

***Rethinking the European Union-Western Balkans
cooperation on fighting organised crime
in light of new challenges brought
by the migration crisis***

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Abstract

Faced with the migration crisis it has experienced since 2015, the EU has not presented a unified policy. Moreover, the different approaches to crisis management have undergone various reversals - from a simplified reception policy at the beginning of the crisis to a complete closure of borders from 2016. These policies had a direct impact on the Western Balkans region, then at the centre of the crisis. First a crossing point, the region has been repeatedly asked to be the guardian of EU borders. This has resulted in a significant number of migrants trapped within the borders of the Western Balkans. As the region is mainly a transit point, organised crime has been strengthened around migrant smuggling and human trafficking activities by the policies initiated at the end of 2015. Despite the EU's growing attention to this issue, regional cooperation efforts need to be strengthened. In addition, the EU must use the tools of enlargement to establish a comprehensive strategy based on strengthening the rule of law and maintaining security.

Key words:

Migration / Organised crime / European Union / Western Balkans / Security / Rule of law

Introduction

From 2010 onwards, the European Union (EU) has faced what is commonly referred to as a "migration crisis", i.e. a massive increase in migratory flows towards its territory. This crisis intensified particularly in 2015 with the arrival of 1.01 million migrants in the Schengen area¹. This increase is due in particular to the Syrian civil war. Following the gradual closure of the EU's borders and, above all, the agreement between the EU and Turkey limiting the flow of entries, the scale of the crisis subsided in the following years. In 2018, 42,845 arrivals by sea were recorded².

However, it is important to stress that the European territory, which we will consider here as the borders of the Schengen area, was not the only region to face this "migration crisis". Despite an apparent closure of borders and more regulated arrivals, the migration crisis has had and still has an impact on the EU's neighbouring regions, and in particular the Western Balkans - the latter would be understood as the area formed by the former Yugoslavia, without Slovenia plus Albania. Although Croatia is a member of the European Union, it will be included in both categories for the purposes of this study.

The Western Balkans region, gateway to the EU, was indeed at the frontline of the crisis. In addition to the Western Mediterranean, Central Mediterranean and Eastern Mediterranean routes, the Western Balkan route was one of the major secondary migration routes. In 2015, the region counted 764,033 illegal border crossings along the route³. The (contested) management of the crisis by the EU has therefore led to a road closure from 2016 onwards. Nevertheless, a significant number of migrants are now trapped within the borders of the Western Balkans. Migration routes are changing as migrants still want to reach European territory. In a way, since the apparent closure of the borders, the EU has offloaded the issue by leaving the Western Balkans - which are not prepared for such a situation - to deal with the problem. As Vale pointed out: "*the EU passes the buck to Bosnia and Herzegovina*"⁴, the country being now a privileged migration crossing point.

Since the 1990s, the region has been at the centre of the EU's security concerns. While in the 1990s the aim was to put an end to the conflicts linked to the break-up of Yugoslavia, since the 2000s, security issues have focused on the issue of organised crime. It seems relevant to focus on the direct impact that the migration crisis, but especially its management, may have had on organised crime in the region. It seems that the closure of borders, among other things, was an incentive to organised crime and particularly the activities of migrant smuggling and human trafficking. Linking these two phenomena seems relevant as the EU

¹ FRONTEX, *Detections of illegal border crossings statistics*.

² IOM, "Mediterranean Migrant Arrivals Reach 42,845 in 2018, Death Reach 972", *Press Releases IOM website*, 26/06/2018.

³ FRONTEX, *Detections of illegal border crossings statistics*.

⁴ VALE (Giovanni), "Migrants, the EU passes the buck to Bosnia and Herzegovina", *Osservatorio balcani e caucaso transeuropa*, 05/11/2018.

showed a renewed interest in the region from 2015 and particularly on the fight against organised crime and migration management.

The purpose of this paper will therefore be to analyse how the migration crisis, by modifying the shape of organised crime in the region, leads us to question both European migration and organised crime policies. This study is divided into three points. The first will seek to analyse the legal and conceptual framework of organised crime, as well as its trends before the migration crisis. This will allow in a second part to study the impact of the management of the migration crisis on organised crime in the Western Balkans. Finally, the third part is a reflection on the policies put in place and their limits.

1. Organised crime and the Western Balkans: what are we talking about?

1.1. Legal and conceptual framework

From the Italian “Mafia” to the South American “Cartels” and the Chinese “Triads”, the notion of organised crime is associated with many fantasies and stereotypes. However, these do not reflect the reality of organised crime today. The multidimensional, flexible and cross-border nature of organised crime makes it difficult to understand the phenomenon, starting with its definition. Therefore, as a first step, it is necessary to provide a definition of organised crime, relevant both to the legal framework associated with it and to the current trends it faces.

It was in 2000, by the adoption of the United Nations Convention against Transnational Organized Crime or Palermo Convention, that the international community offered a definition of organised criminal group. In its article 2, the Convention states that “*‘Organized criminal group’ shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit*”⁵. Since then, the Palermo Convention serves as an international legal framework, and constitutes the first universal framework for international judicial cooperation. In 2008, the Council of Europe offered its own definition, considering organised crime as “*illegal activities carried on by structured groups of three or more persons, which last over a longer period of time and whose aim is to commit serious crimes through intimidation, violence and corruption in order to obtain, directly or indirectly, financial or other material benefits*”⁶.

⁵ UNDOC, *United Nations Convention Against Transnational Organized Crime*. New York: United Nations, 2004, Art. 2.

⁶ Council of Europe, *Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime*. Luxembourg: Official Journal of the EU (L/342), Art. 1.

These conceptual frameworks emphasize two sides of apprehending organised crime - an analysis in terms of actors (“group of (...) persons”) and an analysis of actions (“crimes or offences”). In our characterization process, these two aspects should be briefly analysed in order to adapt the United Nations legal definition to contemporary challenges:

- The Palermo Convention, guaranteed by the United Nations Office on Drugs and Crimes, is supplemented by three additional protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2003); the Protocol against the Smuggling of Migrants by Land, Sea and Air (2004); and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (2005). These provide an additional legal framework to refine and define the scope of the “*crimes and offences*” mentioned in the Convention. From these elements, it seems right to mention, as the main activities of organised crime, trafficking in drugs, weapons, human beings and smuggling of migrants.
- Traditionally, two models are opposed in the analysis of organised crime actors - the corporate model (Cohen, 1977), for which organised crime operates on a hierarchical and centralized structure; and the network model (Bruinsma and Bernasco, 2004), based on the cooperation of several individuals or networks⁷.

However, this characterization of structures and actors, as well as that of activities, is no longer entirely relevant in the current environment and “*does not adequately describe the complex and flexible nature of modern organised crime networks*”⁸. While organised crime actors are “*highly diverse*”⁹, the nature of their crime adapts to the opportunities associated with their direct environment. In 2017, EUROPOL noted the emergence of Crime-as-a-Service - individual and temporary participations in criminal activities¹⁰. Not only is the nature of crime variable within organised crime structures, but actors themselves do not act on a regular basis.

Hence, this paper, although referring to the definition provided by the legal framework of the Palermo Convention, will consider organised crime as “*fluid network structures*”¹¹. The aim is to reflect the multidimensionality and flexibility of actors and activities defining organised crime. For the purpose of the analysis, the paper offers a focus on migrant smuggling and human trafficking – while not ignoring the multifaceted and plural aspect of the “*crimes and offences*” of organised crime.

