, Inc. (2023, April 12). *Balkans*. Retrieved April 24, 2023 <https://www.britannica.com/place/Balkans>

understand the reason why there are so many small states in the same region when compared to the larger nations that can be found especially in Northern Europe¹⁶.

It is essential to note that the geographical boundaries of the peninsula are defined artificially, and therefore go beyond the politically drawn lines. For this reason, the western border is represented by the tributary of the Danube-Sava River to Ljubljana up to the Bay of Trieste. The southern border with the continent is represented by Cape Matapan. To the east finally, the border is established at the height of the arm of S. George, namely the mouth of the Danube to the Black Sea¹⁷.

The difficulty in defining the region's borders also ties in with an additional issue, which is inherent in whether or not the Balkans belong within the European culture. If geographically speaking, the Balkans turn out to be inextricably attached to the European continent, culturally the latter has always been represented by the European narrative as "the other," thus becoming the pretext for a series of political but also ideological frustrations over the very concept of the European. Such negative connotations have caused the creation of a narrative that gives European states a self-sufficient and different image than that of the Balkans¹⁸.

Moreover, another differentiation between European and Balkan culture is linked to the etymology of the word that gives the name to the region. As previously pointed out, the very definition of the term Balkans is linked to the Ottoman tradition, which was also the cause of the stereotypes with which, still today, we refer to the Balkans. However, Balkanism has evolved independently of Orientalism and in some respects developed in opposition to it. One of the reasons for this is the choice to treat the Balkans as a separate geopolitical entity from the Middle East. Moreover, the

¹⁶ Marshall, T. (2016). Western Europe. In *Prisoners of Geography: Ten maps that explain everything about the world* (page. 94), Scribner Book Company.

¹⁷ Gibas-Krzak, D. (2020). The geopolitical importance of the Balkans: A general overview. *The journal of slavic military studies*, 33, 460–476. ResearchGate
https://www.researchgate.net/publication/347630465_The_geopolitical_importance_of_the_Balkans_A_general_overview

¹⁸ Pleić, T., Glasnović, V., Prelogović, V., & Radeljak Kaufmann, P. (2020). In search of spatial perceptions: The Balkans as a vernacular region. *Tijdschrift Voor Economische En Sociale Geografie*, 112(3), 304–318. <https://doi.org/10.1111/tesg.12470>

differentiation between the Balkans and the East is linked to the creation of different Balkan identities between the 19th and 20th centuries, which are nevertheless the basis of the intrinsic differences in the Balkan territory¹⁹. Despite this, it can be said that even though the fact that geographically the Balkans are part of the European continent, some stereotypes linked to the region have meant that the Balkans have become in a sense the shadow of Europe, or an alter ego of the same that is however structurally despised²⁰. But, as has been pointed out repeatedly, the link between Europe and the Balkans turns out to be not merely geographic, but also historical, making the stereotypes listed so far vain. The geography and the history of the region turn out to be particularly important, in relation also to the history of the old continent. Indeed, it can be said that the oldest European civilizations originated within the Balkan region, from which later Minorcan and especially Greek cultures developed. The historical importance of the region can hardly be underestimated and creates an unbreakable bond between Europe and the Balkans²¹.

1.1.1 From the former Yugoslavia to the creation of new states.

To fully understand the history of this region, also from the point of view of the ethnic and religious variety within it, you need to refer to one of the most important dominations suffered by the Balkans or that by the Ottoman Empire. In fact, in 1362, while the peoples living in the Balkans were fighting among themselves for the domination of the region, in the south the Ottoman Empire began its advance towards the Balkan Conquest, a process that lasted about a century. The conquest by the Ottomans was made possible by the rifts between the Orthodox peoples and even more by the tensions between Western and Eastern Christians²².

¹⁹ Ibidem.

²⁰ Todorova, M. (2009), *Imagining the Balkans*. Updated Edition. Oxford: Oxford University Press

²¹ Janković, S. (2021, January). Geopolitics of the Balkans: 2019-2021. page 11 *The Review of*

International Affairs, 5–22. ResearchGate. DOI: 10.18485/iipe_ria.2021.72.1182.1

https://www.researchgate.net/publication/354532189_Geopolitics_of_the_Balkans_2019-2021

²² Encyclopædia Britannica, Inc. (n.d.). *The Ottomans of the Balkans*.

<https://www.britannica.com/place/Balkans/The-Ottomans>

Once the region was conquered, the Ottoman authorities decided not to exert fiscal pressure on Christians in order to convert them, but they opted to convince them to do so by granting fiscal and political benefits to those who converted. In addition, the religious leaders of the various groups were made responsible for the collection of taxes. Nevertheless, the Ottoman Empire in the long run proved particularly inflexible, which led to its dissolution within the region. In the last two decades of the 18th century, thanks to an invasion by Austria and Russia, the central government system of the Empire in the Western Balkans collapsed. The first Christian revolt against Ottoman rule was carried out by the Serbs in 1804²³.

While the 18th century in the Balkans was a period of decline in Ottoman power in the region, it is important to add that the 19th century was marked by the creation of nation-states in the Balkan Shelter. Since the emergence of the new national consciousness was closely linked to local factors and conditions, we must point out that each nation had a different evolution. However, what all the states have in common is the fact that the creation of the state itself was consequent and therefore after the birth of national movements. Since their creation, states have used all the means at their disposal, such as the school system, religion and the media, to improve and consolidate national identity²⁴.

In order to understand how the borders of the Balkan states that we know today came to be created, it seems necessary to outline the historical process that led to their definition. According to the writer Slobodan Jankovic

«Balkans borders are the result of the fight for the national liberation that initiated in the region with the Serbian uprising in 1804. It was followed in the 19th century by Greek, Romanian and Bulgarian fights for national freedom. Albanians won independence in 1912 as a result of the defeat of the Ottomans and the loss of its Balkan provinces. Still, Albania was established in its borders as a result of imperial policies of the Austro-Hungarian monarchy, of the British empire, and of Italy directed against Serbia's presence on the Adriatic shores. The creation of the Kingdom of Serbs, Croats and Slovenes (it was nominated Yugoslavia in 1929) solved the Serbian national question (unification of Serbian territories). Croatians, Slovenes, Muslims in Bosnia and Macedonians achieved their national states out of

²³ Ibidem.

²⁴ Ibidem.

the dissolution of Socialist Yugoslavia in 1991 and 1992... New states and correspondingly, new borders emerged after administrative lines of federal units inside old Yugoslavia (as was the case of the USSR).²⁵»

Former Yugoslavia - Југославија - was a federated state located in the west-central part of the Balkan Peninsula. The latter was transformed over time giving rise to three different federations that all bore the name Kingdom of Yugoslavia which literally vs. means ". Land of the South Slavs." The first kingdom, proclaimed in 1929 called the Kingdom of Yugoslavia (in the language Kraljevina Jugoslavija), lasted until World War II, while the second kingdom called the Socialist Federal Republic of Yugoslavia (Socijalistička Federativna Republika Jugoslavija) was proclaimed postwar and lasted until 1991. The Socialist Republic of Yugoslavia included at this stage, in addition to Serbia and Montenegro, four other republics that nowadays are identified as independent republics namely Croatia, Bosnia and

Figure 3 Map of the Former Yugoslavia



Herzegovina, North Macedonia and Slovenia²⁶. Finally, the so-called Third Yugoslavia was inaugurated starting in 1992 and included only the republics of Serbia and Montenegro. Later, the two states decided to drop the name Yugoslavia in favor of the more immediate name Serbia-Montenegro. This union between the two states was finally dissolved in 2006²⁷.

For the purposes of this analysis, the focus will be on the transition from the Socialist Republic of Yugoslavia (hereafter former Yugoslavia) and the states formed as a result of its disintegration. The former Yugoslavia came into being thanks to Josip

Source Sovereign Limits a Brief History of the Balkans Balkans <https://sovereignlimits.com/blog/a-brief-history-of-the-balkans>

²⁵ Janković, S. (2010). *Borders in The Balkans: Longevity in the Postmodern Era.*, the Collection of Papers Serbia In Contemporary Geo-Strategic Surroundings, edited by Slavica Đerić-Magazinović and Nevenka Jeftić-Sarčević, Institut za međunarodnu politiku i privredu i Ministarstvo odbrane RS, Belgrade 2010, page 168

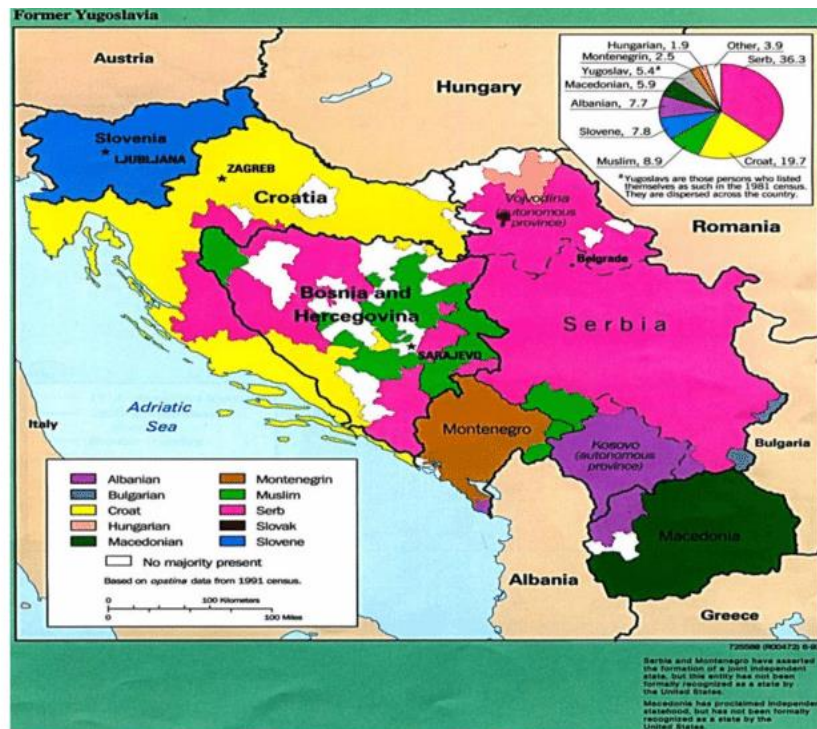
²⁶ Lampe, J. R., & Allock, J. B. (2023, January 5). *Yugoslavia*. Encyclopædia Britannica. <https://www.britannica.com/place/Yugoslavia-former-federated-nation-1929-2003>

²⁷ Ibidem.

Broz Tito and his Communist partisans in 1946. The latter had contributed to the liberation of the area from German rule during the Second World War. The former Yugoslavia was based more or less on the same territories already included by its predecessor, but there were also some lands acquired by Italy, Istria and Dalmatia. In its entirety, the former Yugoslavia was a federation of states holding the same name today: Croatia (*Republika Hrvatska*), Montenegro (*Crna Gora*, Црна Гора), Serbia (*Republika Srbija*, Република Србија), Slovenia (*Republika Slovenija*), Bosnia and Herzegovina (*Bosna I Hercegovina*, Босна и Херцеговина) and Macedonia (*Republika Severna Makedonija*, Република Северна Македонија). As far as Serbia is concerned, it should be noted that the provinces of Kosovo and Vojvodina retained an autonomous status for the central administration to recognize the cultural interests of the Albanians and Magyars²⁸. Moreover it is worth mentioning that Bosnia-Herzegovina was the only republic without a titular nation, and in fact it was called a community of Moslems, Croats and Serbs. Yugoslavia was not only a union of states but also a union of communities and ethnic groups. It contained Muslims, Orthodox and Catholics; Serbs, Croats, Slovenes, Bosnians, Macedonians and Montenegrins; Albanians, Hungarians, Italians, Slovaks, Czechs and Turks. It was with Tito's death in 1980 that the fragile balance on which this federation had been erected began to falter.

²⁸ Lampe, J. R., & Allock, J. B. (2023, January 5). *Yugoslavia*. Encyclopædia Britannica. <https://www.britannica.com/place/Yugoslavia-former-federated-nation-1929-2003>

Figure 4 Ethnic distribution in Yugoslavian states.



Source Research Gate Ethnic Distribution of the Yugoslavian state according to the 1981 census https://www.researchgate.net/figure/Ethnic-Distribution-of-the-Yugoslavian-state-according-to-the-1981-census_fig1_331863363

It is particularly complex to represent the succession path between the former Yugoslavia and the states we know today as a straight line, as a uniform transition. In fact, the history of the transition between the federated state and today's states is articulated in tortuous paths, marked by war and the consequent reconstruction of national states. What further complicates the narrative of this dynamic is the fact that scholars disagree neither on the causes of the dissolution nor on those of the war itself²⁹. On 25 June 1991, Slovenia and Croatia declared their secession from Yugoslavia, followed by Macedonia on 19 December 1991. Following these events and the decision of the Bosnian Muslims and Croats to wither away, Serbia and Montenegro decided to form a new federation in 1992. The Serbs living in the territories that had decided to wither away received military support from Slobodan Milošević, the leader of the Republic of Serbia, who repeatedly attacked other ethnic groups within the territory he

²⁹ Baskin, M. (n.d.). Former Yugoslavia and its successors. In P. Pickering (Ed.), *Democracy, the Market and Back to Europe* (2nd ed.). essay, page 1.

ruled, subjecting these populations to civilian murders, rape, and even imprisonment in concentration camps abandoned by the Nazis³⁰. In August 1995, following a continuing attack by the Bosnian Serbs in Sarajevo, NATO decided to conduct repeated air strikes against the Serbs. The NATO Operation Deliberate Force was implemented between August 30 and September 14, 1995. The actual bombardment period developed over 12 days and the nations that took part in the operation were the United States, Great Britain, France, Germany, Netherlands, Italy, Spain and Turkey³¹. On September 10 of that year, the U.S. Navy requested and obtained from then-U.S. President Bill Clinton authorization to launch a massive attack consisting of thirteen "Tomahawk" missiles against the Serbian army. This attack corresponded to the culmination of NATO intervention in Bosnian territory, causing a complete blackout of the Serbian army's communications. As a result, Serbian forces had to accept the ultimatum issued jointly by the UN and NATO and withdrew from the areas surrounding Sarajevo³². This operation was referred to as decisive in order to persuade the Serbs to sit down at the negotiating table to finally end the series of massacres they conducted against the Muslim population in Bosnia.

On September 14 of that year, Holbrooke was able to convince the leaders of the Bosnian Serbs, Radovan Karadžić and Ratko Mladić to sign an agreement to end the siege in Sarajevo, initiating the peace process culminating in Dayton, Ohio³³. And it is precisely the Dayton agreement that gives us an idea of how the hand of foreign entities is particularly marked in the delineation of the new borders. In fact, Article III of the Agreement tells us that

The Parties welcome and endorse the arrangements that have been made concerning the boundary demarcation between the two Entities, the Federation of Bosnia and Herzegovina and Republika Srpska, as outlined in the Agreement in

³⁰ Encyclopædia Britannica, Inc. (n.d.). *Dayton Accords*. Encyclopædia Britannica. <https://www.britannica.com/event/Dayton-Accords>

³¹ Owen, R. C. (2014). Operation Deliberate Force in Bosnia, 1995: Humanitarian constraints in aerospace warfare. *Air Power in UN Operations: Wings for Peace*, 231-240.

³² *Deliberate force*. Freedom Anatomy. (2019, May 8). <https://www.freedomanatomy.com/missioni/deliberate-force/>

³³ *Ibidem*.

Annex 2. The Parties shall fully respect and promote the fulfillment of the commitments made therein³⁴

The unrest in the former Yugoslavia did not stop with the Dayton Accords, again requiring the intervention of foreign forces. In Kosovo, the Albanian majority began to press for independence. After the failure of international mediation efforts and following the heavy Serbian counter-offensive against the Kosovo Liberation Army, NATO decided to react to Belgrade. In October 1999, NATO threatened Serbia to respond to the violence perpetuated in Kosovo with airstrikes. Following this, Milosevic decided to allow the return of tens of thousands of refugees. Despite this, fighting on the ground resumed, and negotiations between Kosovar Albanians and Serbs conducted in February 1999 in Rambouillet, France, also proved a total failure. On March 18 of that year, talks between NATO and Serbia also proved inconclusive as Serbia refused to sign the agreement providing for the independence of Kosovo and the presence of NATO troops on the ground to ensure compliance with the agreement. Two days after that meeting, the Serbian army launched a new offensive in Kosovo to which NATO responded two days later with the start of bombing that lasted for 78 days³⁵.

In a prompt response, Slobodan Milošević ordered an ethnic cleansing that made thousands of Kosovar Albanians refugees. In addition to Kosovo, a movement of popular agitation also began in Montenegro. After that, in order to limit the concerns of European leaders about the possible independence of Montenegro, The Yugoslav and Montenegrin Presidents and the Serbian Prime Minister settled to an agreement through European mediation to maintain the federal union but with greater autonomy for the members. Serbia and Montenegro finally disbanded in 2006³⁶.

The wars from which the states of the Balkan region have been formed have left an indelible mark on the elitism of the states and also on the conception that today we

³⁴ *The General Framework Agreement for Peace in Bosnia and Herzegovina – OSCE article III*, OCSE. (1995, December 14). <https://www.osce.org/files/f/documents/e/0/126173.pdf>

³⁵ A&E Television Networks. (n.d.). *NATO bombs Yugoslavia*. History.com. <https://www.history.com/this-day-in-history/nato-bombs-yugoslavia>

³⁶ Lampe, J. R., & Allock, J. B. (2023, January 5). *Yugoslavia*. Encyclopædia Britannica. Retrieved March 2, 2023, from <https://www.britannica.com/place/Yugoslavia-former-federated-nation-1929-2003>

have about the states themselves. The international community that intervened in the conflict certainly played a significant role in creating the instability that still governs the region today. For example, the peace agreements created by the international authorities to manage the crises in Kosovo and Bosnia and Herzegovina have not been able to resolve the sovereign disputes³⁷. Moreover, the bombings described above have had considerable consequences for the civilian population, causing innocent deaths as side effects of what, according to NATO summits, would have been a humanitarian intervention to protect the population in danger. In addition to the purely humanitarian and population protection aspect, NATO said that it also came into play to ensure political stability within the Balkan region. The expected result has not actually been achieved. Indeed, the war with the participation of NATO did not guarantee the stability hoped for within the Balkans. In fact, Albania was overwhelmed by a wave of refugees that it was not able to manage, in Macedonia the existing political balance between Slavs and Albanians was seriously threatened by the influx of Albanians from Kosovo. In addition, the joint action between the Serbian offensive and the NATO bombing has destroyed a large part of Kosovo. The same happened in Serbia, where the capital Belgrade was hit hard by the bombing carried out by the Atlantic alliance³⁸.

However, an attempt was made to do justice to the horrors of the referendum by establishing an ad hoc tribunal to give voice to the victims of this bloody conflict. The International Criminal Tribunal in the former Yugoslavia It was established by Security Council Resolution 827 (1993) on 25 May 1993. The Security Council, acting under its prerogatives as identified in Chapter VII of the United Nations Charter, established this Court in order to prosecute individuals held responsible for crimes such as murder, genocide, torture, rape, slavery, destruction of property and other crimes that were clearly listed in the court charter.

The ultimate goal of the ICTY was also to try to discourage the commission of such crimes in the future and to bring justice to family members and victims of atrocious crimes during the conflict in the former Yugoslavia.

³⁷ Baskin, M. (n.d.). Former Yugoslavia and its successors. In P. Pickering (Ed.), *Democracy, the Market and Back to Europe* (2nd ed.). essay, page 22.

³⁸ Mandelbaum, M. (1999). A Perfect Failure: NATO's War against Yugoslavia. *Foreign Affairs*, 78(5), 2–8. <https://doi.org/10.2307/20049444>

Among those on trial by the ICTY were Heads of State, Prime Ministers, Army Chiefs of Staff, Ministers and many other politicians from various geographical areas where the conflict took place. The court was competent to judge the crimes committed by the 1991 to 2001 against various ethnic groups from Croatia, Bosnia and Herzegovina, Serbia, Kosovo and the Former Yugoslav Republic of Macedonia³⁹.

Even though the ICTY has done justice for the victims and the horrors that occurred during the war, what was lacking at the end of the conflict was the stability of the region. It can be said that the failure to resolve these issues, which are still open and in the spotlight on the European political scene, continues to create political instability not only in the region but on the European continent. It can be concluded that, even in the case of the dissolution of Yugoslavia, the intervention of the external powers, which decided to create new borders and peace agreements, did not solve the problems in the region.

1.2 A new perspective: the accession procedure of the Balkan states in the European Union.

As a result of the various processes that led to the dissolution of Yugoslavia, the new states that followed began to look towards the European Union. The European integration agenda of the Balkan states is not entirely complete and, even today, we are debating the procedures for allowing these nations access to Europe. The criteria for outlining the relations that would have existed between the Union and the Balkans were first outlined in the conclusions adopted by the European Council in April 1997⁴⁰. Later, more precisely in 1999, the Council of the European Union established the so-called Stabilization and Association Process. In 1999, the EU Council established the Stabilization and Association Process (SAP).

³⁹ *About the ICTY*. United Nations- About the ICTY | International Criminal Tribunal for the former Yugoslavia. (n.d.). <https://www.icty.org/en/about>

⁴⁰ EEAS. (2022, March 16). *The EU and the Western Balkans: Towards a common future*. https://www.eeas.europa.eu/eeas/eu-and-western-balkans-towards-common-future_en

The SAP was established in order to stabilize the region given the future accession of the countries parties within the European Union. The key points of this process are primarily regional cooperation, which is reflected in the development of the infrastructure of the Balkan region and the networks and the establishment of a free trade area. It is important to note that, although the SAP defines its common objectives both politically and economically, the progress made by individual countries is assessed individually. As required by the SAP, the Instrument for Pre-Accession Assistance III would continue to provide Balkan States with funds to strengthen the rule of law, the development of market economies and ultimately to bring the national legislation of the SAP states into line with the *acquis* of the European Union. SAP's partners, namely Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia, would continue to benefit from the agreement regardless of their potential candidate status to the European Union⁴¹. Moreover, the European Union established that the states belonging to the former Yugoslavia could be candidates to enter the European Union only if they complied with the conditions set out in the so-called Copenhagen criteria. In the case of the Balkans, the Copenhagen criteria for access are in addition to the other requirements of the SAP agreement described above. The Copenhagen criteria that states wishing to accede to the Union must meet are as follows:

1. «stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
2. a functioning market economy and the capacity to cope with competition and market forces in the EU;
3. the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union»⁴²

The path of the Balkan states towards the European Union began in 2003 at the Thessaloniki summit. This meeting was the starting point of a process of integration that to date, on the twentieth anniversary of the summit, has not yet been

⁴¹EURLEX. (n.d.). *Stabilization and association process*. <https://eur-lex.europa.eu/EN/legal-content/glossary/stabilisation-and-association-process.html>

⁴² *Conditions for membership*. European Neighbourhood Policy and Enlargement Negotiations (DG NEAR). (n.d.). https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/conditions-membership_en

concluded. Precisely on 21 June 2003, the leaders of the European Union and its member states, together with the heads of state and government of the then candidate countries, met with the leaders of Albania, Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Montenegro. This meeting led to the adoption of the Thessaloniki Declaration which definitively and unequivocally sanctioned the European perspective of the Balkan states⁴³. In this regard, the Thessaloniki Declaration itself states that « The EU reiterates its unequivocal support to the European perspective of the Western Balkan countries. The future of the Balkans is within the European Union⁴⁴». The promise made by the Union in Thessaloniki in 2003 concerning the European perspective of the former Yugoslav republics and Albania is the first demonstration of the Union's unequivocal support for the integration and full accession of these states to the EU. This statement was made when all the states in question entered the SAP stabilization and association process⁴⁵.

One of the most important elements of the 2003 meeting was the introduction of the criterion of progress based on the individual merit of the states, in other words, from then on, each country's progress towards the Union would depend on the individual achievements in meeting the Copenhagen criteria, which were symbolically issued on the same day but a decade earlier in 1993⁴⁶.

Since 2003 there have been many meetings relating to that promise of accession made in Thessaloniki, but among the fundamental developments in the process of integration and accession of the Balkans there is no doubt that the so-called Berlin

⁴³ European Western Balkans (EWB). (2023, June 22). *Twenty years since the Thessaloniki promise of the European perspective of the western balkans*. European Western Balkans .
<https://europeanwesternbalkans.com/2023/06/21/twenty-years-since-the-thessaloniki-summit-where-the-european-perspective-of-the-western-balkans-countries-was-confirmed/>

⁴⁴ European Commission. (2003, June 21), *Eu-Western Balkans Summit Thessaloniki, 21 June 2003 Declaration*.point 2.
https://ec.europa.eu/commission/presscorner/detail/en/PRES_03_163

⁴⁵ European Western Balkans (EWB). (2023, June 22). *Twenty years since the Thessaloniki promise of the European perspective of the western balkans*. European Western Balkans .
<https://europeanwesternbalkans.com/2023/06/21/twenty-years-since-the-thessaloniki-summit-where-the-european-perspective-of-the-western-balkans-countries-was-confirmed/>

⁴⁶ Ibidem.

Process. The latter is outlined through events and meetings that are held on an annual basis from 2014 between individual Member States of the Union and the countries of the Western Balkans⁴⁷. The Berlin Process differs from other Union initiatives in that the EU's financial institutions are involved in cooperation with individual Member States. The process was initiated by Germany, more precisely by the government of Angela Merkel in order to deepen the issue of the accession of the Balkans after the European Commission chaired by Juncker had established that there would be no enlargement for five years. This statement by the Commission was based on the fact that, firstly, the Union would have to implement internal reforms before the accession of new members and that, Secondly, there had not been enough progress on the part of the Balkan states in implementing the reforms that the EU considered essential for enlargement within the framework of the rule of law and the democratization of the state⁴⁸.

Despite the many initiatives taken by the Berlin process, particularly concerning the economic integration of the Western Balkans, such as the creation of a common market, they have not resulted in a decisive push towards European integration. Nevertheless, the process of integration of states within the European Union is still in progress, despite the fact that applications to join the Union were signed last decade.

1.2.1 The path to access in the EU

The states that are part of the SAP have all had different negotiation modalities regarding access to the European Union. Given that the process of entry into the European Union turns out to be a complex path in terms of requirements, for this analysis, it seems necessary to highlight the access and negotiation paths of individual SAP states to understand the reasons why they are still trying to join the European Union.

⁴⁷ Vulović, M. (2022). *The Berlin process in the western balkans: Big ideas, difficult implementation*. Stiftung Wissenschaft und Politik (SWP). <https://www.swp-berlin.org/10.18449/2022C70/>

⁴⁸ Ibidem.

Starting with the access path to the Union of Albania, the latter handed over its application to enter the European Union on 24 April 2009. The European Commission issued its opinion on Albania's application for EU membership on 9 November 2010, pointing out that before formal accession negotiations began, Albania needed to comply more closely with the accession criteria. More specifically, the Commission pointed out that the state would have to respect 12 priorities highlighted in its opinion of 9 November. In particular, these priorities concerned the achievement of the main stages of public administration reform, the creation of a plan to reform the judicial system, the improvement of policies to combat organized crime, the development of a sound strategy for the fight against corruption and the strengthening of the protection of human rights at the state level⁴⁹.

Subsequently, in October 2012, the European Commission decided that Albania should be granted candidate country status, but on the condition that the state in question completed the requirements for the reform of justice, of public administration and the revision of the rules of parliamentary procedure⁵⁰. Albania acquired formal candidate status in 2014. In 2018 the Commission adopted a recommendation regarding the opening of accession negotiations with Albania following which the Council decided to open negotiations from 2019. On March 24, 2020, European affairs ministers initialed the political agreement to begin accession negotiations for Albania and North Macedonia.

