

WHAT PROSPECTS OF EU MEMBERSHIP FOR THE WESTERN BALKAN COUNTRIES IN THE MIDST OF THE CURRENT REFUGEE/MIGRATION CRISIS?

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ABSTRACT:

CONDITIONALITY IS A COMMONLY USED TOOL BY THE EU ON TARGET COUNTRIES IN ORDER TO PURSUE THE PROMOTION OF HUMAN RIGHTS, DEMOCRATIZATION, MARKET ECONOMY AND GOOD GOVERNANCE. THE CURRENT ARTICLE IS AIMED AT ANALYZING THE EU'S CONDITIONALITY PRINCIPLE TOWARDS THE WESTERN BALKANS COUNTRIES FROM AN UNUSUAL ANGLE, BY ASSESSING SERBIA'S AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA'S LEVEL OF COMMITMENT IN THE JOINT MANAGEMENT OF THE CURRENT MIGRATION CRISIS, PRINCIPLE WHICH IS IMPORTANT IN THE EVALUATION OF THEIR PERFORMANCE CONCERNING THE PROSPECT OF A FUTURE MEMBERSHIP. THE AUTHOR WISHES TO EXPOUND THREE PATTERNS OF EU CONDITIONALITY, I.E. THE POSITIVE-, THE NEGATIVE AND FINALLY THE COMPLIANCE CONDITIONALITY, BY UNDERTAKING A COMPARATIVE ANALYSIS OF THE EUROPEAN COMMISSION'S PROGRESS REPORTS ON SERBIA AND MACEDONIA IN 2015, RESPECTIVELY 2016, EXAMINING THEIR PERFORMANCE DURING THE MIGRATION IMPASSE. BRIEFLY SHALL BE DISCLOSED ALSO THE ASSISTANCE GIVEN BY THE EU TO THESE COUNTRIES, WONDERING WHETHER EXISTED A COHERENT RESPONSE ON THE EU LEVEL OR A FRAGMENTED APPROACH ON THE LEVEL OF MEMBER STATES. THE RATIONAL CHOICE PARADIGM HAS BEEN CHOSEN AS THE THEORETICAL PILLAR OF THE STUDY, AS IT ARGUES THAT POLITICAL LEADERS ARE RATIONAL POLICYMAKERS, WHO BASED ON A THOROUGH COST-BENEFIT ANALYSIS WILL TRY TO MAKE THE BEST FOREIGN POLICY DECISIONS POSSIBLE. THIS IMPLEMENTED IN THE REALM OF THE WESTERN BALKANS STATES STRESSES THAT IT IS IN THEIR INTEREST TO COMPLY WITH THE EU'S CONDITIONALITY PRINCIPLES AND TO BECOME MEMBERS, THAN TO KEEP THEIR CURRENT STATUS OR IN A WORST SCENARIO TO REMAIN ISOLATED.

KEY WORDS: RATIONAL ACTOR MODEL, EU MEMBERSHIP, BALKAN BAROMETER, ASYLUM, VISA POLICY, IRREGULAR MIGRATION

INTRODUCTION

When it comes to the EU's relationship with third countries, whether we talk about the Neighbourhood Policy, Mobility Partnerships or negotiation with candidate or potential candidate countries, the *principle of conditionality* occupies a pivotal role. In case of the Western Balkan countries besides the well-known Copenhagen criteria, the conditions set by the Stabilization and Association Process also have to be fulfilled, namely these countries have to pursue regional cooperation, have to create the necessary conditions for the return of

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the refugees and must fully cooperate with the International Criminal Tribunal for the former Yugoslavia.² Moreover, the closure of visa facilitation and readmission agreements with the countries from the Western Balkans are also under the auspices of a so called *negative conditionality* and *performance based* approach. This means that any future cooperation, association or equivalent agreement what the EU concludes with third countries, includes a clause on joint management of migration flows and mandatory readmission in case of illegal immigration. Thus, the Union is conditioning the development of relations with third countries based on their willingness to cooperate in the joint management of migration flows. In case of an unjustified lack of cooperation in combating illegal immigration, the European Council may propose a review of relations with these countries.³ Therefore, it can be concluded that how the Western Balkan countries manage potential irregular migrant waves and refugee crisis also holds much weight in the evaluation of a countries' progress concerning accession to the EU. In the light of these observations, the present article aims at analyzing the EU's conditionality principle towards the Western Balkan countries through the prism of *performance*, shown during the current refugee crisis, asking whether the way how these countries (especially Serbia and Macedonia) have addressed the refugee crisis and cooperated with the competent EU authorities brings them closer to their long desired EU membership, or pushes them back behind the walls of isolation. Furthermore, not just the performance of the Western Balkan countries shall be put under magnifying glass, but also briefly that of the EU, wondering how it handled this crisis internally and how it interacted with the countries involved, wondering whether there was a coherent response from the supranational level or a fragmented approach from the level of Member States. As methodology, the research targets to identify and apply various conditionality patterns used by the EU in the Western Balkans, emphasizing mostly on *positive* and *negative* conditionality and *compliance* pattern. The EU has developed various conditionality clauses in order to encourage state compliance. The scheme is very simple: reinforcement by reward opposed to reinforcement by punishment.⁴ By *negative conditionality* we understand the suspension or completion of benefits in case of non-compliance by a target country, while *positive conditionality* means the distribution of benefits as a reward for compliance, meaning the performance of a recommended behaviour. In case of the Western Balkans countries these benefits may include: EU membership, trade preferences or the possibility to participate in various community programmes and visa facilitation agreements.⁵

The inquiry is based on the hypothesis promoted by the *rational choice paradigm/rational actor model*, stressing that based on an in-depth *cost-benefit analysis*, on the long run it is more beneficial for the Western Balkan countries to become fully fledged EU members, than to keep their current status, thus they will try to comply with the community's conditionality principles

² Judy Batt, and Jelena Obradovic-Wochnik, "War crime, conditionality and EU integration in the Western Balkans," Chaillot Paper 116 (2009): 9, accessed May 29, 2017, <http://www.iss.europa.eu/uploads/media/cp116.pdf>.

³ The Council of the European Union, "Seville European Council 21-22 June 2002 Presidency Conclusions," Brussels, October 24 (29.10) (OR. fr), 11-12, accessed May 23, 2017, [13463/02www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/72638.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/72638.pdf).

