



TACKLING THE MIGRANT CRISIS IN THE REPUBLIC OF NORTH MACEDONIA

Overview of the country's efforts
and of the cooperation with
Frontex and EU Member States
in countering illegal migration





Tackling the Migrant Crisis in the Republic of North Macedonia

*Overview of the country's efforts and
of the cooperation with Frontex and EU Member States
in countering illegal migration*

Publisher:
European Policy Institute – Skopje,
represented by the Director, Simonida Kacarska, PhD

Editors-in-chief:
Simonida Kacarska, PhD

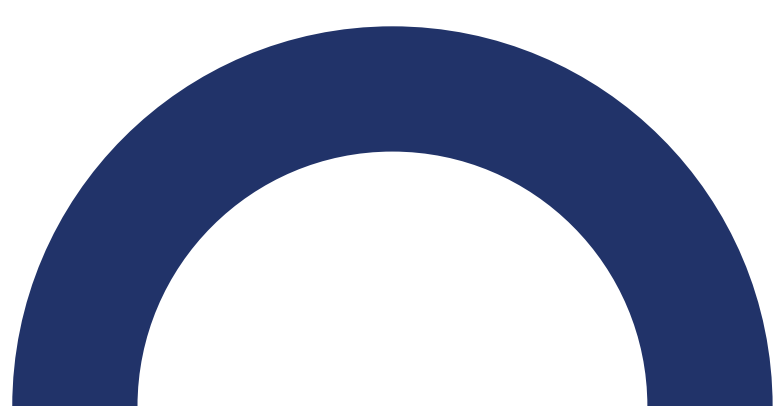
Authors:
Ismail Kamberi, LL.M

Graphic design:
Relativ

*This policy analysis was prepared
with the expert support by Michal Vit, Ph.D.
lecturer at the Metropolitan University Prague*



The European Policy Institute – EPI is a beneficiary from the Civica Mobilitas program. The contents of this publication are the sole responsibility of the European Policy Institute – EPI and can in no way be taken to reflect the views of Civica Mobilitas, the Swiss Agency for Development and Cooperation (SDC) or the organizations implementing it.



Summary

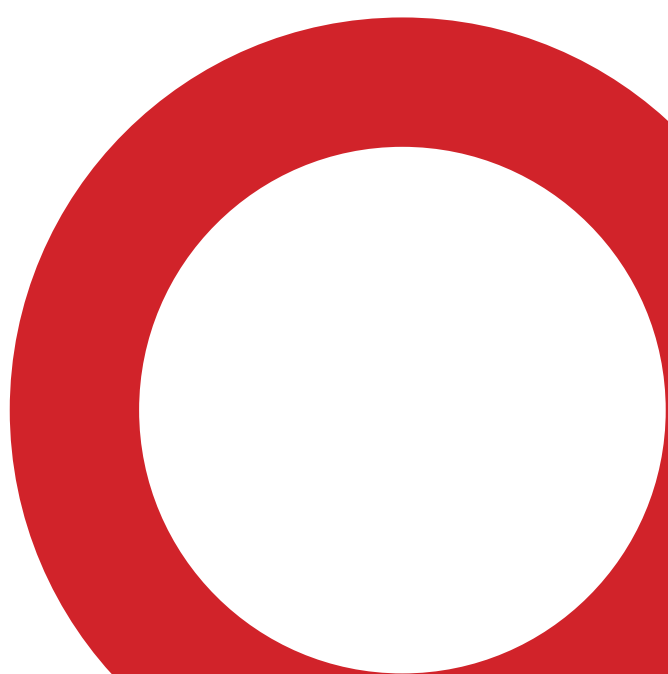
This policy analysis is an overview of North Macedonia's efforts and of its co-operation with Frontex and EU Member States in countering illegal migration as of the migrant/refugee crisis in 2015. It elaborates the context of the issue, the legal framework and the contents of documents relevant to the Republic of North Macedonia, Frontex and EU Member States. The analysis has the following structure: an introduction, the cooperation between Republic of North Macedonia and Frontex, the Macedonian response to the migrant crisis and concluding remarks. The key takeaways from this research are as follows: The migrant/refugee crisis in 2015 could not have been dealt with actions taken solely by one country; instead the cooperation of Frontex, EU Member States and Western Balkan countries was crucial in applying a systematic approach in managing the flows of migrants along the Western Balkan Route. The achieved level of control of EU's external borders was supported by substantive financial and technical resources provided by the EU, its agencies and EU Member States. The processes undertaken in North Macedonia seemed to be lacking transparency. The country was flexible in implementing measures related to border control, especially when relevant national authorities invited (EU) foreign police officers (border guards) to help manage the high influx of migrants/refugees at the country's borders. The exact number of foreign police officers is unknown due to lack of information on the official website of the Ministry of the Interior. North Macedonia has harmonized the relevant legal framework and has adopted and implemented national documents. The capacities of relevant authorities have been strengthened with various EU and EU Member States funded actions; in addition, an Agreement of Cooperation between Frontex and North Macedonia was initialled. It is yet to be seen how this Agreement will be implemented as soon as it will have been ratified by the Macedonian Assembly.