⁷ TARANTINI (Giulia), “The Balkan Route: Organised Crime in South-Eastern Europe – Addressing Human Rights in the Court of Justice of the Andean Root Causes, Current Developments and Future Prospects”, *United Nations University on Comparative Regional Integration Studies Working Papers*, vol. 4, 2016, p. 7.

⁸ SOCTA 2017, *European Union Serious and Organized Crime Threat Assessment – Crime in the Age of Technology*, European Police Office 2017, p. 13.

⁹ *Idem*, p. 14.

¹⁰ *Ibid*, p. 11.

¹¹ WILLIAMS (Phil), “Transnational Criminal Networks”, in: Arquilla J., Ronfeldt D., (eds.), *Networks and Netwars. The Future of Terror, Crime, and Militancy*. Santa Monica (CA): Rand Corporation, 2001, p. 62.

1.2. Organised crime in the Western Balkans

24 years after the Dayton Agreement and 18 years after the Ohrid Agreement, the whole region has initiated its Euro-Atlantic integration process - enlargement and/or integration into NATO - and is pursuing its efforts in security issues. This stabilisation process of the region focuses mainly on democratisation and rule of law as well as dispute settlement. As part of this general reform process monitored by the European institutions, countries of the region *"are faced with two new enemies, called "organized crime" and "corruption"'"*¹².

While one can trace the origins of organised crime in the Western Balkans back to the Ottoman period¹³, organised crime is a phenomenon whose scale and roots are significant in the region. This section is intended to provide an overview of the different causes of organised crime in the region, its vulnerabilities and a brief examination of the phenomenon in the pre-migration crisis period. Without carrying out a complete study on organised crime – already well documented – it seems essential to study its trends, while avoiding any stereotypes associated with the phenomenon.

- **Root causes and vulnerabilities to organised crime**

Studies on organised crime in the Western Balkans agree on three main causes/vulnerabilities: location, corruption and Yugoslav wars.

First, the location of the region - gateway to Europe - at the crossroads between East and West, and formerly the anchor point of the Silk Road, *"makes it attractive for trafficking"*¹⁴. The "Balkan route", located between Afghanistan (main heroin producer) and Western European countries (main consumers), *"is considered to be the most important supply route to Western and Central Europe"*¹⁵. The Western Balkans are also vulnerable to human trafficking, being both a transit point for migration from North Africa and the Middle East to Europe. The use of this road is facilitated by porous borders within the region.

This leads us to the second vulnerability that reinforces organised crime in the region: corruption. The Corruption Perceptions Index 2018 highlights the high level of corruption in the Western Balkans countries. These latter, except Greece and Montenegro, rank between 87th and 99th out of 180 countries. Moreover, despite the EU's incentives to reduce corruption in the region, we can observe stagnation or even a decline in the situation since 2015. Serbia has been down one point since 2015 and Macedonia has fallen by 5 points in 4 years¹⁶. Yet, *"any form of corruption is a fertile ground for organised crime"*¹⁷. By allowing

¹² KRASNIQI (Kole), "Organized Crime in the Balkans", *European Scientific Journal*, vol. 2, n°19, July 2016, p. 205.

¹³ HOZIC (Aida), "Between the Cracks: Balkan Cigarette Smuggling", *Problems of Post-Communism*, vol. 51, n°3, 2004, p.36

¹⁴ KEMP (Walter), "Crooked Kaleidoscope. Organized Crime in the Balkans", *The Global Initiative Against Transnational Organized Crime*, June 2017, p. 1.

¹⁵ UNDOC, *The Global Afghan Opium Trade, A Threat Assessment*, 2011, p. 54.

¹⁶ Transparency International, *Corruption Perceptions Index 2018*.

collusion between organised crime and state/police institutions, corruption facilitates organised crime activities.

Finally, the legacy of the Yugoslav Wars should be taken into account when studying organised crime in the region. The various conflicts have been the starting point of the widespread development of organised crime, and their consequences are still effective. Indeed, during the conflicts that marked Yugoslavia in its dislocation process, organised crime emerged as mean of warfare. Individuals, whether to survive the Sarajevo siege, counter embargoes or arm paramilitary groups, have been invited to turn to organised crime. In the context of international sanctions against Serbia, organised crime seems to have been facilitated or even coordinated by the State. Individuals turning to organised crime were then considered "*heroes*"¹⁸ and the act "*was considered patriotic*"¹⁹.

As a result, wars shaped today's regional organised crime in two different ways. First, the wars, and in particular the Bosnian war from 1992 to 1995, resulted in a massive availability of weapons in the region. Secondly, the retention of nationalist forces in the post-war political landscape has allowed criminals to benefit from impunity but also to acquire a certain social and political recognition²⁰.

- **Main trends**

Although there are differences in scale between countries, the analysis of data related to organised crime in the pre-migration crisis does not show any "*specialization among organized crime groups by "country of origin"*"²¹. In fact, it is interesting to note the regional nature of organised crime in South Eastern Europe. While in the 1990s the region witnessed the birth of new states following the break-up of Yugoslavia, the modus operandi of organised crime did not change with the disappearance of the Federation. As noted in several analyses, criminals from different countries actively cooperate and use the roads of the past. According to Kamp "*for criminals, Yugoslavia still exists*" and "*organized crime seems to be one of the few things that transcends ethnicity in the Balkans*"²². The most common crimes of the regional network are drug trafficking, human trafficking and arms trafficking.

¹⁷ HADZOVIC (Denis) et al., *Study of Organised Crime in Bosnia and Herzegovina*. Sarajevo: Centre for Security Studies, 2014, p.88

¹⁸ KRASNIQI (Kole), "Organized Crime in the Balkans", *European Scientific Journal*, vol. 2, n°19, July 2016, p. 210.

¹⁹ KEMP (Walter), "Crooked Kaleidoscope. Organized Crime in the Balkans", *The Global Initiative Against Transnational Organized Crime*, June 2017, p. 3.

²⁰ TARANTINI (Giulia), "The Balkan Route: Organised Crime in South-Eastern Europe – Addressing Human Rights in the Court of Justice of the Andean Root Causes, Current Developments and Future Prospects", *United Nations University on Comparative Regional Integration Studies Working Papers*, vol. 4, 2016, p. 12.

²¹ STOJAROVA (Vera), "Organized Crime in the Western Balkans", *Working Paper for the ECPR Conference in Pisa, 6-9 September 2007*. Masaryk University: Institute for Comparative Political Research, 2007, p. 23.

²² KEMP (Walter), "Crooked Kaleidoscope. Organized Crime in the Balkans", *The Global Initiative Against Transnational Organized Crime*, June 2017, p. 5.

As stated earlier, the Western Balkans is a transit region in international drug trafficking. According to UNDOC, between 60 and 65 tonnes of heroin pass through the region each year²³. The majority of countries in the region are involved along the two main roads. The first, corresponding to the Afghan heroin route, enters the Balkans through Bulgaria, then crosses North Macedonia, Serbia, Hungary or Bosnia and finally reaches the European Union through Croatia. The second route, or cannabis route, originates in Albania (producing country) extends along Kosovo, North Macedonia, Serbia and Hungary before reaching Croatia.



The region, in addition to being a transit region for human trafficking, is listed as a source and destination region. Victims are various, although women and children are the most vulnerable to sexual exploitation and forced labour. The main route for human trafficking starts in Ukraine, Moldova, Romania goes through Serbia towards Western Europe or another country in the Western Balkans.