⁴ Fabienne Zwagemakers, "The EU's Conditionality Policy: A New Strategy to Achieve Compliance," *IAI Working Papers* 12 (January 2012): 3, accessed May 29, 2017, <http://pubblicazioni.iai.it/pdf/DocIAI/iaiw1203.pdf>

⁵ Liu Zuokui, "EU's Conditionality and the Western Balkans' Accession Roads," *European Perspectives-Journal on European Perspectives of the Western Balkans* 2/1 (2010): 83-84, accessed May 20, 2017, <http://www.cep.si/dokumenti/81-100.pdf>.

RATIONAL CHOICE THEORY/RATIONAL ACTOR MODEL AND THE FOREIGN POLICY DIRECTION OF THE WESTERN BALKANS COUNTRIES TOWARDS THE EU

As one of our main hypothesis we have argued that the foreign policy direction of the Western Balkans policymakers enrolls within the *rational choice paradigm/rational actor model*, assuming that based on the available information political leaders will employ their rational and will take the best decisions possible. This means that all political leaders from the Western Balkans will try to comply with the EU's conditionality principles and to continue the implementation of the required reforms, in hope of a future membership. However, we must emphasize that, although the prospect of a future membership is very enticing and normally would motivate them to carry on with the desired changes, any deadlock, or in our case the incapability of the EU to manage the migration/refugee crisis, on the long run could lead to a 180 degrees turnaround, the fairly benevolent political and social landscape turning their back on the EU. Furthermore, in our opinion here it may be observed the existence of a double conditionality:

Firstly, we may speak about the EU conditionality towards the Western Balkans countries, which have to comply with certain political, economic, judicial etc. criteria in order gain acceptance to the European Community. The willingness of these countries to cooperate with the EU in the management of potential migration flows also holds much weight in the evaluation of a countries' progress concerning accession to the EU.

Secondly, we could mention the conditionality, that usually is being overlooked in the vast majority of the existent scholarly literature on the topic, namely that of the Western Balkans countries towards the EU, as the proper management of the current (or any) migration/refugee stalemate could be the condition to continue the implementation of the desired reforms by the EU in the Western Balkans countries. Additionally, we contend that due to the lack of overall vision, coordination and policy to manage the current refugee crisis, as many migrants/refugees were (and are still) stuck⁶ in some of the Western Balkans countries, the European Union was exporting instability and insecurity to the Western Balkans countries and not vice versa. As a consequence of its inability to oversee the prevailing migration emergency and to offer viable solutions, there's a chance that also the EU's credibility and attractiveness had been reduced in the eyes of the Western Balkans countries, presumably lessening its transformative leverage in the region. However, despite the EU's visible flaws, the lack of other alternatives, could still keep these countries committed to advance with the much coveted reform processes.

As one our axioms, we contend that the success of the integration process in the Western Balkans region is strictly linked to the commitment of the political elite and of the citizens to continue the implementation of the required reforms. The deconstruction of the *rational choice theory/rational actor model* will enable us to understand the motives behind this commitment of the Western Balkans leaders towards the EU. Derived from the realist theory of Morgenthau and from the neo-classical economic theory, the *rational choice paradigm* first entered in the political consciousness in the 1950s', 60s', affirming that not the perceptions and personality of the leaders are what matter in foreign policy decision-making but their rational. They will try to choose the best alternatives of the options presented to them; the options must imply minimum costs and maximum benefits in order to follow the national interest. Of course, that for the leaders choosing of the best option depends of the

⁶ The Guardian, "Refugees stuck in Serbia begin marching towards Hungarian border," October 4, accessed May 29, 2017, <https://www.theguardian.com/world/2016/oct/04/serbia-refugees-hungarian-border-macedonia-bulgaria>.

quantity and reliability of information.⁷ Furthermore, this paradigm emphasizes on the reconciliation of diverging interests and preferences of different national actors for the sake of the collective good, identifying a collective choice mechanism which maximizes a nation's social and economic welfare function.⁸ Theodore Sorenson, one of J. F. Kennedy's principle advisors considered that according to the *rational choice model*, foreign policy decision-making is a process made up of eight consecutive steps, namely:⁹

- agreeing on the facts;
- agreeing on the overall policy objective;
- precisely defining the problems;
- inspecting all possible solutions;
- listing the consequences that originating from each solution;
- recommending one option;
- communicating the option selected;
- providing for its execution.

Thus, in overall we might acknowledge that the *rational actor model* (promoted within the *rational choice paradigm*) is a model in which decision makers set goals, evaluate their relative importance, calculate the costs and benefits of each possible course of action, then choose the one with the highest benefits and lowest costs employing the logic of *consequentialism* to assess the results that can be expected from the decision taken.¹⁰

However, as highlighted before, the success of the integration process in the Western Balkans region doesn't depend only on the rational and foreign policy direction chosen by the political elite, but also on the willingness and the commitment of the citizens to carry on the implementation of the required reforms.

In the next part we shall carry out a succinct quantitative analysis in order to reveal the perceptions of the citizens from the Western Balkans countries about the EU, this information being essential in assessing the citizens' willingness to support the implementation of the required reforms. The prevalence of a negative demeanour could jeopardise the prospect of a future EU membership, as in the last minute after the successful conclusion of negotiations with the national policy-makers, at the final referendum the citizens could express an unfavourable vote, thus terminating the entire process.

AN ASSESSMENT OF THE WESTERN BALKANS COUNTRIES' PERCEPTIONS ABOUT THE EU

The 2015 and 2016 editions of the Balkan Barometer Public Opinion Survey offer us a genuine picture of how citizens from the Western Balkan countries truly feel about the European Union. Their affinity towards the EU is measured through the respondent's perception of the EU membership as being a good or a bad thing. According to the 2015 Balkan Barometer only 40 percent of the interviewed citizens from the Western Balkans thought that the EU membership was a good a thing, while 37 percent said that is was neither good nor bad. Serbia is the tail-ender, with only 24 percent of its respondents expressing a favourable view towards the EU, the vast majority, 44 percent being undecided. The frontrunners of EU integration were Kosovo with 89 and Albania with 84 percent of positive votes. Macedonia ranked the third with 41 percent of the interviewees regarding EU

⁷Charles Kegley and Samuel L. Blanton, *World Politics.Trend and Transformation* (Wadsworth: Cengage Learning, 2011), 196.

⁸ George Thomas Kurian ed. in chief, *The Encyclopedia of Political Science* (Washington: CQ Press, 2011), 1424.

⁹ Kegley and Blanton, *World Politics*, 198.