As far as the latter is concerned, the application for EU accession was submitted on March 22, 2004. consequently, the Commission outlined its opinion regarding North Macedonia's accession on November 9, 2005, expressing a favorable opinion regarding the state's candidate status, which it subsequently obtained in December 2005. In February 2008, the Council decided to adopt an amendment to the Partnership Agreement regarding accession with North Macedonia, which highlighted new and additional priorities for action that were better suited to the specific needs of the

⁴⁹ European Council. (2023, January 19). *Albania*. Consilium.
<https://www.consilium.europa.eu/en/policies/enlargement/albania/>

⁵⁰ *Ibidem*.

candidate country⁵¹. In 2015 and later in 2016, these priorities were set aside in favor of new urgent reform priorities that the country would need to implement in order to accede to the Union. Subsequently, in June 2018, the Council adopted conclusions in which it decided to respond positively to North Macedonia's progress and then set the path of accession toward the opening of negotiations that would begin in June 2019. This negotiation process takes place through an intergovernmental conference between the ministers and ambassadors of the existing member states and those of the candidate country. North Macedonia's accession negotiations began with the first intergovernmental conference on July 19, 2022⁵².

After presenting the cases of Albania and North Macedonia, it is worth highlighting the accession process of Serbia and Montenegro. As for the latter, the application for EU membership was notified on December 15, 2008. Consequently, the Council in April 2009 asked the Commission to prepare its opinion regarding the application submitted by Montenegro. The Commission in 2010 gave a favorable opinion regarding the state's application, and consequently, on December 16 and 17 of the same year, the Council deliberated positively regarding the granting of candidate status to Montenegro⁵³. Following the positive opinions expressed by the European institutions, it was decided to proceed with the accession negotiations, which take place, as previously anticipated, through intergovernmental conferences between the ministers and ambassadors of the member countries and those of the candidate state. After a thorough analysis carried out by the EU countries and the candidate nation, it was decided that the negotiations, which began on June 29, 2012, should consider as many as 35 different political dossiers. After the first intergovernmental conference, 14 subsequent meetings were held at which 33 of the 35 highlighted policy issues were considered⁵⁴.

⁵¹ European Council. (2023, January 19). *North Macedonia*. Consilium.
<https://www.consilium.europa.eu/en/policies/enlargement/republic-north-macedonia/>

⁵² Ibidem.

⁵³ European Council (2023, January 18). *Montenegro*. Consilium.
<https://www.consilium.europa.eu/en/policies/enlargement/montenegro/>

⁵⁴ Ibidem.

The turning point came in May 2021 when the Council decided to apply a revised enlargement methodology to Montenegro's and Serbia's applications for membership, to intensify the enlargement process with an emphasis on fundamental reforms by grouping the aforementioned 35 issues into 6 clusters. The new enlargement process for Montenegro and Serbia is based on some key elements:

1. Greater attention to reforms and their implementation. The candidate states should have provided tangible evidence of the steps taken to achieve their European perspective.
2. A stronger political steer, to ensure the smooth running of intergovernmental conferences.
3. A more marked dynamism to be achieved through the grouping of political issues in clusters capable of making more immediate the implementation of the most important issues.
4. Increase process predictability through the use of objective criteria and strict positive and negative conditions. based on objective criteria and strict positive and negative conditions⁵⁵.

As anticipated, the new accession plan also applies to Serbia, which began its accession path toward the European Union in December 2009, when it decided to present its accession proposal. Subsequently, on 25 October 2010, the Council invited the Commission to comment on Serbia's application for accession. In October 2011, the Commission gave a positive opinion on the application of Serbia and recommended it as a candidate country. The country was granted official candidate status following the Council's consensus on 1 March 2012⁵⁶. After this decision on 27 and 28 June 2013, the Council decided to start accession negotiations by January 2014 at the latest. In order to start negotiations by the agreed date, the Council agreed in December 2013 on a

⁵⁵ European Council. (2021, May 11). *Enlargement: new enlargement methodology will be applied to Montenegro and Serbia*. Council of the EU Press release. <https://www.consilium.europa.eu/en/press/press-releases/2021/05/11/enlargement-new-enlargement-methodology-will-be-applied-to-montenegro-and-serbia/>

⁵⁶ European Council, (2023, January 18). *Serbia*. Consilium. <https://www.consilium.europa.eu/en/policies/enlargement/serbia/>

framework for planning negotiations with Serbia. This negotiation began on 21 January 2014 with the first Accession Ministerial Conference, which was followed by 13 conferences focusing on 35 chapters of negotiations⁵⁷. Of these, as a result of the conferences that have already taken place, 22 chapters on political issues have been opened, to which the same negotiation procedure used for Montenegro as described above has been applied.

As pointed out in the previous paragraph, the last two SAP member states that have not yet been taken into account with regard to their EU accession procedure are Bosnia and Herzegovina and Kosovo. The path of these two states turns out to be more recent given the peculiarities in the internal politics and the composition of the two states. The fact that these two states did not attempt to join the Union in the same decade as the other Western Balkan states is that they did not have the minimum standards required by the European Union. The similarities between these two states are the result of the fact that, in both cases, the constitution of the new nation-state was carried out following the signing of international agreements in which external states played a role of considerable importance. However, these agreements have not been able to provide both parties with the stability they need if they are to apply for entry into the Union. Indeed, at first glance, Kosovo and Bosnia seem to have common characteristics linked above all to limited sovereignty, the presence of weak institutions and the opposition of the Serbian minority to integrate into a single nation⁵⁸. In order to solve these problems, the European Union has decided to proceed with a new approach to integrate Bosnia and Kosovo which could be defined as more technical. The strategy used by the Union in both cases is to use a neo-functionalist approach by implementing a purely technical method to achieve political effects.⁵⁹

More recently, the two countries under analysis have begun their process of accession within the European Union. As regards Bosnia and Herzegovina, the state submitted its accession to join the EU in February 2016. Subsequently, the Council

⁵⁷ Ibidem.

⁵⁸ Koeth, W. (n.d.). *Bosnia, Kosovo and the EU: Is accession possible without full sovereignty?*. Archive of European Integration AEI.
http://aei.pitt.edu/43469/1/20120710143924_WKO_Eipascope2012.pdf

⁵⁹ Ibidem.

issued its conclusions on the application of Bosnia on 20 September of that year and invited the Commission to draw up an opinion on the possible candidate status.

It is important to emphasize that, in its conclusions, the Council stressed that Bosnia should make every effort to proceed with reforms in the area of the rule of law and public administration. These reforms appeared to be fundamental to progress on the path of accession to the Union. Subsequently, the Commission issued its opinion on the accession of Bosnia in May 2019, setting 14 key priorities to proceed with the accession negotiations. After a second verification by the Council in December 2022 Bosnia and Herzegovina officially obtained the status of a candidate country for accession to the Union⁶⁰. Despite this, the country was subject to the conditions expressed by the Commission in an opinion it issued in October 2022 on strengthening the rule of law, combating corruption and organized crime, managing the migration crisis and strengthening fundamental rights. Subsequently, in June 2022, the European Council urged Bosnian political leaders to implement all established reforms and to finalize a political agreement aimed at creating and implementing a constitutional reform and electoral system. In December 2022, after Bosnia and Herzegovina was granted official candidate status, the Council stressed that Bosnia and Herzegovina urgently needed to progress its European path, in particular by respecting the priorities expressed by the Commission⁶¹.

As far as Kosovo is concerned, the situation with regard to the possible accession is even more recent and complex because of the opposition from Serbia in particular. However, Kosovo, through its Prime Minister Albin Kurti, has handed over to the Czech Foreign Minister its application to enter Europe⁶². Despite this, the European Union regards Kosovo as a potential candidate for the European Union, but it always has an eye on relations with Kosovo. Relations between the Union and Kosovo are developing on several levels of cooperation. Firstly, there is political cooperation, through which the Union has set up various mechanisms to ensure a new future for Kosovo.

⁶⁰ European Council. (2023, January 19). *Bosnia and Herzegovina*. Consilium. (Retrieved March 2, 2023, from <https://www.consilium.europa.eu/en/policies/enlargement/bosnia-herzegovina/>)

⁶¹ Ibidem.

⁶² Euronews.(2022, December 15).*Kosovo formally applies for EU membership*.
<https://www.euronews.com/2022/12/15/kosovo-formally-applies-for-eu-membership>

Firstly, there is a special office of the European Union on the ground to implement European policy on the ground. In addition, the Union has prepared the Common Security and Defense Policy Mission (CSDP) and the European Union Rule of Law Mission in Kosovo (EULEX). The latter was designed to provide support to institutions dealing with the rule of law to support them in greater effectiveness and sustainability, respect for multi-ethnicity and accountability. All this must take place without interference at the political level, in full compliance with the rules of international law as regards human rights and European standards⁶³. With regard to the plan for the association and stabilization of Kosovo, the union annually draws up a report on the state of the country, and has also drawn up plans for economic cooperation and funds to help the state in its economic development. Financial assistance also has a technical function to ensure assistance throughout the country's potential accession process. For the period from 2014 to 2020, the Union has earmarked EUR 11.7 billion for the Western Balkans and Turkey. IPA III should provide an additional EUR 14.5 billion for these countries⁶⁴.

1.3 Conclusion: why Europe struggles to annex the Balkans

The accession process described above was useful to understand that the willingness of the Balkan countries to join the European Union has its roots in the early 2000s. We must therefore ask ourselves what the position of the already EU Member States is on enlargement to the Western Balkans. Recently, the Council of the European Union, in its formation of foreign ministers, highlighted the fact that EU enlargement to the Balkans is a priority, especially for some states such as Italy. In fact, the Italian Minister of Foreign Affairs Antonio Tajani stated «the Balkans represent a priority for the Italian government, they are perhaps a reality that is not sufficiently followed» or watched «with due attention and intensity⁶⁵». Nevertheless, for the purposes of this

⁶³ EEAS.(2021, October 10) *The European Union and Kosovo*. Political Relations. https://www.eeas.europa.eu/kosovo/eu-and-kosovo_en?s=321

⁶⁴ Ibidem, Technical and Financial Cooperation.

⁶⁵ ANSA. (2023, January 30). *Balkans are key for migration flows, Italian FM Tajani says*. InfoMigrants. <https://www.infomigrants.net/en/post/46447/balkans-are-key-for-migration-flows-italian-fm-tajani-says>

analysis, it is also appropriate to dwell on the positions that, in less recent years, some countries have taken with regard to the accession of the Balkans to the Union.

In order to understand better why the enlargement process, although it has already started, has not yet ended, we must look at the reservations that have slowed down the procedure for access to the Western Balkans within Europe. Indeed, the fatigue of enlargement is demonstrated by the fact that in 2013 more than 60% of Europeans did not agree to a further enlargement of the Union, because of the fear felt by many regarding the impossibility of absorbing new countries from a cultural and political point of view⁶⁶. However, the skepticism surrounding the enlargement process did not only belong to European citizens but also to the political class. Indeed, this reluctance was expressed when the Council was called upon to decide on the accession of Albania and North Macedonia. On that occasion, despite the fact that it was recognized that the two states had carried out the reforms necessary for their entry, the necessary unanimity was not reached in the Council's decision-making process which would allow the two countries to continue on the road to accession. The veto of France, supported by the Netherlands and Denmark, blocked the process.

Following the meeting of the Council, French President Emmanuel Macron, at a press conference, declared that before the enlargement of the Union was to proceed, the Union itself had to be stabilized, at that time, he was still suffering from the effects of the economic and institutional crisis. For these reasons, a stabilization process, including the implementation of new reforms, should therefore be pursued, including in the context of the accession procedure⁶⁷. The concerns highlighted by the French president are the daughters of the so-called systemic crises that hit Europe in the early 2000s. Among them, the one that has brought the most concern among European states is above all the financial and sovereign debt crisis that has hit Europe since 2008. And it was because of this concern that the states of the Union began to think about how they

⁶⁶ Fraenkel, E. *The EU and the western balkans: Do they share a future?* CIDOB. (n.d.). Retrieved March 2, 2023, https://www.cidob.org/en/publications/publication_series/notes_internacionals/n1_145_the_eu_and_the_western_balkans_do_they_share_a_future/the_eu_and_the_western_balkans_do_they_share_a_future

⁶⁷ Puccetti, L. P. (2019, December 9). *The French opposition to Western Balkan's EU accession*. Luiss CROIE. <https://croie.luiss.it/2019/12/09/the-french-opposition-to-western-balkans-eu-accession/>

would explain to parliaments and even to voters, the reasons why poor states such as those in the Balkans would enter the Union⁶⁸.

Another crisis that has certainly increased skepticism regarding the possible accession of the Balkans is undoubtedly the migration crisis that is still affecting the Union today. This crisis concerns not only the issue inherent in the Central Mediterranean route, but also the trafficking of migrants from Greece, i.e., a member country, transiting within the Balkans in order to reach Europe. In fact, the same Macron in the above-mentioned press conference expressed his concern about the effective ability of the Balkan states to manage the migratory wave that was crossing their territory. Furthermore, Macron continued his speech by asserting that France's veto also concerned the fact that, according to the state in question, Neither Albania nor North Macedonia had implemented the reforms necessary for the proper functioning of the rule of law and the fight against corruption and organized crime⁶⁹.

Having pointed out the reasons which led the French Government to initially veto the accession of these two states, we can say that there are two different types of agreement on who is in favor of the enlargement of Europe and who is against the admission of new countries. It is immediately clear how the two lines of thought differ in their essence. Indeed, the arguments in favor of the enlargement of the Union are based on the values that inspired the creation of the European Community, that is, the idea that the old continent should be unified in order to guarantee peace and stability⁷⁰. On the other hand, as regards the arguments against the accession of new states within the Union, we can say that these are not based on values but are more technocratic, that is, they underline the real difficulties that the European Union, as constituted, addresses in crisis management. In fact, we can say that while the arguments for expansion focus on the idea of Europe and what the Union should represent, the arguments against

⁶⁸ Fraenkel, E. *The EU and the western balkans: Do they share a future?* CIDOB. (n.d.). Retrieved March 2, 2023, https://www.cidob.org/en/publications/publication_series/notes_internacionales/n1_145_the_eu_and_the_western_balkans_do_they_share_a_future/the_eu_and_the_western_balkans_do_they_share_a_future

⁶⁹ Puccetti, L. P. (2019, December 9). *The French opposition to Western Balkan's EU accession*. Luiss CROIE. <https://croie.luiss.it/2019/12/09/the-french-opposition-to-western-balkans-eu-accession/>

⁷⁰ Fraenkel, E. *The EU and the western Balkans: Do they share a future?* CIDOB. (n.d.). Retrieved March 2, 2023, https://www.cidob.org/en/publications/publication_series/notes_internacionales/n1_145_the_eu_and_the_western_balkans_do_they_share_a_future/the_eu_and_the_western_balkans_do_they_share_a_future

expansion focus on how this process should take place and the associated costs that would be borne by the existing member states. And it is precisely this difficulty in finding a point of encounter between these two visions that has accompanied the Balkan countries in their not-yet-concluded process of accession to the European Union⁷¹. Despite this, due also to the situation in Ukraine, Europe and its leaders have begun to look again at the possible accession of the Balkans. Indeed, the President of the European Commission Ursula von der Leyen has stated, in the forum that took place in Bratislava on 31 March 2023, that she wants to implement a new plan to bring the Balkans closer to the Union by creating what she has defined as a new approach by which, «we do not only ask our partners to take new steps towards us. We also take a big step towards them. Our shared goal is to speed up their journey towards the EU. And for this, we bring our Union closer to the Western Balkans⁷²».

⁷¹ Ibidem.

⁷² European Commission. (2023, May 31). *At GLOBSEC Bratislava Forum, President von der Leyen calls for forging a more United Europe*, Press corner. European Commission - Press Corner. https://ec.europa.eu/commission/presscorner/detail/en/ac_23_3008

Chapter II: The Balkan route between migration crisis and security issues for the European Union.

The migration crisis that has hit Europe since 2015 is one of the great systemic crises that the old continent had to face in the 2000s. The migration crisis in particular is being remembered because of all the humanitarian tragedies that have taken place, and continue to do so, in Mediterranean waters. However, it is important to point out that during the crisis, those who fled the war in search of a better life did not only pass the famous Central Mediterranean route but also used another path, with the hope of achieving salvation in the old continent. This route used to pass through the Western Balkans, passing through Turkey, until arriving, for some, in Austria and Germany. The chapter focuses on the description of the route of the Western Balkans during the years of the migration crisis and then on dealing with the policies implemented by Europe in crisis management.

The first paragraph focuses on the description of the Balkan region as a place of origin for migrants who decided to flee from the civil war in former Yugoslavia. This description will be useful to understand the first methods of intervention put in place by the European Union and to understand that the Western Balkans have always been a place of migration to the European Union.

The second paragraph instead focuses on the description of the Balkan route as a transit route for migrants from places outside the European continent. The Balkan route was one of the main routes used by migrants to reach Europe and therefore, the numbers related to migration at the peak of the crisis between 2015 and 2016 will be presented. This paragraph will also present the policies implemented by individual states part of the Balkan route to combat illegal immigration. In this section, there is a sub-paragraph that will explain the policies implemented by the Union to manage the migration crisis, including a presentation of the European legal framework on asylum before the 2015 crisis.

The third paragraph, on the other hand, deals with the most important measure that the Union has taken to try to stem the Balkan route, the EU-Turkey Statement. It will be presented in all its points and a critical view will be given of it by presenting the negative aspects of the measure in question.

The fourth paragraph, on the other hand, focuses on the security issues concerning the Balkan route, both from the point of view of the possible repercussions it could have on the stability of the region and from the point of view of internal security in the European Union, also mentioning the concept of securitization of borders.

2.1 The Balkan route, one of the most active roads leading to Europe.

The migration crisis that has hit Europe since 2015 is spread over several routes the best known of them turns out to be the Central Mediterranean route. Nevertheless, other routes can bring migrants from the most unstable areas of the Middle East to the heart of the old continent, such as the Balkan route. The latter has accounted for the influx on the eastern Mediterranean route. In recent years, migration flows through the Balkans have undergone substantial changes, derived mainly from the unabated effects of the conflicts between 1991-95. Nevertheless, the region has transformed from a region of origin of migrants to a region of transit of migrants, thanks in part to the gradual and minimal stabilization of the region economically and socially. We can say that the Balkans today represents a region where thousands of migrants transit to reach the European continent⁷³.

Despite the above transformation, it seems clear that the Balkans have always been a focal point for migration to the European Union, both for Balkan citizens themselves and for refugees from other countries. The migration of Balkan citizens in the era previous and lasting the civil war can be analyzed from two perspectives. One reason concerns the purely economic aspects, due to which citizens of the former Yugoslavia sought to reach Europe in search of an improvement in their standard of living. The other reason, certainly more dramatic, concerns the desire of some ethnic minorities to escape the horrors that the war brought with it. The civil wars in the Western Balkans that occurred in the 1990s caused significant consequences both domestically and internationally. For example, as far as Bosnia and Herzegovina is

⁷³ United Nations High Commission For Refugees, & International Organization For Migration. (n.d.). *Refugee Protection and International Migration in the Western Balkans Suggestions for a Comprehensive Regional Approach*. <https://www.unhcr.org/sites/default/files/legacy-pdf/531d88ee9.pdf>

concerned, about half of the population was displaced during the 1992 war, of which about half moved to Bosnia and the other half moved abroad⁷⁴. Taking in the Bosnian population fleeing ethnic cleansing carried out by the Serbs were Western European countries. Especially, Germany turned out to be the country that received the largest number of Bosnians, with 320,000 refugees or 60 percent of Bosnians seeking protection in Europe⁷⁵.

The situation of war-related migration is even more aggravated when one looks at the case of the Albanian minority residing in Kosovo. Even before the NATO bombings, which occurred starting March 24, 1999, more than 100,000 Albanian refugees from Kosovo were scattered throughout the 27 European states. At the time of the bombing, an estimated 500,000 Kosovar Albanians were displaced on the borders of Kosovo, numbers that constituted half of the entire Albanian population in Kosovo⁷⁶.

Precisely to cope with the massive number of arrivals registered as a result of the conflict in the former Yugoslavia, the European Union has equipped itself with a tool to temporarily accommodate exiles, namely the Temporary Protection Directive of 2001. Temporary protection appeared to be a measure to be considered, as well as temporary, immediate in order to cope with a massive influx of migrants from outside the Union who are also unable to return to their countries of origin. This Directive may be applied when the Council, acting on a proposal from the Commission, decides that the Union is faced with a large influx of migrants, in particular where it considers that the collapse of the standard asylum system is the cause of the flows. The Directive therefore applies if

⁷⁴ Oruč, N. (2009). Self-Selection in Conflict-Induced Migration: Micro Evidence from Bosnia, . *The Wiiw Balkan Observatory: Working Paper 078*. <https://wiiw.ac.at/self-selection-in-conflict-induced-migration-micro-evidence-from-bosnia-dlp-3219.pdf>

⁷⁵ OECD. (2022). *Labor migration in the Western Balkans: Mapping patterns, addressing challenges and reaping*,(page 22). benefits. <https://search.oecd.org/south-east-europe/programme/Labour-Migration-report.pdf>

⁷⁶ International Crisis Group. (1999, June 1). *the Balkan refugee crisis: Regional and long term perspective*. <https://icg-prod.s3.amazonaws.com/the-balkan-refugee-crisis-regional-and-long-term-perspectives.pdf>

the abovementioned institutions believe that migratory flows can hurt the European asylum system⁷⁷.

Migration by Balkan nationals continued even after the end of the war. The continuation of the phenomenon is to be seen as resulting from the visa liberalization policy within the broader framework of the European Union accession process, which facilitated legal migration within the European continent. Despite this, in order to extend their stay beyond the six months for which a visa is required, many of the Balkan migrants decide to apply for asylum, even though they often do not qualify for international protection⁷⁸. Asylum applications from Balkan citizens to EU countries amounted to more than 30,000, or 9% of all applications received by EU states. Despite this, only a few applications are recognized and therefore many citizens are repatriated to their countries of origin, as required by the readmission agreements that the Union and its member states have agreed with the Western Balkan states⁷⁹.

2.2 From region of origin of migrants to land of passage

As previously pointed out, the Balkans is not merely one of the places from which migrants to Europe come, but also a transit region for migrants from the most unstable areas of the globe. For this reason, we can define the Balkan route according to which it turns out to be the route by which migrants reach the European Union *illegally*. This channel of passage extends between the following states: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia⁸⁰.

⁷⁷ European Commission. (n.d.). *Temporary protection*. Migration and Home Affairs. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en

⁷⁸ United Nations High Commission For Refugees, & International Organization For Migration. (n.d.). *Refugee Protection and International Migration in the Western Balkans Suggestions for a Comprehensive Regional Approach*. <https://www.unhcr.org/sites/default/files/legacy-pdf/531d88ee9.pdf>

⁷⁹ Ibidem.

⁸⁰ European Council official website. (n.d.). Western Balkans route. <https://www.consilium.europa.eu/en/policies/eu-migration-policy/western-balkans-route/>

Figure 5: A representation of the Western Balkan route

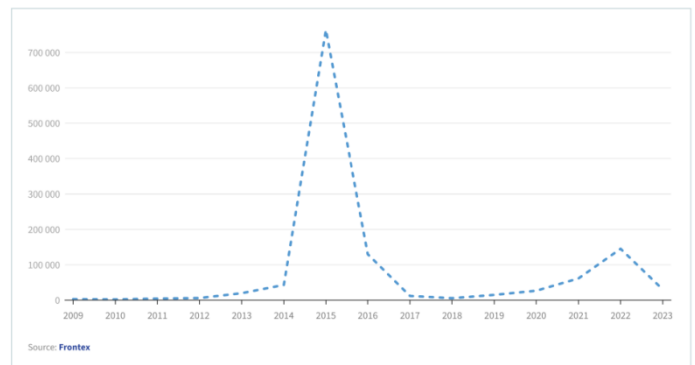


Source: The UN Refugees Agency, South Eastern Europe <https://www.unhcr.org/see/about-us/population-trends>

To understand the reasons why this route has become so relevant to the European Union, we need to look at some of the concomitant events that caused the massive migration flow to the old continent.

First, we need to look at the intermingling of the economic effects of the 2008 financial crisis and the Arab Springs that have occurred since 2010. These two events created such a rift that it greatly affected the flow of migration that hit Europe, resulting in the fact that in 2009 an estimated 3.4 million people arrived in Europe illegally⁸¹. This context was further worsened by the

Figure 6 Illegal arrivals in Europe from 2009 to 2023



Source: European Council <https://www.consilium.europa.eu/en/infographics/western-balkans-migration-route/>

civil wars that broke out in those years in Syria, Iraq and Afghanistan, which resulted in the displacement of large numbers of migrants fleeing war and seeking greater security.

⁸¹ Oruc, N., Raza, S., & Santic, D. (2020, March). *The Western Balkan Route- Analytical Report*. Prague Process; International Center for Migration Policy Development; Mobility Partnership Facility.

Other countries of common origin of migrants arriving in Europe were frequently Iran, Pakistan, Somalia, Eritrea, and Libya, as well as countries in sub-Saharan and northern Africa⁸². By the turn of 2014-2016, the Balkan route had become the only channel for migrants to enter the EU. According to data provided by the UNHCR, in 2015, 80 percent of the one million people who arrived in Germany passed right through the Western Balkans⁸³. The reason why the Balkan route became so crucial for the passage of migrants to Europe can be identified in the same policy the Union put in place to stem illegal arrivals to Europe via the Mediterranean. In fact, Operation Mare Nostrum was changed as of November 1, 2014, with a new maritime surveillance policy called Triton and carried out by Frontex. In 2015, following the shipwreck off the Libyan coast that resulted in the deaths of 675 people, there was a significant change in policy by the European Commission, which decided to introduce a new Union Agenda on Migration and the so-called Operation Sophia⁸⁴. The latter was outlined following the extraordinary European Council of April 23, 2015, in which the Union foreign and defense ministers decided to prepare a naval force called EUNAVFOR Med the end to initiate a policy under the Common Security and Defense Policy in Mediterranean waters. The goal of this measure was to help save lives in the central Mediterranean by stopping the illegal network of human traffickers. On October 7, 2015, the operation moved to phase two, more commonly known as, indeed, Sophia. The latter involved action in international waters aimed at boarding, searching, seizing and hijacking suspicious vessels⁸⁵.

Operation Sophia, according to the view proposed by Julija Sardelic, has had a completely unintended consequence. In fact, the author below has had a *side effect*: it

⁸² Ibidem.

⁸³ Clayton, J., Holland, H., & Gaynor, T. (2015, December). *Over one million sea arrivals reach Europe in 2015*. UNHCR Africa. <https://www.unhcr.org/africa/news/stories/over-one-million-sea-arrivals-reach-europe-2015>

⁸⁴ EDMONDA. (2018). Migrations' changing scenario: the new Balkan Route and the European Union. *Rivista Di Studi Politici Internazionali*, 85(2 (338)), 189–206. <https://www.jstor.org/stable/26540670>

⁸⁵ European Parliament. (n.d.). *European Union Naval Force – Mediterranean Operation Sophia: Legislative Train Schedule*. European Parliament. <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-eunavfor-med-operation-sophia>

has turned most of the refugees and migrants away from human traffickers on the Mediterranean route, but it has also redirected their path through the Western Balkan route to a much greater extent⁸⁶. In addition, it should be noted that the path to reach the European Union through the Balkan route was easier and shorter, as the majority of migrants from the Middle East reached Turkey more easily than Libya. Moreover, migrants perceived the Balkan route as being safer than the central Mediterranean route. Sea voyages from Turkey to the Greek islands had been more successful than those crossing the Mediterranean⁸⁷.

Firstly, it is important to stress that the Balkan route has been a *transit route* for migrants from countries outside the continent to the European Union since 2014. This means that the large number of migrants transiting through the region are not intending to settle in one of the Balkan states, but want to reach other EU states. For the purposes of this analysis, an overview of the numbers of irregular migration to the European continent will be provided.