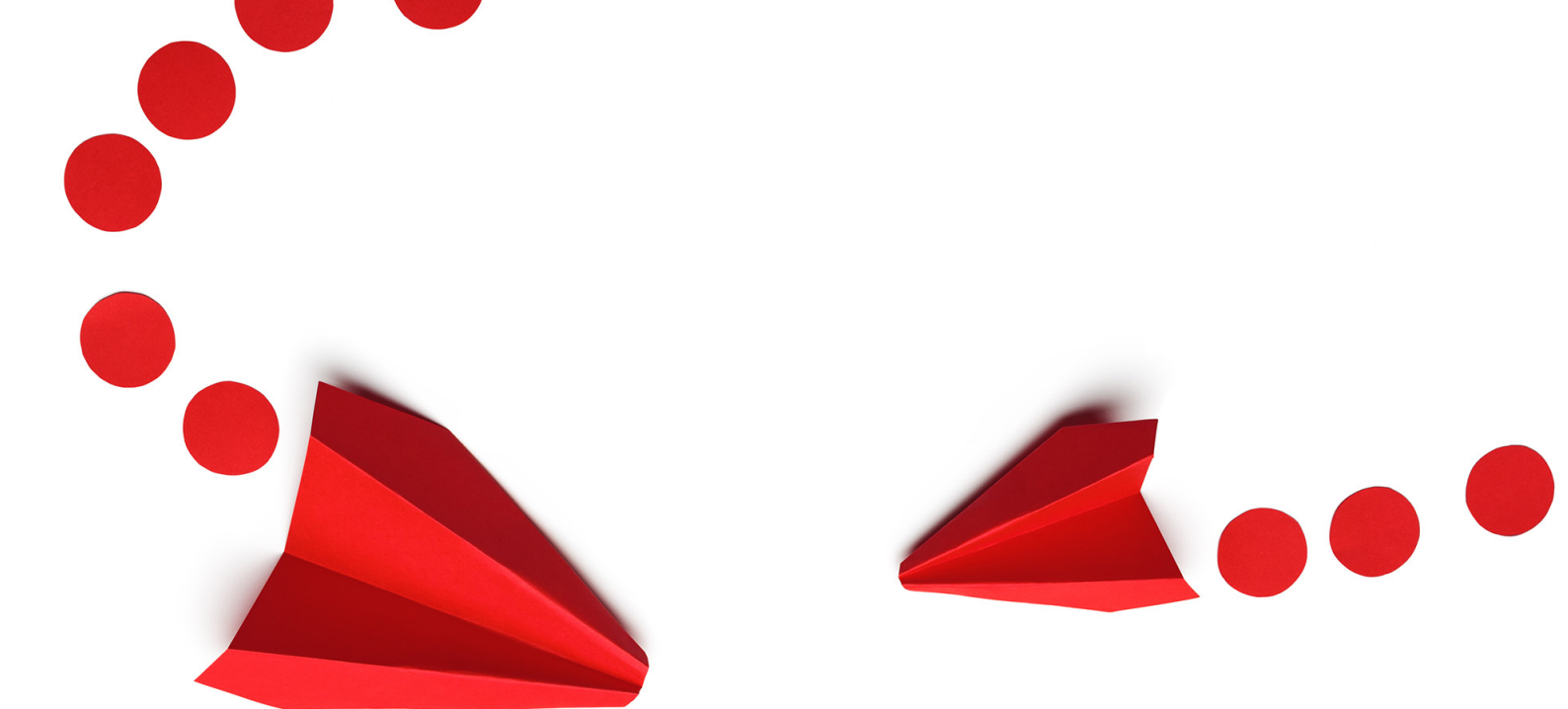




Contents

Introduction	5
Cooperation between the Republic of North Macedonia and Frontex	7
Foreign (EU) Border Guards in the Republic of North Macedonia	9
EU Member States' Technical and Financial Support to the Macedonian Border Police	11
The Macedonian Response to the Migrant Crisis	13
Strategic Documents	13
Crisis Measures	14
Laws	15
Concluding Remarks	16





“Migration is a positive thing for the world, but we need to do it in a regulated way. It is a global, complex phenomenon, it concerns the EU as much as countries of transit or origin ...Our approach is a new one, based on a win-win partnership.” – Federica Mogherini, High Representative/ Vice-President of the European Commission, Strasbourg, 7 June 2016.¹

INTRODUCTION

Migration has been a key challenge for Europe and the European Union in the last decade. As a result of the migration/refugee crisis in 2015², 2.2 million migrants were illegally present in the EU.³ Since 2015, with a view to better managing migration, ensuring protection of refugees and migrants and providing safe and legal pathways for persons in need of protection, the EU allocated unprecedented amount of EUR 23.3 billion under its budget to financially support EU Member States, agencies, neighbouring and third-countries.⁴ EU Member States and EU agencies were supported with EUR 11.3 billion in order to improve the asylum system, efficiently implement return procedures and integration measures and to better control EU's external borders. Consequently, the EU managed to improve the infrastructure covering 869 Member States' consulates, as well as more than 19,000 border control posts, while supporting the training of 13,767 officers on border management work.⁵

¹ European Commission, 'Migration Partnership Framework – A New Approach To Better Manage Migration' <https://eeas.europa.eu/sites/eeas/files/factsheet_ec_format_migration_partnership_framework_update_2.pdf> accessed 30 December 2019.

² European Parliament, 'EU Policies – Delivering for Citizens- The Migration Issue' <[http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635542/EPRS_BRI\(2019\)635542_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635542/EPRS_BRI(2019)635542_EN.pdf)> accessed 30 December 2019.