¹⁰ Andrew Heywood, *Global Politics* (Houndmills: Palgrave Macmillan, 2011), 129.

membership as a positive thing. However, the overall perception of the EU within the Western Balkan countries is not totally positive, at least is not totally negative either, as only 20 percent of those interviewed expressed their dissatisfaction with the EU.¹¹

These statistics denote a clear loss of credibility and of transformative leverage of the EU in the region, however in our opinion with a more comprehensive approach to the current migration stalemate and more assistance provided for these countries (by which we mean more centred reforms, economic, social, political assistance) many from the group of the indecisive could be won over to support accession to the European Community. Furthermore, when asked about the possible date of their accession to the EU, the vast majority of the respondents from the Western Balkan countries were more cautious about their prepositions. 51 percent of the Albanians, 37 percent of the Kosovans, 33 percent of the Montenegrins, 24 percent of the Macedonians, 21 percent of the Serbians, and 29 percent of the Bosnians have forecasted the accession of their country by 2020. 38 percent of the Bosnians, 33 percent of the Serbs and 25 percent of the Macedonians were rather sceptical, answering that their countries will never accede to the EU.¹²

The Balkan Barometer Public Opinion Survey from 2016 also underlines that the adjudication of the EU among the Western Balkans countries is still low, support for the EU integration remaining relatively weak. Furthermore, a rampant Euroscepticism is rearing its head in the countries involved, coupling with a reluctance concerning the probability of accession to the EU.¹³

EU membership has lost its attractiveness especially in Serbia, Croatia, and Bosnia and Herzegovina, in Serbia the number of people opposing (31 percent) accession being larger than those who support it (21 percent), and half (40 percent) are totally indifferent. Surprisingly, in Macedonia the EU has more credibility, as 47 percent of those asked consider EU membership as a good thing, and only 15 percent say it is a bad thing, the number of the indifferent is considerable here as well, with 36 percent. Compared with the 2015 Balkan Barometer, in the current edition of the survey, in case of Macedonia the positive adjudication of the EU has increased, while in case of Serbia it has decreased. Kosovo and Albania have remained the champions of EU integration amongst the Western Balkan states, with a slight decrease in support, 83 percent in case of Kosovo, and 81 in case of Albania.¹⁴

However, if set against other alternatives, accession to the EU scores better in the eyes of the citizens from the Western Balkans countries, mostly because the lack of other viable options. This attitude is similar to the one dominant in the vast majority of the EU Member States. On the other hand, we shall mention that the Western Balkans countries enjoy good trade relations with the EU, and in general there is a great support for the regional free trade agreement CEFTA 2006. Western Balkans countries use the euro as their reserve currency, moreover Montenegro's and Kosovo's currency is the euro.¹⁵

In our opinion the lost of attractiveness, credibility and of transformative leverage in the region, and also these mixed opinions of the citizens of these countries is a consequence of the EU's highly fractured performance, especially during the current migration stalemate.

¹¹Regional Cooperation Council, "Balkan Barometer 2015 Public Opinion Survey," Sarajevo, 2015, 45, accessed May 30, 2017 http://www.rcc.int/seeds/files/RCC_BalkanBarometer_PublicOpinion_2015.pdf.

¹² Ibid., 47.

¹³Regional Cooperation Council, "Balkan Barometer 2016 Public Opinion Survey," Sarajevo, 2016, 22, http://www.rcc.int/seeds/files/RCC_BalkanBarometer_PublicOpinion_2016.pdf, accessed May 31, 2017.

¹⁴ Ibid., 50.

¹⁵No country is required to set up its own currency or a monetary system in general, so these states have chosen their currency to be pegged to another international currency. Ibid., 22.

AS ASSESSMENT OF THE PERFORMANCE OF SERBIA, OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA AND OF THE EU DURING THE CURRENT MIGRATION/REFUGEE STALEMATE

This sup-chapter is aimed at examining the performance of two of the most predisposed countries to migration influx from the Western Balkans Route, i.e. Serbia and Macedonia, by undertaking a comparative analysis of the European Commission's Progress Reports elaborated in 2015, respectively 2016. Moreover, also the role of the EU will be disclosed, only more briefly due to the fact that the research does not focus on disclosing the EU's approach towards the Western Balkans countries, but their level of compliance with the EU's conditionality principle in the joint management of migration flows, principle which is important in the evaluation of a country's performance concerning the prospect of membership. Consequently, this topic shall be treated in a more superficial way.

SERBIA'S PERFORMANCE

Already in the introductory part of the Commission's Progress Report for Serbia from 2015, the reader could notice a positive appraisal, the Commission emphasizing on Serbia's constructive role in the management of the prevailing migration emergency. The Commission acknowledged the fact that the mixed-migration flows represented an extraordinary burden on the Serbian asylum and migration system, in the same time admitting Serbia's considerable efforts to provide shelter and humanitarian supplies to the transiting third country nationals. The EU's *negative conditionality* principle had been evoked within this document, cautioning Serbia not only to cooperate in the joint management of the rampant migration flow, but also to pursue with its efforts to curtail its citizens' unfounded lodge of asylum applications in the EU and Schengen countries. The continuation of these efforts is the precondition to preserve the existing visa free regime.¹⁶ Due to the increase of asylum applications in recent years of citizens from the Western Balkans countries in the EU and in Schengen countries, in 2015 the European Commission proposed the preparation of a common list of safe countries of origin. This list initially comprised the six Western Balkans countries plus Turkey and was meant to facilitate the fast tracking of asylum applications of citizens coming from those countries which are considered as safe and in full compliance with the principle of non-refoulement.¹⁷

In case of the Western Balkans first we must differentiate between the concepts of *safe country of origin* and *third safe country*: the first one refers to countries that are safe to live in, due to their stable democratic system and compliance with international human-rights treaties, while the second defines a country that it safe for asylum seekers of nationalities other than that of this country.¹⁸ The precept of *safe country of origin* is used according to the Asylum Procedures Directive applicable since 21 July 2015, permitting the use of accelerated procedure without prejudice to the final decision if the applicant comes from a country labelled as safe according to the above mentioned standards. The concept of *safe third country* is important when it comes to the examination of asylum claims lodged by third

¹⁶ European Commission, "Commission Staff Working Document Serbia Report 2015," November 10, Brussels, SWD(2015) 211 final, 4-6, accessed May 29, 2017, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_serbia.pdf.

