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Development of migration management portfolio in Western Balkans region**

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SUMMARY: By applying a neo-institutional approach hybridized with Foucauldian concept of 'governmentality' this analysis is mapping architecture of major institutional, legal and security models of migration management designed and developed by three Western Balkans countries – Serbia, North Macedonia and Bosnia and Herzegovina, during 2015/2016 and in the aftermath of massive migratory inflow from Middle East to Western Europe via Balkan route. Analysis identifies multiple national and international stakeholders involved in implementation of migration management policies: national governmental and parliamentary bodies, civil society organizations, UNHCR, EU agencies, OSCE field missions. The analysis reveals that the process of development of portfolio of migration management in Western Balkans was technocratically harmonized with the EU *acquis* and politicized – predominantly conceptualized and funded by the EU as the issue of securitization. 'Europeanisation' and securitization of Western Balkans migration management policies was outcome of the rational choice politics, as expression of 'governmentality' of Balkan decision-makers. Use of innovative Information and Communication Technologies (ICTs), such as biometric technology, which is already employed in key areas of digital migration management is also analysed as very potential, but disputed tool.

KEYWORDS:
migration management, governmentality, securitization, Western Balkans, Eurodac.

Contextual framing of the `migrant crisis`

Migration processes induce multiple changes not only in society and in politics, but also challenges to security or economy. To document these changes, we have rich comparative information to harvest in the region of Western Balkans (WB) comparing how different countries, i.e. governments, politicians, security systems, different (inter)national stakeholders have confronted and managed the challenges of massive migrations via, so called, `Balkan route` during 2015/2016. This `crisis`, however, has not affected all countries in the region in the same manner, largely for topographical reasons. Two Western Balkans states – then former Yugoslav Republic of Macedonia (nowadays North Macedonia) and Serbia were on the frontline of the Balkan route, followed by Bosnia and Herzegovina. These three countries have been challenged with a large-scale multiple problems requiring urgent reaction and response and, in parallel, `inventing` of new modes of migration related policies and redesigning existing institutional and legislative frameworks.

Management of the `migrant crisis` in the Western Balkans region, on the Balkan route, was simultaneously a matter of security - securitization, but primarily a challenge to the humanitarian response to the (un) expected influx of migrants (Bobić, Šantić, 2018: 219-246). Unlike European Union (EU) member states, the Western Balkans countries did not have comprehensive mechanisms in place to manage migrant movements coming from outside their home region. Politicians in Western Balkans countries were not in position to make confident statements on their capacities to manage migratory challenges like German chancellor Angela Merkel who stated: “*Wir haben so vieles geschafft – wir schaffen das.*” - “*We have already achieved so much, we can do it!*”. Merkel first made these remarks in late August 2015, and in a New Year’s address in January 2016 she reiterated the same notion that Germany is a strong country, which can face the migrant crisis and take in - absorb large numbers of immigrants. Merkel’s statement will become a symbol of hope and `green light` signal to migrants in the name of the most powerful EU member state to persevere on their movement via the Balkan route to their final destination - Western Europe.

Transit of refugees/migrants via Balkan route took place in the context of a broader European political and security context - researchers noted that to a large extent European media framed the picture on the `people on the move` as “outsiders different to Europeans: either as vulnerable outsiders or as dangerous outsiders” (Georgiou, Zaborowski, 2017: 3). But it is important to note that the high degree of bias and binary perception of refugees and migrants in media coverage has not been innovative – it was inherited from a media agenda that has been

created years and decades ago. Namely, binary concepts such as: we/ them, welcome/unwelcome, victims/villain, vulnerable/terrorists, etc. are frequently used and persists as a 'vintage vogue' in media narratives on migrants in mainstream media (Vukomanovic, 2021: 64). An in-depth review of the press in France and the United States conducted by Benson (2013) identified ten frames related towards migrants, grouping them as 'victim frames', 'hero frames' and 'threat frames'. The term 'frame' refers to the ways that speakers and writers construct arguments about certain topics. By framing, they link the topic to other events and issues and make value-judgements about its implications and impact on society (Goffman, 1986). The media has become one of the key powers governing the framing of political – public discourses. The modern media has its own version of Thomas theorem: "If CNN defines the situation as a crisis, it will indeed be a crisis for all its consequences" (Milašinović, Kešetović, Nadić, 2010: 281).¹

De Genova and Tazzioli (2015: 20) challenge the concept of framing migratory movements with, as they put it 'New Keywords' - namely: 'Crisis'; 'Migrant Crisis' / 'Refugee Crisis'. These authors have noted that "the aspiration and intended purpose of these new keywords is to effectively 'hijack' the dominant discourse surrounding and superintending how we speak of and think about the conjunctures of 'Europe' and 'crisis'". Authors are questioning the nature of this 'crisis' perceived as EU crisis of border control and migration management regimes. They conclude that "crisis, therefore, corresponds above all to a crisis of sovereignty and the exercise of a power over classifying, naming and partitioning the 'migrants' / 'refugees'" (De Genova, Tazzioli, 2015: 3, 20). Bobić and Šantić also point out that the so-called 'migrant crisis' during 2015 was just one of a series of cyclical phases of migration processes,² and that on a global scale it had no significant effects" (Bobić, Šantić, 2018: 225).

The aim of this paper is not to elaborate the question of whether mass migration across the transit Balkan route constituted a 'crisis' – in a sense that typically describes the security, economic, climate or crisis

1 William Isaac Thomas, sociologist, formulated well known statement which later became known as the Thomas theorem: "**If men define situations as real, they are real in their consequences.**" In other words, that the outcome of a situation depends upon an individual's perception of it, and not on the situation by itself. This theory, which has influenced several other sociological theories, was first suggested by Thomas in book: Thomas, W.I., Thomas D. S. 1928. *The Child in America: Behavior Problems and Programs*. New York: Alfred A. Knopf.

