



Migration – a new challenge for the OSCE in South Eastern Europe?

**The impact of the opening and closing of the “Balkans route” on the work of the OSCE
Missions in Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia**

Findings from research carried out in 2016

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Abstract

The “migration crisis” that developed in Europe from the opening of the Balkans route in late summer 2015 to its purported closing in winter 2016 has had a major impact on a number of participating States from the Organization for Security and Cooperation in Europe (OSCE), on the OSCE as organisation promoting comprehensive security in Europe and on the work of its field operations deployed in South-Eastern Europe in particular. Against this backdrop and thanks to a project initiated by the Southeast Europe Association, the authors of this study were able to carry out research related to the role of the OSCE in crisis management and to examine the differentiated response of OSCE field operations throughout South-Eastern Europe. This study thus provides a first-hand impression of the challenges, activities and perspectives concerning the OSCE and its field missions in that policy area, while putting strategic considerations as a starting, given the importance of the work of the political bodies of the OSCE.



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1. INTRODUCTION

The “migration crisis” that developed Europe from the opening of the Balkans route in late summer 2015 to its purported closing in winter 2016 has had a major impact on a number of participating States from the Organization for Security and Cooperation in Europe (OSCE).¹ Its causes are multiple and include both push and pull factors. The growing regional insecurity in many parts of the world and the global deterioration of social and economic perspectives certainly contributed to its development. The result, eventually, has been the amplification of regional movements of people seeking international protection (or migrating for a broad variety of reasons).

These movements that hit Europe, however, only represent a fraction of the overall migration dynamic throughout the world. In 2015, the United Nations announced that worldwide displacement is at the highest level ever recorded – one in every 122 human beings is now a refugee or otherwise displaced. According to the UNHCR, 30 per cent of refugees worldwide are hosted by Turkey, Pakistan and Lebanon. Jordan, an OSCE Partner for Cooperation, is among the countries with the highest per capita ratio of refugees worldwide, amounting to 8.96 per cent of its population. Of the 20.2 million refugees worldwide, 86 per cent, reside in developing countries. Thus, South-South migration and especially the refugee flow is significantly larger than the South-North flow visible in the OSCE area. By comparison, as of February 2016 OSCE participating States hosted 3.5 million refugees, equivalent to 0.3 per cent of the overall population in the area, including 1.13 million arrivals in European Union countries since the beginning of 2015.

The crisis nonetheless affected the work of the OSCE in an unprecedented manner, in particular that of its field operations deployed in South Eastern Europe. And for good reasons. This region is an area of connection and transit – it is today the link between zones of war and instability in the Near East and Central and Western Europe. The intertwined relationship of the region with both the South Eastern part of the OSCE area as well as with the EU and its member states captured broad attention with the *opening* and *closing* of the “Balkan route” between late summer 2015 and winter 2016. The events and development affected in particular the EU

¹ Cf. DAVID BUERSTEDDE: MANAGING MIGRATION - THE OSCE’S RESPONSE, FRIEDRICH EBERT STIFTUNG PERSPECTIVE, BERLIN DECEMBER 2016.

member states Greece as well as Macedonia and Serbia and indirectly the other countries in the Western Balkans region. In all of these countries the OSCE deploys field operations. These missions are in various ways concerned by the developments as they impact on the delivery of their mandates. Thanks to a project initiated by the Southeast Europe Association, the authors of this study were able to carry out research related to these field operations of the OSCE and gain a first-hand impression of challenges, activities and perspectives. In addition, given the importance of the work of the political bodies of the OSCE, the research put their strategic considerations as a starting. It explores how migration management entered the field of comprehensive security as an objective pursued by the OSCE.

In the past year or so, the OSCE has indeed produced a series of documents related specifically to the migration crisis and field missions have unfolded a broad variety of activities. A first overview of findings, not meant to be exhaustive, but rather responsive to current developments may help in gathering “fresh” ideas and impressions that could inform future work of the OSCE. The approach and role of the missions in the region during the period under review differed considerably although their mandates are similarly limited in flexibility. What can be observed is that migration related developments in the host countries are addressed from various angles in a largely experimental manner. Despite the limitations in flexibility and funding to react to unforeseen developments, one can observe a proactive approach, not least to support the host country authorities. Although most European states have conceptualized migration also as a security issue, the overall impression during the research was that the issue rather belonged to the European Union than to the OSCE. In this respect, the specific situation of the Western Balkans countries in relation to the European Union continues to merit closer consideration of the particular challenges confronted by the OSCE field operations. The research presented here shall serve as a contribution for such further analysis on how far the current developments have the potential to change the work of the OSCE and its field missions in South Eastern Europe.

The study first provides an overview of the OSCE as organisation pursuing comprehensive security related objectives, presents a background analysis of the migration crisis that unfolded in the past few years and substantiates its research question and research design against this backdrop. The study then explores in general terms how migration management entered the mandate of the OSCE as organisation as well as the mandate of OSCE field missions. More specifically, it further researches how the OSCE field missions in the Western Balkans responded to

the migration crisis from the opening of the Balkans route in late summer 2015 to its purported closing in winter 2016. In conclusion, the study discusses potential developments and actual limitations in the OSCE's role in migration management.

2. BACKGROUND

2.1. THE OSCE

The history of the Organization for Security and Co-operation in Europe (OSCE)², from its establishment as a Conference in the 1970s to the Astana Summit in 2010, is a reflection of the evolution of the insecurities that have troubled Europe, Central Asia and North America over this period. Initially established to bring together opposing superpowers and to encourage peace and security, the OSCE, spanning the northern hemisphere “from Vancouver to Vladivostok”, now pursues a wide range of goals, all converging on the achievement of “comprehensive security”³.

In one regard, the OSCE continues to focus on “traditional security challenges”. It promotes confidence- and security-building measures (CSBMs), deals with other politico-military aspects of security (the OSCE’s “first dimension”) by, for instance, promoting arms control, integrated border management and conflict prevention or conflict resolution. More recently, the OSCE has developed activities addressing emerging threats, such as terrorism, civil wars and ethnic conflicts, organised crime and human trafficking. In addressing these challenges, the OSCE regularly works alongside other organisations, such as the North Atlantic Treaty Organisation (NATO) and the United Nations (UN).

At the same time, the OSCE has become increasingly involved in “non-traditional security challenges”, with the aim of tackling the multifaceted “roots of insecurity” and not only their implications. The OSCE thus became active in the economic and environmental field (“second dimension”), as long-term economic imbalances and

² THIS STUDY WILL NOT MAKE A TERMINOLOGICAL DISTINCTION BETWEEN THE CSCE AND THE OSCE. THE CSCE (CONFERENCE FOR SECURITY AND CO-OPERATION IN EUROPE) WAS RENAMED OSCE ON 1 JANUARY 1995.

³ SEE GALBREATH, DAVID J. 2007. *THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE*. LONDON, NEW YORK: ROUTLEDGE, 9-24.

dependencies, social crises (mass impoverishment, unemployment and/or migration) and undesirable environmental developments (climate change, desertification or mismanagement of natural resources) have often proved to cause instability⁴.