Regarding arms trafficking, there is large-scale trafficking between Western Balkans countries and North Africa or the Middle East. From 2012 to 2016, arms deals between Middle East and Western Balkans have reached 1.2 billion euros²⁴. In parallel to this extensive network, the region is also a source of weapons for Western European countries. The use of arms “produced in ex-Yugoslavia arsenal”²⁵ during November 2015 Paris attacks is the good example of the proliferation of weapons from the Western Balkans in Europe.

²³ UNODC, *The Illicit Drug Trade Through South-Eastern Europe*, March 2004, p. 5.

²⁴ Balkan Investigative Reporting Network (BIRN), *Making a Killing: The 1.2 Billion Euro Arms Pipeline to Middle East*, July 2016.

²⁵ VASOVIC (Aleksandar), “Some guns used in Paris attacks produced in ex-Yugoslavia arsenal”, *Reuters*, November 28, 2015.

2. European (mis)management of the migration crisis and its impact on organised crime

The study of organised crime big picture in the Western Balkans in recent years has revealed two main aspects. First, organised crime transcends the new nations and constitutes a regional network, facilitated by the common history and linguistic similarities of different countries. Secondly, on a general trend, the main activities of organised crime in the Balkans are drug trafficking, arms trafficking and trafficking in human beings.

Nevertheless, from 2015 onwards, the region has directly suffered the migration crisis by becoming one of the main access routes to the European continent. This new issue seems to have had a concrete impact on organised crime in the Balkans. Thus, in 2015, Townsend noted: *“it is now beyond doubt that some of the region's most unscrupulous and established criminal syndicates have moved into migrant smuggling”*²⁶. On this basis, this section will examine the impact of the migration crisis on organised crime, including the impact of European policies on its reshaping in the region.

2.1. The Western Balkans route(s) for migration

As stated earlier, the Western Balkans area is a favourable terrain for migrations. The region has a history of being a migration hub between Europe, Asia and Africa. Apart from being a transit region, South Eastern Europe is also a major region of origin. While the countries of the former Yugoslavia have been, and still are, a source of labour for the countries of Central and Western Europe, the region has become a massive refugee producer during the wars of the former Yugoslavia. Three million people were displaced or took refuge abroad during the wars and one million of them settled there²⁷.

Since the end of these various conflicts, the Balkans has remained a region of origin of migration. In 2009, for example, out of 3280 illegal border crossings recorded by FRONTEX on the Western Balkans route, 63.5% of those detected originated from Western Balkans countries (Serbia, North Macedonia, Montenegro, Kosovo, Albania, Bosnia and Herzegovina)²⁸.

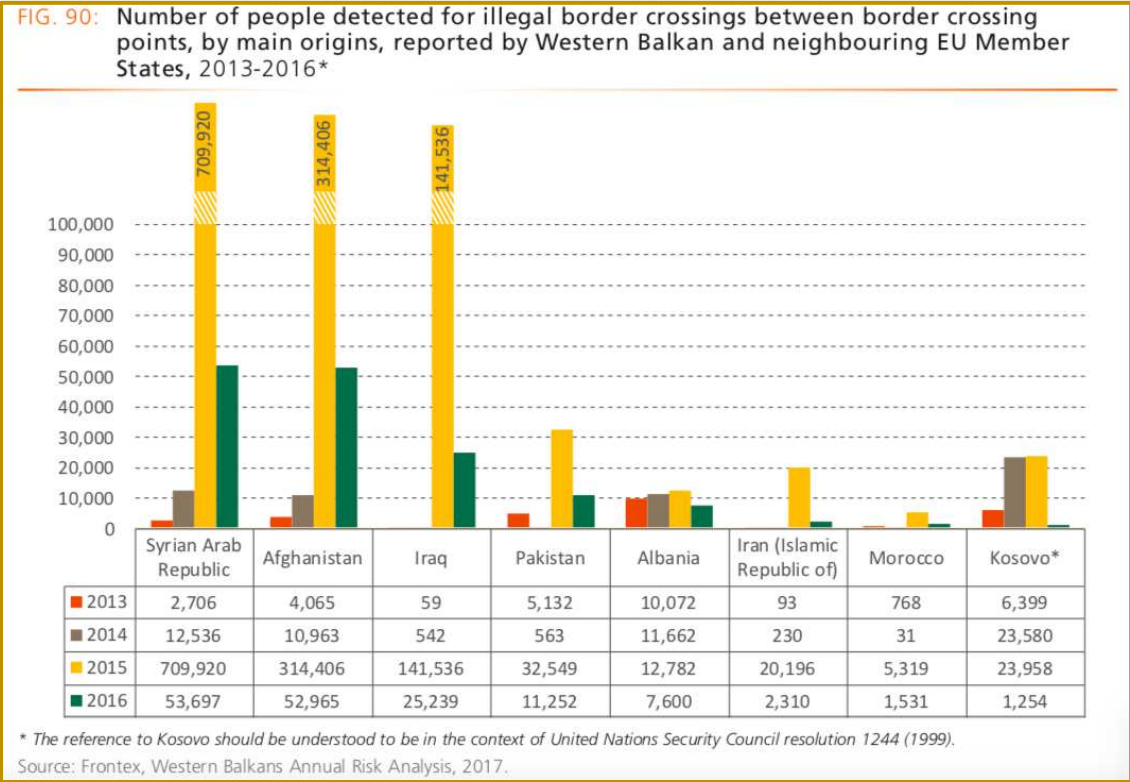
However, this migratory landscape has changed since 2013, and more clearly since 2015, when the region became the main route of the European migration crisis. The Western Balkans has become a major transit hub for non-regional migrants from Africa and the Middle East.

²⁶ TOWNSEND (M.), “The Balkans are now the center of Europe’s people smuggling web”, *The Guardian*, 30 August 2015.

²⁷ MOROKVASI (Mirjana), “Migrations et diasporas : les Balkans mobiles”, *Balkanologie*, vol. VII, n°1, 2003, p. 12.

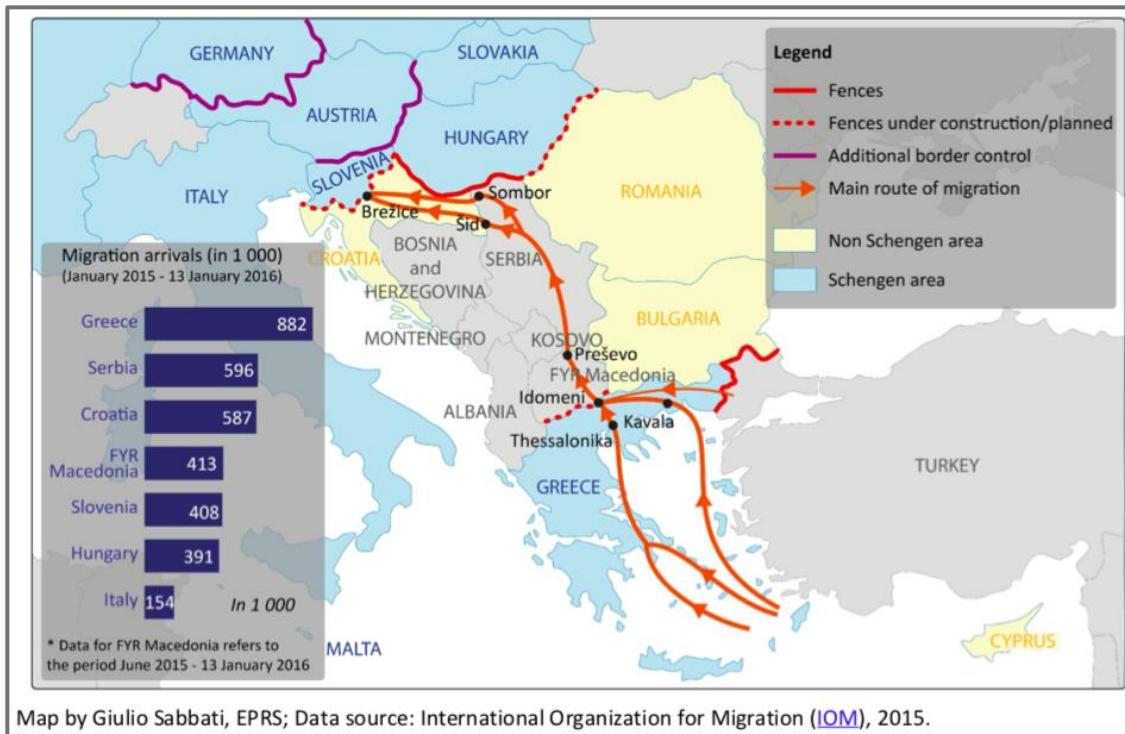
²⁸ FRONTEX, *Detections of illegal border crossings statistics*.