2 Estimates of the number of migrants transiting via the Balkan route in 2015 are different: the European Parliament estimates that there were 596,000, UNHCR - 815,000, IOM - 639,152. According to Frontex data, 885,000 irregular border crossings were registered in the same year (Bobić, Šantić, 2018: 234).

caused by infectious diseases. The focus of our analysis is aimed to describe the institutional and legislative design of migration policy at all levels of institutional landscape. To do that, we are referring to a specific concept of the neo-institutional approach in the analysis of international migration management, which focuses on identifying the process of establishing institutional network between key decision-makers, i.e. stakeholders, within which certain governing practices emerge and appear rational, and sustainable. The process of mass migration is seen as a process that is possible to be 'managed,' i.e. 'governed', in Foucault's sense of the concept of 'governmentality'.

'Governmentality' (*gouvernementalité*) is a term coined by philosopher Michel Foucault – as a composite of terms 'government' and 'mentality' – in his lectures on the genealogy of the power of the modern state in the 1970s. It has since been taken up and developed in a range of social scientific studies as a means of understanding contemporary exercises of power, since this concept refers to the way in which the state exercises control over, or governs, the body of its populace. Government, as Foucault put it in the summary of his 1977-1978 course entitled "Security, Territory and Population" was "an activity that undertakes to conduct individuals throughout their lives by placing them under the authority of a guide responsible for what they do and for what happens to them" (Foucault 1979, p. 68; quoted from: Rose, O'Malley, Pat & Valverde, 2006: 83). Foucault argued that a certain 'mentality' had become the common ground of all modern forms of political thought and action. That is how 'governmentality' is an "ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics, that allow the exercise of this very specific albeit complex form of power, which has its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security" (Foucault, *op. cit.*, p. 20). 'Governmentality' is adequate for framing our analysis of migration management since this kind of 'governing' is preoccupied with 'ordering' the population of migrants in a way that is distinct from exercising of sovereign power on native population.³ The objects of 'governmentality' – refugees, migrants, asylum seekers resemble Foucault's neoliberal subject in that they are continuously mobile, and consequently boundlessly 'governed' by different migration governance regimes, as they move on from one point to another.

This Foucauldian oriented approach will be hybridized with neo-institutional method of analysis in political science. As Rittberger emphasized, institutional oriented analysis is not intended to present

3 For use of Foucauldian concept of neoliberal governmentality for the purpose of analysis of global migration management, see, for example: Kalm, 2010.

“opposing theoretical approaches competing for explanatory superiority” but rather it is focused to explore “institutional creation, institutional change and institutional choice” (Rittberger, 2012). Instead of theorizing contingencies of migratory movements, this paper is intended to explore and describe process of building of institutional architecture for migration management. This process is observed as a particular form of a political rationality – rational choice of institutional, legislative and policy design.

More in concrete, our aim is to provide mapping of key stakeholders who are entering into the field of power to create responses to challenges of migratory flows, and to describe their policy choices – how they are mainstreaming migration issues into public policies. But we are not concentrated on analysis of hierarchical power relations between them – the aim of analysis is to describe how institutional know-how of migration management, in a broad sense, was created with joint action. Above mentioned tasks of this analysis will be implemented mainly through desk analysis of the contemporary reports of the key stakeholders in charge of migration management: domestic stakeholders in three countries (reports of state institutions and parliamentary bodies, expert evaluations, fact-finding missions on the fields, etc.), as well as of international humanitarian and security organizations reports (United Nations High Commissioner for Refugees – UNHCR, Organization for Security and Cooperation in Europe – OSCE, International Organization for Migration – IOM, European Parliament – EP, etc.).

Institutional framework for management of mixed migration

We should note that the term ‘migration management’,⁴ is still questionable, i.e. the possibility that migration and migration ‘crises’ can be managed effectively at a regional or global level is still challenged. Kalm points out that ‘migration management’ is often presented as a “contrast to control, as a softer and more liberal alternative” (Kalm, 2010: 26). Conceptualization of migration as a circular phenomenon suggests that we cannot control it, at least not in the sense of complete prevention, but what we could do is to ‘govern’ the processes of migration flows. Having this in mind, the development of international instruments for managing migration is in expansion, as could be seen

4 The notion of ‘migration management’ was first elaborated in 1993 by Bimal Ghosh, academician and expert engaged on various projects of international development organizations, following requests from the UN Commission on Global Governance and the government of Sweden. He was also director of the so-called ‘NIROMP’ project (New International Regime for Orderly Movements of People).

in the recently adopted documents: The New York Declaration for Refugees and Migrants, 2016; Global Compact on Refugees, 2018; Global Compact for Safe, Orderly and Regular Migration, 2018. Although these two Compacts will not create new legal norms or construct a fundamentally different international architecture for refugee / migrant protection, they provide the framework for applying norms in large-scale influx, as well as in protracted refugee situations, grounded in the principles of international cooperation and responsibility-sharing.

As it was already emphasized, we are approaching the issue of migration management as a project of ‘political rationality’, by which we understand a specific although not necessarily homogeneous institutional project/design on how to govern a particular issue, i.e. migration. Therefore, we should keep in mind that in the process of management of migration there were often present conflicting, contradictory, but also complementary logics of key actors and decision-makers: government authorities – international humanitarian and development organizations – European Union bodies – domestic NGOs/civil sector organizations, each of which developed their own contingency plan how to deal with migrants transiting Balkan corridor – route (Abikova, Piotrowicz, 2021: 248-265).