¹⁷ European Parliament, "Safe countries of origin. Proposed common EU list, Briefing EU legislation in progress," October 8, 2015, 1, accessed June 3, 2017, <http://www.europarl.europa.eu/EPRS/EPRS-Briefing-569008-Safe-countries-of-origin-FINAL.pdf>.

¹⁸ European Stability Initiative, "Turkey a Safe Third Country for Greece," October 17, 2015, 1, accessed May 20, 2017, <http://www.esiweb.org/pdf/ESI%20-%20Turkey%20as%20a%20safe%20third%20country%20%2017%20October%202015.pdf>.

country nationals who have entered on the territory of a state (in our case an EU member state) transiting a country classified as a safe third country.

A brief quantitative analysis of the Eurostat statistics on first time asylum applicants in the EU-28 by citizenship in 2015 and 2016 will give us a sneak peak in the situation concerning the asylum applications lodged by citizens from the Western Balkans countries in the EU. For example in 2015 in Hungary there were 23690 first time asylum applications lodged by Kosovan citizens.¹⁹ On the level of the EU-28 in the same year the asylum applications from Albania and Kosovo accounted for 5% of the total number of applications.²⁰ The number of applications lodged by Kosovan citizens has considerably dropped in the first two quarters (January-June) of 2016 reaching 4785 applications. Also the number of Serbian first time asylum seekers saw a dramatic decrease since 2015. In the second quarter of 2015 (April-June) there were 5010 applications, in the third quarter (July-September) this number slightly decreased to 4890, and in the fourth quarter (October-December) to 2700. Between January-March 2016 the number of Serbian citizens lodging asylum had reduced to 2025, and between April-June to 1705 applications, this signifying a minus 66 percent change between the second quarters from 2015 respectively 2016.²¹ These data show the Serbian government's commitment to cut back its citizens' unfounded lodge of asylum applications in the EU.

Moreover, by designating Serbia as a safe third country, in the fall of 2015, Hungary refused to examine almost all applications for international protection made on its territory by third country nationals from outside Europe. This had led to the outbreak of a diplomatic quarrel between the Hungarian government and its fellow EU Members States and international human rights organizations, like the United Nations High Commissioner for Refugees or the Amnesty International, which have dissented with the labelling of Serbia a safe country, as in their opinion it could not provide genuine opportunities for protection in order to be considered a safe third country.²²

As a consequence of raising the fence at the border with Serbia and Croatia and enforcing border patrols by Hungary, migrants are stuck in Serbia, Belgrade turning into a "pitfall for refugees with no way out", and also the Serbian Ministry's of Labour and Employment ban issued on the 4th of November 2016 on NGOs giving them food, has made their situation even more gruesome.²³ As revealed by Ivan Gerginov from the Serbian Commissariat for the Refugees, currently in November 2016 the government has 1700 people in permanent centres and 3000 in one stop centres, however the task would be the creation of 6000 places in collective centres.²⁴

¹⁹ Eurostat, "Five main citizenships of (non-EU) asylum applicants, 2015 (number of first time applicants, rounded figures) YB16," 2015, accessed May 20, 2017, [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Five_main_citizenships_of_\(non-EU\)_asylum_applicants,_2015_\(number_of_first_time_applicants,_rounded_figures\)_YB16.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Five_main_citizenships_of_(non-EU)_asylum_applicants,_2015_(number_of_first_time_applicants,_rounded_figures)_YB16.png).

²⁰ Eurostat, "Asylum statistics," 2016, accessed May 23, 2017, http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics.

²¹ Eurostat, "First time asylum applicants in the EU-28 by citizenship, Q2 2015 – Q2 2016," 2016, accessed May 31, 2017.

http://ec.europa.eu/eurostat/statistics-explained/index.php/File:First_time_asylum_applicants_in_the_EU-28_by_citizenship,_Q2_2015_%E2%80%93_Q2_2016.png.

²² Asylum Information Database, "Hungary Adopts List of Safe Countries of Origin and Safe Third Countries," July 23, 2015, accessed June 4, 2017, <http://www.asylumineurope.org/news/07-01-2016/hungary-adopts-list-safe-countries-origin-and-safe-third-countries>.

²³ Natalia Zaba, "Survival gets tougher for migrants stuck in Serbia 2016," *Balkan Insight*, November 10, 2016, accessed May 29, 2017, <http://www.balkaninsight.com/en/article/survival-gets-tougher-for-migrants-stuck-in-serbia-11-10-2016>.

²⁴ Zaba, "Survival gets tougher for migrants stuck in Serbia 2016"

Chapter 24 of the 2015 Report contains the provisions concerning progress in *Justice, freedom and security* containing aspects related to legal and irregular migration, asylum and visa policy. Concerning the area of *legal and irregular migration* it is stressed once again Serbia's constructive approach in dealing with the migration crisis, highlighting the quick setup of a one-stop centre in Preševo as well as the establishment of refugee aid centres in the vicinity of the Macedonian, Hungarian and Croatian borders. As a consequence of the mixed-migration flows the documents reported an increase in criminal activities, especially related to smuggling of people. The rise in criminal charges for human smuggling denotes the vigilance of the Serbian authorities, as in June 2015 the Serbian law enforcement agents arrested nine customs officials suspected of allowing the illegal cross of third country nationals at the border with Hungary. There were filed 549 criminal charges against 816 persons facilitating irregular migration. According to statistics (5576 cases) in the first half of the past year 98 percent of the cases of illegal border crossing at the border with Macedonia were exposed by the Serbian border guards and not by their Macedonian homologues. Furthermore, it is emphasized the efficiency of the readmission agreement concluded between Serbia and the EU, which implemented in 2014 led to the return of 6962 people to Serbia in comparison to the 6239 in 2013. The Commission underlined the indispensability of continuous efforts to assure the supply of well-trained staff capable of addressing the challenges and consequences of a growing migratory pressure, prompting the Serbian authorities to pay a particular attention to the needs of unaccompanied children, minors and vulnerable groups. On the Commission's *to do list* for Serbia, an enhanced coordination among all institutions implicated in the prevention of irregular migration and also the alignment of the legislative framework on legal migration with the EU *acquis* occupy a crucial part.²⁵