Likewise, the OSCE has increasingly become a key organisation in furthering democracy and human rights. Originally focusing on free elections, its “third dimension” now encompasses activities relating to the protection of human and minority rights, the promotion of civic participation in politics and support for security-sector reform. The OSCE cooperates in these areas with many other international and non-governmental organisations, including the European Union (EU), Council of Europe (CoE) and International Red Cross.

Institutionally, the OSCE primarily remains an intergovernmental forum committed to inclusivity and sovereign equality. Its decision-making bodies consist of representatives of its 57 participating States (and 11 partners for co-operation). The annual Ministerial Council meeting (referred to as a Summit when attended by heads of state or government) mostly focuses on the organisation itself and developments in relevant areas; at the ambassadorial level, the Permanent Council deals with most of day-to-day issues and activities, and takes decisions based on consensus voting, the Forum for Security Co-operation focuses on the first dimension, and the Economic and Environmental Forum on the second dimension.

By comparison, the OSCE’s operational structures and institutions have few competencies. But over years they have managed to create some room for manoeuvre and get their voices heard. The Secretariat, located in Vienna, is the bureaucratic heart of the organisation. Through its functionally specialised units, it provides the technical foundation for the implementation of OSCE decisions, the pursuit of objectives in the three dimensions and liaison with other international organisations. The position of Chairperson-in-Office (CiO), the most prominent representative of the OSCE, is held by participating States on a rotating basis. The key function of the CiO is to set the OSCE’s agenda. The Parliamentary Assembly (OSCE PA), initially conceived of as a means of creating contacts between parliamentarians from opposed sides in the Cold War, has become an important source of policy

⁴ EVERS, FRANK. 2002. *BUILDING CO-OPERATION BETWEEN OSCE FIELD MISSIONS AND PARTNER INSTITUTIONS IN THE ECONOMIC AND ENVIRONMENTAL DIMENSION*. CENTRE FOR OSCE RESEARCH WORKING PAPER (11); KAHL, COLIN H. 2006. *STATES, SCARCITY AND CIVIL STRIFE IN THE DEVELOPING WORLD*, PRINCETON: PRINCETON UNIVERSITY PRESS.

recommendations. Further autonomous bodies dealing specifically with the human dimension of comprehensive security include the High Commissioner on National Minorities (HCNM), whose work is predicated on the practice of “quiet diplomacy”, the Office for Democratic Institutions and Human Rights (ODIHR), which monitors developments and offers technical assistance, and the Representative on Freedom of the Media, whose task is to advocate freedom of expression.

To implement OSCE decisions on the ground, facilitate inter-organisational relations and generate first-hand information, the OSCE relies heavily on field missions and activities. These operations, varying in size, mandate and duration, are one of the OSCE’s main assets. They can be used by the OSCE’s autonomous institutions such as ODIHR and they benefit from certain autonomy as defined by their respective mandates.

2.2. THE MIGRATION AND REFUGEE CRISIS IN THE OSCE AREA

The migration and refugee crisis, which has intensified in the past few years, has affected large portions of the OSCE area. Its participating States and Partners for Co-operation have faced challenges on an unprecedented scale, whether as countries of origin, transit or destination. With 2.5 million refugees (1.8 million of whom are from Syria), Turkey, an OSCE participating State, is the country hosting the largest number of refugees in the world.⁵ Jordan and Egypt, two OSCE Partners for Co-operation, follow with 630,000 and 132,000 Syrian refugees, respectively. More generally, as of February 2016, OSCE Participating States host a total of 3.5 million migrants and refugees, including the 1.12 million arrivals in the European Union.

The civil war in Syria, the deterioration of security conditions in Afghanistan and North Africa and the outbreak of armed conflicts, e.g. in Ukraine, largely explain the growth in total migrant and refugee numbers in the past four years. Amplifying the phenomenon are growing socio-economic disparities within Europe, increasing South-North migration pressures, and the lack of development prospects in many countries of origin. Some OSCE Partners for Co-operation are themselves major countries of origin. Afghanistan, for instance, is the second-largest country of origin

⁵ UNHCR. 2015. *MID-YEAR TRENDS 2015*. AVAILABLE AT [HTTP://WWW.UNHCR.ORG/56701B969.HTML](http://www.unhcr.org/56701b969.html) [24.8.2016].

for refugees worldwide, with an estimated 2.8 million people having left the country to seek refuge elsewhere.

The OSCE area has also been affected by migrants and refugees passing through participating States or Partners for Co-operation. Western Balkans states, for instance, have witnessed the transit of more than one million migrants and refugees as of 2016. Most of these did not stay in the region, but the scale of the influx nevertheless posed substantial challenges, particularly to Macedonia and Serbia. Other countries were affected as well, albeit to a lesser extent. Kosovo, by contrast, witnessed an outflow of tens of thousands of migrants transiting through neighbouring countries and trying to reach the EU by foot in 2014-2015. A few months later, the opening of the so-called “Balkans route”, conveying migrants from war-torn regions in the Middle-East and Afghanistan, presented a major challenge to Western Balkans states. These challenges, which illustrate the intertwining of South-Eastern parts of the OSCE area with the EU and its member states, clearly had implications in terms of comprehensive security, which the closing of the Balkans route in winter 2016 may or may not have addressed.

Throughout the region, the OSCE has deployed field operations for several years. In 2015-2016, its missions in Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia operated in a context that was heavily influenced by the migration and refugee crisis. These missions in particular have been concerned in various ways by the opening and closing of the Balkans route. But it remains to be seen whether, how and to what extent the migration crisis has impacted on their efforts to deliver on their respective mandates.

If most of the migrants that transited through the Western Balkans from the opening to the closing of the Balkans route proved to be asylum-seekers fleeing their war-torn country, some also moved for economic or other reasons. An approach considering migration as a security challenge should not occult the plurality of motives that may have driven migrants onto the roads in the past two years. Therefore, this study will not limit itself to studying the role of the OSCE or its field missions in addressing a humanitarian crisis. The challenges they faced during this crisis were indeed manifold.

3. SCOPE OF RESEARCH AND METHODOLOGY

This research is not meant to be academically exhaustive. It discusses, first of all, how migration became a concern of the OSCE and how OSCE field missions interpret their mandates so as to deal the non-traditional challenges posed by the migration and refugee crisis. While responding to current developments, this paper seeks to gather fresh inputs from OSCE field missions in an attempt to inform the future work of the OSCE in this area. Besides contextualising the emergence of migration as a security challenge in OSCE proceedings, the paper primarily focuses on analysing how the migration crisis has affected the work of OSCE field missions in the Western Balkans. More specifically, it examines how migration management fits within the OSCE mandate, and asks what OSCE field missions did, did not, can and cannot do to support migration management in times of acute crisis. Finally, it considers what added-value the OSCE field missions bring in this area, in view of the activities of other international actors.

The timeframe considered for this research covers the migration crisis from the summer of 2014 (the “Kosovo exodus” with a surge of asylum applications in Western Europe) to September 2016. The emphasis, however, is on the period from spring 2015 to September 2016, which is when the migration crisis shifted from being a phenomenon limited to the OSCE area, to one of considerable scale, with far-reaching geographical ramifications.