³ Eurostat, 'Third Country Nationals Found to Be Illegally Present- Annual Data' (2019) <http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eipre&lang=en> accessed 30 December 2019.

⁴ European Commission, 'Support and Solidarity for Migration and Border Management under the EU Budget' (16 December 2019) <https://ec.europa.eu/commission/presscorner/detail/en/FS_19_6077> accessed 30 December 2019.

⁵ Ibid.

The Western Balkan Route was one of the migrants' and refugees' main pathway to Western Europe. The largest number of illegal border crossings by regional migrants took place at the borders between the Republic of North Macedonia, Albania and Greece. In 2015, migrants arriving in Greece made a direct impact on the Western Balkan Route with their intention to go from Greece to the Republic of North Macedonia, Serbia, Hungary in order to reach their desired developed country destinations in Western Europe. The Region recorded an unprecedented number of 764,033 detected illegal border crossings by migrants seeking to re-enter the EU crossing the border between Hungary and Serbia.⁶ The figures alone suffice to conclude that the Western Balkan migration route could not be cut off with efforts of individual EU Member State based actions alone and that "only a collective, cross-border approach based on cooperation can succeed".⁷

Therefore, in May 2015, the European Commission introduced the European Agenda on Migration⁸ with the aim of addressing challenges related to irregular migration, borders, asylum and legal migration. One of the aspects elaborated in detail under the Agenda is the cooperation between the EU and third countries, focused on dealing with the migration increase. Following this, on 25 October 2015, the leaders of Albania, Austria, Bulgaria, Croatia, the Republic of Macedonia, Germany, Greece, Hungary, Romania, Serbia and of Slovenia met in Brussels, at the Commission's Berlaymont Headquarters. The meeting was convened upon the initiative of Commission President Juncker, in view of the established fact that the EU was not able to tackle the migration relying only on individual EU Member States national policies and actions. The meeting saw the adoption of a "17-Point Plan of Action".⁹ The agreed points relevant to tackling challenges of the migrant crisis are focused on undertaking measures to achieve streamlined work of EU Agencies in order to swiftly put in place an information exchange system and to strengthen the Frontex Western Balkans Risk Analysis Network, with intensified reporting by all participants. In addition, it was agreed that Greece, the Republic of Macedonia and Albania would enhance the management of external land borders, with Frontex supporting the registration procedure in Greece and where appropriate, making use of the Rapid Border Intervention Team (RABIT) mechanism. In June 2016, the EC introduced a new Migration Partnership Framework¹⁰, thus integrating the area of migration into EU's foreign policy.

6 Frontex, 'Migratory Routes - Western Balkan Route' (2019) <<https://frontex.europa.eu/along-eu-borders/migratory-routes/western-balkan-route/>> accessed 30 December 2019.

7 European Commission, 'Meeting on the Western Balkans Migration Route: Leaders Agree on 17-Point Plan of Action' (25 November 2015) <https://ec.europa.eu/commission/presscorner/detail/en/IP_15_5904> accessed 30 December 2019.

8 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' <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf> accessed 30 December 2019.

9 European Commission, 'Meeting on the Western Balkans Migration Route: Leaders Agree on 17-Point Plan of Action' (n 7).

10 European Commission, 'Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank on Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration' <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompaact_en.pdf> accessed 30 December 2019.

Cooperation between the Republic of North Macedonia and Frontex

Frontex was established in 2004, as an European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union¹¹, while its mandate was expanded in 2016¹², when it became the European Border and Coast Guard Agency, commonly referred to as the Frontex. The expanded mandate includes new competences of the Agency, such as vulnerability assessment, rapid intervention pool, enhanced role in returns and many other tasks.¹³ This Agency provides support to EU Member States and to Schengen Associated Countries in managing EU's external borders and combatting cross-border crime. With the aim of fulfilling its mission and pursuing activities required for the accomplishment of its tasks in dealing with situations at the external borders requiring urgent actions, the Agency may coordinate activities of one or more Member States and third countries at the external borders, including through joint operations with neighbouring third countries.¹⁴ The control of EU's external¹⁵ and internal borders is founded on the basic rules of the Schengen Border Code (SBC), as the SBC applies to any person crossing the internal and external borders of Member States.¹⁶

One of Frontex strategic priorities is cooperation with non-EU countries, as an integral part of its mandate to ensure implementation of the European integrated border management (IBM).¹⁷ The cooperation is ensured by signing working arrangements between Frontex and competent authorities of a concerned non-EU country. The cooperation opens opportunities for non-EU countries to benefit from the Agency's support in terms of technical assistance and training. Examples of such support are the participation in the Western Balkans Risk Analysis Network (WB-RAN), then Frontex support to coordinated joint operations, EU funded projects for advancing border management and many other forms of support.

In November 2008, under the EU-funded project AENEAS 2008¹⁸, Frontex supported the signing of a Memorandum of Understanding (MoU) involving the following Western Balkan countries: Albania, Bosnia and Herzegovina, Croatia, the Republic of Macedonia, Montenegro and Serbia. The aim of this MoU was to establish "a system of statistical information exchange on irregular migration and the participation in a regional early warning system" thus ensuring the basis for the establishment of a permanent Western Balkan Risk Analysis Network (WB-RAN).¹⁹ In this regard, Frontex contributed to establishing this system and encouraged the application of tools needed for its functioning. Since then, Frontex has been publishing its Western Balkan Annual Risk Analysis, which assesses the situation at common borders in Western Balkan countries.