Concerning *asylum* the report underlined the importance of the adoption by the Serbian government of the *Response plan in the case of mass influx of migrants* in September 2015, which targeted the management of the flow of third country nationals who were seeking to lodge asylum applications in the EU or in Serbia. According to the progress report in November last year Serbia's accommodation capacity was of 810 beds, since then, as it was highlighted earlier, its capacity has increased significantly. The report revealed that between January and September 2015 out of the 169156 migrants registered when transiting Serbia, only a few people, 546 applied for asylum, 16 of which have received asylum and 14 subsidiary protection. The Commission urged the Serbian authorities to improve the asylum processing system and to align it to the EU *acquis* and international standards by establishing a protection-sensitive screening mechanism, which would clearly differentiate between economic migrants and people in need of international protection. As in case of the previous sub-point, that of the management of legal and irregular migration, the Commission prompts the intensification of cooperation between the various institutions responsible for asylum and the competent law enforcement authorities (especially border police), in the same time pointing out the prevalence of corrupt practices and actions carried out by organized crime groups specialized in smuggling human beings.²⁶

When it comes to the assessment of the *visa policy*, the stance of the Commission towards the efforts of Serbia to reduce its citizens' unfounded lodge of asylum applications in the EU member states and in the Schengen associate countries was rather positive. The report denoted a clear improvement in the operational checks on tourist agencies, transport companies, border control and surveillance, also accounting the filing of 12 criminal charges for facilitating the abuse of the right to asylum in a foreign country. Although Serbia's

²⁵ Serbia Report 2015, 59-60.

²⁶ Serbia Report 2015, 60,

cooperation and progress in this matter has been exemplary, the document reveals that there's still much to be done in the future, urging the central administration to elaborate policies which would enhance the social and economic inclusion of the most vulnerable groups, such as the Roma, which are most likely to migrate.²⁷

Concerning *regional cooperation on border management*, Serbia has scored positive points by improving its infrastructure and equipment at the border crossing points, marked by the establishment of a risk analysis unit in January 2015. The setup of a Joint Centre for Police Cooperation between Bosnia and Herzegovina, Montenegro and Serbia, in Trebinje for the improvement of regional capacity to tackle cross-border and irregular migration is perceived as an example of good practice of cross-border police cooperation. Moreover, the document stresses the existence of an active cooperation between Serbia and Frontex, goading the government to make further improvements in various fields.

The Progress Report on Serbia from 2016 reveals to us a similar picture to the one already presented in the previous lines, reiterating Serbia's commitment to assist the EU in the joint management of the mixed migration influx and its continuous efforts to decrease its citizens' unfounded asylum applications in the EU and Schengen countries.²⁸

On the chapter of *legal and irregular migration* the report notes a partial alignment with the EU *acquis* of Serbia's institutional and legal framework, prompting the necessity of adopting the legislation on the return of unsuccessful asylum seekers and apprehended irregular migrants, and of a new strategy and action plan for 2016-2020, aimed at tackling the phenomenon of irregular migration. Within the document is restated the need to strengthen and improve the operational cooperation between the various institutions responsible for migration management, as stated these tasks being divided between various state organs, departing from the Ministry of the Interior, to the Commissariat for Refugees and Migration, the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Labour, Employment, Veteran and Social Policy, a specialized unit within the Border Police Directorate dealing with the fight against irregular migration and finally a specialised section within the Criminal Police Directorate, dealing with migrant smuggling. The accommodation facilities provided by the government are perceived inadequate, as according to the report Serbia has only 144 places and just one permanent reception centre at Padinska Skela to accommodate irregular migrants, which has to be extended without a delay. Moreover, it is highlighted the importance of monitoring through flexible mechanisms the changing patterns in migration flows in order to anticipate and cope with possible unforeseen rise in their number. The Serbian law enforcement agent's positive record in detecting cases of human smuggling had successfully continued, the authorities filing 759 criminal charges against 1127 offenders, who were caught while trying to smuggle 8068 third country nationals. In comparison with the same period of 2015, in the first half of 2016 the number of people detected at the border had decreased to 1309. According to the Commission's report, at the end of August approximately 4550 migrants were piled up in Serbia, only to 80 percent of which were given accommodation in various centres. Despite Serbia receiving substantiate assistance from the International Organisation for Migration through its Assisted Voluntary Return Programme, the number of effective return of those people who had received a final negative decision rejecting their asylum claim has been unjustifiably low. By the end of August 2016 only 40 people have agreed to voluntarily return to their counties of origin, thus the Commission urges Serbia to set up and implement a robust return mechanism for these

²⁷ Serbia Report 2015, 60-61.

²⁸European Commission, "Commission Staff Working Document Serbia Report 2016, "November 9, Brussels, SWD(2016) 361 final, 4, accessed May 29, 2017, http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_serbia.pdf .

categories of people. The situation is somewhat better related to the readmission agreement, which in opposite to the return mechanism is being implemented satisfactorily, as the year 2016 marked the signing of 19 implementing protocols with the EU, nonetheless Serbia is lagging a bit behind awaiting the conclusion of agreements with a few of the so called *source or origin countries for irregular migration*, like Morocco, Bangladesh, Pakistan, Turkey and Ukraine.²⁹

The 2016 Progress Report relates of an amendment in the *asylum law* of the country, with the purpose of aligning it to the EU *acquis*, foreseeing an effective access to the asylum procedure, regardless of nationality and a fair and prompt review process of the asylum applications. While admitting the existence of the necessary entities in Serbia to handle the asylum applications, when it comes to the designation of the *safe third country* and *safe country of origin* criteria, the Commission recommends additional efforts for the full alignment with the *acquis communautaire*. Within the document is exposed the demand for the Serbian authorities to considerably improve their asylum review processing and to undergo regular training with the purpose of enhancing their interviewing and screening techniques, useful at distinguishing between persons in need of international protection and others who are not entitled to such protection. Till the end of August 2016, the Serbian authorities registered 538 asylum applications, 11 of which had received a refugee status, 13 subsidiary protection, while in the case of 63 people a negative decision had been issued. Surprisingly, in case of 356 persons the procedure had to be suspended due the disappearance of the applicants before the termination of the review process. Compared with the previous year, there has been a clear improvement in the institutional framework, the overall capacity of the existing five permanent reception centres growing to 1000 beds, with the possibility of extension to 5340 beds in the vent of some extraordinary migration flow. Withal, as signalled by the Commission, the open status of the reception centres creates the opportunity for the infiltration of smugglers and that makes possible the performance of various organized crime activities, thus as a result of an exchange of letters between the European Asylum Support Office (EASO) and the Serbian Minister of Interior, the EASO committed itself to establish a broader framework for cooperation with Serbia in order to tackle this phenomenon.³⁰