In 2015, the number of illegal border crossing increased 16-fold compared to 2014 with a number of 764,033 detections²⁹. Back then, migration took place from Greece and along North Macedonia, Serbia, Hungary and Croatia before reaching the Schengen area. Main nationalities among the migrant population in 2015 were Syrian (709,920), Iraqi (314,406) and Afghan (141,536)³⁰. In that year, the proportion of regional illegal border crossing reached only 3.2% of the total number of detections, or 24,615³¹. Nevertheless, there has been a significant increase in the number of illegal border crossing among the population of Kosovo, having taken advantage of the opportunity to reach Europe offered by the massive arrival of migrants from the Middle East.³²



Since then, the road has continued to adapt to the policy changes of the Balkan countries and the European Union. From 2016 onwards, the number of illegal border crossing has largely decreased as countries in the region closed their borders and an agreement on limiting migrant flows was reached between EU and Turkey. While Hungary built a fence at its borders with Serbia and Croatia between September and October 2015, Slovenia, Austria and Macedonia have also strengthened their borders. In total in 2016, the number of illegal border crossing detections in the region was 130,325³³.

²⁹ FRONTEX website, *Migratory Routes*.
³⁰ UNDOC, *Global Study on Migrant Smuggling 2018*. New York: United Nations publications, June 2018, p. 160.
³¹ FRONTEX, *Detections of illegal border crossings statistic*.
³² UNDOC, *Global Study on Migrant Smuggling 2018*, New York: United Nations publications, June 2018, p. 160.
³³ FRONTEX, *Detections of illegal border crossings statistics*.



The year 2017 marked an increase in the number of intra-regional mobility³⁴, while the number of non-regional migrants continued to decrease to 12,179 detections³⁵. Although the phenomenon is less widespread, migrants are still trying to join the European Union. From 2018, Bosnia and Herzegovina - previously spared by the passage of migrants - has become a central crossing point on the Balkan route, due to the closure of neighbouring borders. 23,750 migrants were recorded in Bosnia and Herzegovina in 2018, compared to only 1,116 in 2017³⁶. As of 15 May 2019, 7,127 migrants had already been registered in the country³⁷. Although media attention on the subject has been altered, the migration crisis still has an impact in the region.

A significant number of refugees are still present in the various countries of the region: 3975 in Serbia, 340 in Croatia and 50 in North Macedonia³⁸. Bosnia and Herzegovina is today the most impacted country in the region as an estimated number of 4000-5000 migrants are still in the country trying to reach the border³⁹.

In the first quarter of 2019, 2,269 illegal border crossings were recorded along the Balkan route, the top 5 migrants' countries of origin being: Afghanistan (1049), Iran (301), Turkey (200), Iraq (189) and Syria (137)⁴⁰.

³⁴ IOM, *DTM Mediterranean – Western Balkans Overview*, January – December 2018, p. 2.

³⁵ Idem.

³⁶ ANADOLLIJA, "Galić: Situacija s migrantima će se usložiti s dolaskom toplijih dana", *N1 Info*, 28/12/2018.

³⁷ IOM, *Flow monitoring Europe*.

³⁸ Central Intelligence Agency, *World Fact Book*.

³⁹ ANADOLLIJA, "Galić: Situacija s migrantima će se usložiti s dolaskom toplijih dana", *N1 Info*, 28/12/2018.

⁴⁰ FRONTEX, *Detections of illegal border crossings statistics*.

2.2. The consequences of the EU's management of the crisis on organised crime

- **European Union migration policy towards asylum**

First, it seems essential to make a brief conceptual reminder when talking about migration. While the term migrants will be generally used in this study, it encompasses all migration, whether voluntary (migrant worker) or forced (international refugees). Asylum policy and mechanisms thus only concern the very category of refugees, protected by the 1951 Geneva Convention, and whose protection by States is a legal obligation.

In this framework, and in the context of growing EU integration (marked in particular by the abolition of internal borders within the Schengen area), a common asylum policy has developed within the EU under the name of the Common European Asylum System (CEAS). CEAS was born in order to define common concepts and criteria, as well as to harmonise the interpretation and application of the right of asylum between the Member States of the Union.

This common policy was initiated at the Tampere Summit in 1999. After two phases of implementation and reform, the CEAS was equipped in 2013 with three directives and two regulations setting common standards and procedures for international protection in the EU Member States.

- “Qualification” directive, specifying the grounds for granting status
- “Procedures” directive, setting deadlines
- “Reception” directive, implementing reception conditions for persons seeking protection
- “Dublin regulation” (Dublin III), defining the State responsible for the asylum application. This Regulation delegates the responsibility for examining a refugee's asylum application to the first country that received him/her. In other words, a refugee can apply for asylum only in the country in which he or she entered the EU.
- “EURODAC regulation”, computerised system for collecting fingerprints and thus facilitating the Dublin rule.

Other mechanisms are in place such as the Asylum, Migration and Integration Fund (AMIF) or *the* European Asylum Support Office (EASO), which allows practical cooperation between members.

- **(Mis)management of the crisis**

The migration crisis has led European countries to question this system, not adapted and not always respected during the crisis. From 2015, the European Union has adopted short term and contradictory measures, while trying to manage the crisis. Moreover, this migration

crisis had the effect of putting a spotlight on the region, as Western Balkans borders became European Union borders.

As early as May 2015, the EU adopted general measures regarding crisis management, starting with the EU Agenda on Migration. The main development was the implementation of a "hotspot" approach to migration – i.e. cooperation between the various agencies in countries in the frontline of the crisis. The Agenda on Migration has also introduced mechanisms for resettlement and relocation within the EU, while questioning the effectiveness of the common asylum policy. This Agenda has been complemented by the work of the European Commission and the Council of the EU. The latter have taken two main measures to manage the migration crisis: an EU Action Plan Against Smuggling of Migrants, to reduce incentives to migration; and a Common European list of Safe countries of Origins (including Albania, Bosnia and Herzegovina, North Macedonia, Kosovo, Montenegro, Serbia and Turkey) to reduce the scope of asylum claims.

It was only from October 2015 that the EU officially addressed the issue of migration in the Western Balkans. Rather, from August to November, the region suffered contradictory measures and an impossible coordination of European countries on the Balkan front.