11 Official Journal of the European Union, 'Council Regulation (EC) No 2007/2004 of 26 October 2004 Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union' <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004R2007>> accessed 30 December 2019.

12 Official Journal of the European Union, 'Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and Amending Regulation (EU) 2016/399 of the European Parliament and of the Council and Repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC' <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R1624>> accessed 30 December 2019.

13 Frontex, 'The European Border and Coast Guard - Focus' (11 October 2016) <<https://frontex.europa.eu/media-centre/focus/the-european-border-and-coast-guard-VgCU9N>> accessed 30 December 2019.

14 Official Journal of the European Union (No. 11).

15 External borders' means the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders – Article 2 of the SBC

16 Without prejudice to: (a) the rights of persons enjoying the right of free movement under Union law; (b) the rights of refugees and persons requesting international protection, in particular as regards non-refoulement. – Article 3 of the SBC

17 Frontex, 'Non-EU Countries' <<https://frontex.europa.eu/partners/non-eu-countries/>> accessed 30 December 2019.

18 International Organisation for Migration, 'Feasibility Study on Irregular Migration in Western Balkans - Final Report' (2013) <<https://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/IOM-Feasibility-Study-on-irregular-migration-in-the-WB.pdf>> accessed 30 December 2019.

19 Frontex, 'Western Balkans Annual Risk Analysis 2010' (2010) <https://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2010.pdf> accessed 30 December 2019.

In pursuance with Article 14, Reg. 2007/2004; MB Decision, 22 February 2007, on 19 January 2009, a Working Arrangement between Frontex and the Ministry of the Interior (Moi)²⁰ of the Republic of Macedonia was agreed, which entered into force the next day. The objective of this agreement is countering illegal/irregular migration and related cross-border crime through information exchange and risk analysis, common training and research and development projects, joint operational measures and participation in pilot projects on a case-by-case basis, under decisions by the Executive Director of Frontex.²¹ The arrangement provided the opportunity for the Republic of Macedonia to benefit from Frontex services in order to strengthen its capacities in managing the country's borders through various joint operations, trainings and development activities. Such examples include the Macedonian participation in Frontex-coordinated joint operations, as an observer in EU Member States, cooperation and participation in Frontex-coordinated operations carried out at a shared border, such as the border with Greece, exchange of information, as well as the Macedonian participation, as an observer, in relevant sessions and meetings of the Frontex Risk Analysis Network (FRAN), etc.²²

Furthermore, in July 2018, European Commissioner Dimitris Avramopoulos and Macedonian Interior Minister Oliver Spasovski agreed on a status agreement²³ that would enable teams from the European Border and Coast Guard Agency to be deployed in Macedonia. The Agreement would allow this Agency to conduct joint operations in and with Macedonia in case of urgent or sudden migratory challenges. The draft version of the Agreement envisages that a Member State team from the Agency would perform tasks and execute the Agency mandate on the territory of Republic of Macedonia under instructions from and in the presence of national border guards or other relevant staff. Furthermore, this clause envisages that via its coordinating officer, the Agency may communicate its views about instructions given to the team to the person in charge, representing national authorities. In this case, the national authorities are to take those views into consideration and follow them to the largest extent possible. This provision may cause inconsistencies if the views that should be taken into consideration are not in line with the relevant national legislative framework of the country. Hence, the risk of possible unlawful actions could be potentially present. Considering the fact that the decision on the conclusion of the Agreement entered into force, it is recommended to monitor the implementation of the Agreement in order to ensure that it is in line with the national legal and institutional framework.

The public awareness on this issue is lacking. Thus, a wider-encompassing public debate should be organized, until the finalization of the Agreement. The content of the Status Agreement should be improved in order to clearly define the term "possible extent", as set forth in the document.

20 Frontex, 'Working Arrangement Establishing Operational Cooperation between the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the Ministry of Internal Affairs of the Former Yugoslav Republic of Macedonia' <https://frontex.europa.eu/assets/Key_Documents/Working_Arrangements/WA_with_former_Yugoslav_Republic_of_Macedonia.pdf> accessed 30 December 2019.

21 Frontex, 'Working Arrangement with the FYR of Macedonia Concluded' (3 February 2009) <<https://frontex.europa.eu/media-centre/news-release/working-arrangement-with-the-fyr-of-macedonia-concluded-10iaEG>> accessed 30 December 2019.

22 Chris Jones, 'Statewatch Briefing- Frontex: Cooperation with Non-EU States' <<http://statewatch.org/analyses/no-309-frontex-third-countries-agreements.pdf>> accessed 30 December 2019.

23 Council of the European Union, 'Status Agreement between the European Union and the Former Yugoslav Republic of Macedonia on Actions Carried out by the European Border and Coast Guard Agency in the Former Yugoslav Republic of Macedonia' <<http://statewatch.org/news/2019/may/eu-frontex-status-agreement-macedonia-25-9-18.pdf>> accessed 30 December 2019.