The geographical scope of the research, which focuses only on Western Balkans countries (and does not include Turkey, for instance), has been delineated after considering the set of very specific relationships that Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia maintain with the EU. Their marked interest for closer co-operation with the EU and their commitment to EU integration play a fundamental role in how they addressed a crisis that had implications for the EU and its member states. The particular challenges that OSCE field operations faced in the region in this framework merit closer consideration.

Methodologically, the study is based on analysis of OSCE documents (desk research) related to the OSCE’s prerogatives and activities in the field of migration management, as well as a series of semi-structured interviews with OSCE personnel working in the missions of the six countries surveyed (Heads of Mission and senior staff). The list of interviewees is included as an annex to this study.

4. MIGRATION MANAGEMENT IN THE MANDATE OF THE OSCE AND OSCE FIELD MISSIONS

For a long time, security was mostly understood through the neorealist lens as a complex of politico-military issues. The end of the Cold War and the shift the overall shape of international relations created room for more comprehensive approaches, including non-traditional security challenges. This paradigm shift has been pivotal in the organisational development of the OSCE, and it explains the value now assigned to the human, economic and environmental aspects of security, besides more traditional politico-military aspects. Although the Helsinki Decalogue enshrined non-traditional security challenges, such as economic co-operation, among the principles CSCE participating States undertook to respect and put into practice in their mutual relations, little could be done in relevant areas until the fall of the Iron Curtain. Migration, therefore, only entered the OSCE agenda as a security challenge later, as traditional security challenges declined.

4.1. MIGRATION MANAGEMENT IN THE OSCE'S MANDATE

It is an interesting fact that migration entered the realm of OSCE concerns through the Economic and Environmental Dimension (EED). After two decades of latency, the EED was given a fresh impetus in the 1990s, at first only to discuss economic co-operation among OSCE participating States, stimulate political dialogue on transition to free-market economies in Central and Eastern Europe and address economic aspects of security in general and post-conflict rehabilitation in particular. In 1993, the OSCE convened its first Economic Forum in Prague, where security issues relating to the environment were also discussed, and, in 1997, the OSCE established a Co-ordinator of OSCE Economic and Environmental Activities, assisted by an Office (OCEEA) under the authority of the Secretary General. Staffed with international experts and supported by a network of economic and environmental advisers from OSCE field missions, the OCEEA was tasked with strengthening the economic, environmental and social components in the work of OSCE missions and field operations, broadening contacts with NGOs and the private sector and enhancing inter-organisational co-operation in the field of the EED.

In 1999, the Charter for European Security built on the EED-security nexus, acknowledging that environmental and social development is a precondition for general sustainability in contemporary security thinking within the OSCE and its main partner organizations. Two years later, in 2001, an Economic and Environmental Subcommittee (EESC) was created at the Bucharest Ministerial Council to provide an ongoing framework for dialogue, examine economic and environmental issues, make recommendations to the Permanent Council (PC), support the preparation of the Economic Forum, and advise on economic and environmental project implementation.

Probably the most significant milestone in the development of the EED, however, was the Maastricht Strategy on EED, which was adopted in 2003. In this document, the OSCE recognised the emergence of disturbing new trends and economic and environmental threats to security and stability and made proposals to address them. However, for want of a roadmap the OSCE could have relied on to implement them, and given their limited scope, these proposals could not make more than a “marginal contribution to the resolution of the economic and environmental problems which remain a factor of instability and insecurity in the OSCE”.⁶

In 2006, the OSCE improved its organisational capacities by upgrading the EESC into a fully-fledged Economic and Environmental Committee (EEC), convening at least once a month. The EEC’s tasks were extended accordingly. They now included discussing cross-dimensional issues with a particular connection to economic and environmental aspects of security and formulating recommendations to the Permanent Council on the programme of work, including actions to follow up on suggestions made by the Economic Forum (renamed the Economic and Environmental Forum [EEF] in 2007).

The development of EED-related frameworks and institutions certainly served the OSCE in supporting its specific understanding of comprehensive security in transition countries. But the lack of expert capacities with a focus on EED matters in the Secretariat and OSCE field missions nonetheless limited the OSCE’s actual contribution in that area.⁷ Other factors similarly contributed to keeping the potential of EED underexploited, namely the lack of interpretative and steering mechanisms needed to translate OSCE general approaches into specific EED policy

⁶ DE FONBLANQUE, JOHN. 2005. STRENGTHENING THE ECONOMIC AND ENVIRONMENTAL DIMENSION OF THE OSCE (EED). *HELSINKI MONITOR* (16)3. 181.

⁷ EVERS, OP. CIT.

tools, the lack of interest expressed by OSCE participating States individually and collectively for expanding EED activities, and the insufficient use made of established channels linking field operations and partner organizations' headquarters.⁸

Migration nevertheless entered the work of the OSCE through this EED channel. It was, as a matter of fact, first considered to be fully part of the EED. The prevailing approach, anchored in the Helsinki Final Act, initially focused on labour migration. It prescribed the facilitation of workers' mobility as a means to support economic growth, alleviate development disparities and thus to diffuse potential tension with security implications. Reflecting the OSCE's comprehensive approach, however, the EED gradually started to identify other challenges related to migration that were likely to have security implications (see below). These increasingly intertwined with the OSCE's human and politico-military dimensions.

The body of OSCE documents and decisions dealing with migration reflects the Organization's growing interest in those questions. This should not come as a surprise, as migration is "inherently a transnational issue" and thus offers plenty of opportunities for co-operation between participating States.⁹ In the past decade, notwithstanding the "different approaches to migration issues" held by the participating States and "the lack of trust and dialogue"¹⁰ that sometimes prevails on such issues, the OSCE has recognised that it has a role to play in fostering a comprehensive approach to migration management.

Already in 2009, the participating States encouraged the PC to intensify its work migration-related work, namely, by "deepen[ing] dialogue and co-operation at all levels within and between all States, as well as with all relevant stakeholders, including social partners, business community, civil society and academia, to effectively address the opportunities and challenges related to comprehensive migration management"; "paying particular attention to addressing the root causes of migration"; underlining "the need to facilitate legal migration and fight illegal migration" and acknowledging "the increasing importance of and the benefits stemming from effective migration management for the socio-economic development, social cohesion, security and stability in all countries including those of origin, transit and destination [while] fully recognizing the human rights of

⁸ EVERS, OP. CIT.

⁹ OSCE. *LJUBLJANA, 6 DECEMBER 2005. MC DECISION NO 2/05: MIGRATION*. MC.DOC/2/05.

¹⁰ OSCE. 16 JANUARY 2009. *17TH ECONOMIC AND ENVIRONMENTAL FORUM. BACKGROUND NOTE ELABORATED JOINTLY BY OSCE AND IOM*. EEF.GAL/3/09/REV.1.

migrants and their family members”¹¹. More recently, the OSCE has also become active in relation to the migration and refugee crisis.