As accentuated before, in 2016 Serbia has made a significant progress in reducing the number of unfounded asylum claims of its citizens in the EU, mostly through awareness-raising campaigns and checks on tourist agencies, transport companies, enhanced border checks and surveillance. According to statistics, between January and May 2016, only 4 criminal charges were registered against 4 people for facilitating the abuse of the right to asylum in a foreign country. The continuation of these efforts is a precondition for the preservation of the visa free regime.³¹

The 2016 Progress Report argues that the *Integrated Border Management Strategy* is finally in line with EU law, and salutes Serbia's efforts to detect and eradicate corruption at the borders, by implementing the shift rotation of its border police officers between border posts, green border checks and surveillance. The positive impact of this initiative had already been visible, as the Serbian law enforcement agents uncovered a corruption case involving 28 officers. For the continued success of this initiative, the extension of the video surveillance system in real time to all border crossing points is of a major importance. The joint working group for unauthorised border crossing points with border sections with Bosnia and Herzegovina and Montenegro had zestfully continued its activity in the current year. The cooperation between the Serbian, Bosnian and Montenegrin border police officers has been

²⁹ European Commission, "Commission Staff Working Document Serbia Report 2016", 67.

³⁰ European Commission, "Commission Staff Working Document Serbia Report 2016", 67.

³¹ European Commission, "Commission Staff Working Document Serbia Report 2016", 68.

outstanding, seconding each other at the joint trilateral contact centre from Trebinje, also the working arrangements with Frontex were smoothly enforced, the latter conducting joint operations at the Serbian-Croatian and Serbian-Hungarian borders.³²

FORMER YUGOSLAV REPUBLIC OF MACEDONIA'S PERFORMANCE

The same word usage could be identified in the bulk of the Commission's Progress Report for Macedonia from 2015 and 2016, however the Chapter on *Justice, freedom and security* in the 2015 Progress Report is significantly shorter than the Serbian one, and also the adjudication of Macedonia concerning its performance during the migration/refugee crisis is different. As in the case of Serbia, the Commissions acknowledged the substantial burden on Macedonia's asylum and migration system, triggered by the increased mixed-migration flows, stating that the country had taken measures to provide shelter and humanitarian supplies for the third country nationals transiting the country, however the *constructive* adjective was not attributed to its management of the migration deadlock.³³ The same *negative conditionality patterns* prevail here as in the aforementioned documents, the EU conditioning its support and the implementation of the visa-free travel regime to Macedonia's active involvement in the joint management of the migration flows, and the significant decrease of its citizens unfounded asylum applications in the EU and Schengen countries. Thanks to the continuous efforts of the Macedonian government the number of unfounded asylum claims fell by approximately 10 percent in 2014.³⁴

As stated in the 2015 Report, although Macedonia has made some progress by applying new laws in the areas of migration, money laundering and terrorism, the country is only half way to implementing the *acquis* in this field. During 2015 Macedonia was one of the main transit countries for flows of mixed migrant groups via Turkey and Greece towards northern Europe. The Commission noted that despite the adoption of urgent measures to tackle this phenomenon, the national authorities were simply overwhelmed by the continuously growing numbers of migrants. During summer, Macedonia had to face around 5000 new arrivals through Greece on a daily basis, an avalanche which was somehow moderated by the urgent legislative package elaborated on the 18th of June 2015, enabling the issuance of documentation and the grant of a limit of 72 hours legal stay to register their application, after expressing clearly the intention to claim asylum. This new legal groundwork not just trimmed the efforts of organized crime groups specialized in human smuggling, but also facilitated the migrants' access to public transport, thus preventing their death in accidents while trespassing alongside railway tracks when transiting the country illegally. Furthermore, the changes brought by the new legislative framework had seized the transfer of third country nationals to the Centre for Foreigners from Gazi Baba, heavily criticized for the regnant conditions, serious under-capacity and overcrowding. The Commission recognizes the efforts of the country to cope with such a huge migration pressure; however it suggests that more focus shall be rendered to the elaboration of emergency and contingency plans for a more efficient management of migration flows. Human trafficking and other forms of organized crime activities continue to represent a

³² European Commission, "Commission Staff Working Document Serbia Report 2016", 69-70.

³³ European Commission, "Commission Staff Working Document The former Yugoslav Republic of Macedonia 2015 Report," November 10, Brussels, SWD (2015) 212 final, 6, accessed June 3, 2017, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf.

³⁴ European Commission, "Commission Staff Working Document The former Yugoslav Republic of Macedonia 2015 Report". 62-63.

significant challenge for the central administration of the country.³⁵ Between the 19th of November 2015 and the 31st of January 2016 the Macedonian border police agents discovered plenty of modified Greek registration papers used by third country nationals to enter across the southern border. Thus, the country ranked among the first from the Western Balkans countries in terms of detecting document fraud.³⁶

On the chapter of *asylum*, the report notices an increase in the number of applications from 1364 in 2014 to 1730 by the end of August 2015, ending with a grant of asylum to 11 people in 2014 and only three in 2015. Among the positive points we number the appointment of a full-time representative of the asylum unit opened in Vizbegovo, and the improvement of the asylum procedures, however after a thorough assessment it revealed that the asylum recognition of the country has remained critically low.³⁷

The alignment of the legislation concerning *visa policy* with the EU *acquis*, is the most satisfying of all the assessed categories till now, prompting the continuance of the smooth implementation of the visa-free travel regime with the EU.³⁸ According to Eurostat in 2014 Macedonian citizens were among the top first time asylum applicants in the EU-28, registering 10330 unfounded asylum applications.³⁹ In the statistics from 2015, respectively 2016 Macedonian citizens are not listed among the top first time asylum seekers in the EU and Schengen countries.

Due to the persistence of obvious similarities between the Progress Reports from 2015 and 2016 and of the strict formal requirements concerning the length of the research article, we shall disclose only the most noticeable changes from the 2016 Report.