In order to analyze the evolution of migration flows in the Balkan region, it should be noted that since 2013, Croatia has officially joined the European Union, making a substantial change in the measurement of data on legal and illegal immigration through the Western Balkans. In fact, since 2013, according to the report of the European agency Frontex, the data relating to Slovenia are no longer taken into account by the agency, as it no longer has an external border with any Western Balkan country since Croatia's accession. Furthermore, as the frontiers between Croatia and Hungary and those between Croatia and Slovenia have become internal borders of the Union, they are no longer taken into account in the reports provided by Frontex⁸⁸. The border of greatest significance, however, in terms of transit in the Balkan route turns out

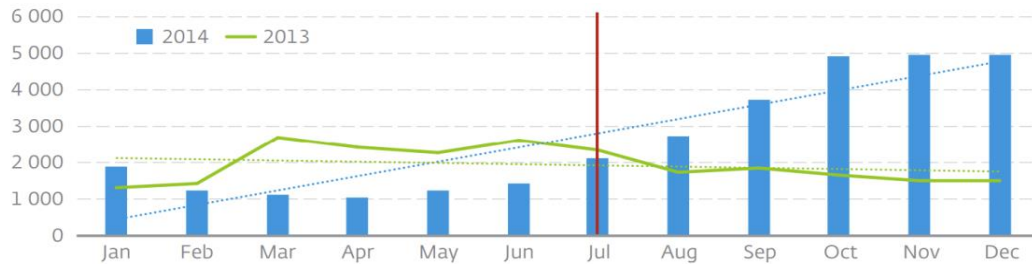
⁸⁶ Sardelic, J. (2017, August 31). *The Western Balkan route: A new form of forced migration governance in Europe?*. Green European Journal. <https://www.greeneuropeanjournal.eu/the-western-balkan-route-a-new-form-of-forced-migration-governance-in-europe/>

⁸⁷ European Parliament. (2016, January). *Briefing - The Western Balkans Frontline of the migrant crisis*. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS_BRI\(2016\)573949_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS_BRI(2016)573949_EN.pdf)

⁸⁸ Frontex Risk Analysis Unit. (2015). *Western Balkans Annual Risk Analysis 2015*. Page 8. Frontex-

to be that between Turkey, Greece, and Bulgaria. In fact, throughout 2014, increasing numbers of refugees or would-be migrants poured into Turkey to use any route available to reach Europe. Just in 2014, as many as 45 percent of people identified while crossing the borders of the Balkan region said they had transited Turkey through Greece and Bulgaria⁸⁹.

Figure 7 Detections of illegal border-crossing by non-regional migrants in 2013 and 2014



Source: WB-RAN data as of 5 February 2015

https://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2015.pdf

However, the year that marked the dramatic increase in the number of migrants using the Balkan route turned out to be 2015. In fact, it was during that year that the peak in the number of irregular entries into

Figure 8: The different paths to reach Europe

Europe via the Western Balkans was reached. In fact, in 2015 there were about 2,044,000 illegal crossings by migrants from outside the European continent who had crossed over from Turkey, Greece, and Bulgaria. This number of migrants turns out to be unprecedented in the history of the region and cannot be compared to any previous year, being more than 19 times higher than the number of crossings recorded in previous years⁹⁰.



Source European Parliament Research Services

<https://epthinktank.eu/2016/10/06/serbias-role-in-the-migration-crisis/dynamics-along-the-western-balkan-route/>

It also seems relevant to highlight that the more than 2 million irregular border crossings that were reported cumulatively by all WB countries in the year 2015 followed different trajectories. The first path begins in Turkey, passing then through Bulgaria and Serbia and culminating in Hungary. The

⁸⁹Ibidem, page 25.

⁹⁰Ibidem, page 14.

second route, on the other hand, originates in Turkey and then passes through Greece, northern Macedonia and Serbia terminating in Hungary and Croatia⁹¹. So, after entering from the south, through the borders of two European states such as Greece and Bulgaria, migrants would transit within non-European states, only to find their exit point to the Union in Hungary or Croatia. So, these countries faced unprecedented pressure in the context of the number of migrants transiting along their borders. These countries have found themselves adopting two different policies in dealing with the extraordinary trafficking of migrants. According to the view put forward by Jana Abikova and Wojciech Piotrowicz in an article titled *Shaping the Balkan corridor: Development and changes in the migration route 2015-16*, some countries adopted the so-called "turn a blind eye" policy toward migrants crossing the state. The countries that adopted this policy appear to be Macedonia and Serbia, and they provided 72-hour travel permits to migrants on the condition that the migrants declare their intention to apply for asylum. The second policy implemented by the states was to transport migrants, implemented by Croatia and Slovenia⁹².

Now we will proceed to analyze the policies put in place by each of the states that are directly part of the Balkan route.

Firstly, it is necessary to clarify the role played by Turkey not only in managing the crisis but also in terms of the consequences that Turkish policy has had on the crisis itself. However, this role cannot be understood without considering the geopolitical situation of the region to which Turkey belongs, since the large number of migrants is the cause of factors of a purely geopolitical nature. In fact, the advance of the Islamic State on the Turkish northeastern border at the hands of al-Assad meant that many

⁹¹ Pastore, F. (2018). From source to corridor: Changing geopolitical narratives about migration and EU-western Balkans relations. *Journal of Balkan and Near Eastern Studies*, 21(1), 11–26, page 8. <https://doi.org/10.1080/19448953.2018.1532683>

⁹² Abikova, & J., Piotrowicz, W. (2021). *Shaping the Balkan corridor: Development and changes in the migration route 2015–16*. *Int Migr*, 59: 248-265. <https://doi.org/10.1111/imig.12828>

Syrian families were forced to flee to Turkey⁹³. If at first, the policy implemented by the Turkish government was to let migrants pass, in 2015 the authorities decided to gradually change the policy of entry into the state, closing numerous border crossings among which the Bab al-Salam pass stands out⁹⁴. Despite this, since July 20, 2015, a series of events in Turkey have resulted in the settling of the migration crisis, the last consequence of which was the transit of migrants from Turkey to Greece. Firstly, we can point out that the increase in the number of arrivals on the Turkish coast was the result of the convergence between two distinct factors: the first concerns the lack of interest on the part of the Turkish Government to give permanent asylum to Syrian immigrants and the second concerns the new will of Syrian migrants to settle in European countries and not to remain in Turkey. In the first place, the Turkish Ministry of Labor decided to no longer provide Syrian migrants with work permits to remain in the territory. This decision by the government meant that many Syrians, now established in Turkey, had to work illegally and so were subjected to exploitation and mistreatment⁹⁵. Secondly, many Syrians settled in Turkey because they believed that the war would soon be over. In fact, their expectations were disregarded when Turkey signed a military agreement with the United States involving Turkey in the Syrian war. In addition, the increased involvement of Russia in the war alongside the Al-Assad regime and the advance of ISIS on the Syrian-Turkish border has given rise to the idea of Syrian refugees in Turkey settling elsewhere, more specifically in the EU⁹⁶. A final factor turns out to be Turkey's growing political instability due mainly to the succession of various terrorist attacks. These attacks were the consequence of the decision taken by the Turkish government inherent in strengthening the fight against the Islamic State. Instability due to the numerous terrorist attacks also carried out by Kurdish militias was intertwined with the majority's inability to create a new government also causing the

⁹³ Zaragoza-Cristiani, J. (2015). *Analyzing the Causes of the Refugee Crisis and the Key Role of Turkey: Why Now and Why So Many?*. European University Institute.
https://cadmus.eui.eu/bitstream/handle/1814/38226/RSCAS_2015_95.pdf?sequence=1

⁹⁴ Al-Khatieb, M. (2015, March 18). *No sign of Turkey-Syria border reopening*. Al-Monitor.
<https://www.al-monitor.com/originals/2015/03/syria-turkey-close-border-bab-al-salam-security-measures.html#ixzz3nKOGAEU4>

⁹⁵ Zaragoza-Cristiani, J. (2015). *Analyzing the Causes of the Refugee Crisis and the Key Role of Turkey: Why Now and Why So Many?*. European University Institute.

https://cadmus.eui.eu/bitstream/handle/1814/38226/RSCAS_2015_95.pdf?sequence=1

⁹⁶ Ibidem.

political system to become increasingly fragile. All of this was accompanied by a growing wave of migration pouring into Izmir or Bodrum, where refugees were attempting en masse to reach Europe⁹⁷. Turkey turns out to be a key player in the issue concerning the migration crisis across the Balkans to Europe. This is because, as previously anticipated, migrants in order to embark to Greece and thus enter Europe, had to cross the entire Turkish territory.

As for Greece, we can say that it, too, has been in an extremely difficult situation since 2015 in managing new migration flows. In fact, the newly elected SYRIZA/ANEL coalition government failed to put in place effective policies regarding the rapid management of the growing number of migrants and refugees in Greek territory. On the other hand, the government's choice was to opt for a migration and asylum policy, but this proved to be a failure, as it was a merely symbolic intervention devoid of any consideration of the broader context and underlying political dynamics⁹⁸.

For migrants, Greece represented the first European landing state. The latter therefore adopted an approach dictated by the European Commission in the European Agenda on Migration called hotspot. The above Agenda defines the intervention stating that

the Commission will set up a new 'Hotspot' approach, where the European Asylum Support Office, Frontex, and Europol will work on the ground with frontline Member States to swiftly identify, register and fingerprint incoming migrants. The work of the agencies will be complementary to one another. Those claiming asylum will be immediately channeled into an asylum procedure where EASO support teams will help to process asylum cases as quickly as possible. For those not in need of protection, Frontex will help Member States by coordinating the return of irregular migrants. Europol and Eurojust will assist the host Member State with investigations to dismantle the smuggling and trafficking networks⁹⁹.

⁹⁷ Ibidem.

⁹⁸ Skleparis, D. (2017, March 16). *The Greek response to the Migration Challenge: 2015-2017*. Konrad-Adenauer-Stiftung . https://www.kas.de/c/document_library/get_file?uuid=9ca070c8-b546-01ac-e85a-df93ea2e5297&groupId=252038

⁹⁹ European Commission. (2015, May 13). *Communication from the commission to the european parliament, the council, the european economic and social committee and the committee of the regions a*

In May 2015, the situation in hotspots across Greek territory worsened significantly, as the number of arrivals exceeded the reception capacity of the same reception points. However, it was the closure of the border between Greece and Macedonia that worsened even more the Greek reception capacities and the conditions of the migrants themselves pushed them to continue their passage to Europe¹⁰⁰.

Regarding Macedonia, as previously highlighted, the state implemented a change in asylum legislation. In fact, in Macedonia migrants were allowed to stay in state borders for no more than 72 hours, and they were allowed to use public transportation and were no longer detained at the border following illegal crossing. While the new asylum law caused better control of the migration flow, it largely facilitated the transit of migrants along Macedonian territory, consequently increasing the number of migrants using the Balkan route. However, these amendments to asylum legislation caused increasing chaos within the state. In fact, on August 20, the Macedonian government decided to declare a state of emergency, closing the border with Greece to the north and south of the country. After deploying the army to the border, the situation worsened considerably, causing some of the migrants pressing to transit the country to be injured. The pressure the Macedonian government received from human rights organizations caused Macedonia to decide to let the migrants transit within the region anyway¹⁰¹.

In addition to North Macedonia, another state has suffered great migratory pressure, namely Serbia. That state in 2015 shared with the European Union the burden of suffering the effects of the massive arrival of migrants to its borders. However, it is

European agenda on migration, A new Policy on legal migration. page 14. EurLex. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0240co>

¹⁰⁰ Abikova, J., & Piotrowicz, W. (2021). *Shaping the Balkan corridor: Development and changes in the migration route 2015–16*. Page 253. *Int Migr*, 59: 248-265.

<https://doi.org/10.1111/imig.12828>

¹⁰¹ Szpala, M., & Jaroszewicz, M. (2018, April 19). *Macedonia and the migrant crisis*. OSW Centre for Eastern Studies. <https://www.osw.waw.pl/en/publikacje/analyses/2015-08-26/macedonia-and-migrant-crisis>

important to point out that the actions the country took in response to the crisis depended on several external factors namely, the dynamics of migration flows, the policies implemented by neighboring countries, the actions implemented by the union to resolve the crisis, and the change in routes¹⁰². However, the large number of migrants arriving in the state is also a consequence of the asylum policy itself put in place by Serbia.

It seems important to point out that Serbia appears to be a party to numerous international conventions about the subject of asylum to this day, foremost among which are the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol. However, the state reserves the right to provide for the drafting of the main documents that define the objectives and measures useful for the management of illegal migration flows. In addition, Serbia holds a readmission agreement with the European Union and 10 countries outside it, including, for example, Turkey and Ukraine¹⁰³.

In terms of Serbia's supreme source of law, the right to asylum is regulated and guaranteed by Article 57 of the Constitution. This article also provides that other specific policies on migration are regulated by ordinary law. In fact, the Ministry of Interior initiated the drafting of a new law in 2013 on asylum¹⁰⁴.

In fact, according to the requirements of the national asylum law, the Serbian police had to issue a document valid for 72 hours to anyone seeking asylum. This document also allowed migrants to be admitted to asylum centers run by the so-called Commissariat¹⁰⁵. The migrants arrived in Serbia after crossing into Macedonia along the railway line. The migrants' passage was further facilitated by the intervention of the UNHCR, which decided to provide transportation of people by bus from the Macedonian border to Preševo, where the authorities had established a One Stop

¹⁰² European Parliament. (2016, October 5). *Serbia's role in dealing with the migration crisis*. Think Tank | European Parliament. [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2016\)589819](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2016)589819)

¹⁰³ Ibidem.

¹⁰⁴ Ibidem.

¹⁰⁵ Beznec, B., Speer, M. & Mitrović, M.S. (2016) *Governing the Balkan route: Macedonia, Serbia and the European border regime*, Rosa Luxemburg Stiftung Southeast Europe.

center¹⁰⁶. The Preševo junction also became crucial following Hungary's closure of the border with Serbia. In fact, following the border closure Serbia began sending buses to the border with Croatia. Until November 2015, migrants could cross the Serbian-Croatian border at Berkasovo/Bapska on foot. Due to the excessive pressure of migrants there, it was decided in November 2015 to open a new transit camp in Adaševci, also providing train transportation to Croatia¹⁰⁷. Serbia has certainly expanded its resources to cope with the crisis. In fact, while in 2012 the nation had only two reception centers, in 2016 there were six, the most famous of which was certainly the aforementioned center in Preševo. Additional reception points for migrants were set up by the authorities at the towns of Miratovac, Subotica, Kanjiža, Sombor, Šid, Adaševci, and Principovac¹⁰⁸. These centers were located at strategic border points for the management of migration flows, namely on the borders with Macedonia, Hungary and Croatia. Despite the above efforts, the capacity of the reception centers was insufficient resulting in people often taking refuge in the jungles that surrounded the reception camps and the border areas between the states¹⁰⁹.

As previously pointed out, the situation in Serbia had serious repercussions on the two European countries that bordered the state namely Croatia and Hungary.

The latter before the outbreak of the migration crisis had little experience in managing migration flows. The first measure put in place by the Hungarian authorities was to detain all migrants accused of crossing the border illegally, at the same time announcing the construction of a 175km-long fence along the Hungarian-Serbian border, which was completed in September 2015. Despite this, the decision did not stop the wave of migrants who decided to move along the Hungarian-Croatian border¹¹⁰.

¹⁰⁶ Abikova, J., & Piotrowicz, W. (2021). *Shaping the Balkan corridor: Development and changes in the migration route 2015–16*. Page 254. *Int Migr*, 59: 248-265.

<https://doi.org/10.1111/imig.12828>

¹⁰⁷ Ibidem.

¹⁰⁸ European Parliament. (2016, October 5). *Serbia's role in dealing with the migration crisis*. Think Tank | European Parliament. [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2016\)589819](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2016)589819)

¹⁰⁹ Ibidem.

¹¹⁰ Svensson, S., Cartwright, A. & Balogh, P. (2017). *Solidarity at the border: The organization of spontaneous support for transiting refugees in two Hungarian towns in the summer of 2015*. Center for Policy Studies- Central European University. <https://cps.ceu.edu/publications/working-paper/solidarity-border-organization-spontaneous-support-transiting-refugees>

Following the Hungarian government led by Viktor Orban various attempts to stem the advance of migrants by detaining them in reception camps on Hungarian soil, migrants stranded at Keleti station in Budapest decided to start crossing the Austrian border on foot. This event is known as the "March of Hope," as people were able to reclaim their right to mobility by filling a two-lane highway by walking westward¹¹¹. Before the march, the Hungarian authorities had banned migrants from using public transport as buses or trains through racial profiling. This did not lead to the migrants ending their flight to Europe, but rather to using illegal and more dangerous routes, which caused a large number of losses¹¹². On 14 September, the Hungarian government decided to close its border with Serbia, building a fence and deploying a military contingent to protect it. The migrants who arrived at the border, once they saw the fence that prevented them from continuing their journey, began to protest and suffered numerous violence from the army deployed by the Hungarian government. In addition, Hungary's policy of re-establishing controls has led to migrants from Serbia drifting westward, also causing a humanitarian crisis in Bapska-Berkasovo in the second half of 2015¹¹³.

The reaction of the Croatian authorities was not immediate, forcing migrants to cross the border on foot and without adequate facilities to meet basic needs. Croatia was hit by the crisis immediately following the closure of the border between Serbia and Hungary. This event led to the redirection of the exit trajectory of migrants, which since then have poured massively into the Croatian border that the government was not able to control¹¹⁴. In the locality of Tovarnik, the government in collaboration with the protection and rescue, the police, and the Red Cross were prepared to face the reception, for a number equal to 500 arrivals per day. Despite this, the expectations of the

¹¹¹ Kasperek , B., & Speer, M. (2015, September 9). *Of Hope. Hungary and the long summer of migration*. bordermonitoring.eu. <https://bordermonitoring.eu/ungarn/2015/09/of-hope-en/>

¹¹² De Genova, N. P. (2016). The "Crisis" of the European Border Regime: Towards a Marxist Theory of Borders. *International Socialism*, (150), 31-54. <http://isj.org.uk/the-crisis-of-the-european-border-regime-towards-a-marxist-theory-of-borders/>, page 34.

¹¹³ Santer , K., & Wriedt , V. (2017). *(De-)Constructing Borders. Contestations in and around the Balkan Corridor in 2015/16*. movements. *Journal für kritische Migrations- und Grenzregimeforschung* 3/1. <https://movements-journal.org/issues/04.bewegungen/10.santer,wriedt--de-constructing-borders.pdf>

¹¹⁴ Šabić, S.Š. & Borić, S. (2016) *At the Gate of Europe: A Report on Refugees on the Western Balkan Route*, Friedrich Ebert Stiftung. https://bib.irb.hr/datoteka/914398.At-the-Gate-of-Europe_WEB.pdf

authorities were disregarded, when more than 5,650 migrants crossed the border. Faced with these huge numbers, the government has decided to suspend the migration policy so far in place, deciding to focus on the help of incoming people¹¹⁵.

It was decided to transport people by train or bus, after separating migrants from the local population. In fact, since November 2015, Croatia has started to organize direct transport that connects Šid, a city in Serbia, and the reception center of Slavonski Brod, in Croatian territory. All migrants arriving at Slavonski Brod were recorded, fingerprints and photos were taken, resulting in a mechanism that did not comply with EURODAC requirements, as Croatia was reluctant to become a hotspot¹¹⁶. Croatia, being a transit country, has begun to implement a policy of rejection against migrants. According to UNHCR reports, Croatian authorities were rejecting about 150 to Serbia on a monthly basis. These rejections were unfortunately also violent, as refugees were sometimes deprived of money or phones as well as clothes and shoes¹¹⁷. The situation in Croatia was worsened following the construction of a fence between Hungary and Croatia at the hands of the Magyars. This caused the migration route to shift to the border with Slovenia¹¹⁸.

Initially, Slovenia began preparing a contingency plan given the influx of migrants within the state borders. Despite this, this plan proved ineffective because the Slovenian government did not anticipate that the majority of migrants would apply for asylum in Slovenia and that Croatia would not accept migrants back¹¹⁹. Slovenia during

¹¹⁵ Čapo, J. (2015). *The security-scape and the (in) visibility of refugees: Managing refugee flow through Croatia*. (pp. 387–406). Migracijske i etničke teme, 3.

¹¹⁶ European Economic and Social Committee. (2016, January 12). *EESC fact-finding missions on the situation of refugees, as seen by civil society organizations- Mission report- Croatia*. European Union. https://www.eesc.europa.eu/sites/default/files/resources/docs/croatia_migration-mission-report_en.pdf

¹¹⁷ Weber, B. (2017) The EU-Turkey refugee deal and the not quite closed Balkan route., Democratization Policy Council. https://library.fes.de/pdf-files/buero/s/saraj_evo/13436.pdf

¹¹⁸ Šabić, S.Š. & Borić, S. (2016) *At the Gate of Europe: A Report on Refugees on the Western Balkan Route*. Friedrich Ebert Stiftung. https://bib.irb.hr/datoteka/914398.At-the-Gate-of-Europe_WEB.pdf

¹¹⁹ Bajt, V., & Kogovšek Šalamon, N. (2016, March). *Razor-Wired: Reflections on Migration Movements through Slovenia in 2015*. ResearchGate . https://www.researchgate.net/publication/298043115_Razor-Wired_Reflections_on_Migration_Movements_through_Slovenia_in_2015

the migration crisis followed the same Croatian approach. While Slovenia initially reacted by turning away anyone without documents, when faced with the failure of this policy, as did Croatia, the state began to facilitate the transit of migrants¹²⁰. The first refugees to cross the Slovenian border appeared in September 2015, a month when more than 3,600 migrants crossed the border in one week. According to data provided by the Slovenian police, most of the refugees who arrived in the country during the above period crossed the state on September 18 and 21.

The decisions taken by the Slovenian government regarding migration were not sufficient mainly because, as understood later, the majority of migrants did not intend to seek asylum in Slovenia, but rather to cross it in order to arrive mostly in Austria. Consequently, the government had to revise its strategy based on these new needs, providing measures to respond to the high number of migrants transiting in October¹²¹.

Then, there was a second migration flow from October 2015 to March 2016 in which the government decided to implement a joint approach that can be easily evinced through the synergistic work between civil defense, governmental and non-governmental organizations. This work, which also included the police force, is also important in understanding the amount of humanitarian aid. However, cooperation between nongovernmental organizations and police forces is not easy even in emergencies such as migration. One of the main elements used in migration management as a military apparatus was the SAF, which helped transport and organize the passage of migrants. However, when it was necessary to provide support to the police, the government was forced to change the Defense Law, causing a strong political debate within the country¹²².

As demonstrated by the description of the policies implemented by the different states that make up the route, in order to understand the changes in the routes and the reactions of the various states, it is necessary to take into account the macro-environmental factors that have a significant influence on political decisions. First,

¹²⁰ Kasperek, B. (2016) Routes, corridors, and spaces of exception: Governing migration and Europe. *Near futures online*, 1(1), 14

¹²¹ Garb, M. (2018) *Coping with the refugee and migrant crisis in Slovenia: the role of the military*, *Defense & Security Analysis*, 34:1, 3-15, DOI: [10.1080/14751798.2018.1421400](https://doi.org/10.1080/14751798.2018.1421400), <https://www.tandfonline.com/doi/epdf/10.1080/14751798.2018.1421400?needAccess=true&role=button> accessed July 28 2023.

¹²² *Ibidem*.

when a state decides to erect fences, such as Hungary, the flows of migrants do not dissolve, but find other routes. In addition to the unilateral decisions taken by states to manage the consequences that the migration crisis has had within their borders, it now seems necessary to focus on the consequences relating to the decisions taken by the destination countries and the European Union.

2.2.1 The consequence of migration crisis at the European level

In addition to the previously mentioned state actors, it should be pointed out that the Balkan route, being a transit route to the European Union, has created political difficulties for European institutions as well. The route in question has in fact led to the collapse of the EU border in the Aegean, transforming a route that is primarily marginal into a real migration emergency. But it seems important to find out what was the tool at the disposal of the EU to tackle migration before the collapse of the EU border.

The first among the instruments available to the Union to manage the migration route is undoubtedly the *Dublin Regulation*. This regulation, which goes by the name Dublin III, came into force in July 2013 and aimed to provide quick access to asylum procedures and to determine the country responsible for examining the application. The definition of the state responsible for the asylum application is the key point of the entire regulation, which establishes the criteria for identifying the single member state responsible for applications. The criteria for this determination are, in hierarchical order family considerations, recent possession of a visa or residence permit issued by a member state, and, finally, whether the applicant entered the territory of the EU legally or irregularly¹²³. In addition, the Dublin Regulation concerns measures to ensure a sound procedure for the protection of asylum seekers by improving the efficiency of the system itself through various measures.

¹²³ European Commission. (n.d.-a). *Country responsible for asylum application (Dublin Regulation)*. European Commission - Migration and Home Affairs. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/country-responsible-asylum-application-dublin-regulation_en

Firstly, the Regulation provides for an early warning mechanism to address the root causes of dysfunctions in national asylum systems and to address problems arising from particular pressures¹²⁴. Secondly, Dublin III contains several provisions relating to the protection of applicants, such as the obligation to have a personal interview, guarantees for minors, and, finally, the expansion of family reunification possibilities. In addition, the Dublin III Regulation provides for the possibility of appeal to stop the execution of the transfer order for the entire period in which the appeal is pending¹²⁵. This measure is accompanied by the guarantee of the right of a migrant to remain in the territory of the state until the court decides on the suspension of the transfer and the right to free legal assistance¹²⁶. Moreover, according to the Rules of Procedure, the only valid reason for detaining a migrant is the risk that he or she will flee, but there are also strong restrictions on the period of detention¹²⁷. The Dublin III Regulation provides that, if a migrant is found to be irregular and the return procedure is thus initiated through the Return Directive, the migrant can be guaranteed treatment under the Dublin procedure, which provides more protection than the Return Directive¹²⁸. Finally, the Dublin III Regulation provides for the obligation to grant migrants the right to challenge the transfer decision before a court and provides greater legal clarity of the procedures of individual Member States through more comprehensive deadlines; and clearly explained¹²⁹.

In 2013, the Union also created the *Asylum Procedures Directive*, repealing Directive 2005/85/EC, which concerned the minimum standards to be followed to recognize and/or revoke refugee status in the European Union. The directive has established procedures common to the Member States for granting and withdrawing international protection, namely the status reserved for persons who are not defined as refugees but who are at risk of suffering serious damage if they are repatriated. The Directive aimed to ensure that international protection mechanisms were faster and

¹²⁴ Ibidem.

¹²⁵ Ibidem.

¹²⁶ Ibidem.

¹²⁷ Ibidem.

¹²⁸ Ibidem.

¹²⁹ Ibidem.

more efficient, were fair to applicants, and met European standards for granting such status¹³⁰.

Finally, in June 2013, the European Council and Parliament implemented the *Reception Conditions Directive*, which aims to ensure common standards on the reception conditions of migrants in EU countries. The measure stipulates that applicants must have access to housing, food, clothing, health care, education for minors, and employment within 9 months. The directive also pays particular attention to vulnerable persons, minors, and those who have suffered inhuman treatment such as torture. To do this, EU countries must carry out assessments on individuals to identify particular needs and provide possible medical and psychological support. Finally, the directive also provides for rules on the treatment of asylum seekers, including alternative detention options that fully respect fundamental rights¹³¹.

This system and their pillars were put to the test by the huge flows coming not only from the central Mediterranean route but also from the Balkan one.

It is important to point out that in May 2015, the European Union created a mechanism to manage migration flows i.e. the *European Agenda on Migration*. This Agenda turns out to be a strategy document that the Commission decided to present in order to outline a European approach to managing the migration crisis by defining the procedures to be followed to ensure secure borders on the one hand, and fair procedures and a sustainable system on the other hand that can potentially ensure the anticipation of future problems within the asylum and migration system¹³². This measure defines the priorities that the Union sets for itself in the short and long term by focusing on four

¹³⁰ Directive 2013/32 - common procedures for granting and withdrawing international protection (recast) - main contents. EU monitor. (2020, May 25). https://www.eumonitor.eu/9353000/1/j4nkv6yhcbpeywk_j9vvik7m1c3gyxp/vjb45ambzbjw

¹³¹ European Commission. (2013, June 29). *Reception conditions- The Reception Conditions Directive*. Migration and Home Affairs. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/reception-conditions_en

¹³² European Commission. (n.d.). *European Agenda on Migration*. Migration and Home Affairs. https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/european-agenda-migration_en

pillars that are considered fundamental. The first pillar concerns a Common European Asylum System (CEAS). The latter consists of a framework of agreed rules at the European level governing procedures for international protection and the establishment of a uniform status for those who had been granted refugee status or so-called subsidiary protection¹³³. The CEAS is structured within the framework of the application of the Convention and the Geneva Protocol on refugees which are aimed at ensuring fair and above all human treatment of asylum seekers and international protection and is also aimed at standardizing asylum systems the EU Member States, and to reduce differences in asylum systems and to strengthen practical cooperation between the various national administrations in both the external and internal dimension of asylum¹³⁴.