First North Macedonia and Serbia, and then Bosnia and Herzegovina, in many aspects weak – fragile states, had to urgently confront the problem of mixed migration flow⁵ and should have tested and adapted their legal and institutional mechanisms for managing migration flows in the short term, in order to provide concrete answers to specific questions: how to treat people who have been in transit through their territory – as refugees,⁶ migrants⁷ or asylum seekers?⁸ Under international

- 5 IOM’s Glossary of migration defines mixed migration flow as: “A movement in which a number of people are travelling together, generally in an irregular manner, using the same routes and means of transport, but for different reasons. People travelling as part of mixed movements have varying needs and profiles and may include asylum seekers, refugees, trafficked persons, unaccompanied/separated children, and migrants in an irregular situation” (UNHCR, 2016a: 282)
- 6 According to 1951 Convention and 1967 Protocol Relating to the Status of Refugees, Article 1A(2), status of refugees refers to persons primarily fleeing conflict or persecution (UNHCR, n.d.).
- 7 IOM’s definition of a ‘migrant’ is broader and refers to any person who is moving or has moved across an international border or within a state away from his/her habitual place of residence (IOM, n.d.).
- 8 Asylum seeker is a person fleeing persecution and conflict and seeking protection under the 1951 UN Convention relating to the Status of Refugees or subsidiary protection within the EU. “Subsidiary protection” is available within EU member states only and is regulated by Council Directive 2011/95/EU of December 13, 2011 which aims to ensure that people fleeing persecution, wars and torture are treated fairly, in a uniform manner throughout the EU.

law, the answer to this question depended on the motive for their arrival and their expressed intent, and all three groups were entitled to distinct levels of protection and assistance. The main distinction inscribed in international law is between forced and voluntary movements of people, who might be induced either with, so called 'push' or with 'pull' factors (cf. Hayden, 2006). Unauthorized movements – irregular massive migration of people challenge state sovereignty and produce vulnerability of both transit and domestic population.

Process of governing migration relies on a specific previous institutional knowledge about the object of government (i.e. migration), and establishes appropriate roles or authorities and defines governmental goals. Although Western Balkans countries, especially Serbia, had extensive experience in the care of refugees and internally displaced persons (IDPs), after a series of ethnic conflicts on the former Yugoslavia's soil, it quickly became clear that their national legislation was outdated or inadequate to provide swift and concrete answers to the new migration inflow and to ensure protection from social marginalization and discrimination against migrants, while at the same time ensuring public 'order and peace' of the domestic population.

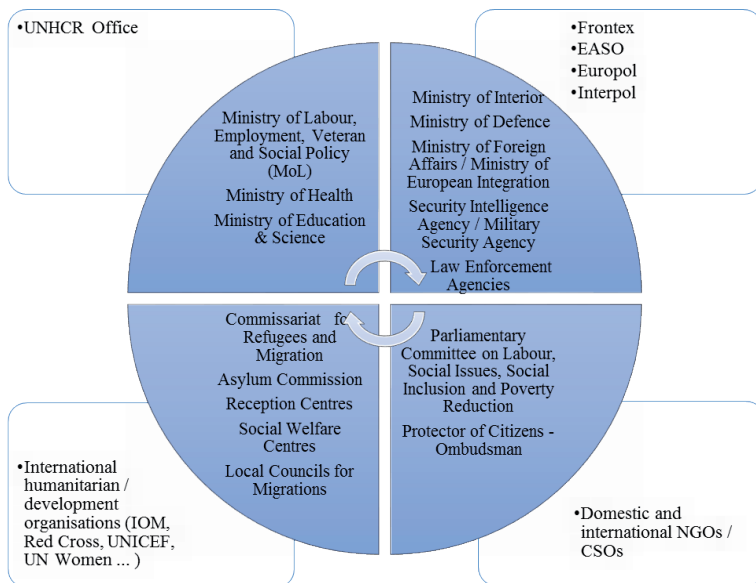
Due to post-conflict background of Western Balkans countries, key organizations for management of migration have been already present on the field and have already developed co-operative frameworks for management of various migratory issues, which were mainly focused to the status of refugees and IDPs. The new wave of massive migrations, in 2015/2016 was an impetus for launching of a new circle of actions and partnerships among them. Numerous international and domestic organizations and stakeholders who were in charge of observing, or assisting in management of migratory movements, started to have regular briefings, i.e. reporting & liaising meetings, mainly organized by UNHCR offices and other UN agencies, as well as by the EU representatives, accompanied with the respective OSCE field missions. In North Macedonia, meetings were held every week with representatives of the government, UN agencies (UNHCR, UNICEF, and others), as well as with a wide range of INGO and NGO representatives (Save the Children, Red Cross, the Macedonian Young Lawyers Association, etc.). The primary purpose of these meetings was to exchange information about the current situation in the country and to discuss the activities being pursued by various actors (Marciacq, Flessenkemper, Boštjančić, 2016: 132-146). This group of authors made conclusion that although no international actor took full control of the agenda, the UNHCR clearly played the leading role.

In any process of management the key question is: who is in charge? Following this managerial logic, we will pose the question at the beginning of our analysis: are the states – i.e. governments still the paramount actors of migration management? In order to get an answer to the question, we will present the results of our desk analysis in the form of mapping key stakeholders who have played visible, more or less significant role in migration management. Analysis is aimed to detect a whole variety of actors – stakeholders who were in charge of managing different aspects of migratory movements, not only those who were officially responsible for these tasks. Hence, a set of questions emerges: Who governs what? According to what logics? With what techniques? Toward what ends? Answers to these question compose what Foucault would call as an `art of governing`.

An illustrative example of an institutional mechanism founded to manage migration, was established in June 2015 in the form of the Working Group on Resolving the Problem of Mixed Migration Flows in the Republic of Serbia. The Decision on the establishment of this Working Group said that its task is to “monitor, analyse and discuss issues of mixed migration flows in the Republic of Serbia with a special focus on problems in this area, provide analysis of the situation and proposals of measures for resolving the affected problems and harmonization of the positions of competent state bodies and other organizations and institutions dealing with the issue of mixed migration flows” (Official Gazette of the Republic of Serbia, 2015). The chairmanship of this Working Group was entrusted to the Minister of Labour and Social Affairs, who remained at the helm of this Working Group in the next term also, in 2016 when he was elected for the post of defence minister. His task was to establish co-ordination and co-operation between the most relevant institutions and stakeholders. Representatives of the most relevant ministries were actively involved in the work of this core Working group for managing mixed migration flows in Serbia. Over time, a wider number of actors have been involved in this process of managing the migratory flows, covering all three branches of government – executive, legislative and judicial. It is important to note that the parliamentary Committee for Labour, Social Issues, Social Inclusion and Poverty Reduction, which has been monitoring the situation in social care of refugees and migrants on a monthly basis since the summer of 2015, has been actively involved in the process of deliberating issues in regard to current migration situation, and has continued this task in the new session of Serbian Parliament from 2016 onwards. A significant number of international humanitarian and domestic civil society organizations (CSOs) with highly developed expertise in various areas of migration

have been also involved.⁹ In order to present institutional architecture for implementing these management and monitoring tasks, we are presenting results of our mapping analysis – the following scheme of key stakeholders who have been engaged on the territory of the Republic of Serbia.