4.1.1. LABOUR MIGRATION

Migration was included in the mandate of the world’s largest regional security organization right from the establishment of the CSCE. The emphasis at that time was clearly placed on the management of labour migration. On the one hand, the Helsinki Final Act explicitly encouraged the countries of origin to increase opportunities for employment for their nationals on their own territories and to facilitate the reintegration of labour migrants on their return home. The idea was not to forcibly limit the movement of workers, but rather to embed it in a system promoting “circular migration”,¹² i.e. the return of migrants to their country of origin. By acquiring specific qualifications while working in the host countries, these were to “help to remedy any deficiency of skilled labour in their country of origin”¹³ and ultimately, contribute to reducing the socio-economic inequalities that the EED approach saw as undermining European security. This was to be achieved, in particular, by developing modes of economic co-operation with host countries and encouraging migrant workers to invest their savings in the economy of their countries of origin as a means to expand domestic labour markets.

On the other hand, the Helsinki Final Act (and later documents) insisted on the need to “ensure [...] the conditions under which the orderly movement of workers might take place, so that labour migration should be for the benefit of the development of both countries of origin and destination. In 2006, the OSCE accordingly underlined the “potential contribution of migration to sustainable development and co-development”.¹⁴ It also emphasised the economic, social and environmental linkages that exist between migration management and stability and security in the OSCE region.¹⁵ And at the 17th EEF, more specifically, the OSCE called the participating States to reflect on policy choices and institutional structures that could enhance the benefits from legal migration. Among other things, this implied discussing the

¹¹ OSCE. ATHENS, 2 DECEMBER 2009. *MC DECISION NO. 5/09: MIGRATION MANAGEMENT*. MC.DEC/5/09.

¹² OSCE. ATHENS, 2 DECEMBER 2009, OP. CIT.

¹³ OSCE 1975. *HELSINKI FINAL ACT*.

¹⁴ OSCE. BRUSSELS, 5 DECEMBER 2006. *MINISTERIAL STATEMENT ON MIGRATION*. MC.DOC/6/06.

¹⁵ OSCE, 16 JANUARY 2009, OP. CIT.

prerequisites for effective migration policies (following the joint publication in 2006 of a handbook on effective migration policies),¹⁶ i.e. discussing what evaluation tools and co-ordination mechanisms could be used to better assess migration trends; facilitating access to legal migration through support services; discussing return and reintegration initiatives as well as best practices (with the aim to promote circular migration); and more generally, strengthening regional co-operation frameworks that promote a more comprehensive approach to migration.¹⁷ The role of the OSCE here could be to assist participating States by supporting and facilitating capacity-building activities in the implementation of circular migration programmes (e.g. pre-departure training, recognition of foreign qualifications, twinning arrangements between employment agencies, portability of pensions and reintegration assistance); to aid in the harmonisation of migration data at the regional level in co-operation with the IOM (by helping improved data gathering, analysis and information sharing between countries of destination and origin); to facilitate, by means of a suitable platform, exchanges of experience and information on temporary labour migration programmes and regulatory frameworks; to facilitate information exchange between governments on how to create better conditions and services relating to remittances; and to help raise awareness on the link between migration and economic development;

4.1.2. THE HUMAN DIMENSION OF MIGRATION

In addition to focusing on inter- and intra-state co-operation as a means to contribute to co-development or stability, the OSCE, at another level, also placed emphasis on safeguarding the social rights of labour migrants. Indeed, the Helsinki Final Act provides that the participating States should, as far as possible, “ensure equality of rights between migrant workers and nationals of the host countries” with regard to conditions of employment and work, to unemployment support, to vocational training and to social security. They should furthermore facilitate, as far as possible, the reuniting of migrant workers with their families and more generally, make sure that “migrant workers may enjoy satisfactory living conditions, especially

¹⁶ OSCE, ILO, IOM. 2006. HANDBOOK ON ESTABLISHING EFFECTIVE LABOUR MIGRATION POLICIES IN COUNTRIES OF ORIGIN AND DESTINATION.

¹⁷ OSCE. 24 FEBRUARY 2009. CONSOLIDATED SUMMARY OF THE 17TH MEETING OF THE OSCE ECONOMIC AND ENVIRONMENTAL FORUM. EEFGAL/4/09.

housing conditions”.¹⁸ These commitments, found again in subsequent OSCE documents,¹⁹ were later complemented by more specific provisions, e.g. regarding the need to facilitate the payment of pensions for migrants returning in their country of origin,²⁰ or the need to guarantee equal access to education to the children of immigrants (including in their own language).

In the 1990s, these commitments were extended by establishing a link with the Human Dimension. Specifically, the 1990 Copenhagen Meeting recognised that the protection and promotion of the rights of migrant workers should not be limited to social or political concerns.²¹ Accordingly, the rights of migrant workers have “a human dimension” that should be safeguarded, most notably by condemning “all acts of discrimination on the ground of race, colour and ethnic origin”, and “increasing efforts to combat discrimination, intolerance and xenophobia towards migrants and their families”.²²

Finally, in the 2000s, the OSCE broadened its reflection on societal matters by underlining the need for “successful integration policies”.²³ Migrant workers were no longer the primary group targeted by OSCE discussions on migration management. More generally, the idea was to commit the participating States to respect cultural and religious diversity in general terms,²⁴ to promote and protect the human rights and fundamental freedoms of all migrants in the OSCE area, e.g., by investing in raising awareness of the rights of migrants and asylum seekers,²⁵ and ensuring that

¹⁸ OSCE 1975, OP. CIT.

¹⁹ Cf. E.G. OSCE. VIENNA, 1989. *CONCLUDING DOCUMENT: CO-OPERATION IN THE FIELD OF ECONOMICS, OF SCIENCE AND TECHNOLOGY AND OF THE ENVIRONMENT*.

²⁰ OSCE. MADRID, 1983. *CONCLUDING DOCUMENT: CO-OPERATION IN THE FIELD OF ECONOMICS, OF SCIENCE AND TECHNOLOGY AND OF THE ENVIRONMENT*.

²¹ OSCE. COPENHAGEN, 29 JUNE 1990. *DOCUMENT OF THE COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE*. SEE ALSO OSCE. HELSINKI, 1992. *CSCE HELSINKI DOCUMENT: DECISIONS: VI. THE HUMAN DIMENSION*.

²² OSCE. MOSCOW, 1991. *DOCUMENT OF THE MOSCOW MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE*; OSCE. BUDAPEST, 1994. *CSCE BUDAPEST DOCUMENT: DECISIONS: VIII. THE HUMAN DIMENSION*; OSCE. MAASTRICHT, 2 DECEMBER 2003. *DECISION NO. 4/03 ON TOLERANCE AND NON-DISCRIMINATION*. MC.DEC/4/03; OSCE. SOFIA, 7 DECEMBER 2004. *ANNEX TO DECISION NO. 12/04 ON TOLERANCE AND NON-DISCRIMINATION*. MC.DEC/12/04; OSCE. SOFIA, 7 DECEMBER 2004. *PERMANENT COUNCIL DECISION NO. 621: TOLERANCE AND THE FIGHT AGAINST RACISM, XENOPHOBIA AND DISCRIMINATION*. PC.DEC/621. OSCE. ATHENS, 2 DECEMBER 2009, OP. CIT.

²³ OSCE. LJUBLJANA, 6 DECEMBER 2005, OP. CIT.

²⁴ OSCE. BRUSSELS, 5 DECEMBER 2006, OP. CIT.