The Second Pillar consists of a New European Policy on Legal Immigration. The main actions concerning this Pillar can be summarized as follows

1. Modernization and revision of the Blue Card system.
2. A platform for dialogue with the social partners on economic migration.
3. Stronger action to link migration and development policy.
4. Redefining the priority of funding for integration policies
5. Cheaper, faster and safer remittance transfers¹³⁵.

The third pillar, on the other hand, concerns the fight that the Union intended to combat illegal immigration. The key measures in this pillar are development

¹³³ According to the European Commission subsidiary protection is “The protection given to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned if returned to their country of origin, or in the case of a stateless person to their country of former habitual residence, would face a real risk of suffering serious harm as defined in Art. 15 of Directive 2011/95/EU (Recast Qualification Directive), and to whom Art. 17(1) and (2) of this Directive do not apply, and is unable or, owing to such risk, unwilling to avail themselves of the protection of that country”. Information disposable at the following link https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/subsidiary-protection_en

¹³⁴ European Commission. (n.d.-a). *Common European asylum system (CEAS)*. Migration and Home Affairs. https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/common-european-asylum-system-ceas_en

¹³⁵ European Commission. (2015, May 13). *Communication from the commission to the european parliament, the council, the european economic and social committee and the committee of the regions a european agenda on migration, A new Policy on legal migration, A new Policy on legal migration*, page 14, EurLex. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0240>

cooperation and humanitarian aid to address the root cause, making migration a central issue for all EU delegations, strengthening of cooperation with third countries to ensure that they comply with their obligations regarding the readmission of their nationals, the creation of a new action against smuggling, the adoption of a so-called manual on the return of irregular migrants and finally the strengthening and modification of the legal basis of Frontex to strengthen its key role in crisis management¹³⁶.

The last pillar, on the other hand, concerns the securitization of the external borders of the European Union through a strengthening of the operational capabilities of Frontex accompanied by the creation of a new European standard for border management, and the strengthening of cooperation and coordination between coastguards. In addition, the last pillar aims to create a proposal for smart borders at the European level and to strengthen the capacity of third countries to manage their borders¹³⁷.

In addition, the European Union had at its disposal another key element in the management of the migration crisis namely the *Eurodac Regulation*. Eurodac appears to be a biometric database in which Member States must enter all fingerprint data of all irregular migrants and asylum seekers in their countries, to ensure that their point of entry into the Union can be identified and, in addition, whether they have not already applied for asylum. The fundamental aim of this mechanism appears to be to facilitate the correct application of the rules laid down in the Dublin Regulation, which is based essentially on the responsibilities of the first port Member State. The recast of Eurodac shall apply from 20 July 2015¹³⁸. The regulation was adopted in 2000 and revised in 2013 to make it more compatible with the Community asylum acquis, notably the Dublin III Regulation, and to complete the common European asylum system (CEAS). Eurodac and its amendments apply automatically to 25 Member States, all except Denmark, Ireland, and the United Kingdom (now a former member). States subject to this regulation are required to fingerprint all migrants over 14 years of age who require international protection (Article 9) third-country nationals or apologetists illegally

¹³⁶ Ibidem, page 8.

¹³⁷ Ibidem, page 12,

¹³⁸ Orav, A. (2015, November 19). *Fingerprinting migrants: Eurodac regulation*. Think Thank European Parliament. <https://epthinktank.eu/2015/11/23/fingerprinting-migrants-eurodac-regulation/>

crossing an external border (Article 14) or third-country nationals or apoloists staying illegally in a Member State (Article 17). In addition, given the heavy pressure on front-line countries, the Commission proposed the aforementioned hotspot mechanism involving the European Asylum Support Office (EASO) Frontex and Europol are useful in providing operational support to properly implement the Eurodac identification and registration mechanism¹³⁹.

In the fall of 2015, the situation inherent in migration flows through the Western Balkans was still quite manageable. The European Union first reacted by applying a strategy used to manage previous crises, namely a mixture of German leadership and other states willing to follow Germany's approach¹⁴⁰. The approach used by Germany and Chancellor Angela Merkel in particular is chiefly important in understanding the EU's overall management of the crisis. In fact, in a speech on Sept. 15, 2015, German Chancellor Angela Merkel strongly supported the position taken by her government regarding the opening of German borders to unregistered refugees. In her speech, the chancellor did not fail to emphasize that the migration crisis should be managed at the European level, taking joint steps together toward resolving the crisis. Moreover, Merkel showed her confidence in the decision to reporters by declaring that if Germany did not show a friendly face toward migrants, that would not be her country¹⁴¹. The legal consequence that the German decision had in the European context was Germany's application of the so-called discretionary clause in the Dublin III Regulation (604/2013/EU). Applying this clause, the German government decided to analyze asylum applications submitted by third-country nationals whose point of entry was not on German territory. In fact, Article 17 of the Dublin Regulation containing the discretionary clause expresses the following:

¹³⁹ Ibidem

¹⁴⁰ Weber, B. (2016, September). *The European refugee crisis, the Balkan route, and the EU-turkey deal: Heinrich Böll stiftung: Belgrade - Serbia, Montenegro, Kosovo*. Heinrich-Böll-Stiftung. <https://rs.boell.org/en/2016/09/20/european-refugee-crisis-balkan-route-and-eu-turkey-deal>

¹⁴¹ Harding, L. (2015, September 15). *Angela Merkel defends Germany's handling of refugee influx*. The Guardian. <https://www.theguardian.com/world/2015/sep/15/angela-merkel-defends-germanys-handling-of-refugee-influx>

By way of derogation from Article 3(1), each Member State may decide to examine an application for international protection lodged with it by a third-country national or a stateless person, even if such examination is not its responsibility under the criteria laid down in this Regulation. The Member State that decides to examine an application for international protection under this paragraph shall become the Member State responsible and shall assume the obligations associated with that responsibility. Where applicable, it shall inform, using the 'DubliNet' electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003, the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of or to take back, the applicant. The Member State which becomes responsible under this paragraph shall forthwith indicate it in Eurodac by Regulation (EU) No 603/2013 by adding the date when the decision to examine the application was taken¹⁴².

The decision made by Germany regarding the application of the above clause created an additional issue regarding how other European states should react when faced with the issue of arrivals and asylum seekers. Indeed, while Article 17 of the Dublin III regulation was designed for the analysis of individual asylum claims, during the migration crisis the number of claims was particularly high and also concerned the cooperation of all neighboring states. Germany's choice to apply the clause in Article 17 of the regulation raised two problems inherent in the regulation itself: the first concerns the time frame in which the clause is to be considered in force once the state declares its use, while the second concerns the obligations to which states through which migrants transit before arriving in the territory of the state applying the clause should be subject¹⁴³. It was these issues that caused Merkel's attempt to move to more liberal and joint management of the crisis to fail. The German chancellor and Europe were

¹⁴² *Establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person REGULATION (EU) No 604/ (2013). Art 17. Official Journal of the European Union*

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0604>

¹⁴³ Sardelic, J. (2017, January). *From temporary protection to transit migration : Responses to refugee crises along the Western Balkan Route*. European University Institute Robert Schuman Centre for Advanced Studies Global Governance Programme. <https://cadmus.eui.eu/handle/1814/47168>

contracted following the dissent of the Slovak Prime Minister, Robert Fico, concerning the relocation program of 160,000 refugees. Fico, supported by other European countries, has blocked the implementation of the measure decided at the European level by a majority of Member States, resulting in the collapse of the recognition of the Union as the body responsible for migration and asylum policy. The announcement of Slovakia gave rise to a chain reaction by which some Member States, including France, Sweden, and Austria, decided to abandon the liberal asylum policy¹⁴⁴.

Following this, the President of the European Commission Jean-Claude Juncker decided to convene a meeting on 25 October 2015 in which the leaders of Albania, Austria, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Germany, Greece, Hungary, Romania, Serbia, and Slovenia in order to agree on a joint action plan for the management of migration flows from the Balkan region. The attempt to create a common approach can be deduced from the statements made by the same Juncker who on the occasion of the convocation of the meeting declared that

Countries affected should not only talk about and at each other but also with each other. Neighbors should work together not against each other. Refugees need to be treated humanely along the length of the Western Balkans route to avoid a humanitarian tragedy in Europe. I am therefore pleased that today we were able to jointly agree on a 17-point plan of pragmatic and operational measures to ensure people are not left to fend for themselves in the rain and cold¹⁴⁵.

It was at this meeting that European leaders decided to agree on an action plan outlined in 17 points to counteract the flow of migrants in the Balkan route. These 17 points can be collected based on eight basic measures. The first measure concerns the *permanent exchange of information* and is outlined through the establishment of contact points within 24 hours to enable exchanges and coordination of information to ensure gradual circulation, and controlled and orderly migrants along the Balkan route. In addition, this permanent exchange provided for a 24-hour joint assessment of the needs

¹⁴⁴ Weber, B. (2016, September). *The European refugee crisis, the Balkan route, and the EU-turkey deal: Heinrich Böll stiftung: Belgrade - Serbia, Montenegro, Kosovo*. Heinrich-Böll-Stiftung. <https://rs.boell.org/en/2016/09/20/european-refugee-crisis-balkan-route-and-eu-turkey-deal>

¹⁴⁵ European Commission. (2015, October 25). *Press Corner- Meeting on the Western Balkans Migration Route: Leaders Agree on a 17-point plan of action*. https://ec.europa.eu/commission/presscorner/detail/en/IP_15_5904

for EU support to the state. The second measure, which includes the third of the seventeen points under consideration, is inherent in *limiting secondary movements*, that is, the effort to prevent migrants from moving to another region than the landing one without the neighboring state being informed beforehand¹⁴⁶.

The third measure, which contains points 4 to 7, aims to *support refugees and provide shelter and rest*. The main aim of this measure is to increase the capacity of states to provide temporary shelter to migrants, ensuring food, water, and adequate sanitary conditions for migrants by activating the Union civil protection mechanism if necessary. The measure also aimed to increase Greece's reception capacity to 30,000 and to provide financial support for the state in question and for the UNHCR, which had the task of helping families hosting migrants. The measure also aims to extend cooperation with international organizations, such as the aforementioned UNHCR, which had the task of increasing the number of reception posts along the Balkan route to 50000, the European Investment Bank, the European Bank for Reconstruction and Development and the Council of Europe's Development Bank, which were responsible for supporting the efforts of the countries concerned¹⁴⁷.

The fourth measure, on the other hand, aims to *manage migratory flows together* and consists of points 8 to 12. To do this, the leaders agreed to ensure full capacity in the recording of arrivals through the maximum use of biometric data, as well as the exchange of information regarding the extent of flows in the country if requested. To do this, the measure provides for the States party to the agreement to cooperate with the European agencies to ensure a rapid exchange of information available to them. The measure under consideration is also intended to intensify and coordinate the efforts of states in the procedures of migrants deemed unfit to obtain protection in collaboration with the Frontex agency. The latter is a key element insofar as, in cooperation with the European Commission, it has the task of helping the Member States of the Agreement to strengthen cooperation with the countries of origin of migrants for repatriation, in accordance with the bilateral agreements already agreed by the Commission on return with those states¹⁴⁸.

¹⁴⁶ Ibidem.

¹⁴⁷ Ibidem.

¹⁴⁸ Ibidem.

The fifth measure relates to *border management* and consists of two basic measures that can be implemented by applying certain policies. The first mode of intervention is intended to step up efforts to manage borders by:

- 1) finalizing and implementing the action plan between the Union and Turkey
- 2) using extensively the readmission agreement between the European Union and Turkey and the scoreboard on visa liberalization
- 3) strengthening the joint operation Poseidon Sea in Greece
- 4) consolidating the Frontex backup on the border between Bulgaria and Turkey
- 5) increasing cooperation on border management between Greece and North Macedonia through enlarged UNHCR engagement
- 6) improving management of land and external borders between Greece, North Macedonia, and Albania, using Frontex to support registration in Greece
- 7) working with Frontex to safeguard border crossing points and improving the registration of migrants at crossing points between Serbia and Croatia
- 8) deploying 400 police officers in Slovenia through bilateral support
- 9) strengthening the network available to the Frontex agency to analyze the risks of the Western Balkans through wider cooperation between the participating countries strengthened
- 10) using, where necessary, the Rapid Border Intervention Team (RABIT) mechanism¹⁴⁹.

The second mode of intervention for border management was based on the reaffirmation of the principle of refusing third-country nationals who did not confirm their willingness to international protection to enter the countries party to the agreement¹⁵⁰.

The sixth measure, comprising the fifteenth point, related to countries' commitment to *combat human trafficking and smuggling* through joint action carried out by the European agencies Europol, Frontex and Interpol¹⁵¹.

The seventh measure, inherent in the sixteenth point, concerned *information on the rights and duties of refugees and migrants*. This action aimed to use all the

¹⁴⁹ Ibidem.

¹⁵⁰ Ibidem.

¹⁵¹ Ibidem

communication tools available to states to inform refugees and migrants about the current rules, their rights and duties, especially regarding the consequences related to refusal to be registered, fingerprinted, and refused protection where they are¹⁵².

Finally, the eighth measure comprising the seventeenth and final point, concerned *monitoring*, that is, verifying the implementation of the commitments outlined so far every week. To do this, the Commission was to coordinate with the national contact points¹⁵³.

Thanks to the 17 points mentioned above, a comprehensive exchange of information between police chiefs on border policies and practices has been achieved, as well as improved communication and cooperation between the furnace authorities. Nevertheless, the seventeen points failed to deter the countries affected from taking unilateral decisions or modulating the flow of migrants crossing the Balkan route¹⁵⁴.

For this reason, it has been attempted to resolve the problem closing the route, through the implementation of the so-called EU-Turkey Statement.

2.3 The closure of the Balkan route. The EU Turkey Statement

Before the conclusion of the agreement between Europe and Turkey, the two parties decided to agree on an action plan on 15 October 2015 which identified a series of actions that the parties needed to implement to help Turkey in the management of the difficult situation concerning the influx of migrants in need of temporary protection. The action plan, promoted by the Commission, aimed to address the crisis in three ways: in the first place, the plan was aimed at addressing the deep causes that resulted in

¹⁵² Ibidem

¹⁵³ Ibidem

¹⁵⁴ OCHA. (2016, February 10). *Implementing the European Agenda on Migration: Commission reports on progress in Greece, Italy and the western Balkans - greece*. ReliefWeb.
<https://reliefweb.int/report/greece/implementing-european-agenda-migration-commission-reports-progress-greece-italy-and>

the massive influx of Syrian migrants. Secondly, the joint action provided support for Syrians under temporary protection and for the communities hosting them in Turkish territory. Finally, the plan was to strengthen cooperation in order to prevent migratory flows to the European Union. The parties intended to cooperate and share the burden of migratory pressures. The action plan is based on further agreements between Turkey and the European Union, in particular those concerning visa liberalization, and provided for simultaneous action by the parties¹⁵⁵.

Following the action plan, On 29 November 2015, the EU Heads of State or Government decided to hold a meeting with Turkey which marked the development of relations between the two entities and the contribution that the EU intended to make to Turkey in managing the migration crisis. The meeting was chaired by Donald Tusk, the then President of the European Council in the presence of the then Turkish Prime Minister Ahmet Davutoğlu. At the meeting, the EU and Turkey agreed to give new impetus to Turkey's accession process, which also undertook to provide the Turkish Government with a first economic contribution of EUR 3 billion to manage the large number of Syrians arriving in the country¹⁵⁶. Furthermore, through the implementation of the abovementioned Action Plan, the EU and Turkey aimed to cooperate in the management of migrants who do not need international protection, preventing the latter's screening in Turkey and the EU, ensuring the application of bilaterally agreed readmission provisions and the return of migrants to their countries of origin.

In addition, European leaders welcomed Turkey's proposal to improve the situation of Syrians who were in the country under temporary protection while remaining engaged against the smuggling network. Finally, at this meeting, the EU and Turkey undertook to apply the readmission agreement from June 2016, aiming to

¹⁵⁵ European Commission. (2015, October 15). *EU-Turkey joint action plan*. European Commission - Press corner. https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_5860

¹⁵⁶ European Council. (2015, November 29). *Meeting of the EU heads of state or government with Turkey, 29 November 2015*. Council of European Union. <https://www.consilium.europa.eu/en/meetings/international-summit/2015/11/29/>

complete the process of visa liberalization and the lifting of visa requirements for Turkish citizens in the Schengen area by October 2016¹⁵⁷.

Following these two meetings on 18 March 2016, the members of the European Council and the Turkish authorities held the meeting that gave rise to the so-called EU-Turkey Statement. The agreement in question was aimed at counteracting the traffickers' business model and providing migrants with an alternative that would not jeopardize their lives and also put an end to illegal immigration from Turkey to Europe. To achieve these goals the leaders at the summit agreed on nine action points that were added to those already listed in the other meetings

First, as of 20 March 2016, all irregular migrants arriving in Greece via the Aegean Sea would be returned to Turkey. All persons should « be protected in accordance with the relevant international standards and respect of the principle of non-refoulement¹⁵⁸», and would be treated in full respect of international and Community law excluding any collective expulsion. According to this point of the state, this measure was to be considered temporary and would be useful to end the suffering of migrants and restore public order and security. Nevertheless, the agreement provided that migrants arriving in Greece were guaranteed the right to be registered and to examine individually any request for asylum by the Greek authorities and the UNHCR. However, if the migrant's request for asylum was found to be unfounded, he would be sent back to Turkey. The latter, together with Greece, with the help and mediation of the European authorities, had to conclude necessary bilateral agreements, which also included the presence of Turkish officials on the Greek islands and Greek officials on Turkish territory. Finally, the costs of repatriating irregular migrants would be covered by the EU¹⁵⁹.

Secondly, the agreement stipulated that for every Syrian who was repatriated to Turkey from the Greek islands, another Syrian would be resettled from Turkey to the Union, respecting the UN vulnerability criteria. Furthermore, this point of the

¹⁵⁷ Ibidem.

¹⁵⁸ European Council. (2016, March 18). *EU-Turkey Statement, 18 March 2016 - Consilium*. Council of European Union. <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

¹⁵⁹ Ibidem.

agreement provided for the creation of a mechanism to ensure that this principle would be applied as soon as repatriation started with the help of the Commission, EU agencies and other Member States, and the UNHCR, giving priority to those migrants who had attempted to reach Europe illegally. As far as the EU is concerned, the relocation under the mechanism described above will be implemented by the commitments made by the Member States during the Council on 20 July 2015, in which 18,000 resettlement places were available. In addition, any other need related to rehabilitation would be carried out through a voluntary agreement of up to 54,000 people¹⁶⁰.

Thirdly, the agreement provided for Turkey to implement all policies that would be useful in curbing the creation of additional routes, sea or land, for illegal immigration from Turkey to Europe. To avoid this, the state would have to cooperate with neighboring states¹⁶¹.

The fourth point of the agreement stipulated that, once the illegal routes between the EU and Turkey were closed, a voluntary humanitarian admission program would be implemented in which EU states could also participate voluntarily¹⁶².

The fifth point of the agreement was to speed up the implementation of the roadmap for visa liberalization to abolish all visa requirements for Turkish citizens by the end of 2016, subject to compliance with all parameters. In order to do so, Turkey undertook to take measures to meet the remaining requirements in order to allow the Commission to proceed to create an appropriate proposal to be submitted to the European Parliament and the Council¹⁶³.

The sixth point of the Statement stipulated that Europe, in close cooperation with the Turkish government, will accelerate the disbursement of the 3 billion euros provided for under the Refugee Fund and ensure the funding the establishment and financing of additional projects to help people in Turkey under temporary protection. Within a week of signing this agreement, the parties aimed to set up initial aid mainly in the areas of health, education, food and infrastructure. Following the full utilization of these

¹⁶⁰ Ibidem.

¹⁶¹ Ibidem

¹⁶² Ibidem

¹⁶³ Ibidem.

resources, and provided that the commitments described above were met, the Union pledged to arrange additional funding by the end of 2018¹⁶⁴.

The seventh point was that the Union and Turkey, given the good development of their relations, welcomed the strengthening of the Customs Union. The eighth point was that the EU and the Turkish Government reaffirmed their willingness to accelerate Turkey's accession process, as also indicated in the joint declaration issued on 29 November 2015. The two parties in fact welcomed the opening of Chapter 17 on Turkey's accession process and decided to open the verification of Chapter 33 of Turkey. The Commission undertook to submit a proposal to this effect by the end of April 2016. As regards all the other chapters relating to the Turkish application, the Union undertook to proceed at an accelerated pace, without prejudging the positions of its Member States¹⁶⁵.

The ninth and final point of the State was that the Union and all its Member States should cooperate with Turkey in any joint action to improve humanitarian conditions in Syria, particularly in those areas close to the Turkish border, which would allow local people to live in safer areas¹⁶⁶.

We can therefore say that the EU Declaration on Turkey foresaw three fundamental effects: 1) substantially reducing the number of arrivals 2) improving the situation of refugees established in Turkey and 3) causing a wider number of returns and resettlements¹⁶⁷. As for the first point, it is difficult to deny that the agreement has effectively succeeded in limiting the number of arrivals, but the question to be asked is whether this decrease can only relate to the conclusion of this agreement. It can therefore be seen that the number of asylum seekers had already decreased before the Statement and that, in a sense, there was a normal trend in the peaks of asylum. In fact,

¹⁶⁴ Ibidem.

¹⁶⁵ Ibidem.

¹⁶⁶ Ibidem.

¹⁶⁷ van Liempt, I., Alpes, M. J., Hassan, S., Tunaboynu, S., Ulusoy, O., & Zoomers, A. (2018, July 3). *Evidence-based assessment of migration deals the case of the EU-Turkey Statement*, page 8, Migratiedeals- Utrecht University. <https://www.uu.nl/en/research/human-geography-and-planning/evidence-based-assessment-of-the-eu-turkey-refugee-deal>

the prospect of being stuck in Greece meant that migrants wanted to lean towards finding another path¹⁶⁸.

The second point, concerning the improvement of the situation of refugees in Turkey, relates to the fact that the question should be asked whether Turkey is in fact first and foremost a safe country for Syrian migrants. This question is particularly complex because of the so-called "geographical limitation". The latter, which is in force in Turkey under the 1951 Geneva Convention, provides that a non-European can neither apply for nor obtain refugee status in Turkey. In fact, Turkish law, called Foreigners and International Protection (LFIP), provided for the so-called status of "conditional refugee" and "subsidiary protection" to those who did not come from Syria. For the latter, the law provided for temporary protection¹⁶⁹. However, beyond the purely legal issues, there are more practical issues surrounding how to define a safe country or not. In this regard, the European Commission to support the declaration with Turkey, in a communication decided to address the issue by defining safe third country specifying that it «requires the possibility of receiving protection in accordance with the Geneva Convention, but not do not require that the safe third country has ratified that Convention without geographical reservation¹⁷⁰». In contrast to this, Amnesty International appears to be among the many international organizations that outlined how far Turkey was not a safe country for migrants. In fact, Amnesty was also critical of the third objective of the state, that of returning migrants to Turkey, since the latter were left alone by the Turkish authorities to manage their basic needs¹⁷¹. The third effect that Europe and Turkey had foreseen is also linked to the increase in the number of returns and resettlements. Despite the efforts made, however, it appears that this number

¹⁶⁸ Ibidem

¹⁶⁹ Temporary Protection Regulation No. 29153 of 22 (2014, October). *Official Gazette*

<http://www.goc.gov.tr/files/dokuman28.pdf>.

¹⁷⁰ European Commission. (2016, February 10). *Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration- COM(2016) 85 final*. Pag 18, EurLex . <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016DC0085>

¹⁷¹ Amnesty International (2016, June). *No Safe Refuge. Asylum-Seekers and refugees Denied Effective Protection in Turkey*,

<https://www.amnesty.org/en/documents/eur44/3825/2016/en>.

has remained fairly low as a result of the agreement. In fact, in October 2016 the number of migrants who had returned from Greece to Turkey was equal to 1,360¹⁷², also due to the excessive pressure that the agreement put on the Greek authorities. In fact, the agreement had a huge impact on Greece, a state that was already experiencing many difficulties because of the economic crisis and the overload of the number of migrants. In addition, the Greeks did not have sufficient logistical capacity to cope with such a large amount of migration. Greece then decided to implement two different asylum procedures: the first represented the regular asylum procedure was applied for migrants on the continent and for those not covered by the Statement operation while the second procedure, especially concerning the return to Turkey, was arranged for migrants arriving on the Greek islands¹⁷³.

For this reason, we can say that the agreement between Europe and Turkey in this respect does not seem conclusive because it has affected both the situation of migrants themselves and a Member State such as Greece. The Union's desire to close the Balkan route was not merely an attempt to limit the number of entrances to the European continent, but also, as can be seen from the points on the state with Turkey, to limit the safety problems that the route caused, and continues to cause to the old continent. For this reason, the next paragraph will be useful in demonstrating the security issues that the migration route within the Balkans creates for the European Union.

2.4 Security issue related to the Balkan route

The problems relating to the Balkan route do not merely result in difficulties in handling asylum applications, but also in security issues. The increase in the level of illegal immigration and criminal activities related to migration is certainly a threat to European security. This should be accompanied by the fact that a large number of

¹⁷² van Liempt, I., Alpes, M. J., Hassan, S., Tunaboylu, S., Ulusoy, O., & Zoomers, A. (2018, July 3). *Evidence-based assessment of migration deals the case of the EU-Turkey Statement*, page 10, Migratiedeals- Utrecht University. <https://www.uu.nl/en/research/human-geography-and-planning/evidence-based-assessment-of-the-eu-turkey-refugee-deal>

¹⁷³ Dimitriadi, A. (2016, October 31). *The Impact of the EU-Turkey Statement on Protection and Reception: The Case of Greece*. Global Turkey in Europe, Istituto Affari Internazionali. https://www.iai.it/sites/default/files/gte_wp_15.pdf

citizens from the Western Balkans have joined terrorist groups in Iraqi and Syrian territories, given the presence of a large number of citizens of the Islamic religion. These two perspectives taken together began to suggest that the migration crisis represented a real security challenge¹⁷⁴. The possibility that migration could undermine European security has increased concern in public opinion since the outbreak of the migration crisis. While some in Europe's political classes have increased concern in the public, conflicts and growing instability in countries bordering the Union have caused more people to push their way into Europe. The growing number of migrants has led to the creation of extremist propaganda groups that may carry out attacks in their home territories and Europe. As a result, migrants represent a group more prone to terrorist acts or other criminal activities in general¹⁷⁵. As for the Balkan region, the migration crisis raised two types of fears. The first concern related to the fact that the refugee crisis might result in a new conflict between the states in the region, which, had not yet fully reconciled after the violent conflict that took place with the breakup of Yugoslavia in the 1990s. The migration crisis could result in conflict between neighboring states due to the lack of trust between them, disputed borders, and many unresolved issues of the past. Moreover, an additional fear results in the influence that some players with objectives opposite to those of the European Union have on some of the Balkan states¹⁷⁶.