Graph 1: Institutional scheme for managing mixed migratory flows in the Republic of Serbia



This Graph presents a complex network of institutions, organizations and actors which were operating at national and regional/international level, with more or less clearly defined mandates for their actions. What we can see is highly dispersed, colorful landscape of various stakeholders, but with comprehensive, 'whole-of-government' structure for coordination and communication of their somehow overlapping responsibilities, which enabled them continuous adaptation of their roles and making of new partnership 'alliances' – a series of agreements on joint actions, depending on emergency needs. The Graph clearly pres-

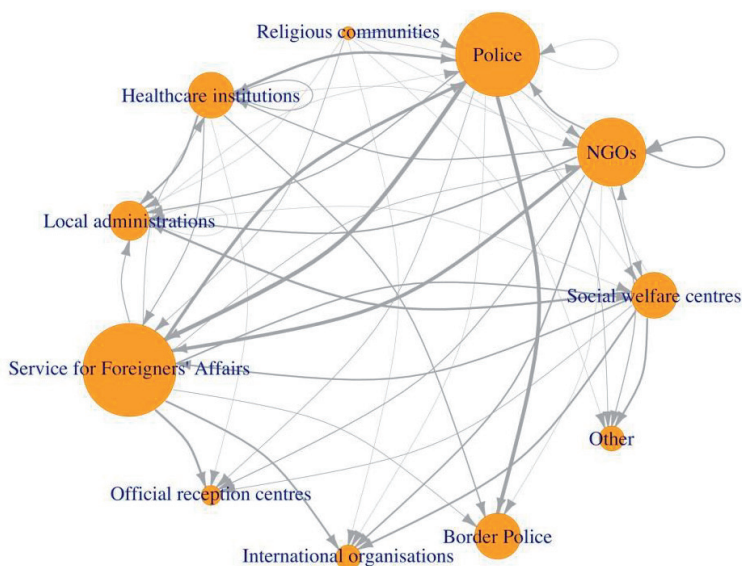
9 These international and domestic organizations have been actively involved in Serbia: *Red Cross, Medecins Sans Frontières, Save the Children, Danish Refugee Council, UN Women, Jesuit Refugee Service*, and local CSOs: *Belgrade Centre for Human Rights, Asylum Seeker Protection and Assistance Centre, Group 484, Praxis, Autonomous Women's Centre*, etc.

ents that there was no top-down vertical subordination implemented between inter/national and local stakeholders, and that division of responsibilities was inter-sectoral. What we can conclude from the Graph 1. is that migration management was initially conceptualised as the policy of balanced approach – resolving of both humanitarian and security aspects of migratory inflow.

It is noticeable that there is a large measure of similarity of this organizational-coordination scheme presented for Serbia with the institutional scheme in North Macedonia and Bosnia and Herzegovina, which will incorporate a similar organizational scheme into their national strategies and action plans for managing migration (Ministry of Security BiH, 2016). In North Macedonia's case, 'focal points' of migration policies are similar: The Ministry of Foreign Affairs, Ministry of Interior, Ministry of Labour and Social Policy and the Agency of Emigration, which are government institutions with higher-level competences in terms of migration flows regulation. Subsequently, North Macedonia made division of tasks between institutions dealing with migration. Responsibilities between the Department for Border Affairs and Migration under the Bureau for Public Security of the Ministry of Interior (dealing with the security aspects and border management), Ministry of Labour and Social Policy (managing the access to services and socioeconomic integration of migrants and refugees) and the specialized unit of the Department for Serious and Organized Crime, fighting trafficking in humans and smuggling, have been divided (Stojanovski, *n.d.*: 1, 2, 5).

The institutional framework for managing migration movements in Bosnia and Herzegovina (BiH) is presented in the network analysis, conducted by the OSCE Mission in BiH, that was focused to identify how different stakeholders have been interconnected in providing services and assistance to migrants/refugees. In overall, 182 different stakeholders - institutions/organizations have been interviewed, in June/July 2018, by pollsters engaged by the OSCE Mission in BiH, and their inputs were presented in the following Graph 2. which is mapping 127 of them. Network analysis shows with which institutions/organizations they co-operated most frequently in providing assistance to migrants and refugees.

Graph 2: Network analysis – co-operation between stakeholders in providing services and assistance to migrants/refugees in Bosnia and Herzegovina, 2018.



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The size of the circle corresponds accordingly to the number of individual institutions that refer their cases to them. The arrows connecting the circles represent the rates at which institutions have referred cases to other institutions. A thicker arrow means that more individual institutions of that type are referring migrant cases to the designated institution.

Source: OSCE Mission to Bosnia and Herzegovina, 2018: 19

Findings of this field assessment presented in the Graph 2. demonstrate that in Bosnia and Herzegovina there are three most active stakeholders in migration management: the police (and other law enforcement agencies), the Service for Foreigners' Affairs (SFA) and NGOs, since they co-operate the most with other institutions and organizations on this issue. More precisely, these organizations represent the main focal points – they are connecting different stakeholders. In interviews, police representatives have identified the Border Police as their closest partner, in addition to the SFA. Researchers have indicated that the Border Police plays an even more significant role within the institutional network than it is indicated by that organization's circle size. They also explained that though local administrations may appear to be less co-operative with other stakeholders, they are actually the second most indicated partner, behind the Service for Foreigners' Affairs

(OSCE Mission to BiH, 2018: 19). Findings of this network analysis are very interesting and significant, not only for evaluation of already implemented migration policy, but should be taken into consideration as 'food for thought' in designing of future migration related emergency and long-term plans.