²⁵ OSCE. LJUBLJANA, 6 DECEMBER 2005, OP. CIT.

migrants who are members of minority groups, e.g., Roma and Sinti, find a path towards “sustainable integration within the OSCE area”.²⁶ More recently, the OSCE has sought to incorporate gender issues related to migration in its discussions and recommendations.²⁷

4.1.3. ENVIRONMENTAL MIGRATION

Migration induced by environmental catastrophes, man-made disasters (e.g. pollution of the Aral Sea, the Chernobyl disaster) or climate change still lack recognition under international law, despite their implications for international security. The OSCE is no exception in this respect. Its participating States have barely discussed this topic, let alone committed themselves to reducing environmental risks. In 2005, an OSCE Panel of Eminent Persons nonetheless recognised that environmental problems “have important security aspects in fields that the OSCE could address, inter alia the growing problem of environmental refugees and internally displaced persons”, paving the way for further efforts in this area.²⁸ The 2009 EED Forum, for instance, called on the OSCE to invest in research analysing further “the impact of environmental degradation and of climate change on migration”, and a similar call was adopted by the 2009 Ministerial Council. The latter tasked the Permanent Council with helping to assess the possible impact of environmental degradation on migratory pressures, which climate change may magnify, “in order to ensure better preparedness in this area”.²⁹

4.1.4. ILLEGAL MIGRATION

While underlining the “need to facilitate legal migration”, the OSCE identified illegal migration and trafficking in human beings as a dangerous threat to international

²⁶ OSCE. ATHENS, 2 DECEMBER 2009. *MC DECISION NO. 8/09: ENHANCING OSCE EFFORTS TO ENSURE ROMA AND SINTI SUSTAINABLE INTEGRATION*. MC.DEC/8/09.

²⁷ Cf. E.G. OSCE. 2009. *GUIDE ON GENDER-SENSITIVE LABOUR MIGRATION POLICIES*.

²⁸ OSCE. 27 JUNE 2005. *COMMON PURPOSE: TOWARDS A MORE EFFECTIVE OSCE, FINAL REPORT AND RECOMMENDATIONS OF THE PANEL OF EMINENT PERSONS ON STRENGTHENING THE EFFECTIVENESS OF THE OSCE*.

²⁹ OSCE. ATHENS, 2 DECEMBER 2009, OP. CIT.

security in the OSCE area and beyond.³⁰ The participating States have therefore committed themselves repeatedly to combating these phenomena, although the means for doing so remain unclear. The main challenge identified in this respect is, according to OSCE documents, to address the “root causes of trafficking and to reduce the economic and social inequalities and disadvantages”³¹ affecting the countries of origin. As argued in a 2003 EED Strategy Document, the deepening of “economic and social disparities, lack of the rule of law, weak governance, corruption, widespread poverty and high unemployment are among the factors that contribute [...] to illegal economic activities, including money-laundering, trafficking of all kinds and illegal migration”.³²

In addition to addressing root causes, OSCE participating States have also found it important to deal with specific criminal aspects of illegal migration, and in particular with issues related to the smuggling of migrants.³³ For instance, the OSCE included the issue of illegal migration in its 2005 Border Security and Management Concept, which calls for closer co-operation between migration agencies and for more effective border management and inter-governmental co-operation. That supposes, among other things, “strengthening international exchange networks and information-sharing” and encouraging conclusion and implementation of agreements on cross-border co-operation.³⁴ Alternatively, illegal migration could be fought by exploring further the links between the smuggling of migrants and money-laundering activities.³⁵ Here and elsewhere, the provision of relevant law enforcement expertise and specialised assistance to the participating States can prove useful.³⁶

4.1.5. FORCED MIGRATION

³⁰ OSCE. ATHENS, 2 DECEMBER 2009, OP. CIT.; OSCE. LJUBLJANA, 6 DECEMBER 2005, OP. CIT.; OSCE. BRUSSELS, 5 DECEMBER 2006, OP. CIT.

³¹ OSCE. PORTO, 7 DECEMBER 2002. *FINAL DOCUMENT OF THE TENTH MEETING OF THE MINISTERIAL COUNCIL*.

³² OSCE. MAASTRICHT, 2 DECEMBER 2003. *STRATEGY DOCUMENT FOR THE ECONOMIC AND ENVIRONMENTAL DIMENSION*. MC.DOC/1/03.

³³ OSCE. BUCHAREST, 4 DECEMBER 2001. *FINAL DOCUMENT OF THE NINTH MEETING OF THE MINISTERIAL COUNCIL*; OSCE. MAASTRICHT, 2003. *FINAL DOCUMENT OF THE ELEVENTH MEETING OF THE MINISTERIAL COUNCIL*.

³⁴ OSCE. LJUBLJANA, 6 DECEMBER 2005, OP. CIT.

³⁵ OSCE. 16 JUNE 2009, OP. CIT.

³⁶ OSCE. ATHENS, 2 DECEMBER 2009. *DECISION NO. 2/09: FURTHER OSCE EFFORTS TO ADDRESS TRANSNATIONAL THREATS AND CHALLENGES TO SECURITY AND STABILITY*. MC.DEC/2/09.

Forced migration emerged during the Yugoslav wars in the early 1990s as a new challenge undermining international security. Situations resulting in mass flows of refugees and displaced persons had a destabilising effect on neighbouring countries and were “often the result of violations of CSCE commitments” as well as international humanitarian law.³⁷ Therefore, when facing such situations, it was agreed that OSCE participating States should co-operate more closely in dealing with mass flows of refugees and displaced persons.³⁸ That means, more specifically, “facilitating dialogue and co-operation between participating States, including countries of origin, transit and destination in the OSCE area, as well as the OSCE Partners for Co-operation and Mediterranean Partners for Co-operation”.³⁹ The OSCE, for instance, encouraged participating States to improve “the collection of comparable data on migration, in order to facilitate dialogue and exchange of best practices at the OSCE level”.⁴⁰

The CSCE even called on all participating States to “contribute to a concerted effort to share the common burden” of forced migration.⁴¹ For instance, it urged each participating State to refrain from strengthening its security at the expense of the security of other States⁴² and to “welcome and support unilateral, bilateral and multilateral efforts to ensure protection of and assistance to refugees and displaced persons with the aim of finding durable solutions”.⁴³ That implies “assisting the participating States, upon their request, to develop [comprehensive and] effective migration policies [and action plans, as well as] to implement their relevant OSCE commitments”.⁴⁴ In concrete terms, this could include efforts such as assisting them to improve their national legislation and providing advice and training in key areas.⁴⁵

³⁷ OSCE. HELSINKI, 1992, OP. CIT.

³⁸ E.G., RECENTLY, OSCE. ATHENS, 2 DECEMBER 2009, OP. CIT.

³⁹ OSCE. LJUBLJANA, 6 DECEMBER 2005, OP. CIT.; OSCE. BRUSSELS, 5 DECEMBER 2006, OP. CIT.

⁴⁰ OSCE. ATHENS, 2 DECEMBER 2009, OP. CIT.

⁴¹ OSCE. STOCKHOLM, 1992. *SUMMARY OF CONCLUSIONS OF THE STOCKHOLM COUNCIL MEETING: DECISIONS: 2. THE CSCE AS A COMMUNITY OF VALUES.*

⁴² OSCE. BUDAPEST, DECEMBER 1995. *FIFTH MEETING OF THE MC: A NEW CONCEPT FOR A NEW CENTURY; DECISION ON A COMMON AND COMPREHENSIVE SECURITY MODEL FOR EUROPE FOR THE 21ST CENTURY.* MC(5).DEC/2.