It is also worth noting the role played by social networks in the context of illegal migration. Indeed, some individuals have exploited social networks to publicize the possibilities of illegal border crossings. This use of social represents a significant

¹⁷⁴ Agovic, A., & Music, S. (2017, December). *Securitization of migrant crisis on the Western Balkan route*. ResearchGate.
https://www.researchgate.net/publication/325973193_Securitization_of_migrant_crisis_on_the_Western_selo_Balkan_route

¹⁷⁵ Selo Sabic, S. (2017, July 23). *The Impact of the Refugee Crisis in the Balkans: A Drift Towards Security*. Researchgate.
https://www.researchgate.net/publication/320882258_The_Impact_of_the_Refugee_Crisis_in_the_Balkans_A_Drift_Towards_Security

¹⁷⁶ de Borja Lasheras, F. (2016, March 21). *Return to instability: How migration and great power politics threaten the Western Balkans*. European Council on Foreign Relations (ECFR).
https://ecfr.eu/publication/return_to_instability_6045/

challenge for state security services, which are characterized by gaps in equipment and insufficient attention paid to illegal activities taking place in cyberspace. Social networks also have been used to keep migrants informed about the activities carried out by the border police, about political changes in the destination country, and regard other potential routes into the states¹⁷⁷. One of the biggest security-related problems facing the Balkan countries during the migration crisis was the inherent increase in the number of smugglers to circumvent the security mechanisms in place at the borders and enter the European Union. Smuggling is not only a security problem for Balkan countries and EU states but also a major risk for the migrants themselves¹⁷⁸. The issue is also linked to the frequent human rights violations that migrants suffer in the hope of entering Europe to have a better life on the old continent. The growing number of migrants seeking asylum in Europe has prompted numerous countries to apply increasingly restrictive policies toward asylum seekers or to permanently restrict migration. The closure of the Balkan Route as a means of legal migration following the 2016 EU-Turkey agreement has led to increased cases of smuggling, which is also linked to the involvement of criminal organizations that push migrants into the sex and human trafficking trade¹⁷⁹.

Illegal trafficking related to the use of the Balkan route as a means of getting to Europe is not only limited to human trafficking but also to trafficking in goods. Law enforcement authorities recently undertook operations jointly targeting firearms trafficking, drug trafficking, migrant smuggling and human trafficking during EMPACT Joint Action Days coordinated between Oct. 26 and 29. The actions, which included intensified EU external border controls, were coordinated by Spain and Europol and financially supported by IPA/2019¹⁸⁰. Investigations have shown that multinational criminal groups can procure arms predominantly from the countries of the Western

¹⁷⁷ EUROPOL. (2016). *Migrant smuggling in the EU*. [ebook] The Hague: EUROPOL.
https://www.europol.europa.eu/sites/default/files/documents/migrant_smuggling_europol_report_2016.pdf.

¹⁷⁸ Harsh, J. (2017, April). *The Development and Management of Security Risks along the Western Balkans Migration Route*. James Madison University, M.A in Political Science .
<https://commons.lib.jmu.edu/cgi/viewcontent.cgi?article=1006&context=ese>

¹⁷⁹ Ibidem.

¹⁸⁰ EUROPOL, *382 arrests during the joint actions against traffickers using the Balkan route*,
<https://www.europol.europa.eu/media-press/newsroom/news/382-arrests-during-joint-actions-against-traffickers-using-balkan-route>

Balkans, where many individuals with extensive experience in the field reside. Weapons are then smuggled into the EU and reach mainly Belgium, France, Germany, Spain and the Netherlands. In addition, the Balkan route appears to be a key entry point for heroin traffickers. The market for illicit trafficking of narcotic drugs via the Balkan route also extends to cannabis and cocaine¹⁸¹.

The strategic importance of the Western Balkans, and the security problems that instability in the region can cause for the Union, have become even greater following the Russian invasion of Ukraine. It is for this reason that the European Union has recently begun to look again at the security of its borders, including the enlargement of the Union to the Balkans and the uniformity of migration policies.

2.5 Conclusion

As demonstrated in the chapter, the migration crisis inherent in the influx of migrants into Europe through the Balkan region has had several repercussions both on the so-called transit countries and the European countries considered the ultimate destination of migrants. The unsuccessful resolution of migration and security issues has primarily highlighted the deficient policy the Union has implemented towards the Balkan region. Moreover, the Union has been unprepared to deal with such a vast migration crisis, acting belatedly and being unable to protect people and their rights. Up to that point, the policies that have characterized the relationship between the Union and the Balkans were not aimed at securitizing the external borders of the Union or at creating more efficient border management, but being halfway between the will to provide assistance and sharing values and the will to exercise control. This inadequate management has also had an impact on the enlargement process and on the confidence that the Balkan states have placed in the European institution.

The distrust of Europe has brought to light in the states some nationalistic and anti-integration tendencies not only within Europe itself but also within the Balkan states. The migration situation and the ambiguous management carried out by the Union have made the same less attractive for the Balkan states, which have started to look at

¹⁸¹ Ibidem.

new partners such as Russia¹⁸². In fact, both Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia were relying on Russia for oil and gas supplies, while in 2016 the Serbian army conducted more than ten exercises with Russian troops¹⁸³.

In this intricate context, security issues are particularly accompanied by nationalist sentiments. On the one hand, security issues are closely linked to external border control, and so to the concrete definition of borders and territorial disputes on the other security in the context of the Balkan route can be the cause of the delegitimization of local authorities¹⁸⁴. To summarize, we can therefore say that the differentiated external integration of the Western Balkans takes a developed form, as it is capable of combining strong supranational elements such as legally binding acts or obligations of very stringent competencies such as those assumed by Frontex¹⁸⁵. This, however, results in the creation of a strong intergovernmental and trans-governmental network created both bilaterally and regionally. Indeed, we can say that candidate countries such as Turkey and the Western Balkans have been made part of a multi-layered network of relations. The migration crisis of 2015/2016 has led to an increase in the importance given to the initiative of member states, intergovernmental and transgovernmental forums, and provisions that were not legally binding¹⁸⁶.

One of the main players in this new network of relations became Turkey. Its role, as previously highlighted, has been of vital importance in managing the migration crisis in the Western Balkans, not only because the Union has identified Turkey as a partner in trying to resolve the crisis, but above all because the relations undertaken

¹⁸² Bechev, D. (2017). *Rival power: Russia's influence in Southeast Europe*. New Haven: Yale University Press.

¹⁸³ Greider, A. (2017). *Outsourcing migration management: The role of the Western Balkans in the European refugee crisis*. Migration Policy Institute (website), 17 August. <http://www.migrationpolicy.org/article/outsourcing-migration-management-western-balkans-europes-refugee-crisis>. Accessed August 12, 2023.

¹⁸⁴ Liperi, M. S. (2019, April 15). *The EU's externalization of migration management undermines stabilization in the western Balkans*. IAI Istituto Affari Internazionali. <https://www.iai.it/en/pubblicazioni/eus-externalisation-migration-management-undermines-stabilisation-western-balkans>

¹⁸⁵ Okyay, A. S., Lavenex, S., Križić, I., & Aydın-Düzgit, S. (2020, December 1). *External differentiation in migration: Boosting or hollowing out the common EU policy?*. EUIDEA- EU Integration and Differentiation for Effectiveness and Accountability. <https://www.iai.it/en/pubblicazioni/external-differentiation-migration-boosting-or-hollowing-out-common-eu-policy>

¹⁸⁶ *Ibidem*.

with Turkey have also highlighted the lack of European policy concerning its south-eastern border in the Mediterranean. The EU-Turkey Statement raised large-scale problems, both about the asylum system of the European Union and about the willingness shown by member states to share the burden of responsibility of migrants, which instead fell only on some states, including above all Greece¹⁸⁷.

Moreover, even though the migration crisis gave new impetus to the possible process of integration of Turkey, as well as of other states, this process has not yet been completed. In fact, starting in 2016, there was a strong stalemate regarding the path of Turkey's accession to Europe that led to moments of crisis in relations between the two entities, despite the strategic importance of Turkey for the Union. Furthermore, while the suspension and stagnation of the agreement negotiations with Turkey again call into question the coherence of the European Union's external action, the agreement between Europe and Turkey has been sharply criticized by humanitarian organizations¹⁸⁸. The concerns of the European bodies about Turkey concerned, in particular, the deterioration of the rule of law and the rules of fundamental law¹⁸⁹ which, however, would have worried the Union also about the situation of migrants on the border between Turkey and Syria.

Through an in-depth analysis of the migration crisis response measures analyzed so far, we can therefore conclude by saying that the European Union has proceeded through the predisposition of policies that would externalize the weight of migratory pressure on the Western Balkan states. Externalization occurs by various means, including the negotiation of bilateral agreements, such as the one with Turkey, and the

¹⁸⁷ Dimitriadi, A. (2016, October 31). *The Impact of the EU-Turkey Statement on Protection and Reception: The Case of Greece*. Global Turkey in Europe, Istituto Affari Internazionali. https://www.iai.it/sites/default/files/gte_wp_15.pdf

¹⁸⁸ Amadio Viceré M.G., (2018, November). *Is the EU lost at sea? The EUGS and the implementation of a joined-up approach to migration*. Istituto Affari Internazionali, https://www.iai.it/sites/default/files/eugs_watch_5.pdf

¹⁸⁹ Ianni, A., Açıköz, M., & Giannotta, V. (2021, May). *The refugee issue in Turkey's relations with EU*. page 17. Centro Studi di Politica Internazionale. Ministero Degli Affari Esteri e della Cooperazione Internazionale. https://www.esteri.it/mae/resource/doc/2021/07/cespi-_the_refugee_issue_in_turkeys_relations.pdf

provision of economic aid that could support the regions subject to the greatest migratory pressure. This strategy of externalizing the Union's borders in the Balkan region started before the peak of the migration crisis. Migration management on the Balkan route has always been at the heart of relations between Europe and the Balkans, partly because of the Union's use of a strategy based on the conclusion of visa facilitation and readmission agreements and the already started enlargement process¹⁹⁰. This policy of externalization cannot compensate for the inability of the Union to manage issues relating to migration flows and their internal recovery. All the measures taken during the peak of the crisis have not focused in the slightest on changing the weaknesses of the European migration system to better manage mixed flows, which could have turned a threat into an opportunity¹⁹¹.

¹⁹⁰ Liperi, M. S. (2019, April 15). *The EU's externalization of migration management undermines stabilization in the western Balkans*. IAI Istituto Affari Internazionali. <https://www.iai.it/en/pubblicazioni/eus-externalisation-migration-management-undermines-stabilisation-western-balkans>

¹⁹¹ Ibidem.

Chapter III: The new centrality of the Balkans for the European Union

The third chapter of the thesis will be useful to explain the dynamics of the migration wave following the agreement between Europe and Turkey. However, although the agreement has contributed to the decrease in the number of illegal arrivals, the problem of migration along the Western Balkans route has not definitely subsided, but has moved along other routes. The numbers of these routes and the resulting security issues for the EU have worsened due to one of the most important geopolitical crises of the last century, namely the war in Ukraine. It was precisely this conflict that prompted the interest of the Union in the region, with the emphasis on both the enlargement process and the issue of migration. In this regard, the chapter will be divided into four main paragraphs with two sub-paragraphs.

The first paragraph focuses on analyzing the number of irregular entries into the Balkan route following the agreement between Europe and Turkey on the closure of the route. This paragraph will be useful to show that, despite the efforts made through the above agreement, the route has not closed but has moved towards alternative routes, always passing through the Balkan region. In addition, the paragraph will provide data on the new peak of migrants for the year 2022 and the situation of the number of entries for 2023.

Then, the second paragraph will focus on the new geopolitical scenario following the invasion of Ukraine by Russia. This general presentation will be useful to provide an insight into the new security and foreign policy challenges that the Union has been called to face, with particular reference also to the new prospects for enlargement of the Union in Eastern Europe.

This main paragraph will be followed by a sub-paragraph on the Union's new interest in the Western Balkans following the Russian aggression against Ukraine. The Balkan region, given the strong influence of the Kremlin, has acquired even more strategic importance for the Union in the wider context of border security. To this end, new thinking has begun to give new impetus to the integration process and the management of migration on the Western Balkans route.

The third paragraph deals specifically with the new impetus to the process of European integration, culminating in the most recent summit in Tirana on 6 December

2022. Thanks to the analysis of the various meetings that have been held since 2017, it will be evident that the process of integration and accession of the Western Balkans has always been marked by numerous declarations and few effective measures. The Tirana summit was a boon because, for the first time, the Union was in the Western Balkans.

The summit in question was accompanied not only by a willingness to proceed firmly with the accession process following the war in Ukraine, but also by a proposal presented by the European Commission for an action plan to combat peak migration on the Balkan route in 2022.

The Commission's Action Plan for the Western Balkans will be analyzed in the Tirana Summit sub-paragraph. In particular, it will examine all the measures that the Commission has drawn up in the plan, with regard to visa policy, border management and security policy.

Finally, the fourth and final paragraph will focus on the new agreement reached by the European Council regarding the new Pact on Migration and Asylum. The new proposals on migration and asylum policy will be examined with particular reference to the Dublin Regulation, border management and new solidarity, will be analyzed.

3.1 The Balkan route after the EU-Turkey Statement

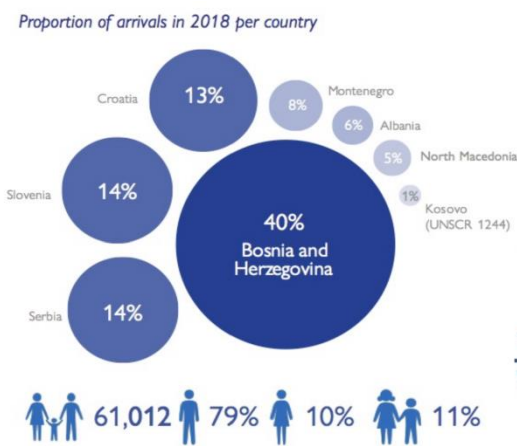
As anticipated in the previous chapter, the European Union has decided to decisively counter irregular arrivals through the Balkan route thanks to its closure, which took place with the agreement concluded between the EU and Turkey. It therefore seems important to present the situation of illegal immigration transiting through the Balkans after the closure of the route. First, it should be highlighted that illegal border crossings of Balkan states by non-regional migrants defined as irregular decreased in 2017, reaching 19,000 crossings¹⁹².

This decrease, when considering the numbers recorded between 2015 and 2016, meant that the flow of migrants became in some ways almost manageable, thanks in

¹⁹² Frontex. (2018, August 7), *Western Balkans annual risk analysis 2018*. page 17
<https://prd.frontex.europa.eu/document/western-balkans-annual-risk-analysis-2018/>

part to a number of targeted border-strengthening measures. Nevertheless, precisely because of these strengthened control measures, a number of migrants had accumulated in some specific places on the route, as the path was no longer easily passable due to the controls¹⁹³. Specifically, since 2017 there has been an increasing number of non-regional migrants moving south in the direction of Greece. This increase was also observed through routes previously not particularly used, such as Albania, Montenegro, Bosnia and Herzegovina in the direction of Croatia. Nevertheless, an overall decrease

Figure 2: Arrivals in BiH in 2018



can be observed in the number of non-regional arrivals along the route hitherto considered the main route, i.e., the one that passed through Serbia¹⁹⁴. In fact, the measures taken to counter the crisis ended up creating excessive pressure on some states that were part of the Balkan Peninsula. In this sense, the Balkan route that was hitherto used by migrants was not closed, but rather moved to northern Albania, Montenegro, and Bosnia and Herzegovina. The latter came under great pressure due to the stricter control policy implemented by the Croatian authorities, thus becoming a kind of funnel for migrants¹⁹⁵.

Source: IOM

https://migration.iom.int/system/tdf/reports/14.%20WB%20Brief%202018_Final.pdf?file=1&type=node&id=5

In fact, in 2018 Bosnian authorities registered as many as 21,163 migrants who entered the country's borders illegally¹⁹⁶. In addition, migrants who had stayed within the borders had decided to stay longer, also creating even more pressure at the crossing points where the same migrants attempted to

¹⁹³ Ibidem.

¹⁹⁴ Ibidem, page 18

¹⁹⁵ Liperi, M. S. (2019, April 15). *The EU's externalisation of migration management undermines stabilisation in the western balkans*. IAI Istituto Affari Internazionali. <https://www.iai.it/en/pubblicazioni/eus-externalisation-migration-management-undermines-stabilisation-western-balkans>

¹⁹⁶ Council of Ministers of Bosnia and Herzegovina. (2018, November, 6). *Council of Ministers of Bosnia and Herzegovina Holds Its 156th Session. Report on Migration Adopted*. http://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=29395

enter the country¹⁹⁷. According to the account provided by the International Organization for Migration, only a small percentage of migrants entering BiH were intent on settling in the country, while the majority of the latter wanted to reach the other Western EU countries, which were more attractive not only because of the economic opportunities they provided, but also because of existing family and social ties¹⁹⁸. The country in question found itself having to manage a large number of arrivals, and at the time it did not yet have the facilities to accommodate such a large number of migrants. In fact, before the government was able to build adequate reception camps, migrants were forced to settle in abandoned buildings or tents. The precarious situation described was further aggravated by the fact that the Croatian border guards decided to seal the border with Bosnia and Herzegovina, pushing back all migrants attempting to enter Croatian territory illegally¹⁹⁹. Furthermore, precisely because of the foregoing, we can say that while Bosnia and Herzegovina was considered a transit country for migrants, because of the aforementioned reaction of the Croatian Government, many migrants were forced to remain in Bosnia. At the end of 2019, the Bosnian authorities recorded a number of 29,196 refugees and migrants in the country, an amount that attested to a growth in the number of migrants by 21% compared to the numbers of 2018. The situation was further critical given the poor functioning of the asylum system proposed by the country. In fact, if 95% of migrants submitted their intention to apply for asylum in the country only 3% of them were actually able to register their requests²⁰⁰. The increased pressure on the border between Croatia and Bosnia and Herzegovina is due to two fundamental factors. The first concerns the fact

¹⁹⁷ Weber , B. (2017, June). *The EU-turkey refugee deal and the not quite closed Balkan Route*. Democratization Policy Council. <https://library.fes.de/pdf-files/bueros/sarajevo/13436.pdf>

¹⁹⁸ International Organization for Migration. (2018, September). *Analysis: Flow Monitoring Surveys. Bosnia and Herzegovina*. http://migration.iom.int/docs/Flow_Monitoring_Surveys_Analysis_BiH_2018.pdf.

¹⁹⁹ Rfe/rl. (2018, August 23). *Bosnia struggling with influx of migrants after other routes shut down*. RadioFreeEurope/RadioLiberty. <https://www.rferl.org/a/bosnia-struggling-flood-migrants-other-balkan-routes-shut-down/29448610.html>

²⁰⁰ UNHCR. (2019, December 31). *Bosnia and herzegovina*. UNHCR - The UN Refugee Agency. <https://www.unhcr.org/see/wp-content/uploads/sites/57/2020/01/BiH-Country-Fact-Sheet-December31-2019-1.pdf>

that 59% of the migrants surveyed at the border were of Turkish nationality. The latter did not form part of the ethnic groups that used the Balkan route during the peak of the crisis, but were nevertheless able to cross it arriving to settle in Sarajevo legally via travel visas, then trying to move illegally within the Union. The increase in the number of Turkish migrants appears to be a consequence of the situation that was emerging in Turkey. This does not alter the fact that the increased pressure on the border between Bosnia and Herzegovina and Croatia was also due to the influx of migrants from other nationalities, as well as the use of new parallel routes such as those Serbia-Bosnia and Herzegovina and Serbia-Montenegro²⁰¹. The situation in Bosnia and Herzegovina was further aggravated by the flow of intra-regional migrants, those who, having landed in another state on the Balkan route, were trying to continue their journey to European states. In this sense, the border between BiH and Montenegro was among the most significant in 2017.

In that year, more precisely between August and December, 389 illegal crossings were recorded by irregular migrants through the Montenegrin-Bosnian and Herzegovinian bakeries. The crossings in question were reported mainly at the northern border of Montenegro to Bosnia and Herzegovina and were mainly reported by the latter state. It is also important to highlight that the increased pressure of migratory flows that occurred as a result of the agreement between the EU and Turkey is the consequence of the tendency of migrants to look for new alternative travel routes to those used in the two years preceding 2017. This means that the migrants, once stranded in Serbia, decided to opt for a new route through neighboring Montenegro to Bosnia and Herzegovina, as well as using the route from southern Greece through Macedonia²⁰².

Following the entry into force of the EU-Turkey agreement in 2016, North Macedonia decided to close its border with Greece again, also causing numerous domino effects in terms of new restrictions on migrants. This decision to close the border has led to renewed pressure on Greece to set up an emergency camp in Idomeni with a maximum capacity of 15000. Despite this, the EU-Turkey agreement resulted in

²⁰¹ Frontex. (2018, August 7), *Western Balkans annual risk analysis 2018*. pages 26-27
<https://prd.frontex.europa.eu/document/western-balkans-annual-risk-analysis-2018/>

²⁰² Ibidem, pages 25-26

1,600 people being stranded in North Macedonia²⁰³. Data provided by Frontex's Annual Risk Analysis indicates that 4,000 non-regional migrants had settled in northern Greece in 2017²⁰⁴. However, due to the context of increased controls and preventive measures resulting from the EU-Turkey agreement, it appears highly likely that human trafficking networks were active in the Greek-Macedonian border²⁰⁵.

In 2017, a new event began to be observed at the border between the two countries, namely the reversal of the flow of migrants traveling to Greece. This phenomenon appeared to be the result of the increased control measures being applied in the northern part of the region. The reversal of the flow from the Balkans to Greece in those years also testified to the fact that the control and prevention measures implemented in the region made it more difficult for migrants to cross. Notably, the reversal of the flow also appears to be a consequence of the increased efforts implemented at the borders of Serbia, Croatia, Hungary and Romania²⁰⁶.

Despite the decrease in the use of the route through Serbia, the latter was, even as a result of the EU-Turkey agreement equally crucial to understanding migration flow within the region. The pressure exerted by the number of factual arrivals had simply shifted to the border between Serbia and Bulgaria.

In fact, as a result of the closure of the Aegean route and the border between Greece and Macedonia, migratory pressure had shifted to the border with Bulgaria. As of 2016, Bulgaria registered 19,400 applications for international protection, which was only slightly lower than in 2015. In December 2016, the Bulgarian Interior Ministry reported that it had stopped more than 18,000 migrants illegally entering state borders. This increase in the number of crossings was undoubtedly also the consequence of the failed coup d'état in Turkey at the same time. At the same time, the number of asylum

²⁰³ Oruc, N., Raza, S., & Santic, D. (2020, March). *The Western Balkan Route- Analytical Report*.(page 6). Prague Process; International Center for Migration Policy Development; Mobility Partnership Facility.

²⁰⁴ Frontex. (2018, August 7). *Western Balkans annual risk analysis 2018*. Frontex. page 23. <https://prd.frontex.europa.eu/document/western-balkans-annual-risk-analysis-2018/>

²⁰⁵ Ibidem.

²⁰⁶ Ibidem.

seekers stationed in official reception camps also increased, amounting to 5,000 at the beginning of 2017²⁰⁷.

As for Serbia, following the closure of the route, 577 migrants (a number equal to 3 percent of the total) actually applied for asylum in 2016, and almost half of the applications were suspended. At the end of the year it was recorded that only 19 people were granted protection in Serbia while the remainder of the total number continued their journey to the EU without completing the asylum application procedures. For what regards 2017, it can be said that 6,195 migrants declared their intention to seek asylum, and about 4,000 migrants were placed in asylum and reception centers throughout Serbia²⁰⁸. 2017 was also the year when the migratory pressure on the border between Serbia and Montenegro increased. The growth in question coincides, as regards timing, with the general trend observed at that time of migrants seeking alternative routes around the strictest controls in the north of the region, namely by avoiding the borders that Serbia shares with Hungary, Croatia and Romania. For this reason, migrants stranded in Serbia could decide to continue towards the border between Serbia and Bosnia and Herzegovina in order to take the new route to leave the region permanently. This alternative to the border between Serbia and Montenegro was more attractive to many because it was closer to Croatia. In fact, in 2017 this stretch of border was marked by 251 illegal crossings by non-regional migrants²⁰⁹.

²⁰⁷ Weber , B. (2017, June). *The EU-turkey refugee deal and the not quite closed Balkan Route*. (page 17). Democratization Policy Council. <https://library.fes.de/pdf-files/bueeros/sarajevo/13436.pdf>

²⁰⁸ Oruc. N., Raza, S., & Santic, D. (2020, March). *The Western Balkan Route- Analytical Report*. (page 8). Prague Process; International Center for Migration Policy Development; Mobility Partnership Facility.

²⁰⁹ Frontex. (2018, August 7). *Western Balkans annual risk analysis 2018*. page 27. <https://prd.frontex.europa.eu/document/western-balkans-annual-risk-analysis-2018/>

Figure 9 The main Serbia-centered land-route and the emerging sub-route through the Western Balkans in 2017



Source Frontex, *Western Balkans annual risk analysis*

<https://prd.frontex.europa.eu/document/western-balkans-annual-risk-analysis-2018/>

As shown in Figure 9, another point where there was strong migratory pressure in 2017 is the border between Albania and Greece. According to Frontex, some of the migrants that were reported from Albania in 2017 had remained in different parts of the region, including Serbia, before deciding to continue on an alternative route through Albania. The search for new travel alternatives resulting from the stringent rules and increased controls at the Serbian border increased the pressure on the flows observed towards Greece and the southern Albanian border. However, as far as the latter is concerned, it cannot be said that the increased migratory pressure was due solely to the so-called reverse flows, therefore to Greece. In fact, the pressure at the border is the result of the flows along the new route, that is, the one between Montenegro and Bosnia, which then led to Herzegovina and finally to Croatia²¹⁰.

It is therefore clear that, despite the narrative to which the Balkan route was declared closed, the data shows that as a result of the agreement between Europe and

²¹⁰Ibidem, page 25.

Turkey the route has not finally died out, but has simply moved to other passages. The same dynamic can be seen in more recent years. Due to the new circumstances, migrants were forced to change course several times during their trip, first passing through Bulgaria, and then moving to Albania, Montenegro and Bosnia in 2018. Given this, the number of migrants accommodated in reception centers, unofficial shelters or outside the Balkan countries is estimated at about 8,500²¹¹. The year that however marks the rise of the numbers inherent in the Balkan route is undoubtedly 2019.

In May 2019, 1,967 new arrivals were registered in Albania, a number that corresponded to 18% more migrants than in the same period of 2018 and exactly double the arrivals registered in the state in 2017²¹². As far as Bosnia and Herzegovina is concerned, the number of refugees arriving in the country is equal to 30,000 marks of which as many as 30,268 were taken over by the Bosnian authorities in January 2018. Among these 6,201 migrants were registered in 2019, a number equal to twice that of the same period of 2018²¹³. In May 2019, Montenegro recorded a number of new arrivals of 238% more than in the same period of 2018, while in Kosovo, there was a 313% increase in arrivals compared to 2018²¹⁴. In 2019 we can see that the trend of increasing the number of arrivals was generalized in the region. In fact, Serbia was not excluded from the increase in the number of migrants, since in May 2019 the number of arrivals was 271% higher than in the same period of 2018. By contrast, the number of refugees and asylum seekers in the country was slightly down, from 4,500 in December 2018 to 3,600 in May 2019. The number of arrivals in North Macedonia also almost doubled in 2019 compared to the data available for 2018²¹⁵.

With regard to 2020, however, it should be noted that migration has also been affected by the consequences of the restrictive measures resulting from the advance of Covid-19. In fact, the counter-measures relating to the pandemic meant that migrants in

²¹¹ Oruc, N., Raza, S., & Santic, D. (2020, March). *The Western Balkan Route- Analytical Report*. (page 5). Prague Process; International Center for Migration Policy Development; Mobility Partnership Facility.

²¹² UNHCR South Eastern Europe. (n.d.). *Population trends*. (n.d.). <https://www.unhcr.org/see/about-us/population-trends>

²¹³ Ibidem

²¹⁴ Ibidem

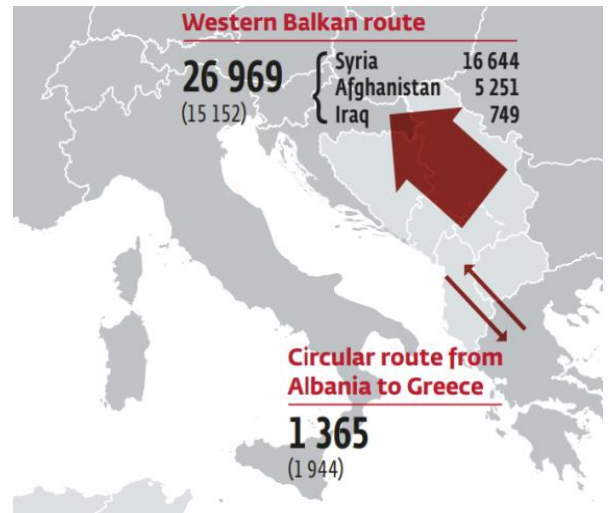
²¹⁵ Ibidem

reception camps scattered throughout the Western Balkans could not move, and also increased the number of people living in the camps. In April 2020, the number of migrants who managed to reach neighboring northern Europe increased again, due to the loosening of measures related to the movement during Covid-19²¹⁶.