What Graph 2 is telling us is that migration management is highly dynamic process that is not focused only on control predominantly performed by government bodies, in the traditional meaning of obeying the 'law and order' by the means of restrictive measures to limit and control migratory inflows (such as preventing the crossing of borders, detention of illegal migrants, forced expulsion, etc.). This Graph shows us that management policy is very dispersive and expands into extensive fields of life - social and health care, civil society services of providing humanitarian and voluntary assistance to migrants/refugees at the level of local communities, thus gradually reducing 'too much' government intervention, as Foucault would say. Partnership network presented in Graph 2 echoes the felt necessity in migration management to reduce the role of the state and to make a policy shift from control modalities to other more human-sensitive social spheres.

Development of strategic - legislative framework for managing migration

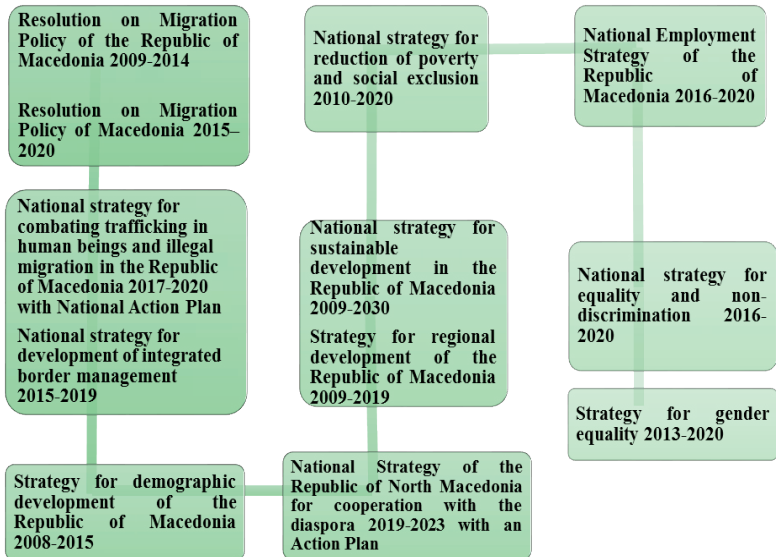
The legislative framework of North Macedonia, Serbia and Bosnia and Herzegovina, as former constituent republics of SFR Yugoslavia, was based on the 1951 UN Convention on the status of refugees and the accompanying Protocol of 1967 (UNHCR, n.d.), ratified by ex-Yugoslavia, which remains the basis for the protection of refugees in these countries. Nevertheless, each of these newly created states was specifically confronted with the problem of refugees and IDPs arising from a series of ethnic conflicts during the process of the breakup of SFR Yugoslavia, each of which independently developed specific legislation in this area. Of course, this legislative framework integrated extensive experience and good practices in resolving various migration issues, which could have been of less or greater benefit in the emerging migrant inflow. These countries, primarily Serbia, have been already faced with asylum seekers from Asian and African countries and illegal migrants, as well as with returnees of their citizenship who have emigrated to EU and USA, but had to return home under the Readmission Agreements.

Additional problem was that all three countries were at dissimilar stages of application for membership of the European Union - accession negotiations, and in different ways harmonized their national migration policies with EU *acquis* - with numerous regulations and requirements

in this area. Serbia decided to resolve the issue of the discrepancy of different policies and strategies by adopting a 'rooftop' strategy that was supposed to unify the policies in question and thus improve the framework for managing migration. The Strategy for migration management was adopted in 2009 and envisioned the establishment and implementation of mechanisms for comprehensive and permanent monitoring of migration flows in the Republic of Serbia, complementing the strategic, legal and institutional framework for joint migration management and creating conditions for integration and social inclusion of migrants (Official Gazette of the Republic of Serbia, 2009). Efforts were made to bring migration management in line with EU accession goals, but also with specific demographic trends and long-term development needs for Serbia.

The following 'road map' of strategies and accompanied action plans developed by North Macedonia is an illustrative example in what direction and scope Balkan countries are developing their portfolio of migration management policies:

Graph 3 Strategic documents for migration management in the Republic of North Macedonia

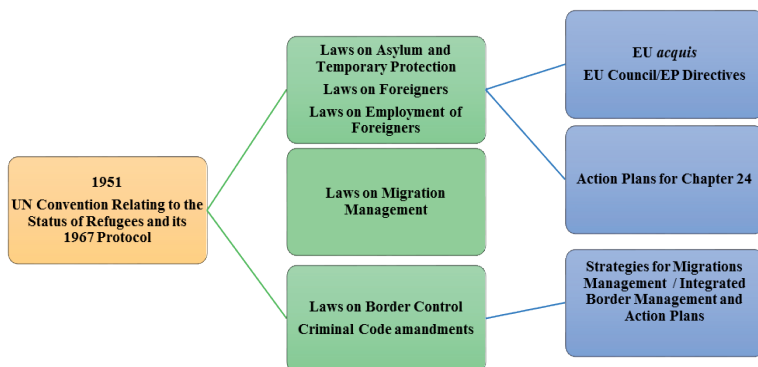


By adopting these documents, which are covering a wide range of national, regional and international policies in various areas, from

migratory, security, demographic, development, social, labour policies, and last but not least - human rights policies, North Macedonia, as well as other Western Balkans countries, is gradually building a comprehensive legal framework in the field of migration, duly harmonized with the legal framework of the 2000 UN Convention (Palermo Convention) with the three protocols as well as with the EU *acquis*. North Macedonia was first country in the Balkan to sign the Stabilization and Association Agreement with the EU in 2001 (which entered into force in 2004) and has undertaken the obligation for cooperation in the field of visas, border control, asylum and migrations. Moreover, North Macedonia has obliged itself to cooperate in the field of addressing illegal migrations and readmission (Stojanovski, *op. cit*: 5-6).