In August, the “*waving through*” policy began with Chancellor Merkel's welcoming call to Syrian refugees⁴¹. From that moment on, an (un)official policy of assistance to refugee movements was established. The Dublin asylum process was de facto frozen. The Balkan countries, in particular those affected by the crisis (Serbia, North Macedonia and Croatia), supported by the EU and NGOs, have put in place a coordinated policy to assist the passage of migrants. Buses and trains were made available to migrants to continue their journey to the European Union and particularly Germany⁴². As Cocco pointed out, “*governments began to replace the illegal service-providers*”, while fighting migrant smuggling⁴³. At the same time, countries along the route started to close their borders. In September, while Austria re-established its border with Hungary, Hungary built a 175 km fence with Serbia.

The EU convened a joint Western Balkans-EU conference in October 2015 – as the first inclusion of Western Balkans in the management of the crisis. The outcome was the implementation of a 17-point action plan to tackle the migration crisis. Exchange of information, coordination and development of FRONTEX's action on the borders of Slovenia, Croatia and Greece are the main measures introduced by the plan. Above all, however, it represents a complete reversal of European migration policy. Contrary to the policy that has been applied since August, the plan stated that countries should “*(discourage) the*

⁴¹ LICHFIELD (John) and HALL (Allan), “Germany opens its gates: Berlin says all Syrian asylum-seekers are welcome to remain, as Britain is urged to make a ‘similar statement’”, *The Independent*, 24 August 2015.

⁴² MANDIC (Dominik), “Anatomy of a refugee wave: Forced migration on the Balkan route as two processes”, *European Now Journal*, 5 January 2015.

⁴³ COCCO (Emilio), “Where is the European frontier? The Balkan migration crisis and its impact on relations between the Eu and the Western Balkans”, *European View*, vol. 16, Issue 2, December 2017, p. 296.

*movement of refugees or migrants to the borders of another country of the region*⁴⁴. In addition, EU countries are showing a willingness to engage in a deal with Turkey to limit the influx of refugees into European territory.

The 17-point action plan marked a complete shift in European policy. From that moment on, the European Union countries along the route gradually closed their borders, relying on the domino effect it would have in the Western Balkans. In fact, the region was directly affected by European contradictions. Initially encouraged to facilitate the passage of migrants, the Balkan countries, facing the closure of the Schengen area, were in turn encouraged to close their borders. Thus, in March 2016, as the agreement between Turkey and the EU became effective, the majority of borders along the route were closed. While the crisis is apparently being maintained and media attention is diminishing, the situation in the Balkans remains problematic.

Table 1 Chronology of Balkan border closures to reduce migrant and refugee flows to Germany and other European countries, 2013–2016

Date	Country	Closure
December 2013	Bulgaria	Builds fence with Turkey making migrants/refugees take the sea route from Turkey to Greece
14th Sept 2015	Austria	Border controls with Hungary
15th September 2015	Hungary	Builds a 175 km fence with Serbia and starts arrestations
16th October 2015	Hungary	Closes border with Croatia forcing people through Slovenia
28th October 2015	Austria	Border fence with Slovenia
11th November	Slovenia	Builds a fence on its border with Croatia
18th November 2015	Slovenia, followed by Croatia, Serbia and Macedonia	Decides to only allow Syrians, Afghans and Iraq national to enter their borders.
February 2016	Macedonia	37 km fence built on the Greek-Macedonian border
February 2016	Countries along the Western Balkan route	Decides to only allow entry on humanitarian grounds to Syrians and Iraqis.

Source: ARSEJINEVIC et al., “A crisis of protection and safe passage: violence experienced by migrants and refugees travelling along the Western Balkan corridor to Northern Europe”, *Conflict and Health*, vol. 11, n°6, 2017, p. 4.

The reversals of European policy have several implications. First, the EU proposed a short-term vision by giving contradictory responses in a hurry. Policies have “*revealed the fragile relationship between the EU and the Western Balkans*”⁴⁵. On the one hand, FRONTEX's inability to deploy directly in the Balkan countries has shown the lack of long-term EU

⁴⁴ European Commission, “Meeting on the Western Balkans Migration Route: Leaders Agree on 17-point plan of action”, *Press release*, 25 October 2015.

⁴⁵ COCCO (Emilio), “Where is the European frontier? The Balkan migration crisis and its impact on relations between the Eu and the Western Balkans”, *European View*, vol. 16, Issue 2, December 2017, p. 293.

projects for the region. On the other hand, the EU's responses, in addition to being contradictory, were spontaneous. For instance, the non-inclusion of Bosnia and Herzegovina in the October 2015 conference shows the lack of a long-term vision of the EU - Bosnia being today the major crossing point for migrants and refugees. Secondly and above all, the European Union's policies have made the Balkans a real trap for migrants. As stated earlier, migrant flows have not ceased with the apparent closure of the route in 2016 and many migrants/refugees are blocked in the Western Balkan countries, such as the 3975 in Serbia. For the time being, the Western Balkans has turned into a “parking lot”, leaving migrants outside the Schengen area without migration being included in a comprehensive strategy.

- **Impact on organised crime**

As stated earlier, the Western Balkans region is a favourable terrain for both smuggling and human trafficking. Yet, the closure of the road has not changed the willingness of migrants to reach European territory. Considering most of the Western Balkan countries as transit countries, migrants embark on “*longer, dangerous journeys*”⁴⁶ under harsher conditions. The opening of a new road in Bosnia shows the ability of migration to adapt, even if the roads are closed. And, it is beyond doubt that the closure of the route helped fuelling and reshaping existing organised crime in the region.

Human trafficking vs. Migrant smuggling

While the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children defines trafficking in Persons as “*the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation*”; the Protocol Against the Smuggling of Migrants by Land, Sea and Air states that “*“Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident*”.

Then we can observe differences between the two notions: consent, exploitation and transnationality. Migrant smuggling differs in the way that it is voluntary, always transnational and the exploitation ends once the person smuggled crossed the border.

In terms of human trafficking, the region is a hub in Europe and links mostly Eastern European countries to Western European countries as both a transit and destination country. In some cases, the region is also a source of traffic. On the migrant smuggling side, the region is an entry point for migration from Asia, Africa or the Middle East.

⁴⁶ OXFAM, *Closed Borders – Programme Report on the impact of the borders closures on people on the move, with a focus on Women and Children in Serbia and Macedonia*, September 2016, p. 6.

The migration crisis, but above all the closure of borders in 2016, seems to have had a direct impact on the shape of the organised crime in the region, by modifying it but also by accentuating it.

In the early days of the migration crisis, the need and use of smugglers was rather low in the region. As mentioned earlier, Germany's welcome call has had the effect of creating a state and legal migration network, reducing the need for smugglers in the Western Balkans region. During the crisis, it is stated that 90% of the migrants and refugees who arrived in the EU did so through the help of smugglers networks⁴⁷. Nevertheless, as noted by the European Commission, the majority of migrants were encouraged to travel alone in the Balkans, with smugglers mainly covering the role of facilitators, providing information on the where and how to cross borders – “*the role of the smugglers has become more advisory*”⁴⁸.