Bearing in mind that the majority of migrants came from Syria, however, we must highlight the increase in migrants from countries from North West Africa. Also noteworthy is the fact that in 2020 there was a significant increase in migrants crossing the route that passed through Albania, Serbia and Kosovo²¹⁷. In 2020 irregular migrants passed through the Western Balkans were 26 969, a number that represents an increase compared to 2019²¹⁸.

As for 2021, the Balkan route appears to be the second most used route to reach Europe, since the crossings of the border's passes in that year had doubled reaching a total of 61 735. As in the case of 2020, the majority of illegal crossings were attributed to migrants who had already been in the Balkan region for some time and who therefore repeatedly tried to reach European countries. The migrants, as before, tried to arrive in the target countries through Greece and Bulgaria and then move north and try to find their exit point, after crossing the Balkan states, Hungary, Romania and Croatia²¹⁹.

Figure 10 Balkan route in number 2020



Source Frontex *Risk Analysis for 2021*
https://frontex.europa.eu/assets/Publications/Risk_Analyses/Risk_Analysis/Risk_Analysis_2021.pdf

²¹⁶ Frontex, (2021, April), *Risk Analysis for 2021*. page 15.
https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_2021.pdf

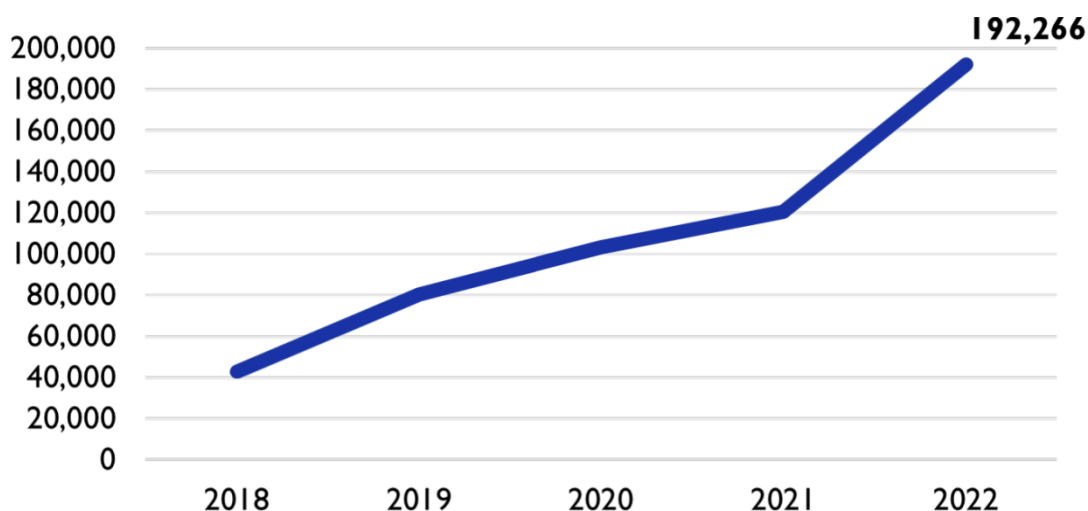
²¹⁷ Ibidem.

²¹⁸ Frontex (n.d) *Western Balkan Route- Situation in 2020* . Frontex- Migratory Route
<https://frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-routes/western-balkan-route/>

²¹⁹ Frontex (n.d) *Western Balkan Route- Situation in 2021*.. Frontex- Migratory Route
<https://frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-routes/western-balkan-route/>

However, it is important to understand the dynamics of arrivals via the Balkan route in the year 2022. Since 2018, there has been an increase in the number of migrants using constantly the toughest Balkan route. In 2022, however, the control authorities reported as many as 192,266 migrants in the Balkans, a number that means an increase of 59.5% of arrivals via the route compared to 2021 and a percentage increase of 348% compared to 2018 numbers²²⁰.

Figure 11 Arrival in the Western Balkan between 2018 and 2022



Source IOM Displacement Tracking Matrix

https://bih.iom.int/sites/g/files/tmzbd11076/files/documents/WB_Annual_Report.pdf

The increase in the number of migrants was recorded throughout the region except for Albania and Kosovo. This can be explained by the fact that fewer migrants in 2022 chose to use the route through Albania Kosovo and Serbia. Migrants in fact preferred to use the route passing through Albania and Montenegro. However, Serbia remains the most crossed state in the region in 2022 as well, counting more than two-thirds of total registrations²²¹. Despite the fact that the routes have remained unchanged there is the need to highlight a key aspect. In fact, the increase in border security

²²⁰ IOM Displacement Tracking Matrix. (2022). *Migration Trends in the Western Balkans in 2022*. International Organization for Migration, page 7 .
https://bih.iom.int/sites/g/files/tmzbd11076/files/documents/WB_Annual_Report.pdf

²²¹ Ibidem.

controls and the growth in violence to which migrants are subjected are two parallel phenomena. Beatings, robberies, confiscation of goods and unsafe conditions have been recorded in detention centers on the borders of Albania, Austria, Bosnia and Herzegovina, Croatia, Greece, Hungary, North Macedonia, Serbia, Slovenia and finally Turkey. Migrants throughout the course of the migration crisis have tried to avoid the most challenging passages of the Balkan route, thus suggesting all the difficulties they have had to overcome in order to travel it. Data for 2022 also suggest that border security has not been a deterrent to fewer migrants²²².

Moreover, this has increased the number of migrants who rely on traffickers to reach Europe illegally. This can be further explained by the fact that, in 2022, there were faster movements by migrants crossing the Balkan route. The reasons why this speeding up of movements across the borders of Croatia and Hungary has taken place can be inferred from two fundamental factors. The first concerns a wider maturity of smuggling networks, through which smugglers are more experienced and informed about the various routes, making it possible to obtain both broader guides and more competent assistants. In addition, smugglers now have more advanced technology than previously available. The agreements between migrants and smugglers also determine the route to the EU. The above-mentioned speed with which migrants moved in the region in 2022 indicates that a large percentage of transits were based on packages of agreements through which the smuggler undertook to facilitate passage through and sometimes beyond the Schengen area. Once the agreement was accepted, migrants followed smugglers. It can also be said that many were able to enter the Balkan route without the help of a smuggler, but they still used it in order to reach Belgrade²²³.

The second factor concerns a reduction in the number of rejection and their intensity and violence, especially in Croatia²²⁴. This reduction is due to the fact that, in 2023, Croatia definitively joined the Schengen area, also having to face, before accession, strong criticism regarding the management of migrant rejections. Furthermore, it is precisely because of this accession that Croatia is currently faced with

²²² Clewett, P. (2023, May). *Western Balkans: Mixed migration trends and dynamics*. MMC- Mixed Migration Center, page 13 https://mixedmigration.org/wp-content/uploads/2023/06/275_Western-Balkans-Report.pdf

²²³ Ibidem, page 23.

²²⁴ Ibidem, page 17.

strong pressure on the securitization of borders and border security, while still respecting the rights of migrants²²⁵.

As regards 2023, the Frontex agency has noted a decrease in the number of crossings along the Balkan route. In fact, for the year under consideration, 52,200 surveys were recorded, a figure that represents a decrease of 26%²²⁶.

With regard to the various countries affected by the route, it can be said that in 2023 as regards Bosnia-Herzegovina on the one hand, the number of migration camps in the south of the country has decreased, but on the other hand the state has still been one of the most used transit locations to the EU. In fact, throughout 2023, a continuous influx of migrants from BiH to Croatia, now in the Schengen area, is expected. In fact, Croatia remained one of the most used entry points in 2023, registering 25,431 illegal entries compared to 8,330 in the same period of the previous year²²⁷.

As far as Slovenia is concerned, it is important to note that in the state between January and July there were more illegal entries than in 2022. In fact, the Slovenian police said that the country in the aforementioned period was the scene of 26,871 entrances compared to 10,103 the previous year. In Serbia in 2023, the situation regarding entry remained almost unchanged. In fact, since the beginning of the year, 73,000 migrants have crossed the state's reception centers²²⁸.

Finally, with regard to Hungary, Hungarian Prime Minister Viktor Orban has decided to release 1,400 convicted smugglers and the European Commission has initiated legal proceedings against Hungary²²⁹.

3.2 The new geopolitical scenario after the war in Ukraine

On 24 February 2022, Russia's invasion of Ukraine marked a turning point in international relations and EU policy. The Russian-Ukrainian War appears to be the first war to be fought in Europe since the end of the Yugoslav War. One of the most

²²⁵ Ibidem, page 24.

²²⁶ ANSA. (2023, September 1). *"International situation deteriorating": Eu faces record numbers of migrants - english*. https://www.ansa.it/english/news/world/2023/09/01/eu-faces-record-numbers-of-migrants_8bfc9ddc-539f-4aaa-b8a2-367a1e9503cb.html

²²⁷ Ibidem.

²²⁸ Ibidem.

²²⁹ Ibidem.

important challenges that Europe has been called upon to tackle in recent years is that the latter, as a security actor, has had to implement policies of strategic value in a changing international and internal context²³⁰. The invasion of Ukraine has also caused a new geopolitical scenario, namely that Ukraine from a buffer state has suddenly become a border state of the European Union. Ukraine has in fact become an important pawn in the Western security architecture²³¹. The war is having a large-scale impact, modifying not only the security architecture on the European continent but also influencing the global geopolitical order. Russia is gradually becoming even more captured by its geographical limitations, given that the decision to invade Ukraine inevitably triggered the reaction of NATO and states that felt threatened by the situation in Ukraine such as Sweden and Finland.

On 14 April, Finland joined the Atlantic Alliance, while Sweden, following the final green light from Turkey, is about to join NATO. The European Union's reaction to the war in Ukraine was based above all on a new awareness of the importance of the security issue in Europe. Shortly after the invasion, more specifically from 10 to 11 March 2022, the Union's leaders, through the so-called Versailles Declaration, reaffirmed their willingness to do more to increase the security of the Union by increasing its autonomy in the field of defense, while acknowledging the importance of cooperation between the European Union and NATO²³².

Furthermore, in March 2022, the European Union decided to create an action plan to strengthen the European security and defense policy by 2030 called the Strategic Compass. The aim of this project is undoubtedly to make Europe a more effective provider of security, enabling it to protect its citizens and contribute to the maintenance

²³⁰ Alcaro , R. (2021, May 1). *The constraints on the EU foreign and security policy*. joint.
<https://www.jointproject.eu/2021/05/01/the-constraints-on-the-eu-foreign-security-policy/>

²³¹ Biscop , S. (2023, June). *War for Ukraine and the rediscovery of geopolitics*. Egmont Institute.
https://www.egmontinstitute.be/app/uploads/2023/05/Sven-Biscop_Paper_123_vFinal.pdf?type=pdf

²³² European Parliament. (2022, June). *The EU's foreign, security and defence policy after Russia's invasion of Ukraine*.
[https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729456/EPRS_ATA\(2022\)729456_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729456/EPRS_ATA(2022)729456_EN.pdf)

of international peace and security. In the vision of Europe this project becomes crucial in the context of a changed geopolitical environment resulting from Russian aggression. Again, this plan does not harm but complements NATO's action in the region and also contributes positively to international security. The Strategic Compass is able to provide a common assessment of the strategic context in which the Union operates and the threats that Europe faces in order to protect and defend the security of European citizens²³³.

Following the outbreak of war, European countries were called upon to make unprecedented and rapid decisions in order to ensure an effective response to the effects of the crisis. These choices certainly include the EU's decision to impose unprecedented sanctions on Russia and its oligarchs, to finance for the first time the delivery of arms to a third country, to strengthen internal Union cooperation on security and defense, and to implement its Temporary Protection Directive in order to provide temporary residence for Ukrainian exiles of war²³⁴.

With regard to this last action, it should be pointed out that, according to the United Nations data, the war in Ukraine has led to the fact that more than 8 million Ukrainian refugees have started to try to settle in Europe. Given the firm condemnation that Europe immediately expressed towards Russia and its aggression, the European institutions immediately moved to ensure protection for people fleeing the war. The EU's response to this massive migration was expressed through Council Implementing Decision (EU) 2022/382 of 4 March 2022 which, in view of the migration figures, activated Council Directive 2001/55/EC of 20 July 2001, namely the Temporary Protection Directive. This mechanism allows Member States to move quickly in order to offer temporary protection and more rights to Ukrainians in need of immediate protection. All this was established in order to prevent the various national asylum systems from being exhausted by this new wave of migration. The mechanism, though

²³³ EEAS. (2021, October 28). *A strategic compass for security and Defence*.
https://www.eeas.europa.eu/eeas/strategic-compass-security-and-defence-1_en

²³⁴ OCHA. (2022, April 5). *The war in Ukraine raises new questions for EU foreign policy*. ReliefWeb.
<https://reliefweb.int/report/world/war-ukraine-raises-new-questions-eu-foreign-policy>

invoked numerous times, was applied for the first time for the temporary protection of Ukrainian refugees²³⁵.

A further consequence to be considered for this analysis is undoubtedly the fact that, following the outbreak of the conflict, Ukraine, Moldova and Georgia decided to apply to join the European Union. As far as Ukraine is concerned, the state applied for membership of the Union on 28 February 2022 and on 17 February the European Commission issued its opinion on Ukraine's application for membership of the Union.

On 23 June 2023, the European Council decided to grant the state the status of candidate country to join the European Union. The Council has invited the European Commission to give its opinion on the possible accession to the wider framework of the Commission's regular enlargement process. Following this opinion, the Council will decide on the implementation of new measures after all the previous conditions have been met. Subsequently, at the special meeting of the European Council in February 2023, EU leaders recognized all the steps taken by Ukraine to achieve the basic objectives of EU candidate status, urging the State to also achieve the objectives set by the Commission in its opinion²³⁶.

As for Moldova, the state decided to submit its application for membership in the European Union on 2 March 2022. With reference to this question, on 17 June of the same year, the European Commission provided its opinion on Moldova's membership application. Accordingly, on 23 June 2022, the European Council decided to grant Moldova candidate status to the Union, inviting the Commission to report to the Council on the state of compliance with the conditions specified by the Commission in its opinion on the membership application. Once these conditions are met, the Council will be able to decide on further measures to be implemented for the accession of the state. In March 2023, the European Council also reiterated that the European Union will continue to give all necessary aid to Moldova in order to strengthen its resilience,

²³⁵ Luyten, K. (2023, February 28). *One year of temporary protection for people displaced from Ukraine*. Epthinktank. <https://epthinktank.eu/2023/02/28/one-year-of-temporary-protection-for-people-displacedfromukraine/#:~:text=Temporary%20protection%20waives%20the%20need,harmonised%20rights%20across%20the%20EU>.

²³⁶ European Council. (n.d.). *Ukraine*. European Council- Eu enlargement policy . <https://www.consilium.europa.eu/en/policies/enlargement/ukraine/>

security, stability and economy of the country in order to help it in its accession process to the Union²³⁷.

Finally, Georgia submitted its application for EU membership on 3 March 2022. On 17 June of the same year the Commission presented its opinion on the application for State admission and expressed its views. In this regard, in June 2022, the European Council met to discuss the State's application for membership and at the end of the meeting expressed its support for the granting of the status of candidate country to the Union to Georgia following the adaptation of the state to the priorities expressed by the Commission concerning the application for EU membership²³⁸.

The speed and consensus that accompanied this decision are undoubtedly unprecedented in the history of the European Union. It therefore seems logical to think that none of these conclusions on European enlargement would have been taken without a real threat to the security of the Union such as that represented by the Russian-Ukrainian war²³⁹. The promise of membership in the European Union is part of the European risk management strategy that is based on the stabilization of external borders in order to maintain security. The decision to deploy enlargement to deal with security issues will also indicate the EU's willingness to become a geopolitical player²⁴⁰. Moreover, it was the European Parliament that declared that the outbreak of Russia's war against Ukraine is the justification for the motion for a resolution on the state of the candidate states of Ukraine, Moldova and Georgia²⁴¹.

Enlargement as a mechanism for the securitization of borders is recurrent in the history of Europe's reaction to wars. Nevertheless, this desire to make the borders

²³⁷ European Council. (n.d.). *Moldova*. European Council- Eu enlargement policy. <https://www.consilium.europa.eu/en/policies/enlargement/moldova/>

²³⁸ European Council. (n.d.). *Georgia*. European Council- Eu enlargement policy. <https://www.consilium.europa.eu/en/policies/enlargement/georgia/>

²³⁹ Anghel, V., & Džankić, J. (2023). *Wartime EU: consequences of the Russia–Ukraine war on the enlargement process*. *Journal of European Integration*, page 5.

<https://www.tandfonline.com/doi/abs/10.1080/07036337.2023.2190106>

²⁴⁰ Vachudova, M. A. (2014). EU Leverage and National Interests in the Balkans: The Puzzles of Enlargement Ten Years on. *JCMS: Journal of Common Market Studies* 52 (1): 122–138. doi:10.1111/jcms.12081.

²⁴¹ European Parliament. (2022). *Motion for a resolution on the candidate status of Ukraine, the Republic of Moldova and Georgia – B9-0332/2022*. <https://agenparl.eu/2022/06/21/motion-for-a-resolution-on-the-candidate-status-of-ukraine-the-republic-of-moldova-and-georgia-b9-0332-2022/>

secure has meant that with the war in Ukraine Europe began to rethink expanding into another area equally important and strategically significant on several fronts, namely the Balkan region.

3.2.1 The new importance of Western Balkans to EU foreign policy

As mentioned in the previous paragraph, the war in Ukraine is the major cause of geopolitical change in Europe in recent years, also changing foreign policy and the perspective of the European Union, which is increasingly moving towards securitizing its external borders. With the rise and spread of the Russian war in Ukraine, the Balkans have begun to experience a strong sense of unease that could even result in the destabilization of an already inherently fragile region. In fact, the recent war on Europe's borders has once again brought to the surface the questions inherent in the future of Euro-Atlantic integration in the Balkan region²⁴². From a purely security-related point of view, the Balkans still appear to be relatively integrated into the Euro-Atlantic arrangement. Given this as well, the influence Russia is able to exert in the region still appears to be strong. Russia has secured considerable influence over the Balkans through trade especially in the energy sector, while at the same time exploiting local party systems of corruption and cronyism²⁴³. And it is precisely because of the aforementioned motivations that a quick response appears necessary from the European Union, which has already pursued a project to enlarge its borders to the Balkans. Moreover, the speed with which Europe accepted the nominations of Ukraine, Moldova and Georgia has angered the Heads of State of the Balkans, who have not kept their promise of membership of the Union. Furthermore, given the fact that of the Balkan states only Croatia was able to join the Union and Schengen, the delay in the annexation of the Balkan states to the European Union meant that it lost the support of public opinion, which started to be more skeptical about possible membership of Europe. This

²⁴²Saric, D., & Morcos, P. (n.d.). *The war in Ukraine: Aftershocks in the Balkans*. CSIS. Retrieved March 2, 2023, from <https://www.csis.org/analysis/war-ukraine-aftershocks-balkans>.

²⁴³ Ibidem.

is evident from surveys of EU support in the Balkan region, which in 2022 fell to 60% compared to 62% in 2021²⁴⁴.

In a context in which the Union has turned its gaze ever more eastwards, accepting the applications for membership of the Union of Ukraine Georgia and Moldova, it has begun to restore value to another region that constitutes the borders of the Union, whose European destiny had stagnated almost until the outbreak of war in Ukraine: the Balkans. Indeed, the war in Ukraine has begun to make Europe reflect on its weaknesses such as the commitment and enlargement of the Western Balkans in recent decades. In fact, the Western Balkans, namely Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia, being not yet members of the Union, have become in reality the symbol of the slow process of enlargement of the European Union. This stagnation is also due to the fact that these states are still fragmented within them, as well as the result of a difference of opinion on membership within the Union itself.

This delay in annexation has made the region more vulnerable to the influence of foreign countries, such as Russia, China, the Gulf countries and finally Turkey. One of the biggest concerns raised by the conflict is that Russia, by exercising its soft power in the Balkan region through economic connections and also having military links with it, could further destabilize the Balkans. In fact, the Kremlin's influence in the region is still strong, given the strong investments that Russia has made in the Balkans in strategic sectors such as, for example, energy²⁴⁵.

The Russian invasion of Ukraine has made Europe aware of the need to speed up a process of accession that has been troubled to date²⁴⁶. It can therefore be said that it was with the war in Ukraine that the Western Balkans acquired considerable

²⁴⁴ Regional Cooperation Council. (2022, June 24). *Balkan barometer 2022, public opinion*. <https://www.rcc.int/download/docs/Balkan%20Barometer%202022%20-%20PO.pdf/21e2192c1d34cc6194ecb029d7b5997f.pdf>. Accessed 5 September 2023.

²⁴⁵ Saric, D., & Morcos, P. (n.d.). *The war in Ukraine: Aftershocks in the Balkans*. CSIS. <https://www.csis.org/analysis/war-ukraine-aftershocks-balkans>.

²⁴⁶ Kacarska, S., Keil, S., & Džankić, J. (2023). Introduction- A Year Later: War in Ukraine and Western Balkan (Geo) Politics. In *A Year Later: War in Ukraine and Western Balkan (Geo)Politics*. essay, European University Institute. Retrieved September 5, 2023, from <https://cadmus.eui.eu/bitstream/handle/1814/75524/QM-03-23-131-EN-N.pdf?sequence=1&isAllowed=y>.

geopolitical importance for the European Union. This may seem paradoxical, but the Western Balkans, following the Russian invasion of Ukraine, have gone from being security users by the EU to security providers for the EU itself²⁴⁷.

On a purely political level, with the war in Ukraine, it seems more necessary than ever for Europe to speed up a long-standing process of enlargement. Even the Member States of the Union which had previously been reluctant to annex the Balkan states within the Union are gradually beginning to move towards a breakthrough in the European enlargement process towards the region. In fact, France and Germany have already expressed strong views on the possible annexation of the Western Balkans. In this regard, both German Chancellor Olaf Scholz and French President Emmanuel Macron are pushing for the annexation of the Balkans as soon as possible and also giving them a clear prospect of joining the Union²⁴⁸. Furthermore, the French President proposed in a speech to the European Parliament on 9 May 2022 to change the methodology to make the European enlargement process more dynamic. Macron in his speech also urged European leaders to reflect on a new European political community that exists beyond the European Union in order to offer a democratic notion of Europe and a completely innovative forum for cooperation²⁴⁹.

France also played a key role in mediating the agreement that, in 2022, led Bulgaria to dissolve its veto that had prevented North Macedonia and Albania from starting formal negotiations with the European Union²⁵⁰. A new push towards

²⁴⁷ Jano, D.,(2023) *Albania Moving from Security Receiver to Security Provider*. In *Peace and Security in the Western Balkans: A Local Perspective*, edited by Nemanja Džuverović and Věra Stojarová, page 50. London and New York: Routledge, 2023.

²⁴⁸ Saric, D., & Morcos, P. (n.d.). *The war in Ukraine: Aftershocks in the Balkans*. CSIS. <https://www.csis.org/analysis/war-ukraine-aftershocks-balkans>

²⁴⁹ Elysee.fr. (2022, May 9). *Closure of the conference on the future of Europe*. <https://www.elysee.fr/en/emmanuel-macron/2022/05/09/closure-of-the-conference-on-the-future-of-europe>

²⁵⁰ Koseva, D.(June, 24,2022). *Bulgaria's parliament approves French compromise to lift veto on the opening of North Macedonia's EU talks*. Intellinews, Available at: <https://www.intellinews.com/bulgaria-s-parliamentapproves-french-compromise-to-lift-veto-on-opening-of-north-macedonia-s-eu-talks-248602/?source=bulgaria>.

integration would also give new impetus to progress in the rule of law in these countries, which are necessary reforms in order to move toward Europe²⁵¹.

The most important issue in the changed geopolitical context presented above seems to be the consequences that the Russian-Ukrainian war may have on the European approach towards the Balkans and their accession. The war has also brought up a number of issues relating to the alignment of states with European policies, for example the fact that neither Serbia nor Bosnia-Herzegovina have decided to take part and comply with European sanctions against Putin's Russia. Despite this, other states in the region have instead decided to sign the agreement on sanctions, outlining that the Balkans still remain divided within them²⁵².

Obviously, as has been pointed out several times in previous paragraphs, the fragmentation still existing in the region and the unresolved consequences of the bloody Yugoslavia war are still causes for fragmentation among the Balkan states and are therefore one of the major causes of instability within the region itself. In this sense, interregional cooperation is inevitably intertwined with the prospect of membership within the European Union. Indeed, it should be remembered that both Europe and the international community have always made numerous efforts to ensure and implement inter-regional cooperation in the Western Balkans. Indeed, this commitment can be seen from the start of the Stabilisation and Association Process and the Stability Pact for South-East Europe in 1999, which was outlined in the last years of the war in Kosovo. From then on, cooperation between the Balkan states has become one of the mandatory conditionality that must be fulfilled in order to proceed with the integration of the Western Balkans into the European Union. Of course, the Balkan States must still meet

²⁵¹ Saric, D., & Morcos, P. (n.d.). *The war in Ukraine: Aftershocks in the Balkans*. CSIS.
<https://www.csis.org/analysis/war-ukraine-aftershocks-balkans>

²⁵² Szczerba, M. (2022, November 19). *The Western Balkans: Russia's war on Ukraine and the region's enduring challenges*. NATO Parliamentary Assembly- Economic and Security Committee.
<https://www.nato-pa.int/document/2022-western-balkans-russias-war-ukraine-and-regions-enduring-challenges-report-michal>

the other criteria for accession specified in Article 49 of the Treaty on European Union, such as the Copenhagen Criteria of 1993, 1995 Madrid and, finally, Helsinki of 1999²⁵³.

Despite the situation of fragmentation so far presented and the technical difficulties that have been taken into account in these twenty years of delay in the annexation of the Balkans, The European institutions have decided to move towards a speeding up of the integration process which has also resulted from the effects of the war in Ukraine. This acceleration can easily be seen through the analysis of the meetings and action plans that Europe has put in place to proceed with enlargement in the Western Balkans.

3.3 A new meeting between the European Union and the Balkans: the Tirana summit

Despite the fact that there has been a significant acceleration in the process of integration of the Western Balkans in the last period, as highlighted in the previous paragraph, the European Union has always proceeded slowly. However, it was sluggish to move towards closer cooperation with the Balkans, which would eventually lead to their subsequent annexation to the Union. In fact, already on 11 and 12 July 2017 in a summit hosted by Italy, more precisely in Trieste, The European Union, in the person of then High Representative Federica Mogherini, had reiterated the strong interest and willingness of the Union to proceed with the integration of the Balkans within the European Union. The meeting, to which they took part besides the Balkan states Austria, Croatia, France, Germany, Italy, Slovenia and United Kingdom, is part of the wider process outlined under the name of the Berlin Process and has focused on closer cooperation in three key areas. The first is greater collaboration in the field of transport, which resulted in an agreement to improve the quality of conveyance in the region. The second area is to make the economy more connected at regional level, to increase the

²⁵³ Bonomi, M., Chiodi, L., & Rusconi, I. (2023, May). *New visions for the western balkans: Eu Accession and Regional Security*. Istituto Affari Internazionali .
<https://www.iai.it/sites/default/files/iai2310.pdf>

internal market in the Balkans and thus to attract more investment. The last area, however, concerns the connection between people, and especially young people²⁵⁴.

Following this summit, a further conference was held on 17 May 2018 in Sofia, Bulgaria. The meeting was attended by the Heads of State or Governments of the EU Member States and the leaders of the six Balkan states such as Albania, Bosnia and Herzegovina, Serbia, Montenegro, the Former Yugoslav Republic of Macedonia and finally Kosovo. At the end of the meeting, the participating leaders reached an agreement with the so-called Sofia Declaration, from which derives the priority agenda of Sofia to which the leaders of the Balkans complied. This declaration and its agenda outlined new measures aimed at closer cooperation with the region, as well as, once again, unequivocal support from European leaders for the integration process and the European perspective of the Balkan states. The cooperation resulting from the Sofia Declaration is aimed at strengthening the Union's aid for transformation in the political, economic and social spheres of the region, but also in the area of security and combating illegal immigration²⁵⁵.