Faced with the challenge of mixed migration flows on their territory, Western Balkans countries have begun a comprehensive consultation process at the national, regional and international levels in order to learn and exchange experiences and knowledge of good practice and legal solutions, but the primary goal was to comply with the EU standards (*EU acquis*). The Western Balkans countries had commitments they made during accession and stabilization negotiations with the EU, especially those they had to fulfil in the process of negotiating Chapter 24 (Justice, freedom and security). By accumulating a positive and negative experience with migration management, these countries were gradually learning how to accommodate the legislative framework for managing migration movements on their territory, and how to adapt it to migration trends in the wider European region. The Graph 4. presents key points of this legislative reform.

Graph 4: Western Balkans countries' legal framework for migration management



A key problem was how to introduce special procedures to distinguish between those in need of international protection and those who are economic migrants – since the differences between the two categories are in motives, i.e. the reasons why they left their countries of origin. An important step in resolving this problem was the application of the registration procedure and clearly defined legal status of all refugees, migrants and asylum seekers,¹⁰ who are currently in transit. First Serbia, and then North Macedonia, introduced an entry registration system and a certificate for migrants allowing them transit – freedom of movement for the next 72 hours. It was an *ad hoc* temporary solution, since the two countries were assumed to be just a passing point on the migrant route to Western European countries anyway. Also, comprehensive registration enabled the specific needs of these persons to be established as early as possible – especially of those belonging to vulnerable groups.

Securitization of migration management policies

Over time, the experience of transit countries in the Western Balkans showed that the humanitarian or liberal approach of the authorities, which included the openness of borders, freedom of movement on the territory of the country and the absence of detention, also had serious negative aspects. The first is that the migrants were easily accessible to smugglers during an uncontrolled movement through the Western

10 It should be noted that very few migrants have actually applied for asylum. In January 2016, for example, the largest number of migrants in Serbia came from Syria, Afghanistan and Iraq, and approx. 60,000 migrants were registered, but around 500 of them expressed intention to seek asylum, and finally only 11 people applied for asylum in Serbia (National Assembly of the Republic of Serbia, 2016).

Balkans territory. The situation was such that it was easy to enter the Western Balkans countries, but it was difficult to exit from them, as EU member states Hungary and Croatia put up various pushback barriers. This liberal, shall we call it, *'laissez faire, laissez passer'* approach appeared destined for failure to manage massive migration, and increased number of indicators suggested that activities needed to be redirected towards a growing degree of securitization.

The most decisive turning point in management of Balkan migratory route towards securitization was made during the Balkan mini-summit of 25 October 2015, when the leaders of Austria, Bulgaria, Croatia, Germany, Greece, Hungary, Romania, Slovenia, as well as Albania, Serbia and the FYR Macedonia, together with the Presidents of the EU Commission/Council, and the UNHCR and representatives of EASO and Frontex, agreed on a 17-point plan, outlining a set of operational measures to manage the current 'migrant crisis'. The states were asked to discourage further movement of refugees to the borders of a neighbouring country without prior notification, as well as to trigger the EU Civil Protection Mechanism where necessary. The Western Balkans countries were added to the 'safe countries of origin' list, as in principle they are considered to have obligations to fulfil the requirements of the Asylum Procedures Directive and the Copenhagen criteria for EU membership. The following are the most important points of this jointly agreed EU & Western Balkans plan:

Permanent exchange of information

- Nominating contact points within 24 hours to allow daily exchanges and coordination to achieve the gradual, controlled and orderly movement of persons along the Western Balkans route;
- Submitting joint needs assessments for EU support within 24 hours;

Limiting Secondary Movements

- Discouraging the movement of refugees or migrants to the border of another country of the region without informing neighbouring countries;

Supporting refugees and providing shelter and rest

- Increasing the capacity to provide temporary shelter, food, health, water and sanitation to all in need; triggering the EU Civil Protection Mechanism where necessary;

Managing the migration flows together

- Ensuring a full capacity to register arrivals, with maximum use of biometric data;

- Exchanging information on the size of flows and, where requested, on all arriving refugees and migrants on a country's territory;
- Working with EU Agencies to swiftly put in place this exchange of information;
- Stepping up national and coordinated efforts to return migrants not in need of international protection, working with Frontex;

Border Management

- Increase efforts to manage borders, including by:
- Strengthening border cooperation between Greece and the FYR Macedonia, with increased UNHCR engagement;
- Greece and the FYR Macedonia and Albania will strengthen the management of the external land border, with Frontex to support registration in Greece;
- Working together with Frontex to monitor border crossings and support registration and fingerprinting at the Croatian-Serbian border crossing points;
- Strengthening the Frontex Western Balkans Risk Analysis Network with intensified reporting from all participants (European Commission, 2015).

This jointly agreed plan was an obvious example of `containment strategy` of control of migration `crisis` designed by the EU and to a great extent example of over-securitization of policy-making related to migration in the region of Western Balkans. Even if some Western Balkans politicians were using current migratory inflows to position their migration policy as a purely national security problem, rather than a human security issue, it became obvious that WB countries are expected to harmonize their future migratory policies with the concepts designed by EU decision-makers.

It is important to emphasize that this plan was backed-up with additional EU financial assistance to Western Balkans countries. The EU has already provided significant financial and technical support to the WB countries, as candidate or potential candidate countries, mainly through the Instrument for Pre-accession Assistance (IPA) and its 2014 successor, IPA II. EU funding of migration-related activities have been dedicated to WB countries for projects on introducing integrated border management (IBM), upgrading reception centres, reforming national asylum systems, strengthening institutions for achieving effective migration management and countering the traffic of human beings. Since WB countries had been overburdened with massive inflow of refugees and migrants, far greater than their budget resources and management

capacities could handle, the EU made decision to provide urgent assistance to help (see Graph 5). The EU has proved the fact that is a leading donor for alleviating the current 'migrant crisis'.