However, as the borders closed in 2016, an increase in the number of smugglers used in the region can be observed. While the number of arrivals in the Western Balkans decreased by 83% between 2015 and 2016 (from 764,033 to 130,325), the use of smugglers increased by 10% to reach a total of 12,568 in 2016⁴⁹. 73% of them came from a Western Balkan country⁵⁰. As mentioned above, Bosnia and Herzegovina has become a privileged crossing point for migrants since 2018. Nevertheless, a number of them are often blocked within the country, Croatian borders being now closed. This had a significant impact on the smuggling of migrants. In 2018, the Karlovac's Municipal Court, situated in Croatia, received 229 cases of smugglers trying to transfer migrants through Croatia, which represents a drastic increase compared to previous years. As for 2019, 50 more cases were recorded in the first two months of the year⁵¹.

Also directly related to border closures, the number of document fraud cases - directly associated with smuggler activity - reached 631, the highest rank since 2009⁵². In 2016, key points of smuggling were the borders of Serbia (key recruiting point), Slovenia and North Macedonia (key pick-up points), i.e. the borders recently closed to migration⁵³. In short, the domino effect of border closures within the EU and within Western Balkans countries have prompted the populations trapped into Western Balkans countries to result to smugglers. It has created an additional opportunity for organised crime already present on the territory and helped reshaping it. According to EUROPOL, in 2015, suspected migrants' smugglers were linked to other forms of crimes: 22% to drug trafficking, 20% to human trafficking, 20% to property crime and 18% to forged documents⁵⁴. Thus, it seems clear that the actors of

⁴⁷ EUROPOL, *Migrant smuggling in the EU*, 2016, p. 4.

⁴⁸ DIMITRIADI (Angeliki), PETRESKA (Elena), RACZ (Krisztina) and SIMIC (Ivana), “A Study on smuggling of migrants. Characteristics, responses and cooperation with third countries – Case Study 5”, *European Commission DG Migration and Home Affairs*, September 2015, p. 38.

⁴⁹ FRONTEX, *FRAN Quarterly – Quarter 2*, April-June 2016, p.

⁵⁰ Idem.

⁵¹ HINA, “Karlovački sud pun krijumčara migranata, prijeli im do 12 godina zatvora”, *N1 Info*, 25/02/2019.

⁵² FRONTEX, *Western Balkans Annual Risk Analysis 2018*, Warsaw, April 2018, p. 33

⁵³ Joint EUROPOL-INTERPOL Report, *Migrants Smuggling Networks – Executive Summary*, May 2016, p. 6.

⁵⁴ Idem, p. 9.

migrant smuggling are the same as those of "traditional" organised crime. The migration crisis was a factor allowing organised criminal groups to shift activities, as roads used for migrants smuggling are the same used in other forms of trafficking⁵⁵. Tarantini rightly notes that: "Twenty years ago, it was drugs. Now the region is a major artery for smuggling migrants"⁵⁶.

But, beyond the increase in the use of smugglers, European policies, by trapping migrant populations in the countries of the Western Balkans, have increased their vulnerability to other forms of crime, including human trafficking. Indeed, it is stated that the longer a migrant stays in a country, the greater his or her vulnerability to being a victim of human trafficking⁵⁷. It should be noted that there are difficulties in studying victims of human trafficking cases among the migrant population. since the majority of the migrant population is in transit in the Western Balkan countries, it is difficult to identify victims. Nevertheless, several interesting findings and data can be analysed, particularly in terms of vulnerability. Their analysis seems to make the link between border closure and human trafficking relevant.

The International Organization for Migration (IOM) provides us with some relevant information. In the particular case of Serbia, the number of cases related to human trafficking has been increasing since 2016. According to the IOM, three victims of human trafficking among the migrant population were reported since 2015, while one Afghan victim was identified in 2017⁵⁸. This finding is supported by a study dating from 2017 according to which 16% of the migrant population interviewed suffered from violence in Serbia⁵⁹. In a broader context, the IOM also ranks the 10 countries in which the highest number of incidents has been reported. Included in this ranking are Serbia (9 incidents), Albania (7 incidents) and Macedonia (5 incidents)⁶⁰.

However, the most interesting study is provided by the United States Department of State Global Report on Trafficking. It highlights the increase in vulnerability, but also in the victims of human trafficking among the migrant population since the closure of the borders in 2016. Kosovo and Montenegro will not be studied, as they have not been central transit points for migrant populations. While from 2013 to 2014, victims of human trafficking are domestic or part of the regional network detailed above, from 2015 onwards, vulnerability to human

⁵⁵ KEMP (Walter), "Crooked Kaleidoscope. Organized Crime in the Balkans", *The Global Initiative Against Transnational Organized Crime*, June 2017, p. 10-11.

⁵⁶ TARANTINI (Giulia), "The Balkan Route: Organised Crime in South-Eastern Europe – Addressing Human Rights in the Court of Justice of the Andean Root Causes, Current Developments and Future Prospects", *United Nations University on Comparative Regional Integration Studies Working Papers*, vol. 4, 2016, p. 4.

⁵⁷ IOM, *Enhancing Counter Trafficking in Crisis in the Western Balkans – Analytical Report*, IOM Bosnia and Herzegovina, 2018, p. 58.

⁵⁸ *Idem*, p. 52.

⁵⁹ MARKOVIC (Jelena) and CVEJIC (Marija), *Violence against women and girls among refugee and migrant population in Serbia*. Belgrade: Atina, 2017, p. 20

⁶⁰ GALOS (E.), BARTOLINI (L.), COOK (H.) and GRANT (N.), *Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean Migration Routes*. Geneva: International Organization for Migration, 2017, p. 49

trafficking is mentioned in all countries affected by the migration crisis. It is from 2017 that this vulnerability is mentioned in the case of Bosnia and Herzegovina, as the country was not previously a transit point for migration. Following the closure of borders - but also thanks to the progress made by the various countries in identification procedures⁶¹ - a number of victims among the population have been identified:

- 14 suspected victims among the migrant population were identified in Serbia in 2017⁶².
- Bondage and forced labour cases were identified among migrant population in Croatia in 2016⁶³.
- Libyan victims were identified in Bosnia and Herzegovina in 2017⁶⁴.

While the identification problem is an obstacle to further analysis, the points mentioned above clearly show us the effect of the mismanagement of the crisis on organised crime in the Balkans. By adopting the short-term border closure measure, the EU has proved itself incapable of managing its south-eastern border. The EU asked the Western Balkans to be a security provider while exporting instability and having a direct impact on organised crime. On the one hand, thousands of migrants have found themselves trapped in the Western Balkan countries, unprepared or not equipped for reception and asylum measures. On the other hand, the willingness of migrants to continue their journey despite the closure of borders has reinforced organised crime around migrant smuggling and human trafficking activities. As Gerald Tatzgern noted, "*criminals have the key to the locks*"⁶⁵. In other words, border closures have their limits and from them result an increase in criminal activities.

3. Framework for a more comprehensive and inclusive strategy

In the previous sections, two findings were issued. First, the Western Balkans is a region with a history of high vulnerability to organised crime. Then, the migration crisis was a springboard for criminal organised groups activities. Above all, the EU's crisis management has led to a concentration and increase of criminal activities on migrant smuggling and human trafficking.

This section assumes that the migration crisis put again a spotlight on the Western Balkans region. The need to include the region at the European level was highlighted as the link

⁶¹ United States of America Department of State, *Trafficking in Persons Report*, June 2018.

⁶² Idem, p. 374-376.

⁶³ United States of America Department of State, *Trafficking in Persons Report*, June 2017.

⁶⁴ United States of America Department of State, *Trafficking in Persons Report*, June 2018, p. 104-106.