Foreign (EU) Border Guards in the Republic of North Macedonia

In the period from January 2015 to June 2016, nearly 800,000 migrants transited through the territory of the Republic of Macedonia, which is more than one third of the population of the country.²⁴ The Republic of Macedonia extensively cooperated with certain EU Member States and Serbia to advance the efforts in dealing with the migrant crisis of 2015 when the crisis reached its peak. In 2015, the Republic of Macedonia made efforts to raise the awareness in the regional and European settings, underscoring the fact that the country needed material and logistical support to effectively deal with illegal migration on one hand, and to offer humanitarian assistance to refugees on the other. The cooperation with foreign countries that were directly or indirectly affected by the migrant crisis was pursued upon the initiative of the Steering Committee for Coordination and Management, chaired by the Ministry of the Interior. Since then, there has been continual international cooperation involving 8 countries, including the Czech Republic, Poland, Slovakia, Austria, Hungary, Slovenia, Croatia and Serbia.²⁵



²⁴ Statement by the Minister of the Interior, Mr. Oliver Spasovski, given on 21 September 2016, at the Conference: "Irregular migration as one of the challenges of Macedonia today", organized by MYLA and the Embassy of the Kingdom of Norway.

²⁵ Ministry of the Interior, 'Police Officers from Croatia, Serbia, and soon from Hungary, Slovenia and the Czech Republic along with Macedonian Police Officers at the Southern Border' (29 December 2015) <<https://mvr.gov.mk/vest/1176>> accessed 30 December 2019.

The purpose of this cooperation was that Macedonian and foreign police jointly patrol along the border with Greece, as well as that Macedonian police officers be assisted in conducting their daily duties. The cooperation furthermore includes mutual training, exchange of information and coordination. A total of 166 foreign police officers were present at the Macedonian border and the costs for their stay were covered with EU funds, under a project implemented by the International Organization for Migration.²⁶ The number of present foreign police officers rose overtime while still in 2019 new contingents of foreign police officers arrived in the country. This form of cooperation between national and foreign authorities represents a good practice in dealing with challenges arising from the migrant crisis.²⁷

As regards the legal framework, even though Article 5 of the Law on Border Control²⁸ stipulates that border control is the responsibility of the Ministry of the Interior and that border control activities are carried out by the police departments of the Ministry, the presence of foreign police officers at Macedonian borders is envisaged under Article 59 of the same Law. Namely, this Article stipulates that authorized police officers of other countries may enter the Republic of Macedonia and perform, under ratified international agreement, matters relating to border control and other matters relating to international police cooperation. On the territory of the Republic of Macedonia, foreign police officers may use technical equipment and vehicles bearing their marks, wear uniforms, weapons and other means of coercion, under conditions and in a manner established under an international agreement. However, the Law on Border Control stipulates that foreign police officers may conduct matters relating to border control based on ratified international agreements.

For instance, Macedonia signed a Memorandum of Understanding²⁹ with Serbia, Hungary and Austria, a document that differs from usual agreements signed between countries. The key difference is the fact that an agreement can be enforceable in a court of law, this not being the case with Memoranda of Understanding. Even more importantly, the Macedonian Assembly has not ratified the MoU. Thus, it has not been published in the Official Gazette of Republic of North Macedonia, which makes the MoU a document of a declarative nature. However, that did not stop foreign police officers from coming in contingents over several periods from 2015 until 2019³⁰ to the Macedonian borders.

26 Ministry of the Interior, Minister Spasovski at the Conference "Irregular Migration as One of the Challenges of Macedonia Today" (21 September 2016) <<https://mvr.gov.mk/vest/2607>> accessed 30 December 2019.

27 Statement by the Director of the Bureau of Public Security, Mr. Sasho Tasevski, given on 18 December 2018 at the Conference "Waiting on FRONTEX- The border security through the prism of the mixed migration flows" organized by the National Convention of the European Union in the Republic of North Macedonia

28 Law on Border Control (Law on Border Control, Official Gazette of the Republic of Macedonia Nos. 171/2010, 41/2014, 148/2015, 55/2016 and 64/2018).

29 Ministry of the Interior, 'Memorandum of Understanding between Macedonia, Austria, Serbia and Hungary Dedicated to Migrant Crisis' (3 September 2015) <<https://mvr.gov.mk/vest/331>> accessed on 30 December 2019.

30 Daily News Hungary, 'Hungary Sends Police Units to Serbia and Macedonia' (8 January 2019) <<https://dailynewshungary.com/hungary-sends-police-units-to-serbia-and-macedonia/>> accessed on 30 December 2019.

EU Member States' Technical and Financial Support to the Macedonian Border Police

In addition to human resources that the Republic of North Macedonia received at its borders, provided by relevant foreign authorities, on 19 September 2019, the European Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Mr. Johannes Hahn, announced that on 21 September 2015, a team of experts from the European Commission would conduct needs assessment at Macedonian borders in order to identify needs, necessary equipment, human resources and financial assistance that the Macedonian authorities would need to cope with the migrant crisis.³¹

Until 8 October 2015, primarily under the Instrument for Pre-Accession Assistance (IPA), the EU committed approximately EUR 24 million for the Republic of Macedonia for support of migration-related activities. EUR 12 million of the above stated amount were committed under IPA I for renovation of border police stations, fight against trafficking in human beings and strengthening police capacities for border management.³² On 15 February 2016, under IPA II, the European Commission adopted an additional EUR 10 million programme in EU assistance to support the Republic of Macedonia in "improving its border and migration management capabilities, including systematic border checks and border surveillance, the identification and registration of third-country nationals crossing the border in a regular and irregular fashion, and the combating and prevention of migrant-smuggling, human trafficking and cross-border crime in full respect of the rule of law and fundamental rights".³³

31 Ministry of the Interior, 'The EU Has Expressed Support for Macedonia's Efforts to Adopt an Appropriate Approach in Managing Migrant Conditions' (19 September 2015) <<https://mvr.gov.mk/vest/395>> accessed on 30 December 2019.