Graph 5: EU funds distributed to Western Balkans countries for migration management

Overall EU pre-accession support for migration-related activities (both past and planned) since 2007 to January 2016	Ahead of the High-Level Conference on the Western Balkans route, in October 2015, EU approved an additional:	Additional funding
1. Serbia € 54 million 2. Macedonia € 24 m. 3. Montenegro € 22.6 m. 4. BIH € 16.8 m. 5. Kosovo* € 7.1 m. 6. Albania € 4.5 m.	<ul style="list-style-type: none"> • €17 million to assist the FYR Macedonia and Serbia in particular. • November 2015 marked the start of a multi-country IPA II programme 'Regional support to protection-sensitive migration management in the Western Balkans and Turkey', with a three-year implementation period and a budget of €8 million. • It was aimed to facilitate migrant identification, improve information exchange and lay the groundwork for sustainable return solutions. The Commission implemented it through Frontex, IOM and UNHCR. 	<ul style="list-style-type: none"> • EU/ECHO - leading donor for alleviating the Syria crisis, the EU has also allocated €1.74 million in humanitarian aid to Serbia and the FRY Macedonia alone. Some €1.5 million of this amount was dedicated for providing basic emergency services in winter (drinking water, hygiene, healthcare, shelter, improvement of reception centres, and coordination and reporting on migration issues in the region). • An additional €240 000 (€90 000 for the FYR Macedonia and €150 000 for Serbia) has been allocated via the Disaster Relief Emergency Fund (DREF) of the International Federation of Red Cross and Red Crescent Societies (IFRC).
Total: € 129 m.		

Kosovo* - This designation is without prejudice to positions on status and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

Source: EPRS, 2016.

By organizing of mini-summit with Western Balkans states, and blueprinting of 17-point plan, that was backed-up with transfer of a large amount of money (lump sum presented in Graph 5. amounts to 156 million Euro), EU proved its image of efficacious 'crisis manager', as pointed out by Boin, Ekengren and Rhinard (2013: 1): the member states of the EU "often depicted as a bureaucratic talk shop", while "reluctant to transfer more authority to Brussels, have shown a sustained willingness to enhance the EU's crisis management capacities."

In the spring of 2016, there was a change in the situation - closing of the borders of certain countries in the region resulted in migrants being 'stuck' on Western Balkans territory. In fact, there has been a change in the policy of some EU countries towards migrants entering their territory, by imposing a limited daily number of migrant entries, which has also changed the situation on the Balkan route. Austria first changed its policy, followed by Slovenia, then Croatia, which was returning a significant number of migrants to Serbian territory. The novelty was also that people from Afghanistan were no longer allowed to enter EU countries. All these decisions were leading to the 'jamming' of migrants along the Balkan route, while some officials stated their countries could not be a 'storage hub' for migrants.¹¹

As a compromise, both for transit states and for migrants, they were offered to find shelter in a transit-acceptance centres or in a permanent centres for asylum. Activities aimed at relocating migrants from the largest urban and the border area has intensified. Paradoxically, the only alternative option for stuck migrants was to reconnect with smugglers - since most of them did not want to wait, and still sought any possible solution to go further West - to EU countries.

Soon, a joint statement was signed by the representatives of the Austrian, Slovenian, Croatian, Macedonian and Serbian police, which included joint profiling of migrants at the Greek-Macedonian border. The statement implied the issuance of a single registration form by the Macedonian authority, thus there was no longer needed to issue certificates for migrants in Serbia. New conditions have been set for migrants heading to their preferred destination - they had to possess valid travel documents or other identification documents. Cooperation between border police from WB countries and neighbouring EU member states has also intensified, resulting in the signing of a protocol to resolve the issue of how migrants will cross the border, particularly the issue of their cross-border organized transport.

11 Serbian Prime Minister Aleksandar Vučić noted that "a comprehensive solution has not been offered" and that "Serbia will not be a 'storage hub' for refugees." (Insajder, 2016)

The fact is that the Balkan route was ‘suddenly’ closed in the context of signing of the EU-Turkey Statement, on March 18, 2016, which resulted in a dramatic decrease of irregular crossings from Turkey to Greece. As an integral part of the implementation of the EU-Turkey Statement, model of ‘hotspots’ was established to assist frontline states disproportionately affected by the pressures of mixed migratory flows at the external borders of the EU. Under the system, the European Asylum Support Office (EASO), EU Border Agency (Frontex), EU Police Cooperation Agency (Europol) and EU Judicial Cooperation Agency (Eurojust) worked on the ground with the national authorities to help to fulfil their obligations under EU law and swiftly identify, register and fingerprint incoming migrants at the sections of the external border. The ‘hotspot’ system as an immediate action under the European agenda on migration had significantly increased the registration of fingerprints in the Eurodac - European asylum dactyloscopy (fingerprints) database.¹²

Analogous way to ‘hotspots’, along the rest of the migratory route, especially for the WB countries, so called ‘processing centres’ were established, to receive migrants and initiate asylum applications or the return mechanism. The idea was to be able to slow down the mass influx of migrants so that the number and identity of people *en route* can be better managed. Serbia was the first WB country that has adopted this mechanism and has begun, in 2016, collecting biometric data of migrants and registering asylum seekers. Although this system of collecting and processing of personal biometric data is highly questionable from the point of human rights - in the future, besides fingerprints, Eurodac system is intended to collect and store not only fingerprints, but also the facial image and other personal data. During migrant ‘crisis’ there were no public debates in WB countries on the possibilities for migrants’ biometric data misuse, but this was very disputable topic within the EU. As it was stated by some researchers on this issue, “Eurodac pushes the border *inwards* as biometric information technologies inscribe the border into the bodies of each and every individual asylum seeker in Europe” (Latonero, Kift, 2018: 2). Some others are of opinion that this biometric data collection system have paradoxically consequence to “liquefy a body on the move” - i.e. migrants (Kuster, Tsianos, 2016: 45-63).