⁶⁵ KEMP (Walter), "Crooked Kaleidoscope. Organized Crime in the Balkans", *The Global Initiative Against Transnational Organized Crime*, June 2017, p. 11.

between the two regions was proved essential - any security situation in the Western Balkans as an impact on the EU and vice versa. The purpose of this section is, in the light of what has been developed, to explore the avenues for a necessary comprehensive strategy to fight organised crime.

3.1. Analysis of the cooperation framework before and after the migration crisis

3.1.1. *Pre-crisis existing cooperation framework*

- **Instruments**

Several cooperation mechanisms have been implemented since the 1990s, at both regional and international level, to combat organised crime.

The first regional cooperation instrument to combat organised crime was the Southeastern European Cooperation Initiative (SECI) set up in 1996. With a focus on cooperation and information exchange between countries in the region, the Initiative has developed several joint projects. Among these most important achievements are the signing of an *Agreement on Cooperation to Prevent and Combat Trans-Border Crime* on 1999 and a *Charter on Regional SECI Center for Fighting Trans-Border Crime*.

In 2011, the Southeast European Law Enforcement Centre (SELEC) took over. It is today the main instrument of cooperation in the region. Aiming at bringing together law enforcement authorities of the region, SELEC's activities focus on 8 areas constituting 8 task forces (including drugs and human beings trafficking, smuggling and customs fraud or terrorism).

The region also relies on the South East European Cooperation Process (SEECP). Aiming at fostering good-neighbourly relations, the SEECP enhances regional cooperation in security issues. In 2008, the SEECP launched the Regional Cooperation Council (RCC). The RCC is another instrument that promotes cooperation. Fighting serious and organised crime was one of its priorities in its 2012-2016 policy cycle. Others field cooperation initiatives among Western Balkans countries can be noted such as the Western Balkans Prosecutors' Network or the Southeast Europe Police Chiefs Association (SEPCA).

At the international level, several instruments are dedicated to the fight against organised crime. The EU has adopted its 2013-2017 Policy Cycle to combat organised crime. Also, in 2009 and 2012, the United Nations Office for Drugs and Crime adopted regional programs for South Eastern Europe. Finally, in 2003, the Organization for Security and Co-operation in Europe implemented a Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

- **Limitations in fighting against organised crime**

The various initiatives in place in the region are facing several limitations. These limit the scope for cooperation between countries and have a direct impact on the efficiency of the fight against organised crime. In order to develop a comprehensive strategy, it is important to integrate these boundaries that will guide any future action within the region.

The first limitation to effective cooperation in the region is intrinsically linked to the vulnerability observed in section one: corruption and collusion between state institutions and criminal activities. The fight against organised crime is made difficult in two ways. On the one hand, the symbolic nature of criminal activities during conflicts has led to a kind of impunity or even legitimization of activities whose impact is still present in the region. On the other hand, the high level of corruption in the region, and thus the involvement of authorities in criminal activities, both facilitate the development of criminal acts and makes it more difficult to prosecute them⁶⁶.

Another limitation is related to the core nature of organised crime in the region: its trans-border and trans-ethnic modus operandi. Although the Balkan countries have engaged in various cooperation initiatives, cooperation is not always effective on the ground. The difficulty to overcome the legacy of the wars and divisions created along ethno-national lines, are still an obstacle to a full cooperation between the Western Balkans countries. Yet, as it has been stated, organised crime operates in the opposite direction. By overcoming national, linguistic or ethnic divisions, organised criminal groups benefit from the lack of regional cooperation. It also seems that the introduction of barriers within the region - particularly customs barriers - has had a direct impact on the effectiveness of inter-state cooperation, while it has only a very small effect on the sustainability of criminal activities⁶⁷.

3.1.2. Migration crisis: starting point of a renewed interest in the region

In addition to the existing structures, the migration crisis had a direct impact. The EU showed a deeper will to engage in the region, by the re-activation of enlargement mechanisms and the implementation of cooperation mechanisms. The crisis *“placed the region high on the agenda, underlining the importance of the region strategically and security-wise”*⁶⁸.

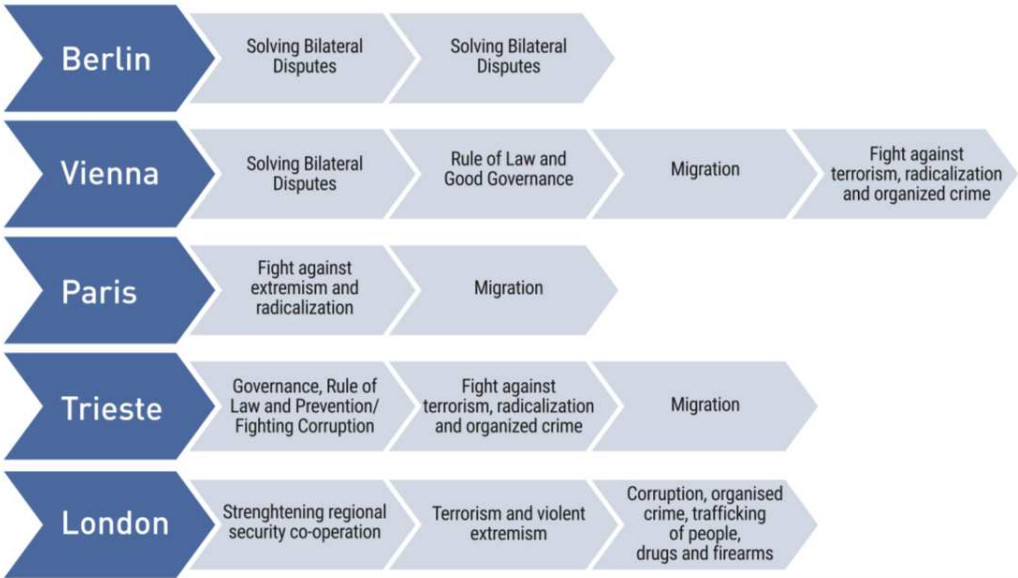
As part of this renewed interest, the EU developed its enlargement policy. In 2014 was launched the Berlin Process, high level joint conferences between EU members and Western Balkans, with the aim of accelerating the enlargement process. More, in 2018, the EU initiated a Credible Enlargement Perspective for an Enhanced EU Enlargement with the Western Balkans known as the Six-Flag Initiatives with the same goal.

⁶⁶ KRASNIQI (Kole), “Organized Crime in the Balkans”, *European Scientific Journal*, vol. 2, n°19, July 2016, p. 214.

⁶⁷ Idem, p. 215.

⁶⁸ EMINI (Donika) and MARKU (Donika), *Rethinking security: Western Balkans as a security provider*. Skopje: Institute for Democracy “Societas Civilis”, July 2018, p. 1.

What is interesting to analyse, beyond the prospects for EU enlargement, is the focus that the European Union states have placed on security issues, directly linked to the migration crisis. From the Vienna Summit in 2015 - as part of the Berlin process - the fight against organised crime was placed as a top priority by the EU.



Source: EMINI (Donika) and MARKU (Donika), Rethinking security: Western Balkans as a security provider”. Skopje: Institute for Democracy “Societas Civilis”, July 2018, p. 2.

Also, the Sofia Declaration, which emerged from the 2018 EU-Western Balkans Summit, placed as a priority the “operational cooperation in the fight against international organised crime in priority areas such as firearms, drugs, migrant smuggling and trafficking in human beings”⁶⁹. Along with the Credible Enlargement Perspective for an Enhanced EU Enlargement with the Western Balkans, the EU set up an Action Plan in which the fight against organised crime holds an important place⁷⁰.