32 European Commission, 'Funding to Main Migration-Related Activities in the Western Balkans and Turkey' (6 October 2015) <https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_5535> accessed on 30 December 2019.

33 European Commission, 'EU Approves Additional EUR 10 Million to Help the Former Yugoslav Republic of Macedonia Deal with the Refugee Crisis' (15 February 2016) <https://ec.europa.eu/commission/presscorner/detail/en/IP_16_304> accessed 30 December 2019.

According to the website euprojects.mk of the Delegation of the European Union to the Republic of North Macedonia, it can be established that a total of EUR 18,734,253³⁴ have been allocated for projects to support the country's endeavours in dealing with the migrant crisis. The funds used by the Ministry of the Interior were granted in the period from 2016 to 2019. The largest awarded grant was EUR 9,000,000 for activities designated as: "Special measure on supporting North Macedonia and other IPA II beneficiaries in the Western Balkans to improve their border and migration management capabilities in the context of the European refugee crisis".³⁵ The specific objective was to support border and migration management capabilities, including systematic border checks and border surveillance, the identification and registration of third-country nationals crossing the border in a regular and irregular fashion, and the combating and prevention of migrant smuggling, human trafficking and cross-border crime, in full respect of the rule of law and fundamental rights.

The largest projects in support of North Macedonia dealing with challenges of the migrant crisis, as stated by the Director of the Bureau of Public Security³⁶, are the Regional IPA Program³⁷ and in March 2019, the latest twinning project 'Aligning the national systems with the EU and Schengen requirements for border management'³⁸, supported by Slovenia and Slovakia to help North Macedonia in aligning with the Schengen Standards. The aim of the project is to strengthen the capacities at the external borders by mapping out

34 Keywords used: migration, migrant, crisis, refugees, border

35 euprojects.mk, 'Project: Special Measure in Supporting the North Macedonia and Other IPAII Beneficiaries in the Western Balkans to Improve Their Border and Migration Management Capabilities in the Context of the European Refugee Crisis' (March 2016) <<https://euprojects.mk/maps/report/233>> accessed 30 December 2019.

36 Statement by the Director of the Bureau of Public Security, Mr. Sasho Tasevski, given on 18 December 2018, at the Conference "Waiting on FRONTEX- The border security through the prism of the mixed migration flows" organized by the National Convention of the European Union in the Republic of North Macedonia

37 European Commission, 'Instrument for Pre-Accession Assistance (IPA II) 2014-2020- MULTI-COUNTRY Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey Phase II' <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/ipa_ii_2017_039-402.07_mc_migration.pdf> accessed on 30 December 2019.

38 mia.mk, 'Slovakia and Slovenia to Support North Macedonia in Aligning with Schengen Standards' (12 May 2019) <<https://mia.mk/slovakia-and-slovenia-to-support-north-macedonia-in-aligning-with-schengen-standards/?lang=en>> accessed on 30 December 2019.

measures related to the Schengen legislation, amendments to the legal framework and enhancement of human capacities.³⁹

Overtime, many donations from foreign countries have been received, as support to tackling with the migrant crisis. For instance, the Czech Republic donated approximately EUR 1.3 million in vehicles and other equipment in 2015⁴⁰, 2016⁴¹ and in 2017⁴². In 2017, the EC donated 31 off-road vehicles amounting to EUR 800,000 EUR⁴³. Until 11 December 2019, the Federal Republic of Germany donated a total of EUR 1,082,285 in various equipment and vehicles⁴⁴ and the IOM gave donations, as well amounting to approximately EUR 800,000 in vehicles and equipment.^{45,46}

-
- 39 European Commission, 'Project Title: Aligning the National Systems with the EU and the Schengen Requirements for Border Management' (September 2018) <https://www.bmeia.gv.at/file-admin/user_upload/Zentrale/Europa/EU-Twinning/Jul-September_18/TW_fiche_MK_16_IPA_JH_01_18_TC_15_08_2018.pdf> accessed on 30 December 2019."plainCitation": "European Commission, 'Project Title: Aligning the National Systems with the EU and the Schengen Requirements for Border Management' (September 2018)
- 40 Ministry of the Interior, 'Donation from the Czech Republic to the Ministry of the Interior of the Republic of Macedonia' (28 October 2015) <<https://mvr.gov.mk/vest/664>> accessed on 30 December 2019.
- 41 Ministry of the Interior, 'Czech Republic Donates 25 Skoda Yeti Vehicles to Border Police' (29 August 2016) <<https://mvr.gov.mk/vest/2482>> accessed on 30 December 2019.
- 42 <https://meta.mk/en/the-police-received-45-new-skoda-vehicles-in-the-amount-of-1-million-euros-a-donation-from-the-czech-republic/>
- 43 Ministry of the Interior, 'Donation from the European Union to the Ministry of the Interior' (10 February 2017) <<https://mvr.gov.mk/vest/3561>> accessed on 30 December 2019.
- 44 Ministry of the Interior, 'Donation of Eight Vehicles from the Federal Republic of Germany to the Ministry of the Interior' (11 December 2019) <<https://mvr.gov.mk/vest/10705>> accessed on 30 December 2019.
- 45 Ministry of the Interior, 'Signing of a Donation Agreement between the International Organization for Migration and the Ministry of the Interior' (27 July 2017) <<https://mvr.gov.mk/vest/4552>> accessed on 30 December 2019.
- 46 Ministry of the Interior, 'Donation from the EU Delegation to Skopje and the International Organization for Migration' (25 January 2019) <<https://mvr.gov.mk/vest/8368>> accessed on 30 December 2019.