It remains non-transparent if there was then, or nowadays, (un) official exchange of information on biometric data on migrants between

12 Eurodac is the European Union fingerprint database, established to identify asylum seekers and irregular border-crossers (over the age of 14), and to determine whether asylum seekers have already applied for asylum in another EU member state or have illegally transited through another EU member state.

WB countries and EU, since WB countries are not EU member-states and thus have no direct access to Eurodac. So-called Automated Fingerprint Identification Systems (AFIS) are existing in different forms in all Balkan states – Serbian police started to use it from 2006 for regular anti-criminal activities. European Union also encourages the Balkan countries to be equipped with AFIS technology as a prerequisite for the implementation of the Eurodac database in the future. In European Commission's report on Serbia in 2020 EC states that the Serbian Ministry of Interior is using a single biometric database for identifying and registering asylum seekers, and that "*preparations for connecting to the EU asylum fingerprint database (Eurodac) are in their initial phase*" (European Commission, 2020: 49). Bosnia and Herzegovina has received a total of €17 million from the IPA II fund between 2015 and 2020, with the objective of implementing an operational database, an analytical tool and a system for monitoring migrants' biometric data (EU Delegation to BiH, n.d.). In the latest EC's report on Bosnia and Herzegovina it is observed that there was an "improvement in the mechanisms for collecting, sharing and analysing statistics on migration in the Information System for Migration", but conclusion was also made that "biometric data collection requires further improvements" (European Commission, 2021: 41).

Obviously, Western Balkans countries are becoming significant partners of the European agenda of a migrant problem solution, and they are willingly accepting the obligation to adjust their national policies to EU migration policy standards, having in mind their long-term goal of EU membership. The truth is, that WB politicians have no ample manoeuvring space, like politicians in some EU member states, to re-consider de-securitization as an alternative policy option (Jakešević, Tatalović, 2016: 1246-1264). In a symbolic way, this decision to opt for the European concept of migration management is confirmed in EC's Report on Serbia in 2020 – it is revealed that a European migration liaison officer, responsible for the entire region, operates from Belgrade.

Conclusion

We can conclude, by comparing institutional, legislative and policy frameworks of three Western Balkans countries, that they exhibited a significant level of administrative capacities to blueprint - to perform, as Foucault would say, the 'art of government' by adopting a comprehensive variety of institutional, legislative and policy responses in order to manage migratory movements in a sustainable manner. This analysis shows that their migratory policies cannot be characterised as merely "spontaneous cascade of reactive responses" to the challenge of migra-

tory inflow. But, this conclusion might be correct if it is possible to depoliticize migration by framing it as a largely 'technical problem' to be addressed by various management strategies.

Quite contrary, analysis have shown that migration management was highly politicized process. It was politically controlled and dynamized – accelerated or contained by coordinated decision-making of the key EU and regional Western Balkans stakeholders. Although massive migratory movements opened a 'window of opportunity' for the Western Balkans countries to develop a flexible migration management system that would equally combine humanitarian with security approach, analysis for all three Western Balkans countries showed that both Macedonia and Serbia, and then Bosnia and Herzegovina, opted to harmonize their migration management frameworks mainly with the standards of the EU (*EU acquis*). More precisely, this was related to their obligations to harmonize national legislation and standards, according to the Chapter 24 (Justice, freedom and security), especially for Serbia and Macedonia which, unlike Bosnia and Herzegovina, have been recognised as candidate countries for accession by the EU. That is why all three of them gradually converged their migratory policies towards the EU migration management model, with a strong emphasis on securitization. The control paradigm, so far, have won.

Migration policies have been formulated in such a way as to balance between security issues and economic costs of migration management, which were mainly covered by the EU funds. That is why the overall impression is that the process of development of national and regional portfolio of migration management implemented by Western Balkans countries was in the EU 'ownership'. 'Europeanisation' of Balkan migration management policies should be understood as outcome of the rational choice politics, as expression of 'governmentality' of Balkan political elites. We can expect that key mechanisms of securitization will be reinforced in the future - if and when a new migration 'crisis' unlocks.

Dijana Vukomanović*

Razvoj agende upravljanja migracijama u regiji Zapadnog Balkana

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SAŽETAK: Primjenom kombinacije neo-institucionalnog pristupa sa Foucaultovim konceptom 'governmentalnosti' - 'umijeća vladanja', ova analiza mapira arhitekturu ključnih institucionalnih, zakonskih i sigurnosnih modela upravljanja migracijama koje su osmislile i razvile tri zemlje Zapadnog Balkana – Srbija, Sjeverna Makedonija i Bosna i Hercegovina, za vrijeme 2015/2016. godine nakon masovnog migracijskog vala sa Bliskog istoka ka Zapadnoj Europi preko Balkanske rute. Analiza identificira mnogostruke nacionalne i međunarodne aktere koji su bili uključeni u provođenje politika za upravljanje migracijama: nacionalne vladine i parlamentarne organe, organizacije civilnog društva, UNHCR, agencije EU, OESS-ove misije. Analizom je ustanovljeno da je proces razvoja agende za upravljanje migracijama na Zapadnom Balkanu bio tehnokratski harmoniziran sa pravnom stečevinom EU i politiziran – prevladavajuće konceptualiziran i financiran od strane EU kao pitanje sekuritizacije. 'Europeizacija' i sekuritizacija zapadnobalkanskih politika upravljanja migracijama je predstavljala ishod politike racionalnog izbora, kao izraz 'umijeća vladanja' donosioca odluka na Balkanu. Upotreba inovativnih sredstava informacijske i komunikacijske tehnologije (IKT), kao što je biometrijska tehnologija, koja se već primjenjuje u ključnim područjima digitalnog upravljanja migracijama također je analizirana kao vrlo učinkovito, ali diskutabilno sredstvo.

KLJUČNE RIJEČI: upravljanje migracijama, governmentalnost, sekuritizacija, Zapadni Balkan, Eurodac.

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