In fact, in relation to increased cooperation in the management of migration flows, point 10 of the Sofia Declaration states that:

The EU and the Western Balkans partners share many security challenges that demand coordinated individual and collective action. When we work together, we are able to address these challenges effectively. Our cooperation in stemming illegal migration flows has demonstrated its value and will be developed further²⁵⁶.

The annual meetings on the Berlin Process have served to consolidate and strengthen the will of the Union and the Balkan States to cooperate ever more closely in the process of European integration. In order to do this, the various meetings have always highlighted the importance of certain sectors deemed to be of a strategic nature

²⁵⁴ European Commission. (2017, July 12). *Western Balkans Summit 2017: delivering for the region*. European Commission - Press Corner . https://ec.europa.eu/commission/presscorner/detail/en/IP_17_2007

²⁵⁵ European Council. (2018, May 17). *EU-Western Balkans summit in Sofia, 17 May 2018*. European Council- International Summit . <https://www.consilium.europa.eu/en/meetings/international-summit/2018/05/17/>

²⁵⁶ *Eu and Western Balkan Summit- Sofia Declaration, 17 May 2018*. (2018, May 17). European Council , point 10.,https://www.consilium.europa.eu/media/34776/sofia-declaration_en.pdf

in which the participating States intended to cooperate. For example, the Summit held in Poznań in Poland between Europe and the Balkans, also in the context of the Berlin Process, confirmed the Union's commitment to strengthening cooperation through the preparation of measures in five areas deemed strategic: transport and energy, digital, economy, security and good neighborly relations²⁵⁷ Despite the efforts implemented through the Berlin Process summits, it can be said that at the end of the meeting it was not clear how the Balkan integration process was developing. In fact, after the Poznań summit, the way in which the second phase of the Berlin process was to take place had not yet been clearly defined, since up to that point, the commitments made at the various summits had remained stalled²⁵⁸.

Despite poor results achieved in the various previous meetings, the Berlin Process meetings continued through the Zagreb meeting on 6 May 2020. This summit, however, to guard against the restrictions due to the pandemic from Covid-19 was held via videoconference. The meeting, which was held on the anniversary of the Zagreb Summit in 2000, which marked the beginning of the European perspective for the Balkans, sought even more to strengthen solidarity between the Union and the Balkans. To this end, the Union has also made provision for specific aid to stem the coronavirus crisis, once again confirming the strategic importance of the region. To this end, the Union is committed to providing assistance for the social and economic political transformation of the region²⁵⁹.

The outcome of the Sofia and Zagreb summits was the summit held in Brdo, Slovenia, during the European presidency of the state. It again bears witness to the Union's political commitment to the Western Balkans since then. In addition, prior to the meeting, The President of the European Commission Von der Leyen has planned to visit all the states of the western Balkans transmitting therefore a strong solidarity in all

²⁵⁷ European Commission. (2019, July 5). Western Balkans Summit in Poznań: strengthening links within the region and with the EU, European Commission- Press Corner, https://ec.europa.eu/commission/presscorner/detail/en/IP_19_3669

²⁵⁸ Madhi, G. (2019, March 7). *Berlin process before and after the summit of Poznan*. Osservatorio Balcani e Caucaso. <https://www.balcanicaucaso.org/eng/Areas/Balkans/Berlin-Process-before-and-after-the-Summit-of-Poznan-193017>

²⁵⁹ Anghel, S. (2020, May 11). *Outcome of the Zagreb EU-Western Balkans video-summit of 6 May 2020*. Epthinktank. <https://epthinktank.eu/2020/05/11/outcome-of-the-zagreb-eu-western-balkans-video-summit-of-6-may-2020/>

the region evidencing the clear will of the Commission to proceed towards a full European integration in the region. On the occasion of these trips, the Commission, in the person of its President, was able to invite all the Balkan partners to extend their regional and economic cooperation, in order to take full advantage of the investment business plan that the Union had prepared for the region in the same and previous years²⁶⁰.

2022 was a year in which, due to the already highlighted consequences of the war in Ukraine, two important meetings were held between the Union and the Western Balkans: the meeting held in Brussels on 23 June 2022 and the summit held in Tirana on 6 December 2022. The meeting held in June had the precise objective of strengthening cooperation between the EU and the Balkans mainly because of the Russian invasion in Ukraine, also given the strong influence, repeatedly recalled, that the Kremlin exercises on the region. For this reason, the European leaders recalled at the meeting their undoubted support for the integration of the Balkans into the Union. Given the peculiar geopolitical scenario resulting from the war in Ukraine, the participants agreed to create a new impetus for cooperation on the European continent also based on the revised EU methodology for enlargement. The main objectives of the meeting were to encourage reforms in the region to advance European integration and to explore innovative ways to stimulate accession negotiations²⁶¹.

The summit that took place in Tirana on 6 December 2022 saw among the participants, in addition to the heads of state and government of the European Union, the President of the European Commission, Ursula von der Leyen, President of the European Council, Charles Michel, High Representative/Vice-President Josep Borrell, Commissioner Olivér Várhelyi and the Heads of State or Government of the Western

²⁶⁰ European Commission. (2021, October 6). *EU-Western Balkans Summit in brdo reaffirms European perspective and strategic engagement in the region*. European Commission- European Neighbourhood Policy and Enlargement Negotiations (DG NEAR). https://neighbourhood-enlargement.ec.europa.eu/news/eu-western-balkans-summit-brdo-reaffirms-european-perspective-and-strategic-engagement-region-2021-10-06_en#:~:text=the%20enlargement%20process%E2%80%A6,At%20the%20European%20Union%2DWestern%20Balkans%20Summit%20in%20Brdo%20pri,t he%20principle%20of%20own%20merits.

²⁶¹ European Council. (2022, June 23). *EU-Western Balkans leaders' meeting, 23 June 2022*. European Council- International Summit . <https://www.consilium.europa.eu/en/meetings/international-summit/2022/06/23/>

Balkan States. Unlike the first summit between the EU and the Balkans in 2022, the Tirana Summit was the first meeting held on the territory of one of the Balkan states, Albania. This choice is a clear signal that the Union wanted to send to the Balkan states, which can easily be seen from the statements of President Von der Leyen herself, who stated that

This Summit, held for the first time in a Western Balkan country, gives a clear message about our engagement, our unity, and our strong partnership. The EU is more committed than ever to a common future, with our Western Balkans partners inside the EU. And we are taking every opportunity to bring our regions and our people closer together. From addressing jointly the energy crisis to opening more opportunities for citizens and business alike, including by lowering roaming charges. This is a great achievement²⁶².

The policy areas that were addressed at the summit were:

1. jointly address the consequences of Russian aggression in Ukraine
2. strengthen the political and policy commitment
3. strengthen security mechanisms and strengthen resilience against foreign interference
4. addressing and combating challenges relating to migration, terrorism and organized crime²⁶³.

During the summit, the Union's willingness to proceed with the Western Balkan accession process was further clarified and the progress made by the Balkan states in their European Integration process was also highlighted. Indeed, the second point of the Tirana Declaration expresses that

the EU reaffirms its full and unequivocal commitment to the European Union the accession of the Western Balkans and calls for the acceleration of accession

²⁶² European Commission. (2022, December 6). *EU-Western Balkans Summit in Tirana reaffirms the EU membership perspective of the Western Balkans and EU's strategic partnership with the region*. European Commission - Press Corner .
https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7448

²⁶³ European Council, (2022, December 6)., *Eu-Western Balkans summit in Tirana, 6 December 2022- International summit*, <https://www.consilium.europa.eu/en/meetings/international-summit/2022/12/06/>

process, based on credible partner reforms, fair and strict conditions and the principle of one's own merits, which is in our mutual interest²⁶⁴

In addition, Europe, in the Declaration drawn up at the end of the summit, again highlighted its full support for regional cooperation and the strengthening of good neighborly relations, both between the Balkan states and between them and the EU member states. To do this, the Tirana Declaration promotes bilateral agreements between the Balkan countries in order to promote reconciliation between them and regional stability. These agreements were considered essential in order to resolve the disputes that the Balkan partners still had to deal with in relation to past issues. To this end, the Union reiterated its support for the efforts of the EU High Representative and the Special Representative for the Promotion of Dialogue between Belgrade and Pristina, from which a binding agreement on the normalization of their relations is expected²⁶⁵.

Regarding the joint response to the challenges arising from the Russian-Ukrainian conflict, the summit focused on the effects that the war had on the Balkan states also because of Russian influence in the region. One of the areas in which the Balkan states were most dependent on Moscow is undoubtedly energy. As a result, European leaders and institutions have prepared a new investment package aimed at mitigating the impact of the energy crisis in the region, aimed at supporting families and businesses and especially the energy transition thanks to the EU Repower plan. Furthermore, the Tirana Declaration calls on the leaders of the Western Balkans to make rapid and permanent progress towards alignment with the Union's common foreign and security policy, including its restrictive measures²⁶⁶. In order to increase the resilience and economy of the region, The European Union through the Tirana Declaration, highlighted that the proper implementation of both the economic and investment plan and the Green and Digital Agendas for the Western Balkans would also contribute to

²⁶⁴ EU- Western Balkans Summit, Tirana Declaration, 6 December 2022, (2022 December 6)., point 2, in European Council, International Summit- Statement and remarks <https://www.consilium.europa.eu/media/60568/tirana-declaration-en.pdf>

²⁶⁵ EU- Western Balkans Summit, Tirana Declaration, 6 December 2022, (2022 December 6)., points 8 and 9, in European Council, International Summit- Statement and remarks <https://www.consilium.europa.eu/media/60568/tirana-declaration-en.pdf>

²⁶⁶ European Council, (2022, December 6)., *Eu-Western Balkans summit in Tirana, 6 December 2022- International summit*, <https://www.consilium.europa.eu/en/meetings/international-summit/2022/12/06/>

reducing the region's dependence on third countries. To this end, the Union has approved a new package of European grants worth a total of EUR 400 million and an investment value of EUR 1.2 billion to finance 12 investment projects. Through the Tirana Declaration, Europe has also decided to continue to support the agricultural sector, thus strengthening its role as the main investor and trading partner in the Western Balkans²⁶⁷. Moreover, during the meeting a greater commitment of Europe has been arranged in order to mitigate the foreign influences in the region, also and above all those concerning the manipulation of the information. The area of security following the Russian war Ukraine has acquired considerable importance for the Union, which has therefore decided to improve the security and defense of the region also thanks to the implementation of the European Peace Facility²⁶⁸.

As far as political commitment is concerned, the latter would have been speeded up by the regular summits between the Union and the Balkans described above. Furthermore, through the Tirana Declaration, the EU is encouraging the strengthening of sectorial cooperation with the Western Balkan states in areas deemed to be strategic, such as the EU economy and internal market, justice and home affairs, energy, civil protection, social policy, education, transport and digital policy, research and finally foreign affairs, including defense and security policy²⁶⁹.

In this thematic area, the EU Balkan Summit was also useful in understanding the progress made in the policy area, including a new impetus for the integration of the Western Balkans into the Union's internal market, the recognition and thus the free movement of IDs of all Balkan citizens, the recognition of university diplomas and all professional qualifications, and the modernization of the various payment systems that have become in line with European standards, and finally the progress made in the digital area. In addition, green partnerships have been established between the EU and the Balkans to facilitate cross-border logistics and the continuous flow of goods between Europe and the Western Balkans. Finally, at the Tirana summit, the stipulated agreement between telephone operators was welcomed, which provides for a reduction

²⁶⁷ Ibidem.

²⁶⁸ Ibidem.

²⁶⁹ *EU- Western Balkans Summit, Tirana Declaration, 6 December 2022*, (2022 December 6)., points 17 and 18, in European Council, International Summit- Statement and remarks <https://www.consilium.europa.eu/media/60568/tirana-declaration-en.pdf>

in roaming costs between the EU and the Western Balkans as of 2023, which will lead to the definitive abolition of costs by 2027²⁷⁰.

Finally, the last thematic area related to the Tirana summit is that concerning another issue considered of strategic importance, namely the management of migration flows. As mentioned in the first paragraph of this chapter, migration numbers on the Balkan route for the year 2022 have increased considerably. Consequently, in a context such as the war in Ukraine, which has also witnessed a new flow of war refugees, the issue of migration has once again gained even more strategic importance. In point 27 of the Tirana Declaration, the first of the section dealing with migration, the Union immediately refers to the fact that «Migration management remains a joint challenge and responsibility, which the EU and the Western Balkans will address together, in close partnership²⁷¹». The debate in Tirana on migration also focused on the alignment of the Western Balkans with European visa policy and cooperation on return systems. To this end, the Union has also set up a system of economic aid to its partners to improve asylum and reception systems, strengthen and protect borders, combat smuggling networks and organized crime groups and intensify the return of migrants to their countries of origin²⁷². To improve border management, the European Union has adopted a program to strengthen its borders to the value of EUR 40 million in order to combat the trafficking of migrants and thus human beings, with particular reference to investigations and criminal proceedings worth EUR 30 million²⁷³. The funds to be invested in the Western Balkans will, according to the Tirana Declaration, be fed through the Instrument of Pre-Association Assistance (IPA III instrument). The measures aim to help beneficiaries to take policy reform measures, institutional, administrative, social and economic to ensure that beneficiaries of the Fund can gradually align themselves with the rules and standards of the Union in these areas in order to proceed to EU membership. IPA III places the key requirements for EU

²⁷⁰ European Council, (2022, December 6)., *Eu-Western Balkans summit in Tirana, 6 December 2022- International summit*, <https://www.consilium.europa.eu/en/meetings/international-summit/2022/12/06/>

²⁷¹ *EU- Western Balkans Summit, Tirana Declaration, 6 December 2022*, (2022 December 6)., point 27, in European Council, International Summit- Statement and remarks <https://www.consilium.europa.eu/media/60568/tirana-declaration-en.pdf>

²⁷² European Council, (2022, December 6)., *Eu-Western Balkans summit in Tirana, 6 December 2022- International summit*, <https://www.consilium.europa.eu/en/meetings/international-summit/2022/12/06/>

²⁷³ *EU- Western Balkans Summit, Tirana Declaration, 6 December 2022*, (2022 December 6)., point 28, in European Council, International Summit- Statement and remarks <https://www.consilium.europa.eu/media/60568/tirana-declaration-en.pdf>

membership at the heart of the aid instrument, while taking a purely political approach with a dynamic distribution of the assistance planned. The IPA III focuses on key priorities and strengthens and promotes the implementation of reforms and socio-economic development in a sustainable way to gradually move towards European integration²⁷⁴. Finally, the Tirana Declaration on Migration Management also aims to address the security issues arising from migration routes. In fact, the Union has asked the Balkan countries to strengthen their cooperation in the fight against terrorism and violent extremism, to pursue the trafficking of goods illegally introduced into European territory via the Balkan route, The Union called on its Balkan partners to establish and maintain a close cooperation relationship with the European Office of Public Prosecutors (EPPO)²⁷⁵.

In order to take concrete action against the rise in the number of migrants on the Balkan route in 2022, the European Commission, prior to the Tirana summit, On 5 December 2022 it presented an action plan to mitigate and manage the effects of the migration crisis within the Western Balkans.

3.3.1 The Commission Action Plan for the Western Balkans migration route

The plan drawn up by the Commission for the migration challenges along the Western Balkans route was drawn up on the sidelines of an extraordinary European Council of Justice and Home Affairs on 25 November 2022. This meeting was held under the Czech Presidency of the European Union in order to counter the effects of the growing number of migrants arriving in Europe on all migration routes. The meeting highlighted the need to act with an approach that looks at all the migration routes leading to the old continent, and highlighted a series of common principles for the management of migration routes. Firstly, the Council stressed the need to create a more resilient migration and asylum system in order to reach an agreement as soon as

²⁷⁴ European Commission. (n.d). *Overview - Instrument for pre-accession assistance*. European Neighbourhood Policy and Enlargement Negotiations (DG NEAR). https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/overview-instrument-pre-accession-assistance_en

²⁷⁵ EU- *Western Balkans Summit, Tirana Declaration, 6 December 2022*, (2022 December 6)., points 30, 31,32 in European Council, International Summit- Statement and remarks <https://www.consilium.europa.eu/media/60568/tirana-declaration-en.pdf>

possible on the reform of the European Asylum and Migration Pact. The second principle concerns the desire to intensify cooperation with all partner countries and organizations in migration management to address the causes of migration and prevent departures and loss of life, tackling smuggling and improving readmission methods. Thirdly, after welcoming the plan proposed by the Commission for the management of the Central Mediterranean route, the Council urged the Commission to draw up a specific plan for the Western Balkans route. In addition, the meeting expressed the desire to improve and strengthen efforts to implement the solidarity mechanism proposed by some member states in June of the same year, also strengthening cooperation with rescue organizations. Finally, the Council expressed its desire to create a better management of external borders that would avoid the exploitation of migrants²⁷⁶. With particular reference to the Balkan route, the Council stated that one of the priorities in route management was without doubt the need to align the visa policy of the Balkan states with that of the European Union and asked the Commission to monitor this alignment. Furthermore, the Council highlighted the importance of full implementation of the agreement between Europe and Turkey and invited the Commission to monitor the execution of the agreement²⁷⁷.

As previously mentioned, on the sidelines of this meeting and given the approval expressed by the Home Affairs Council on the action plan for the Central Mediterranean route, the Commission before the Tirana summit proposed the Action Plan for the Western Balkans on 5 December 2022. The Action Plan presented by the Commission highlights the fact that between January and November 2022, 130,000 attempts were registered to enter the European Union illegally through all the various routes of the Western Balkans, a number that was three times higher than the same figure recorded for 2021. According to the Commission, this increase stems from two factors, namely

²⁷⁶ European Council. (2022b, November 25). *Extraordinary Justice and Home Affairs Council (Home Affairs)*, 25 November 2022. Council of European Union. <https://www.consilium.europa.eu/en/meetings/jha/2022/11/25/>

²⁷⁷ European Council. (2022, November 25). *The Extraordinary Home Affairs Council on the situation along all migratory routes and a joint way forward, Presidency Summary*. Council of European Union. <https://www.consilium.europa.eu/media/60347/fin-pres-summary-migration.pdf>

the intersection of two different migration flows, and the arrival through the use of free-visa in the Western Balkans²⁷⁸.

The Western Balkans Action Plan is outlined in 20 operational measures that can be grouped into five pillars:

- (1) strengthening border management along the routes;
- (2) speeding up asylum procedures and supporting reception capacity;
- (3) combating migrant smuggling;
- (4) improving cooperation on readmission and return; and
- (5) achieving visa policy alignment²⁷⁹.

The measures focus on support and also on Balkan partner actions and actions carried out by the European Union. The ultimate goal is to fortify cooperation on migration policies also given and considering the prospect of the accession of the Balkan countries within the European Union.

The first pillar concerns the strengthening of border management along migration routes, which is essential in order to reduce irregular entries, also in the light of the evolution of the modus operandi used by smugglers. In addition, this fortification is a priority in the fight against increasing violence at borders and against the trafficking of weapons by criminal organizations. To this end, the Union has concluded bilateral agreements with Albania, Montenegro, Serbia and North Macedonia, to enable the Frontex agency to deploy a permanent body of the European Border and Coast Guard to operate jointly with state forces in the region²⁸⁰. To this end, one of the first pillar instruments provides for the effective implementation of the IPA III program in order to strengthen border management capacity by providing surveillance equipment and

²⁷⁸ European Commission. (2022, December 5). *EU action plan on the Western Balkans*. European Commission- Migration and Home Affairs . https://home-affairs.ec.europa.eu/system/files/2022-12/Western%20Balkans_en.pdf

²⁷⁹ European Commission. (2022, December 5). *Migration routes: Commission proposes Action Plan for cooperation with the Western Balkan to address common challenges*, Press Release, https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7447

²⁸⁰ Ibidem.

providing appropriate training. The EU has allocated 40 million to Montenegro, Bosnia and Herzegovina, Serbia and Kosovo²⁸¹. Furthermore, the first pillar also requires the European Union to commit itself through the implementation of Measures 3 and 4 to revising and increasing Frontex's support to the Member States of the Union and to supporting economically the Member States which bilaterally support the other Member States and the Balkans in border management²⁸².

The first pillar of the plan concludes that the implementation of the measures described above must be accompanied by the Union's commitment to third countries along the Silk Road in order to strengthen the front lines. In order to do this, it is crucial that Turkey fulfills its commitments to the Union with the EU-Turkey Statement²⁸³.

The second pillar of the Action plan regards speeding up asylum procedures and supporting reception capacity. In this respect, the Union is committed to strengthening the asylum capacity of the Balkan States and to supporting reception mechanisms through the pre-accession assistance program (IPA)²⁸⁴. This pillar is also structured by preparing the measures to be implemented by the Balkan states and the actions that the Union undertakes to take. Among the measures in support of the Balkan partners is the will to continue to support them in strengthening and accelerating asylum and registration procedures, in implementation of the EUAA roadmaps. In addition, a second measure in support of the Balkans is the targeted use of PAHs to support the primary needs of migrants once they enter the territory of the Balkan states²⁸⁵. With regard to the actions relating to the European Union, the latter proposes, as a seventh measure, to ensure through Eurodac an adequate registration in order to identify any gaps in the registrations²⁸⁶. The eighth measure relating to the second pillar concerns the creation of pilot projects for the Member States concerned in order to create rapid

²⁸¹ European Commission. (2022, December 5). *EU action plan on the Western Balkans*. pillar I. Strengthen border management along the routes , point 2, in European Commission- Migration and Home Affairs. https://home-affairs.ec.europa.eu/system/files/2022-12/Western%20Balkans_en.pdf

²⁸² Ibidem, points 3 and 4.

²⁸³ Ibidem.

²⁸⁴ European Commission.(2022, December 5). *Migration routes: Commission proposes Action Plan for cooperation with the Western Balkan to address common challenges*, Press Release, https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7447

²⁸⁵ European Commission. (2022, December 5). *EU action plan on the Western Balkans*. pillar II. Ensure swift asylum procedures and support reception capacity, points 5 and 6 European Commission- Migration and Home Affairs. https://home-affairs.ec.europa.eu/system/files/2022-12/Western%20Balkans_en.pdf

²⁸⁶ Ibidem, point 7;

asylum procedures in line with the existing acquis²⁸⁷. The ninth measure aims to rapidly implement the roadmap for better implementation of Dublin transfers for applicants for international protection in order to deal promptly with secondary movements within the Union and increase the effectiveness of the same of the Dublin Regulation²⁸⁸. The tenth and final measure relating to the second pillar concerns the strengthening of the Global Migration Management Group in Greece on the basis of the existing memorandum of understanding and the assessment of the establishment of migration management groups in other Member States²⁸⁹.

The third pillar of the Plan focuses on the fight against trafficking in migrants, which was previously considered at the EU-Western Balkans Ministerial Meeting on Justice and Home Affairs on 3 November 2022, following which the Commission established an Anti-Smuggling Operational Partnership.²⁹⁰ In order to strengthen the fight against traffickers, the Union has made provision for action to be taken through the implementation of three key measures relating to points 11, 12 and 13 of the Action Plan. The first two measures are aimed at supporting the Balkan states. Firstly, the 11th measure aims to make full use of Europol's operational task force in order to tackle the smuggling of migrants at the border between Serbia and Hungary and to extend the use of similar task forces to other borders. In addition, the measure is aimed at improving the participation of all Balkan states in the EMPACT 2022-2025 cycle and in its Operation Action Plan (OAP) in order to combat criminal networks operating in the trafficking of migrants²⁹¹. The twelfth measure, on the other hand, is designed to ensure the effective implementation of the IPA and includes a regional program to combat money theft to the value of EUR 30 million, as well as supporting the judicial system of the states concerned²⁹². Finally, the third pillar concludes on the thirteenth point with the actions to be carried out in the European Union, whereas it appears necessary to

²⁸⁷ Ibidem, point 8.;

²⁸⁸ Ibidem, point 9.;

²⁸⁹ Ibidem, point 10.;

²⁹⁰ European Commission. (2022, December 5). *Migration routes: Commission proposes Action Plan for cooperation with the Western Balkan to address common challenges*, Press Release, https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7447

²⁹¹ European Commission. (2022, December 5). *EU action plan on the Western Balkans*. pillar III. Fighting migrant smuggling, point 11, European Commission- Migration and Home Affairs. https://home-affairs.ec.europa.eu/system/files/2022-12/Western%20Balkans_en.pdf

²⁹² Ibidem, point 12.;

resume and conclude negotiations on the Commission proposal to penalize transport operators involved in the trafficking of migrants²⁹³.

The fourth pillar concerns the strengthening of cooperation on readmission and return between Europe and the Balkan partners. The full implementation of existing repatriation agreements is seen by the Commission as the backbone of cooperation in this area. In this regard, the pillar consists of three basic measures, two in support of the Balkan states (measures 14 and 15) and one by the Union (measure referred to in point 16 of the Action Plan). Firstly, the fourteenth point provides for the Union to increase its action in order to increase Balkan yields. To do this, the EU aims to extend the pilot project financed by IPA funds in Bosnia and Herzegovina to other states in the region. Starting from this program, more will be prepared in 2023 to cover both voluntary and non-voluntary referrals, which will also focus on strengthening operational cooperation between the EU, the Balkans and countries of origin²⁹⁴. The fifteenth measure aims to fortify operational capacities on the part of the Balkans in order to carry out returns, including through the development of appropriate structures. For this, it appears necessary for Frontex to support the states in question in promoting regional cooperation by deploying return specialists, providing training in this regard, and facilitating cooperation with countries of origin in acquiring travel documents²⁹⁵. Regarding actions within the European Union related to the fourth pillar, measure number 16 of the Plan prepares to create joint readmission committees with Balkan states bilaterally in order to effectively implement EU readmission agreements, with special reference to the readmission of third-state nationals transiting the Balkans without the need for visas²⁹⁶.

Finally, the fifth pillar of the Action Plan concerns the alignment of the visa policy of the Balkan states with that of the European Union. Such uniformity in the Commission's view appears essential to ensure the proper functioning of the Western Balkans' visa-free regime with Europe²⁹⁷. The only measure relating to the Western

²⁹³ Ibidem, point 13;

²⁹⁴ European Commission. (2022, December 5). *EU action plan on the Western Balkans*. pillar IV. Enhancing readmission cooperation and returns, point 14. European Commission- Migration and Home Affair, https://home-affairs.ec.europa.eu/system/files/2022-12/Western%20Balkans_en.pdf

²⁹⁵ Ibidem, point 15.

²⁹⁶ Ibidem, point 16.

²⁹⁷ European Commission. (2022, December 5). *Migration routes: Commission proposes Action Plan for cooperation with the Western Balkan to address common challenges*, Press Release, https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7447

Balkans is No 17, which provides for the Balkan partners to align themselves as soon as possible with the Union's visa policy, restoring and implementing at the same time visa requirements for third countries in an effective manner and in line with European visa policy²⁹⁸. As regards the measures to be taken by Europe, Measure No. 18 of this Plan provides for the EU to continue to raise awareness and closely monitor operational developments directly on the ground, monitoring the legislative actions undertaken by the Balkans, in particular on visas. The 19th measure provides for ongoing monitoring and evaluation of visa alignment in the wider framework of the visa suspension mechanism and in accordance with Article 8 of the visa regulation²⁹⁹. Finally, the 20th measure that the Union is preparing concerns the launch of joint initiatives and the coordination of messages from EU delegations and embassies of member states throughout the territory of the Western Balkans and key countries in the transit and origin of migrants³⁰⁰.

The presented pact appears to be the first step towards improving the migration situation in the Balkans promoted by the committee. However, its measures are part of a broader framework of reforms relating to the management of the migration crisis. In fact, in 2023, an agreement was reached in the European Council to improve migration management.

3.4 The European Council reached an agreement on The New Pact on Migration and Asylum

On 8 June 2023, the Council of the European Union reached an agreement on the key procedures concerning asylum and migration policy. Obviously, this agreement was concluded with reference to what the Commission proposed on 23 September 2020 through the so-called New Pact on Migration. This New Pact on Migration and Asylum was structured through an agglomeration of regulations and policies aimed at providing a more quo and sustainable migration and asylum process for the European Union.