The Macedonian Response to the Migrant Crisis

Strategic Documents

In 2008, the Republic of Macedonia adopted a Resolution on the 2009–2014 Migration Policy of the Republic of Macedonia.⁴⁷ The Resolution on the 2009–2014 Migration Policy designates as a priority the "Deepening of international cooperation in the area of information exchange and participation in regional early warning systems", for which the principal in-line institution is the Ministry of the Interior.⁴⁸ The overall objective was to create a comprehensive and consistent approach to the efficient management of migration processes in the field of legal, forced and illegal international migration. In the context of this policy brief, it should be emphasized that the document sets forth measures for further alignment of visa issuance and legislation with the *Acquis Communautaire* in the visa regime area; continuous strengthening of institutional capacities in the visa regime area and further improvement of the national visa IT system. In addition, it contains measures for integration of foreigners and tackling illegal migration such as: Continuous training of staff and capacity building of the Ministry of the Interior in the area of border police; Technical and software equipment for entities involved in integrated border management, implementation of the "risk analysis" instrument in the field of illegal migration, deepening international cooperation in the field of information exchange and participation in regional early warning systems and concluding readmission agreements with states with which such agreements have not yet been signed yet.

47 Government of the Republic of Macedonia, 'Resolution on the Migration Policy of the Republic of Macedonia 2009-2014' 2009–2014 <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&ved=2ahUKEwj-rZn23dXmAh-W8UhUIHXL4Dh4QFJAeegQIBhAC&url=http%3A%2F%2Fwww.sobranie.mk%2FWBStorage%2FFiles%2FRezoluCIJA_MIGRACIONA_POLITIKA.doc&usg=AOvVaw0G2moxJ9kyNShI3Pg-w10ok> accessed 30 December 2019.

48 International Organisation for Migration (No. 18).

On 16 January 2015, the Assembly of Republic of Macedonia adopted a new Resolution on the Migration Policy of the Republic of Macedonia 2015 – 2020.⁴⁹ The content of the document was created by an interdepartmental group tasked with designing the migration policy of the Republic of Macedonia. This Group consisted of representatives from twelve institutions and four international organizations, each with competences in its field, but also shared competences in some other areas. In the context of the migrant crisis, the document outlines measures for overcoming relevant challenges. Such measures are: regular participation in joint operational activities organized by Frontex on the territory of the Republic of Macedonia and abroad; Regular participation in joint and coordinated operations with the support of DCAF, on the territory of the Republic of Macedonia and in the region; Regular exchange of information on Frontex border management; Participation in International Organization for Migration project activities aimed at strengthening the capacities and cooperation between countries in the Region to tackle illegal migration and human trafficking; Maintaining and further deepening Frontex collaboration (including basic and specialized training, risk analysis and participation in operational activities), etc.

Interestingly enough, the author of this paper sent a request for information to the Frontex Press Office Team and asked on which basis the Frontex cooperates with the relevant national authorities in the country, whether its presence is based on agreements, MoUs, laws or other. The Frontex Press Office Team replied "We are

49 Government of the Republic of Macedonia, 'Resolution on the Migration Policy of the Republic of Macedonia 2015-2020' (16 January 2015) 2015–2020 <<https://www.sobranie.mk/materialdetails.aspx?materialId=c9167722-0176-4e74-bd92-7fdb-33c6b573>>.

supporting EU Member States like Greece by providing additional technical equipment and deployed officers in border surveillance, registration, document fraud etc. Each operation is based on an operational plan agreed upon by an EU Member State and Frontex. As far as support to countries outside of the EU is concerned, Frontex can only have an operation in a non-EU country provided that a status agreement with the EU is in place. Currently there are only two such agreements with Albania, Serbia and Montenegro." This answer raises questions about the tendency of Frontex in stating that the Agency only supports non-EU Member States if a status agreement is in place. The Working Arrangement establishing operational cooperation between the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the Ministry of the Interior of the Republic of Macedonia, adopted in 2009, clearly defines that there may be joint operations on Macedonian borders, exchange of information, providing analytical products and other benefits as described under Part 4 – Contents from the Working Arrangement.⁵⁰

Crisis Measures

In August 2015, the Macedonian Government declared a crisis at the northern and southern borders due to the rising refugee influx. This opened the possibility that officers of the Ministry of the Interior and the Army patrol along the two borders, where the pressure was the greatest, in an attempt to block the entry of migrants into the country. "The aim with this decision was to prevent any more serious problems and threats to the local population, that is, the residents living in the region of the city Gevgelija, and prevent any further problems, but also provide more appropriate treatment for those persons, illegal migrants who entered Macedonia and expressed their intention to seek asylum."⁵¹ The decision was to be implemented through Main Headquarters, consisting of representatives of the Army and of the Police. The state of crisis was prolonged until 30 June 2019 in order to maintain the continuity of activities carried out by troops of the Army of the Republic of North Macedonia and the security forces of the Ministry of the Interior, with the aim of securing, protecting and guarding the state border.⁵²

⁵⁰ Frontex, 'Working Arrangement Establishing Operational Cooperation between the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the Ministry of Internal Affairs of the Former Yugoslav Republic of Macedonia' (n 20).