The report argued that the country's level of preparedness to implement the *acquis* in the field of *Justice, freedom and security* is moderate, as it registered limited progress by amending existing laws on foreigners, criminal code, border control and adopting critical documents in several areas concerning police cooperation and terrorism prevention. Macedonia is urged render high priority to step up actions against people smuggling and human trafficking and to advance with the capacity building and accommodation improvement for the management of the mixed migration flows.⁴⁰ The document reports about the establishment of a Crisis Management Centre in 2015 (with a Steering Committee and Assessment Group Centre for Crisis Management) mandated with the task of managing migrant and refugee flows of which mandate was extended until 2017. The Commission draws attention on the lack of clarity concerning the division of powers and responsibilities amongst the newly established agencies specialized in the migration management. Within the report is highlighted the intensity of the pressure on the Macedonian migration and asylum system generated by the great influx of third country nationals, the authorities registering a total number of 428597 people transiting the country in the period from September to November 2015. Between January and March 2016 this number fell to 89628, the vast

³⁵ European Commission, "Commission Staff Working Document The former Yugoslav Republic of Macedonia 2015 Report", 62.

³⁶ Frontex, "Western Balkans Annual Risk Analysis 2016," May, Warsaw: Risk Analysis Unit, 2016, 15, accessed June 3, 2017, http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2016.pdf.

³⁷ Former Yugoslav Republic of Macedonia Progress Report 2015, 62.

³⁸ Former Yugoslav Republic of Macedonia Progress Report 2015, 62-63.

³⁹ Alexandros Bitoulas, "Asylum applicants and first instance decisions on asylum applications: 2014 - Issue number 3/2015, *Eurostat*, 2015, 4, accessed June 6, 2017, <http://ec.europa.eu/eurostat/documents/4168041/6742650/KS-QA-15-003-EN-N.pdf/b7786ec9-1ad6-4720-8a1d-430fcfc55018>.

⁴⁰ European Commission, "Commission Staff Working Document The former Yugoslav Republic of Macedonia 2016 Report," November 9, Brussels, 63 SWD(2016) 362 final, 63, accessed May 25, 2017, http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_the_former_yugoslav_republic_of_macedonia.pdf.

majority coming from Syria, Afghanistan and Iraq. However, the Commission argues that these numbers could be bigger due to the inefficient registration capacity of the authorities. Due to the great migrant stream transiting the country in August 2015 a state of emergency was declared at the border, later extending it till the 30 of June 2017, enabling the involvement of the army in the crisis management, which was assisting the border police. As an attempt to stabilise the situation, the Macedonian authorities enhanced control at the borders and established a so called admissibility criterion to the country based on nationality, permitting only the entry of Syrians, Iraqis and Afghans since November 2015. This had a positive effect, significantly reducing the avalanche of migrants coming via Greece, so in October 2016 the number of stranded persons in the country has remained around 200. After an in-depth assessment, the Commission stated that 398552 third country nationals were detected while trying to fraudulently cross the Macedonian border, the vast majority of them originating from Syria, Iraq, Afghanistan and Pakistan. Between January and August 2016, the authorities had reported 84 cases of attempts to smuggle 1480 migrants, in the end the authorities submitting criminal charges against 72 people. While conceding the improvements made after recent renovation of the reception centre for irregular migrants awaiting return, the analysts drawing up the report stress that the facility in question is still not satisfactory for the accommodation of vulnerable categories of persons as it provides limited access to healthcare, water and sanitation.⁴¹

In the field of *asylum*, the country has the necessary institutions; however it is lacking staff, and thus it is struggling to cope with the process in time of asylum applications, the report highlighting the need to improve the interviewing and screening techniques of the Macedonian officials. The country had received some black points due to its failure to set up a database for checking the personal data, photographs and fingerprints of asylum seekers and for its continuous low asylum recognition rate, as in 2015 out of the 1578 requests only 34 final decisions were taken, of which 13 negative and only 4 positive. This year in the period from January to July 2016 the number of asylum applications had substantially decreased, registering only 525 applications, 23 of which were rejected and only 5 were given subsidiary protection. Due to the applicants disappearance from the reception centre the other ongoing procedures were terminated.⁴²

According to the Western Balkans Quarterly of Frontex, in the first quarter of 2016 Macedonia ranked second after Serbia in detecting document fraud at the border⁴³, in the second quarter Macedonia managed to outstrip Serbia, the exact numbers are not being disclosed within the document.⁴⁴

Advancement has been recorded in the field of *visa policy*, the legislation of the country being largely aligned with the *acquis*, Macedonia undertaking serious actions to halt their citizens' unfounded lodge of applications in the EU and Schengen associate countries. From January to June 2016 the number of asylum claims issued by Macedonian citizens halved, with only 3551 compared to the 7532 registered in the same period in 2015.

⁴¹ European Commission, "Commission Staff Working Document The former Yugoslav Republic of Macedonia 2016 Report", 64-65.

⁴² European Commission, "Commission Staff Working Document The former Yugoslav Republic of Macedonia 2016 Report", 66.

⁴³ Frontex, "Western Balkans Quarterly. Quarter 1. January-March 2016," June, Warsaw: Risk Analysis Unit, 2016, 8, accessed June 3, 2017, http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q1_2016.pdf.

⁴⁴ Frontex, "Western Balkans Quarterly. Quarter 2. April-June 2016," October, Warsaw: Risk Analysis Unit, 2016, 8, accessed June 3, 2017, http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q1_2016.pdf.

THE EU'S PERFORMANCE

As the EU Enlargement Progress Reports show, almost after two decades of launching the Stabilisation and Association Process the Western Balkans (apart from Croatia) countries are still not prepared to accede to the EU. Despite the countries registering progress in many areas, and beneficial winds blowing from Brussels, signalled by the continuation of the Berlin Process in August 2015, and of the Western Balkans 6 meetings, the launch of Western Balkans Connectivity Agenda, and of the Declaration on the Solution of Bilateral Disputes signed by the Ministers of Foreign Affairs during the August 2015 Vienna Summit, their accession to the EU is far away. However, in the midst of the current crisis the EU has find itself in a paradoxical situation, as it needed the assistance of these countries in order to manage the migrant flows, but it could not entice them with the possibility of an accelerated integration process, due to their obvious lack of preparedness.⁴⁵

The Union tried to resolve the stalemate by organizing a series of conferences, inviting the leaders of the Western Balkans countries and by offering financial assistance to ease the pressure triggered by the increased migration flow. Of the multitude of meetings organized at EU level, the most important were: the Extraordinary European Council on Migration meeting on the 23rd of September 2015, the High-Level Conference o the western Balkans Route on the 8th of October, the Mini-summit on the Western Balkans Route on the 25th of October and a key debate on migration the European Parliament on the 27th of October 2015 etc.⁴⁶