⁴³ OSCE. HELSINKI, 1992, OP. CIT.

⁴⁴ OSCE. LJUBLJANA, 6 DECEMBER 2005, OP. CIT.; OSCE. ATHENS, 2 DECEMBER 2009, OP. CIT.

⁴⁵ OSCE. ATHENS, 2 DECEMBER 2009, OP. CIT.

Importantly, the OSCE participating States have committed themselves “in all circumstances to respect and ensure respect for international humanitarian law including the protection of the civilian population”⁴⁶ and, when applicable, to invite participating States to “consider becoming parties to relevant international instruments”.⁴⁷ The participating States went further by pledging to seek ways of reinforcing the application of international humanitarian law to enhance the protection of civilians in times of conflict.⁴⁸ The OSCE, in this regard, has encouraged participating States to ensure their national migration practices comply with the relevant international obligations⁴⁹ and OSCE commitments and has called on them to recognise the importance of existing international standards and instruments, particularly the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Among other things, these guarantee the individual right to seek asylum and receive protection. In the same vein, the OSCE participating States also agreed to promote “dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law [...] and relevant OSCE commitments”.⁵⁰ To achieve those goals, the participating States recognised early the importance of enhanced co-operation with other international actors active in the field, particularly the United Nations High Commissioner for Refugees and the International Committee of the Red Cross.⁵¹ The key to migration management is to work “in synergy and develop a stronger partnership with international bodies having a specific focus on migration”.⁵²

In dealing with refugees and asylum seekers, the OSCE advocates that its participating States should apply its human dimension commitments. That implies combating all kinds of discrimination that may be directed against asylum seekers and refugees, and appropriately reinforcing ODIHR activities in this area.⁵³ Likewise, the OSCE has urged the participating States to introduce procedural practices to ensure, on the one hand, that proper consideration is given to women claimants in

⁴⁶ OSCE. HELSINKI, 1992, OP. CIT.

⁴⁷ OSCE. LJUBLJANA, 6 DECEMBER 2005, OP. CIT.

⁴⁸ OSCE. ISTANBUL, 1999. *ISTANBUL DOCUMENT: CHARTER FOR EUROPEAN SECURITY: III. OUR COMMON RESPONSE.*

⁴⁹ OSCE. ATHENS, 2 DECEMBER 2009, OP. CIT.

⁵⁰ OSCE. LJUBLJANA, 6 DECEMBER 2005, OP. CIT.

⁵¹ OSCE. HELSINKI, 1992, OP. CIT.; OSCE. BUDAPEST, 1994, OP. CIT.

⁵² OSCE. LJUBLJANA, 6 DECEMBER 2005, OP. CIT.

⁵³ OSCE. MAASTRICHT, 2 DECEMBER 2003, OP. CIT.

refugee status determination procedures, and, on the other hand, to give due recognition to the full range of crimes with a gender-related component.⁵⁴

Last but not least, the OSCE, in response to forced migration, encouraged the voluntary reintegration of refugees in their places of origin, provided they can return in safety and in dignity, without suffering from discrimination.⁵⁵ To prepare this reintegration, OSCE participating States, moreover, committed themselves to “facilitate the right of refugees to participate in elections held in their countries of origin”.⁵⁶

4.2. THE MIGRATION CRISIS AND THE MANDATES OF OSCE FIELD MISSIONS

The OSCE field missions in Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia each have their own mandate and pursue activities within it. The OSCE field missions in the Western Balkans are thus far from identical organisations entrusted with the same objectives and capabilities – as a matter of fact, their mandates vary notably in terms of breadth and level of specificity. Besides, OSCE field missions are more than the operational instruments of OSCE executive structures. They benefit from a significant level of autonomy in the type of activities they choose to pursue and their interpretation of the tasks covered by their mandate. Specifically regarding the migration crisis, it is thus important to note that OSCE missions in the Western Balkans undertook a series of migration-related activities without receiving any directives from the Secretariat. In fact, OSCE missions in the Western Balkans can only assume that OSCE executive structures have an interest in dealing with the migration crisis, based on the fact that 1) they did not block the missions’ self-initiated engagement in the field; 2) the Serbian Chairmanship-in-Office already seemed interested in bringing up the topic in the Permanent Council; 3) the participating States typically identify migration as a key national security priority.

⁵⁴ OSCE. SOFIA, 2004. *DECISIONS: ANNEX TO DECISION No. 14/04, 2004 OSCE ACTION PLAN FOR THE PROMOTION OF GENDER EQUALITY.*

⁵⁵ OSCE. LISBON, 1996. *LISBON DOCUMENT: LISBON SUMMIT DECLARATION.* DOC.S/1/96.

⁵⁶ OSCE. ISTANBUL, 1999. *ISTANBUL DOCUMENT: ISTANBUL SUMMIT DECLARATION.*

When taking action, the missions did not refer to OSCE general frameworks or decisions dealing with migration. There is, generally speaking, a lack of knowledge in this area and the shared belief that migration is not an area covered by the OSCE. OSCE frameworks related to labour migration, for instance, are almost completely ignored. In fact, OSCE missions willingly acknowledge that the OSCE “does not have a mandate to engage directly in the immediate response to [this migration] crisis”.⁵⁷ However, they are aware of the fact that the crisis “entails a number of humanitarian and security ramifications that might have an impact on the stability of the host country and the region”,⁵⁸ and substantiate their actions accordingly, with reference to their particular mandate. For instance, as argued in the OSCE Mission to Skopje, developments in Idomeni (Greece) necessarily had an impact on the situation in Macedonia. Likewise, as argued in the OSCE mission to Belgrade, incidents like those of Horgoš (Hungary) in September 2015 had serious repercussions in the field of police, criminal justice and human rights in Serbia – areas that are covered by the mandate of the field mission.

The multifaceted and transnational nature of the challenges posed by the migration crisis facilitated the inclusion of migration on the agenda of OSCE field missions. Responses to the migration crisis, which touch upon both security and the human dimension, could easily resonate with the missions’ specific mandates. Accordingly, while acknowledging that migration management is far from their core business (whether driven more by security, governance, or human dimension concerns), OSCE missions approached the issue at an angle. If they did not already have one, OSCE missions in the region often established a migration focal point as the crisis unfolded. Moreover, since this is a transnational phenomenon, they readily emphasised that co-operation with other countries is crucial and that the crisis offers “challenges to, as well as potential for, regional co-operation”.⁵⁹ OSCE field missions in the region thus not only addressed those migration challenges within the borders of their host country; they launched or supported several regional initiatives, notwithstanding limited resistance from particular participating States committed to a more literal understanding of their mandate.

⁵⁷ OSCE MISSION TO SERBIA. 31 MARCH 2016. *BACKGROUND REPORT. BASELINE ANALYSIS, PROJECT AND NON-PROJECT ACTIVITIES IN THE FIELD OF MIGRATION*. SEC.FR/230/16.