⁶⁹ EU-Western Balkans Summit, *Sofia Declaration*, 17 May 2018, p. 4.

⁷⁰ European Commission, *Credible Enlargement Perspective for an Enhanced EU Enlargement with the Western Balkans*, European Union, 2018, p. 20-24.

European Union Action Plan on organised crime	
2018	Ensuring concrete results in judicial reform and in the fight against corruption and organised crime
2018	Expand the EU Policy Cycle on organised crime to the extent possible to include the Western Balkans in its operational activities. Western Balkans to be invited to take part in specific European Multidisciplinary Platform against Criminal Threats projects and to meetings of the Standing Committee on Operational Cooperation on Internal Security, including those held jointly with the Political Security Committee on an ad-hoc basis when the projects are discussed.
2018-2019	Enhance significantly operational cooperation including with EU agencies in the fight against international organised crime in particular firearms, drugs trafficking migrant smuggling and trafficking in human beings.
2019-2020	Introduce trial monitoring in the field of serious corruption and organised crime.

A series of concrete cooperation measures have been implemented since 2015 to strengthen the effectiveness of European mechanisms in the Western Balkans region, both in terms of migration and in the fight against organised crime. In 2016, Frontex was reformed and renamed the European Border and Coast Guard Agency. The reform of the agency aimed to improve the management of the European Union's external borders but also, in a way, to include the countries of the Western Balkans in its action. Indeed, the possibility of concluding cooperation agreements within non-member countries was introduced. In fact, in 2018, an agreement was signed between the EU and Albania in this context. Since then, all the countries of the Western Balkans have started the agreement procedure, as Bosnia and Herzegovina did in January 2019. Also, as part of the "Hotspot" approach, the EU has deployed Europol Liaison Officers in non-EU countries. The Liaison Officer's mission is to *"assist the host Member State with investigations to dismantle the smuggling and trafficking networks"*⁷¹.

On the very subject of organised crime in the Western Balkans, the EU has launched several targeted initiatives. The EU Policy Cycle, launched in 2020 in the framework of the European Multidisciplinary platform against criminal threats (EMPACT), put on focus on human trafficking and migrant smuggling in its 2018-2021 cycle. With the aim of broader cooperation, EMPACT started in 2018 Joint Action Days with non-EU members to improve the fight against organised crime. While the 2015 EU Agenda on Security named organised crime as a priority, the EU implemented at the same time an Action Plan Against Smuggling for the period 2015-2020.

⁷¹ European Commission, *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*, Brussels, 13/05/2015.

3.2. Assessment and recommendations

Since 2015, interesting achievements have been accomplished. The idea that the fight against organised crime should be a part of a broad strategy involving all relevant actors (EU and Western Balkans) spread out. However, it is believed that there are still obstacles and more progress in apprehending the phenomenon can be made. The fight against organised crime should be part of a broad long-term strategy relying on EU enlargement tools.

- **Finding the right balance between stability and rule of law**

The first recommendation concerns the way in which the EU approaches the enlargement process. Stability and security in the region have been one of the EU's main concerns in the enlargement process. Rightfully, the stabilisation of the region is a priority for both the Western Balkans and the EU, as the migration crisis has shown. However, the promotion of security and stability should be implemented in a fair balance with the strengthening of the rule of law.

As mentioned, one of the biggest causes of vulnerability to organised crime in the Western Balkans is the high level of corruption at the state level. It creates incentives to criminal activities and makes it difficult to fight them. However, the EU has tended, in the name of regional stability and security, to *“turn a blind eye on authoritarian tendencies”*⁷². Particularly during the migration crisis, strong leaders in the region profited from the situation to promote themselves in the enlargement process as security providers. Not only has the EU induced this situation by mismanaging the Balkan front of the migration crisis, but it has also done so at the expense of the rule of law and the strengthening of democracy. The EU must ensure that the Balkan countries do not settle in the long term into *“stabilocracies”*⁷³.

In this context, the fight against corruption and the enhancement of justice systems in the Western Balkans countries should remain of major concern in the enlargement process under the scope of Chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security) of the *acquis*.

- **Enhance cooperation, information exchange and mentoring**

The cooperation initiated through the various initiatives since 2015 must be continued and reinforced. The Western Balkans region must be understood by the EU as a whole and then develop a long-term and institutionalised cooperation regarding organised crime. The addition of past European strategies with individual states should be implemented and

⁷² WUNSCH (Natasha), DIMITROV (Nikola) and CVIJIC (Srdjan), *Policy Brief – The migrant crisis: a catalyst for EU enlargement?*, Balkans in Europe Policy Advisory Group, June 2016, p. 12-13.

⁷³ GREIDER (Alice), *“Outsourcing Migration Management: The Role of the Western Balkans in the European Refugee Crisis”*, Migration Policy Institute, 17 August 2017.

developed on a regional level. Information-sharing, communication but also mentoring and joint actions on a supra-national level would allow to fight causes as well as consequences of organised crime. A common action on a cross-border basis would make it possible to resolve identification problems and to tackle criminal activities on an effective and accurate basis.

- **Meeting the humanitarian imperative**

Outside the Balkan sphere, the European Union must also reform its migration policy and more particularly its asylum system. As the migration crisis has shown, the CEAS has not prevented divergent responses to refugee reception at the European level. The EU itself confirms that the non-functioning of its common system results in secondary movements: *“asylum seekers travel around Europe and apply for asylum in the countries where they believe they will have a higher chance of receiving international protection.”*⁷⁴

The Dublin Regulation seems to be inconsistent. It places a heavy burden on the countries of entry into the EU (Greece, Italy). As the quota policy has been enshrined, no response can be adopted, whether in a crisis situation or not. However, this lack of reform has a direct impact on the Western Balkans. The region forms a gap within the EU – between the Greek entry point and other countries of the Schengen area. Migrants, who are facing different asylum policy in the EU and, do not have a legal way to seek protection in the country of their choice, result in illegality in order to reach their privileged destination. And the Western Balkans are at the heart of these secondary illegal movements.

The EU must therefore find a pragmatic response to meet the humanitarian imperative while regulating the practical aspects of repartition. To do this, the process of identifying persons eligible for protection must be improved and must be faster. Secondary movements should then be legally regulated according to a logic of equitable distribution within the EU.

While these avenues for reform are currently being considered at European level, national differences prevent any further progress in future reform. As regards the creation of identification centres, the EU cannot agree on their location, even considering their relocation to third countries - a location in the Western Balkans having already been considered. Once again, the EU would be tempted to rely on third countries - as it did with Turkey in 2016 and now doing with the situation the Western Balkans - to manage fundamentally European problems.

⁷⁴ European Council, *Reform of EU asylum rules*.

Conclusion

This study aimed to show the impact of the mismanagement of the migration crisis on organised crime in the Western Balkans. Aware of these limitations - particularly in terms of data collection - this work nevertheless shows the refocusing of organised crime on smuggling and human trafficking migrant activities following European policies. After several hesitations, a lack of a common policy and reactive short-term measures, the growth of organised crime and the challenges related to the migration crisis have led the EU to focus on the Western Balkans region. Since 2018, with the implementation of a European strategy for the Western Balkans, the EU has shown its interest in stabilising the region in the context of future integration. On the issue of organised crime, several efforts must be made, particularly in terms of intra-regional but also inter-regional cooperation. The EU possesses the tools of enlargement and must use them as part of a balanced and comprehensive strategy to address the problem of organised crime in the region.

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