⁵¹ Statement by the Ministry of the Interior Spokesperson made on 20 August 2015 at a press-conference.

⁵² telma.com.mk, 'Government: The Crisis at the Southern and Northern Border Migrants Due to Continue until June 2019.' (30 October 2018) <<https://telma.com.mk/24685-2/>> accessed on 30 December 2019.

Laws

In order to achieve full harmonization with the EU Acquis, the Republic of North Macedonia has adopted and amended laws on migration such as the Law on Foreigners and the Law on International and Temporary Protection. The purpose of the amendments was to incorporate the EU Directives on refugees and migrants and in general to harmonize the Macedonian legislation in this area with the EU Acquis, while fulfilling the country's obligations arising from the commitment to its fully-fledged integration into the EU and NATO.

The Law on International and Temporary Protection⁵³ was adopted in April 2018. The Law on Asylum and Temporary Protection which applied in the relevant period ceased to have effect on the day this Law entered into force. This new Law regulates the conditions and the procedure for acquiring the right to international protection, as well as the termination and revocation of the right to asylum to a foreigner or stateless person, as well as the rights and obligations of asylum seekers and persons granted asylum in the Republic of Macedonia. An interesting novelty to the Law is the adoption of a List of safe countries of origin (Article 14, paragraph 4). The list of safe countries consist of⁵⁴ all European Union Member States, Albania, Kosovo, Serbia, Bosnia and Herzegovina, Montenegro, Turkey, the Russian Federation, Egypt, Ethiopia, the United Arab Emirates and Nepal.

On 21 May 2018, the Assembly of the Republic of Macedonia adopted a new Law on Foreigners.⁵⁵ The Law aims to align with the European legislation in the field of migration, i.e. the conditions of entry, visas, residence permits and the return of a foreigner with an illegal stay. The novelties are also mostly in line with the need of harmonizing the set of proposed laws related to the reform of the security intelligence system. For instance, in cases when there is a suspicion that the foreigner is a threat to the public order and national security of the Republic of Macedonia, the Ministry of Foreign Affairs is obliged to obtain prior consent from the Ministry of the Interior (Article 34, paragraph 2 of the Law on Foreigners). The Ministry of Foreign Affairs decides upon visa applications, and visas are issued by diplomatic missions and consular posts of the Republic of Macedonia. (Article 34, paragraph 1) while the grounds for approving temporary residence are listed in Article 71.

⁵³ Law on International and Temporary Protection 2018 (Official Gazette of the Republic of Macedonia No. 64/2018).

⁵⁴ Ministry of the Interior, 'List of Safe Countries of Origin' <<https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5d35b3f44>> accessed on 30 December 2019.

⁵⁵ Law on Foreigners, 2018 (Official Gazette of the Republic of Macedonia No. 97).

Concluding Remarks

The migrant crisis of 2015 challenged the pillars of EU's national and external border management. Tackling challenges arising from the high volume influx of migrants required mutual trust, joint activities and cooperation among EU Member States and neighbouring countries. The crisis could not have been solved solely with the actions of one country only, undertaken within that country's own borders. Therefore, wider-encompassing actions and measures were implemented. Via the Western Balkan Route, Western Balkan countries were affected by a great margin at their national borders due to the high influx of migrants coming from third countries. Yet, these countries played a crucial role in managing and controlling EU's external borders, supported by large financial and technical resources provided by the EU, its agencies and EU Member States. The lack of transparency of processes taking place in North Macedonia must be emphasized. Information about the content of Memoranda of Understanding signed with foreign police authorities is lacking, the MoUs are not ratified and the exact number of foreign police officers present in North Macedonia is not available on websites of competent national authorities. This is due to the fact that the country adopted a flexible approach in dealing with the migrant/refugee crisis when working with relevant foreign counterparts. Media reporting and Mol's press releases overtime are the only source of information about the situation at the borders. Despite the lack of transparency of the processes, the Republic of North Macedonia managed to successfully control its borders in the face of a large-scale influx of migrants. In addition, EU's modus operandi in tackling the migrant crisis along the Western Balkan Route should employ a balanced approach, focused on improving technical and administrative assistance to national authorities and providing IPA funds to beneficiary institutions.

The country has also harmonized its relevant legal framework and has adopted and implemented relevant national documents. Furthermore, the capacities of the police forces were strengthened and it is yet to be seen how the new cooperation with Frontex will proceed as soon as the Macedonian Assembly ratifies the agreement. This also raises the issue of possible politicization of the entire issue of the migrant crisis, specifically in North Macedonia. The political, financial and other burdens that would arise from the Status Agreement with Frontex should be publicly discussed with all stakeholders, including representatives of relevant institutions, the academia and experts in order to improve the country's positions based on the Status Agreement.