⁵⁸ *IBID.*

⁵⁹ *IBID.*

The mandate of the **OSCE Mission to Serbia** is rather broadly defined. It is, all in all, understood as “assisting the country in its transition and democratisation”,⁶⁰ which includes, more specifically, the provision of “assistance and expertise [...] in the fields of democratisation and the protection of human rights” and in the “the training of law enforcement agencies and the judiciary”.⁶¹ When the crisis hit Serbia, migration management was not entirely new to the OSCE mission, as its mandate also provided that the mission was to facilitate “the return of refugees to and from neighbouring countries and from other countries of residence” following the end of the Yugoslav wars”,⁶² Yet the nature and the potency of the crisis posed new challenges for the mission. First, key partners in other projects, such as the UNHCR, had to divert funds from projects jointly carried out with the OSCE mission (e.g. from a regional housing programme) to address more pressing humanitarian issues. The OSCE mission therefore looked for ways to finish the joint programme, despite the reduction in funding. The mission also became directly involved in migration-related issues. In line with its previous activities, the mission approached the crisis mostly through its security dimension. The mission was already engaged in this field, e.g. through its activities related to combating human trafficking, and proportionally less engaged in promoting human rights initiatives, in accordance with the priorities of the host country. At the inception of the migration crisis in early 2015, a migration focal point was established. Its tasks are to follow the situation in the field by liaising with international partners (most notably UNHCR) and NGOs working with migrants and refugees and by participating in relevant events on related issues such as conferences and roundtables; to advise the mission’s leadership on migrant and refugee-related matters; and to report to the participating States on relevant developments in co-ordination with the CPC political desk.

The mandate of the **OSCE Mission to Skopje** is relatively specific compared to the mandate of the Mission to Serbia. The mission is to “monitor developments” along Macedonia’s borders in order to “promote respect for territorial integrity and the maintenance of peace, stability and security; and to help prevent possible conflict in the region”.⁶³ This includes conducting “trips to assess the level of stability and the possibility of conflict and unrest” and engaging in other activities compatible with

⁶⁰ INTERVIEW IN THE OSCE MISSION TO SERBIA

⁶¹ OSCE. FEBRUARY 2016. *SURVEY OF OSCE FIELD OPERATIONS*. SEC.GAL/27/16.

⁶² *IBID.*

⁶³ *IBID.*

the OSCE goals of the Mission as defined above.⁶⁴ As in Serbia, the mission is also to facilitate the return of refugees and internally displaced persons, and, following the 2001 insurgency, its size was increased so as to monitor (among other things) the “humanitarian situation [...] and trafficking in human beings”.⁶⁵ Although the mission underlines that its “DNA is security, cross-national co-operation”,⁶⁶ it was not difficult to interpret the mandate so as to cover migration-related challenges. The massive influx of migrants into the country since 2015 and the closing of the Balkans route in early 2016 both had cross-border security implications. As no additional resources could be committed to the crisis in 2015 due to the previous completion of budgetary planning for the year, the mission had to find ways to address these new challenges. In August 2015, a migration working group was created in the mission to co-ordinate its response to the migration crisis. Also, a focal point for migration was established alongside the existing focal point for police work. This was entrusted with the same tasks as its counterpart in the OSCE Mission to Serbia. Although the peak of the crisis seems now to have passed, the mission increased funding for migration management-related activities in its budget for next year. It proposed, more specifically, the creation of two new posts: a migration officer to deal specifically with migration management activities in Macedonia and an officer dealing with radicalisation issues (although counter-violent extremism activities, programmatically, are not directly linked to migration management measures).

The mandate of the **OSCE Mission in Kosovo**, like that of the OSCE Mission to Skopje, is fairly specific. It provides that the mission shall contribute to the implementation of UNSC Resolution 1244, in particular the relevant parts of operative paragraph 11,⁶⁷ namely, which includes, “protecting and promoting human rights” and “assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo”.⁶⁸ Due to its commitment to status neutrality, the mission in Kosovo is unable to engage in cross-border or security-related activities. As a consequence, were the migration crisis to unfold in Kosovo, it would have to be addressed through a different dimension (e.g. preventing radicalisation, promoting human rights). In practice, however, the mission did not undertake any major activities, whether in

⁶⁴ *IBID.*

⁶⁵ *PERMANENT COUNCIL DECISION No. 437, 6 SEPTEMBER 2001 (PC.DEC/437/CORR.1); PERMANENT COUNCIL DECISION No. 439, 28 SEPTEMBER 2001 (PC.DEC/439)*

⁶⁶ *INTERVIEW IN THE OSCE MISSION TO SKOPJE*

⁶⁷ *OSCE. FEBRUARY 2016. SURVEY OF OSCE FIELD OPERATIONS. SEC.GAL/27/16.*

⁶⁸ *UNITED NATIONS. 10 JUNE 1999. SECURITY COUNCIL RESOLUTION 1244. S/RES/1244(1999).*

relation to the migration exodus of 2014-2015 or to the migration crisis of 2015/2016. Nor has it created a migration focal point – migration being simply covered by the focal point for the second dimension.

The mandate of the **OSCE Presence in Albania** is rather broad and diffuse: the mission is to “provide the co-ordinating framework within which other international organisations can play their part in their respective areas of competence, in support of a coherent international strategy, and in facilitating improvements in the protection of human rights and basic elements of civil society”.⁶⁹ In substance, this mandate “covers basically everything” needed to “build a state”,⁷⁰ including, in particular, the provision of assistance and expertise in anti-trafficking and anti-corruption, promotion of good governance and targeted projects for strengthening civil society and capacity-building in key sectors, e.g. training for border police.⁷¹ The breadth of this mandate makes it relatively easy to address migration-related challenges, and the approach chosen in the preparatory phase was one focused on police and security co-operation. It is also worth noting that the OSCE presence in Albania has had an in-house migration focal point since as early as 2012. It was established with the support of the ODHIR when the host country expressed interest in dealing with immigrants in Albania, and was informally represented by the national anti-trafficking officer. As the migration crisis gained in intensity in neighbouring countries, the officer’s role in the presence increased accordingly, but remained limited in comparison to Serbia and Macedonia, as only a few migrants chose to transit through Albania, both before and after the closing of the Balkans route. Although the presence does not exclude the possibility of a new influx, it believes that the peak has passed and does not anticipate renewed escalation.

The mandate of the **OSCE Mission to Bosnia and Herzegovina**, likewise, is relatively broad and general: it includes assisting the host country in building democracy, promoting and monitoring human rights and supporting the country in implementing regional stabilization measures.⁷² This mandate, stemming originally from the Dayton Agreement, has evolved significantly in the past 15 years.⁷³ Although migration has not been prioritised so far, due to the absence of influx in the past two

⁶⁹ IBID.

⁷⁰ INTERVIEW IN THE OSCE PRESENCE IN ALBANIA

⁷¹ UNITED NATIONS. 10 JUNE 1999. *SECURITY COUNCIL RESOLUTION 1244*. S/RES/1244(1999).

⁷² OSCE. FEBRUARY 2016. *SURVEY OF OSCE FIELD OPERATIONS*. SEC.GAL/27/16.