²⁹⁸ European Commission. (2022, December 5). *EU action plan on the Western Balkans*. pillar V. Achieving the alignment of visa policy, point 17. European Commission- Migration and Home Affairs, https://home-affairs.ec.europa.eu/system/files/2022-12/Western%20Balkans_en.pdf

²⁹⁹ Ibidem, point 19;

³⁰⁰ Ibidem, point 20;

The Pact was intended to manage and stabilize long-term migration, giving clarity, certainty and decent living conditions to those arriving on European territory. Moreover, the Pact sought to establish a common approach to migration pressure and asylum based on solidarity, responsibility and also respect for human rights³⁰¹. The new Pact has made it clear that no Member State should assume too great a liability and that, therefore, all States should contribute to solidarity.

The aim was to provide a global approach that would unify policies on migration, asylum, integration and border management, highlighting that the effectiveness of measures was linked to progress on all fronts. In this regard, the new Pact aimed to create faster and seamless migration processes and strengthened governance for migration and border policies, supported by modern IT systems and more effective specialized agencies. In addition, the Pact aimed to reduce irregular routes and to promote legal and more sustainable routes for migrants in need of protection. The Pact was based on the assumption that most of the time migrants arrived in Europe by legal means which therefore had to be organized to facilitate the needs of the European labor market³⁰².

The agreement on these new rules concerning the basic laws of the new migration and asylum system was reached by the Council on 8 June 2023. This new agreement is based on a number of fundamental aspects aimed at the desired improvement of the European Union's immigration and asylum policy. The first point of the agreement concerns the simplification of the asylum procedure. In fact, the Asylum Procedure Regulation (APRC) aims to create a single procedure for states across the Union that all Member States are required to use when a person seeks international protection. The regulation simplifies procedures and provides for more

³⁰¹ European Commission. (2020). *New pact on migration and asylum*. European Commission- Migration and Home Affairs. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/new-pact-migration-and-asylum_en

³⁰² European Commission. (2020, September 23). *Communication from the Commission on a New Pact on Migration and Asylum, Introduction: A New Pact on Migration and Asylum*. EurLex. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0609>

rights for applicants, and also abolishes the system by establishing clear obligations for applicants to cooperate with the authorities during the procedure³⁰³.

The second point on which the members of the Council have reached agreement concerns the new border procedures, which fall within the competence of the APRC. The latter, introduces new mandatory border procedures aimed at the rapid assessment of the validity of an application for asylum directly at the European border. Therefore, people at the border are not allowed to enter the territory of a Member State. These procedures shall apply when an applicant submits its application at an external border crossing point, following a detention caused by an illegal crossing attempt and after landing following a rescue operation. The procedure becomes mandatory for Member States if the individual is considered a danger to national security or if he has deceived the competent authorities by providing false information on arrival, or last if the applicant has a nationality with a recognition rate below 20%. The asylum procedure in question should last a maximum of six months³⁰⁴.

The third point of the agreement concerns adequate capacity, namely that in order to finalize the border procedures referred to above, the states must have adequate capacity and preparation in terms of reception and human resources, necessary to examine decisions and enforce any return situations. At the European level, this capacity appears to be 30,000 people while the capacity of each member state will be established on the basis of a formula that refers to the number of irregular border crossings and entry refugees for a period of three years³⁰⁵.

The fourth point on which the Council has reached agreement concerns the amendment of the Dublin rules. In this respect, the Regulation on the Management of Asylum and Migration (AMMR) would replace the existing Dublin Regulation after agreement on this issue. The aim of the AMMR is to simplify and speed up the Dublin rules, for example the rules on withdrawal for the transfer of an asylum seeker to the

³⁰³ European Council. (2023, June 8). *Migration policy: Council reaches agreement on key asylum and migration laws*. Streamlining asylum procedure, European Council- Press Release .
<https://www.consilium.europa.eu/en/press/press-releases/2023/06/08/migration-policy-council-reaches-agreement-on-key-asylum-and-migration-laws/>

³⁰⁴ Ibidem, Border Procedures;

³⁰⁵ Ibidem, Adequate Capacity;

Member State responsible for the application, which will be replaced by a withdrawal notification³⁰⁶.

One of the key points of the new agreement is the establishment of a New Solidarity Mechanism. This new system will create a simpler and more workable solidarity mechanism. In this respect, the new rules combine compulsory solidarity and flexibility for Member States as regards the choice of individual contributions. These include relocation, financial contributions and other solidarity measures, such as the provision of staff and the improvement of reception capacities. Member States retain full discretion as to the kind of solidarity they offer. In fact, no state will be under these new rules obliged to carry out relocation³⁰⁷.

Finally, the Council reached an agreement on the prevention of abuse and secondary movements of migrants. In fact, the AMMR stipulates that the obligation for asylum seekers to apply in the Member States of first entry, thus limiting the possibility of secondary movements. Obviously, this procedure also avoids shifting of responsibility between Member States and limits for the migrant the possibility of choosing the state in which the request is made. While the aim of the new regulation is to maintain the basic rules for determining responsibilities, the measures agreed by the Council provide for changes in the duration of that determination. In fact, the Member State concerned will be responsible for the application for asylum for a period of two years³⁰⁸.

What comes out of this agreement, achieved during the Swedish Presidency, is not something definitive, since the latter will still have to be the subject of negotiations between the Council and the European Parliament. Only after the green light between these two institutions the agreement will become law.

This agreement certainly represents a first desire to reform the European institutions and the Member States of a system which, over the years in which Europe has been hit by the crisis of capitalism, has highlighted all its shortcomings. Nevertheless, it remains to be seen whether this new proposal, as well as the new rules

³⁰⁶ Ibidem, Modification of Dublin rules;

³⁰⁷ Ibidem, New solidarity Mechanism;

³⁰⁸ Ibidem, Preventing abuse and secondary movements;

devised with particular reference to the Balkan route, are really efficient in order to manage flows that, even today, do not suffer a substantial decrease.

3.5 Conclusion

What we wanted to highlight in this chapter is that migration, as a human phenomenon, cannot be blocked, but one can and must try to manage it. Starting from this assumption, we wanted to cross the path taken by the European Union to try to manage the migration flow within the Western Balkans. Following on from what was expressed in the second chapter of this report, we wanted to highlight through the provision of data that the agreement between Europe and Turkey in 2016, aimed at closing the Balkan route, in reality in the following years did not have the desired effect. The analysis of the data provided in this chapter shows essentially that the Balkan route, following the EU-Turkey agreement, has not been closed, but has changed direction, moving at the beginning of 2018 towards states that before then had been least affected by the wave of migration, namely Bosnia and Herzegovina, Montenegro and once again Serbia. While it is clear that the route has simply been diverted and that the numbers have decreased due to the more stringent forms of control, it is clear that, precisely these stringent faces, have exacerbated one of the most important security problems on the Balkan route, namely the use of smugglers and less safe routes. At the same time, EU countries that were at the southern entry point such as Bulgaria, and at northern exit point such as Hungary and Croatia, reacted to the failure to close the route using systematic pushbacks often violent and disregarding the rights of migrants³⁰⁹. In addition to the shortcomings inherent in the asylum system and in European migration policy, this is due to the substantial difference in the responses of the existing Member States and the Balkan States that are candidates for the European Union, The European Parliament has a duty to ensure that the European Parliament is fully involved in this process. The agreement between Europe and Turkey has indeed externalized the

³⁰⁹ Weber , B. (2017, June). *The EU-turkey refugee deal and the not quite closed Balkan Route*. (page 22). Democratization Policy Council. <https://library.fes.de/pdf-files/bueros/sarajevo/13436.pdf>

problem of the management of migrants in the Western Balkans, delegating to them the responsibility of migrants crossing borders³¹⁰.

The numbers relating to the migration crisis in the Western Balkans have gradually worsened, reaching a peak of arrivals in the year 2022, a year that coincides with the outbreak of war in Ukraine. The chapter wanted to demonstrate how the European Union, following the geopolitical change resulting from the aggression of Russia in Ukraine, has regained interest in the Western Balkans, giving new impetus to two issues that had remained outstanding so far: the process of accession of the Balkan states to the European Union and the management of migration within the Balkan route. As for the process of European integration, following the Russian aggression in Ukraine, it has begun to give even more importance to the concept of securitization of its external borders. In order to symbolize a new impetus towards enlargement, the European Union wanted to organize on 6 December 2022, a meeting with the leaders of the Western Balkans for the first time in the Balkan territory, specifically in Tirana. The year 2022 marked a new impetus in a process of European integration that has stagnated completely. The crisis in Ukraine has indeed led Europe to rethink its strategic priorities, stressing that the integration of the Balkans and European enlargement towards them are crucial for European security³¹¹. It remains to be seen whether this commitment will be translated into more concrete action than has been the case for twenty years.

The Tirana summit, in addition to giving a new impetus to the process of European integration and giving a common response to the security issues arising from the conflict, has also re-opened access to migration crisis management along the Western Balkans route. The plan proposed by the Commission is focused on solving the

³¹⁰ Fruscione, G. (2018, May 11). *What of the refugees? the closure of the Balkan route, two years on*. ISPI. <https://www.ispionline.it/en/publication/what-refugees-closure-balkan-route-two-years-20511>

³¹¹ Hack, J. (2023, April 16). *A new geopolitical challenge? how the Ukraine conflict affects EU membership prospects for the Western Balkans - Online Articles Stichting jason*. Jason- Institute For Peace and Security Studies . <https://jasoninstitute.com/a-new-geopolitical-challenge-how-the-ukraine-conflict-affects-eu-membership-prospects-for-the-western-balkans/>

problems arising from the renewed migratory pressure on the Balkan route, also touching on the issue of security and border management, the security and management of smuggling and, above all, the need to align Balkan visa policies with European policies. The new Action Plan proposed by the Commission is a measure that goes hand in hand with the Commission's efforts to implement the New Pact on Migration, on which the European Council reached agreement in June this year. The two measures must therefore be included in the wider context of the reform of European migration policy, which aims to create a more sustainable, common and fair approach. The question that arises at this point is whether these two new measures are actually effective, one focused explicitly on the Western Balkans and the other more general on the broad spectrum of the Union's migration and asylum policy. From an initial analysis of the measures, there is one factor that certainly stands out, namely a lesser protection of the migrant himself. In fact, the continuing violence against refugees at the gates of Europe has been highlighted by BVMN in a study called "Black Book of Rejections" documenting as many as 25,000 violent rejections to European bakeries. This has also been made worse by the fact that Croatia has received a unanimous consensus to join the Schengen area by not taking into account the violence perpetrated by the state in question with regard to rejections. In this sense, the flow management policy presented by the Commission does not mitigate this situation but increases it³¹². Similarly, the agreement reached by the Council on new rules in the area of migration and asylum policy reduces protection standards at European level. The question of the limitation of secondary movements within the European Union undoubtedly remains open³¹³.

The measures described in this paragraph leave these open as to their effectiveness and their effects on the migrants which remain the most effective objectives of the measures themselves. The most important reflections in the sense of

³¹² European Council on Refugees and Exiles. (2022, December 9). *Balkan route: Commission's plan focus on returns, reports of pushbacks continue amid investigations highlighting systematic violence, Eu admits Croatia to Schengen without regard to abuses at the border*. European. <https://ecre.org/balkan-route-commissions-plan-centred-around-border-management-and-returns-reports-of-pushbacks-along-continue-amid-investigations-highlighting-systematic-violence-towards-refugees-eu-admi/>

³¹³ European Council on Refugees and Exiles. (2023, June 9). *Editorial: Migration pact agreement point by point*. <https://ecre.org/editorial-migration-pact-agreement-point-by-point/>

the states remain those on the concept of solidarity, on the still strong reference to the Dublin rules and the implications that these measures have on the most important security issues concerning migration routes such as smuggling. What needs to be made clear, however, is that all measures relating to migration in the Western Balkans must take into account that, sooner or later, the latter will be members of the Union and not states on which the weight of migration policy is externalized.

Conclusion and Final Remarks

Jugoslavenski događaji su pokazali da su, posebno u trenucima krize, nacionalističke ideje jače od ideje zajedništva.- Jovan Divjak

(Yugoslav events have shown that, especially in moments of crisis, nationalist ideas are stronger than the idea of unity).

Migration is a human phenomenon, denoting a desire to seek a better life away from the horrors of one's home country. As such, migration flows have always accompanied human history. From north to south or to distant lands, each region has experienced migration, whether understood as immigration or emigration. The migration phenomenon, however, in recent times, especially as a result of the crisis arising from the large number of arrivals in Europe since 2015, has also begun to be approached from the perspective of security for the states that were suffering the effects of these mass arrivals.

This thesis focused on the analysis of the migration phenomenon and its related security issues by examining a specific region, rich in history and internal divisions namely the Western Balkans. The Balkan route has been one of the routes most frequently used by migrants to reach Europe and even today it is still a source of debate within the European political landscape. Today's changed geopolitical order and the rise in the number of migrations have revived the European Union's interest in those states that are so close to Europe and yet, for a long time, have been regarded as something else and distant. It is precisely because of this new relevance acquired by the Western Balkans and the new impetus given to the resolution of the migration and security issue in the region that this thesis has decided to focus on the analysis of two key elements concerning the Union's migration policy and the Balkan route: the Commission's Action Plan for the Western Balkans and the agreement inherent in the EU's New Pact on Migration and Asylum. In this regard, the question underlying this research is as follows:

Are the Action Plan presented by the Commission, together with the New Pact on Migration and Asylum, sufficiently effective in solving the migration problem and related security issues in the Balkan route?

As a preliminary consideration, the problems arising from the migration crisis that has crossed Europe and the Western Balkans have increased the distance between the two entities. Thanks to the analysis of the measures that the Union implemented to give a first response to the migration crisis in 2015, faced with such large numbers of arrivals via the Route, the EU decided to proceed through an approach that outsourced the weight of migration management to border states, such as the Balkans and Turkey. This analysis derived from data provided in Chapter II has shown that the Western Balkans are both incapable of absorbing flows at a purely structural level but are also unable to manage mixed migration flows, the result of which is the creation of tensions between states, or the bodies primarily responsible for the reception. Moreover, the outsourcing of immigration management by the EU exacerbates stress and tensions between states in a region that still pays the price for internal differences that cause civil war³¹⁴. Furthermore, the measures put in place at that time have not been able to provide an effective response to the migration problem and the security issues arising from it. Taking into consideration the case of the EU-Turkey Statement we can say following the analysis of the data for the years 2017 to 2020 that although the number of migrants has decreased, the route was not closed but moved to other routes within the Balkan Peninsula.

Moreover, the measures implemented at the peak of the migration crisis have all in common with the general tendency of the EU to externalize border management. Externalization means the European Union's attempt to transfer its rules and policies, namely Community *acquis*, to third countries or other international organizations³¹⁵. On the other hand, externalization is based on shifting the weight of migration management beyond the borders of European states, as well as on the conclusion of bilateral agreements between the Union and third countries for the management of the migration crisis³¹⁶. Among the bilateral agreements that fall under the concept of externalization

³¹⁴ Liperi, M. S. (2019, April 15). *The EU's externalization of migration management undermines stabilization in the western Balkans*. IAI Istituto Affari Internazionali. <https://www.iai.it/en/pubblicazioni/eus-externalisation-migration-management-undermines-stabilisation-western-balkans>

³¹⁵ Lavenex, S., & Schimmelfennig, F. (2009). *EU rules beyond EU borders: Theorizing external governance in European politics.*, *Journal of European Public Policy*, 16(6), 791–812. <https://doi.org/10.1080/13501760903087696>.

³¹⁶ Jaulin, T., Mesnard, A., Savatic, F., Senne, J. N., & Thiollet, H. (2022, January 10). *Externalization Policies and their Impacts on Migrant and Refugee Flows to Europe in Times of Crisis: A*

are packages of migration policies, work migration programs, agreements on readmission procedures, police and border cooperation, the mobilization of liaison officers, and finally ad hoc statements such as the 2016 EU-Turkey Statement³¹⁷. But the most important purpose of externalization is certainly to prevent the entry into European territory of so-called irregular migrants, also creating important issues regarding the protection of the rights of migrants. Moreover, looking at the issue from another perspective, externalization creates an excessive burden on the states that are subject to it, as demonstrated in the case of the Western Balkans. As can easily be seen from the analysis of the data concerning the Western Balkans route following the agreement between Europe and Turkey, it is therefore clear that externalization by Europe has not been able to prevent irregular entries via the Balkan route, also because the more stringent management of borders meant that migrants turned to traffickers to cross borders.

Having proved in Chapter III the ineffectiveness of the measures that the Union implemented during the peak of the crisis, we then moved on to the analysis of the most recent measures, which are directly linked to the research questions of this thesis. In this regard, we can highlight how this question can be analyzed from two points of view, the first concerning the effectiveness of the measure in terms of managing migration flows and the second concerning security issues.

As regards the effectiveness of the Commission's Action Plan and the New Pact on Migration and Asylum in managing migration flows, it can be concluded that both measures are once again driven by the Union's tendency to externalize border management to the countries of the Western Balkans. This is easily evincible thanks to the analysis of the measures read in conjunction.

Firstly, outsourcing is evident thanks to the analysis of the first measure proposed by the Action Plan, which proposes the conclusion of bilateral agreements with the Balkan countries to deploy Frontex forces on their borders. Equally, this outsourcing is also reflected in the expenditure of economic resources that the Union has put in place to make borders safer and more controlled. We can definitely state that

preliminary study, page 20, MAGYC Report.
<https://www.magyc.uliege.be/upload/docs/application/pdf/2022-03/d.8.1-v3january2022.pdf>

³¹⁷ *Ibidem*, page 22

the deployment of Frontex's forces at the border of the Balkans state is part of one of the main policies of externalization concerning border cooperation and mobilization of liaison officers. The second pillar in ensuring rapid asylum procedures and supporting reception capacity is also a mechanism for outsourcing the handling of asylum applications to Western Balkan states. Indeed, this outsourcing mechanism is easily seen by the fact that, through financial aid, the Union aims to help the Balkan countries improve their reception capacities and speed in the assessment of asylum applications. Nevertheless, if we consider the amount of money already paid by the Union through the IPA agreements and the results obtained, it is not clear whether and how the Balkan countries will be able to improve their reception capacities and speed up their procedures for analyzing asylum applications in the near future.

The mechanism for externalizing the management of migration flows to fourth countries is easy to understand also thanks to the analysis of the third pillar of the Action Plan, which aims to provide financial and technical support to the Balkan states to fortify the return procedures and strengthen the bilateral agreements on readmission of migrants that were in place for the Balkan countries. We can say that what emerges is the Union's desire to achieve three fundamental objectives. The first is to welcome people transiting the borders of the Union, the second is the readmission of migrants that the Union does not want to accept in transit countries, and finally send migrants back to their countries of origin. It is precisely to pursue this threefold objective that the Union has drawn up the rules in the third pillar concerning bilateral readmission agreements, and also the strengthening of Frontex's capacity in the region. All this, however, results in a further mechanism of outsourcing to the Western Balkans, which are seen as a storage area that should have more capacity to expel migrants described as undesirable³¹⁸.

Finally, the last pillar of the Commission's Action Plan further focuses on the outsourcing mechanism to ensure that third countries comply with EU visa legislation. The alignment of visa policies between the Balkans and the Union also appears to be

³¹⁸ Bisiaux, S. A., & Naegeli, L. (2021, June 1). *Blackmail in the Balkans: How the EU is externalizing its asylum policies*. Statewatch. <https://www.statewatch.org/analyses/2021/blackmail-in-the-balkans-how-the-eu-is-externalising-its-asylum-policies/>

essential in the European vision for states to proceed with EU membership. This is seen as a necessary condition for continuing the negotiations for the Balkans's accession to the Union.

The Union's willingness to proceed through the mechanism of externalization can also easily be understood from the analysis of the Union's New Pact on Migration and Asylum. Indeed, the main objective of the Pact appears to be to transfer responsibility outside the Member States, through a more extensive use of border procedures. Among these, the great responsibility transferred to the Western Balkan states, through the use of legal instruments such as the safe third country one, stands out³¹⁹. The asylum regulations such as the notion of a safe third country fit perfectly into the outsourcing policies³²⁰. The concept of a safe third country in the context of the New Pact on Migration and Asylum focuses on the ability to have a more functioning and secure asylum system, which is linked to the second pillar of the Western Balkans Action Plan proposed by the Commission. Without this improvement in asylum systems, the Balkans could not be considered a safe third country³²¹. Under the new agreement on the New Pact, the safe third country concept is an exception to the rule hitherto used regarding responsibility for an asylum claim, in that it allows member states to transfer responsibility for the examination of such a claim to that country provided it is considered safe³²². As a result, the Balkans will be subject both to the pressure of the increased number of rejections to the region and the burden of a commitment to a safer asylum system. Moreover, the pressure that the Balkan states will have to endure as a result of the New Covenant is also reflected in the fact that more border procedures will be applied, rather than the regular asylum procedure. It can

³¹⁹ European Council on Refugees and Exiles (ECRE), (2023, June 9). *Editorial: Migration pact agreement point by point*. <https://ecre.org/editorial-migration-pact-agreement-point-by-point/>

³²⁰ Debenedetti, S. (2009). *Externalization of European asylum and migration policies*, School on Euro-Mediterranean Migration and Development. Robert Schuman Centre for Advanced Studies

³²¹ European Council on Refugees and Exiles (ECRE), (2023, June 9). *Editorial: Migration pact agreement point by point*. <https://ecre.org/editorial-migration-pact-agreement-point-by-point/>

³²² Siviero, T. (2023, June 19). *EU migration reform "bad news" for refugees, and Western Balkans*. Balkan Insight. <https://balkaninsight.com/2023/06/19/eu-migration-reform-bad-news-for-refugees-and-western-balkans/>

therefore be concluded that the agreement on the new pact is not capable of improving the shortcomings of the EU asylum system, especially those relating to the increased burden imposed on border countries. Indeed, as the number of migrants shows no signs of decreasing, the border states will find themselves more responsible, creating a greater incentive to carry on through rejection procedures.

Consequently, the first conclusion that can be drawn is that the Union is proceeding in the management of migration across the Balkan route through an approach based on the externalization of border management, giving more weight to the Balkan states and also to Turkey, which is once again called by the Union to respect the prerogatives of the 2016 agreement.

All this, however, is linked to another main objective, namely to make borders safer using tighter border control. Nevertheless, as the data presented during the thesis show, it is clear that closer border control is not a measure that can create a deterrent for migrant crossings, who have had to make progress sometimes by using illegal channels to reach Europe. The fight against trafficking in human beings remains one of the main security issues that the European Union intends to address in the Action Plan proposed by the Commission together with the broader issue of securitization of borders. To this end, in order to answer the research question about the effectiveness of the measures described above, it is necessary to address a main issue, linked to the various effects that security measures may have. So, the question that arises is: whose security? As previously highlighted in the introductory part of the thesis, we can look at security from a dual point of view, that of the state, here understood as the European Union, and that of the individual. It is considered that, in order to assess the effectiveness of the measure, it is necessary to look at the effects it has both on the security of the state and that of the individual.

Regarding Europe's security against crimes related to the Balkan route, we can affirm that the measures applied so far have not been effective in decreasing security issues in the route. First, if we consider the issue of smugglers, we can state that harsher border management has always increased the number of migrants who use smugglers to reach Europe. In fact, if we take the case of the EU-Turkey statement as an example, we can say that the resulting tighter border control caused an increase in the number of smugglers. A more stringent border regime may have undesirable or, so to speak, side

effects, such as a reorganization of migration routes toward illegal channels. What seems clear is that increased border controls make irregular migration more dangerous, as migrants to cross borders must take increasingly impassable routes through desperate measures to evade controls. This results in the fact that if the migrant uses a smuggler, the smuggler will demand more money for his service, an increase proportional to the increase in risk³²³. In addition, increased route controls and increased border control could create an additional undesirable effect. Indeed, if traffickers feel insecure about continuing their misdeeds due to increased controls, the latter may decide to move their profits to other criminal areas, such as drug trafficking, weapons, gold, and fuel. All this could create greater security issues about the state of origin of traffickers and beyond³²⁴.

Secondly, we must consider the effects that the Action Plan and the new Pact on Migration and Asylum could potentially have on the security of migrants. We can definitely say that the measures in question, focusing on the more stringent management of borders, do not focus on the security of migrants who are the biggest losers of these two measures. For migrants to obtain access to a fair asylum procedure will be more complex and therefore, they will be subject to a greater risk of violent detention and deportation. Moreover, the situation of migrants will be further worsened by the lengthening and greater complexity of the procedures³²⁵. Moreover, the European approach has not been able to give migrants effective protection from smugglers. The most stringent controls mean that traffickers improve their criminal abilities while also making migrants' journeys more long and risky. On the other hand, however, the Union could argue that the initiatives and measures put in place are effective in protecting migrants since they are mainly aimed at ensuring that migrants are unable to leave transit countries. The main question is whether these measures have benefited migrants or whether they have worsened their condition. Many testimonies of migrants tell how

³²³ Wisthaler, V. (2022, October 4). *Closing borders is supposed to create a sense of security for those within. (...) "protecting" borders also suggests that there is something to be protected from.* EURAC Research. <https://www.eurac.edu/en/blogs/mobile-people-and-diverse-societies/closing-borders>

³²⁴ Achilli, L., & Sanchez, G. (2022, December 6). *Chasing the smugglers out: Why the "whole-of-route" will not address EU-bound irregular migration.* MPC Blog. <https://blogs.eui.eu/migrationpolicycentre/chasing-the-smugglers-out-why-the-whole-of-route-will-not-address-eu-bound-irregular-migration/>

³²⁵ European Council on Refugees and Exiles (ECRE), (2023, June 9). *Editorial: Migration pact agreement point by point.* <https://ecre.org/editorial-migration-pact-agreement-point-by-point/>

the border authorities proceed through arbitrary arrests, abuses, and treatments that affect the fundamental rights of migrants themselves. It also follows that the strengthening of control efforts along the routes also strengthened the interdependence between trafficking and human trafficking³²⁶.

What is clear is that all measures to combat smuggling must necessarily be accompanied by other support measures. It is therefore clear that an effective response to security issues relating to human smuggling must necessarily focus on reducing demand rather than reducing supply. It follows that the first step to be taken to create an effective solution is the opening of new legal entry channels and the fortification of existing ones for refugees and asylum seekers³²⁷.

Both measures taken here do not focus on creating new legal channels but concentrate on more stringent border management and externalizing the burden of border management to neighboring states. But the question that arises is that, by the same admission of the European Union, the Balkan states will no longer be merely states on the border of the Union but will be part of it. Consequently, all the policies implemented in relation to the Balkan migration route should be applied with the clear vision that these states will be future members. Consequently, the main issue appears to be that of the general political direction that the Union is taking with regard to better policy. Recent events show how much in reality, even today, the concept of solidarity is weak both with regard to the Member States already in existence and with regard to the candidate countries. This is reflected in a European migration policy that appears weak because it is imprisoned in a fundamental trap that, of course, is to the detriment of migrants and states close to the Union.

The Union's best-placed policy is caught between the Union's willingness to stand up as a disposed organization to embrace the fundamental values of welcome which are at the heart of the Union itself and the will of the Member States, it seems clear, that they are no longer willing to accept migrants. Although we are trying to find a balance between these two positions, it is clear to date that the balance is hanging in the balance in favor of the recognized tendency of states to act against the policies of

³²⁶ Achilli, L., & Sanchez, G. (2022, December 6). *Chasing the smugglers out: Why the “whole-of-route” will not address EU-bound irregular migration*. MPC Blog. <https://blogs.eui.eu/migrationpolicycentre/chasing-the-smugglers-out-why-the-whole-of-route-will-not-address-eu-bound-irregular-migration/>

³²⁷ Ibidem.

reception. The common tendency is that of disunity among European states, also because of a migration policy which, rather than externalizing the migratory burden on third countries, should first clarify the negative aspects of the same Union, such as the concept of solidarity, even with the New Pact on Migration and Asylum remains completely blurred, both between existing member states and between the Union and future members.

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