Under the aegis of collective responsibility the Mini-summit on the Western Balkans Route gathered not just the representatives of the Western Balkans countries and of Austria, Bulgaria, Germany, Greece, Hungary, Romania and Slovenia but also those of Turkey, Jordan and Lebanon. The leaders have agreed upon a *17 points plan* suggesting practical measures for the management of the migration crisis, among which we mention the nomination of national contact points along the Western Balkans route in order to coordinate the permanent exchange of information, enabling the gradual, controlled and orderly movement of third country nationals along the route. The states involved were asked not to facilitate the movement of migrants to the borders of their neighbours without prior notification, and also to activate the EU's Civil Protection Mechanism if considered necessary.⁴⁷

The EU Civil Protection Mechanism can be triggered by any of the Member States facing a migratory crisis, allowing the mobilisation of various types of assistance from interventions teams, to equipment and medical supply, furthermore is enables cooperation not just between the 28 EU member states, but also between the EU, Iceland, Norway, Macedonia, Montenegro and Serbia and Turkey. Hungary and Serbia triggered the mechanism in September 2015, Slovenia and Croatia one week later, and Greece in December 2015.⁴⁸ Among the greed 17 points we find the commitment of the EU financial institutions, such as the European Investment Bank, the European Bank for Reconstruction and Development and the Development Bank of the Council of Europe to provide assistance

⁴⁵Marko Kmezić and Florian Bieber, "Policy Brief Western Balkans and the EU: Beyond the Autopilot Mode," Balkans in Europe Policy Advisory Group, 2015, 3, accessed June 7, 2017, <http://balkanfund.org/wp-content/uploads/2015/11/BIEPAG-Western-Balkans-and-the-EU-Beyond-the-Autopilot-Mode.pdf>.

⁴⁶Velina Liyanova, "The Western Balkans Frontline of the migrant crisis, European Parliament, Brussels, 2016, 8. Accessed June 7, 2017, [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS_BRI\(2016\)573949_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS_BRI(2016)573949_EN.pdf).

⁴⁷[http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS_BRI\(2016\)573949_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS_BRI(2016)573949_EN.pdf), 9-10.

⁴⁸[http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS_BRI\(2016\)573949_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS_BRI(2016)573949_EN.pdf), 9-10

to those countries which are involved and are burdened by the migration flow. Furthermore the countries in need can ask assistance from Frontex and can activate the Rapid Border Intervention Team (RABIT) mechanism.⁴⁹ In order to increase their operational capacity in migration management Serbia and the Former Yugoslav Republic of Macedonia received 10 million Euros from the European Commission in addition to the other 22 million Euros allocated for humanitarian aid.⁵⁰ As the tightening of border controls along the Western Balkans route, the EU is ought to be prepared to intensify humanitarian assistance along the whole route at short notice.⁵¹

Moreover, besides the aforementioned help, the EU has committed to give additional financial and technical support to the candidate and potential candidate countries from the Western Balkan regions, through the Instrument for Pre-accession Assistance (IPA) and its 2014 successor, IPA II for made or planned activities related to migration, such as projects for introducing integrated border management, upgrading of reception centres, reforming national asylum systems, strengthening institutions for achieving effective, migration management and countering the traffic of migrants and visa policy.⁵² Since 2007 till the beginning of 2016 Albania has benefitted of 4.5 million Euros, Bosnia and Herzegovina of 16.8 million, the former Yugoslav Republic of Macedonia of 24 million, Kosovo of 7.1 million, Montenegro of 22.6 million and Serbia of 54 million Euros overall pre-accession support for migration related purposes.⁵³ The intent of the EU to provide solutions and a coherent message to the Western Balkans countries was somewhat curtailed mostly because of the transit countries' divergent responses to crisis, marked by the raise of fences by Hungary, the amendment of asylum legislations restricting the access of refugees or the closure of borders and the involvement of the army in border surveillance activities.

We argue that the European Union's performance during the prevailing migration deadlock was fragmented as the EU could provide a coherent and firm solution neither to its Member States, nor to the countries from the Western Balkans. Furthermore, we stress that despite the criticism, the Western Balkans countries given their circumstances, have performed beyond their power and capabilities, proactively cooperating with the EU's supranational entities and Member States.

CONCLUSIONS

The current article targeted to assess the level of compliance in the joint management of the current migration crisis of two Western Balkans countries with the EU's conditionality principles, departing from the presumption that besides the application of the Copenhagen criteria and of the conditions set by the Stabilization and Association Process, the management of migration crisis is also important in the evaluation of their performance

⁴⁹ European Commission, "Meeting on the Western Balkans Migration Route: Leaders agree on 17 points of action," Press release IP/15/5904 October 25, Brussels, 2015, 2, accessed June 1, 2017, http://europa.eu/rapid/press-release_IP-15-5904_en.htm.

⁵⁰ European Commission, "Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration," Brussels, October 2, COM(2016) 85 final, 6, accessed June 6, 2017, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing_the_refugee_crisis_state_of_play_20160210_en.pdf.

⁵¹ European Commission, "Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration," 16.

⁵² European Commission and the High Representative of the Union for Foreign Affairs and Security Policy, "Joint Communication to the European Parliament and the Council Addressing the Refugee Crisis in Europe: The Role of EU External Action," September 9 JOIN(2015) 40 final, Brussels, 2015, 6, accessed June 2, 2017, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015JC0040&from=EN>.

⁵³ Liyanova, *The Western Balkans Frontline*, 11.

concerning the prospect of a future membership. The progress reports prepared by the Commission offered us a genuine picture of how these countries performed and collaborated with the European specialised agencies and their neighbours during the rampant migrant flows. We have chosen Serbia and Macedonia as our main case studies due to their involvement as main transit countries along the Western Balkans route. The reports have revealed the abundance of negative conditionality principles, as any type of assistance from the EU, such as the visa facilitation agreement is conditioned to their continuous and active involvement in the joint management of the crisis. Despite the existing shortcomings, both Serbia and Macedonia tried to comply with the requirements set the by the Union, noticing a true commitment from their part to continue with the reform process, however according to the evaluation Serbia is clearly performing better than its Macedonian neighbour. The good performance of the Serbian authorities in migration management is being overshadowed by the lack of the citizens' support for EU membership, as disclosed by the Balkan Barometer Survey. Moreover, we state that although the EU intended to send a coherent message to the Western Balkans countries, due to the fragmented approach of its Member States, it did nothing but export instability and insecurity to these countries, further decreasing the credibility of the United Europe project in the eyes of the Western Balkans people.

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