⁷³ INTERVIEW IN THE OSCE MISSION TO BOSNIA AND HERZEGOVINA

years, the mission believes that the mandate would easily allow it to address migration-related challenges, should the situation change. The mission would be likely to approach them through the lens of its human rights dimension.

Finally, the mandate of the **OSCE Mission to Montenegro** is also fairly broad. Among other things, it tasks the mission to “assist and promote the implementation of OSCE principles and commitments as well as the co-operation of the Republic of Montenegro with the OSCE, in all dimensions, including the politico-military, economic and environmental and human aspects of security and stability”.⁷⁴ Yet, the mandate does not specifically identify migration management as a task the mission should carry out, so here again, any activity in this field is based on a broad understanding of the mission’s mandate. In the absence of an influx of migrants, the mission has not been particularly active in that field (it has no dedicated migration focal point), although it plans some training activities with the border police for 2017.

5. THE OSCE’S RESPONSE TO THE MIGRATION AND REFUGEE CRISIS

In the past few years, the OSCE Parliamentary Assembly has been particularly active in addressing the refugee and migration crisis that has affected Europe and the broader OSCE area. Already in 2013, it issued a special report on the humanitarian crisis in Syria⁷⁵. The report provided an overview of the impact of Syrian refugees in key participating States, including Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia.

In 2014, the Parliamentary Assembly passed a resolution on the situation in the Middle East and its effect on the OSCE area,⁷⁶ in which it expressed its concern about the ongoing humanitarian crisis, the massive movement of refugees and the latter’s possible destabilising impact on the OSCE area. The resolution urged OSCE participating States to comply with their commitments in humanitarian matters, to

⁷⁴ UNITED NATIONS. 10 JUNE 1999. *SECURITY COUNCIL RESOLUTION 1244*. S/RES/1244(1999).

⁷⁵ OSCE PARLIAMENTARY ASSEMBLY. 12 FEBRUARY 2013. *HUMAN CRISIS IN SYRIA: SPECIAL REPORT ON THE IMPACT OF SYRIAN REFUGEES IN THE OSCE REGION*.

⁷⁶ OSCE PARLIAMENTARY ASSEMBLY. 2014. *RESOLUTION ON THE SITUATION IN THE MIDDLE EAST AND ITS EFFECT ON THE OSCE AREA*. AVAILABLE AT [HTTPS://WWW.OSCEPA.ORG/MEETINGS/ANNUAL-SESSIONS/2013-ISTANBUL-ANNUAL-SESSION/2013-ISTANBUL-FINAL-DECLARATION/1655-18](https://www.oscepa.org/meetings/annual-sessions/2013-istanbul-annual-session/2013-istanbul-final-declaration/1655-18) [15.9.2016].

offer the greatest possible assistance to Syrian refugees and to support the governments of Turkey and Jordan, which find themselves facing the brunt of the crisis.

Likewise, in its resolution on the situation of refugees in the OSCE area,⁷⁷ the Parliamentary Assembly called upon OSCE participating states to work on a “more equitable sharing of the flow of refugees”, to take action against human trafficking and to strengthen the protection of migrants’ human rights.

In 2015, the Parliamentary Assembly also passed a resolution calling for urgent action to address the tragedy of migrants dying while attempting to cross the Mediterranean.⁷⁸ This called for concerted, consistent and determined action to be taken by the United Nations to combat human trafficking activities in the Mediterranean, and encouraged the establishment of an EU humanitarian admittance plan, with quotas and resettlement procedures, to reduce the numbers of migrants risking their lives at sea.

The Parliamentary Assembly again addressed the migration crisis at its winter meeting in February 2015, its Helsinki annual session in July 2015 and its Ulaanbaatar autumn meeting in September 2015. Although migration-related issues are traditionally considered to lie within the economic and environmental dimension, it is the third committee of the Parliamentary Assembly (the General Committee on Democracy, Human Rights and Humanitarian Questions) that has increasingly taken up this issue. Several field visits by the third committee chair, vice-chair and rapporteur have been organised in the past two years to support the committee’s work and approach to the crisis.⁷⁹

On World Refugee Day on 20 June 2015, OSCE parliamentarians called again on OSCE participating States to share responsibility in the ongoing crisis and to foster the integration of refugees and migrants into European societies. The third committee’s chair, Isabel Santos visited Lampedusa alongside a delegation of the OSCE’s Special

⁷⁷ OSCE PARLIAMENTARY ASSEMBLY. 2014. *RESOLUTION ON THE SITUATION OF REFUGEES IN THE OSCE AREA*. AVAILABLE AT [HTTPS://WWW.OSCEPA.ORG/MEETINGS/ANNUAL-SESSIONS/2014-BAKU-ANNUAL-SESSION/2014-BAKU-FINAL-DECLARATION/1859-15](https://www.oscepa.org/meetings/annual-sessions/2014-baku-annual-session/2014-baku-final-declaration/1859-15) [15.9.2016].

⁷⁸ OSCE PARLIAMENTARY ASSEMBLY. 2015. *RESOLUTION CALLING FOR URGENT SOLUTIONS TO THE TRAGEDY OF DEATH IN THE MEDITERRANEAN*. AVAILABLE AT [HTTPS://WWW.OSCEPA.ORG/MEETINGS/ANNUAL-SESSIONS/2015-ANNUAL-SESSION-HELSINKI/2015-HELSINKI-FINAL-DECLARATION/2292-17](https://www.oscepa.org/meetings/annual-sessions/2015-annual-session-helsinki/2015-helsinki-final-declaration/2292-17) [15.9.2016].

⁷⁹ OSCE PARLIAMENTARY ASSEMBLY GENERAL COMMITTEE ON DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS. FEBRUARY 2016. *MIGRATION CRISIS IN THE OSCE AREA: TOWARDS GREATER OSCE ENGAGEMENT*.

Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova.

In November 2015, an expert panel meeting was organised in Warsaw to inform and support planning of ODIHR's future activities related to freedom of movement for migrants and the protection of their human rights. The conclusions and recommendations in the resulting report called on participating States to abide by their international and OSCE commitments⁸⁰ and stand up for migrants and asylum-seekers' rights, e.g., by enhancing their access to information on social media, prioritising the protection of vulnerable groups and applying a gender-sensitive approach. The panel experts also recommended a series of technical improvements, specifically relating to the corridor that conveys refugees and migrants from the southern part of the OSCE region to the north, starting with data-sharing among border administrations to facilitate entry and security clearance procedures – a field in which the OSCE and ODIHR could prove helpful through the provision of technical assistance.⁸¹

However, in December 2015, the Foreign Ministers of OSCE participating States failed to reach an agreement on a draft decision that would have updated a previous Ministerial Council Decision of December 2009 (MC.DEC/5/09).⁸²

Under the co-ordinated Swiss and Serbian consecutive chairmanships, the Special Representative for the Western Balkans, Ambassador Gerard Stoudmann, encouraged all field missions in South-East Europe to continue strengthening their co-operation, as they all faced new challenges emerging from the flow of refugees. His further proposal that field missions develop areas of regional co-operation, however, failed to find sufficient support.

Following a decision taken by the OSCE Parliamentary Assembly's Standing Committee on 25 February 2016 in Vienna, the OSCE Parliamentary Assembly's Ad Hoc Committee on Migration was created, with Swiss parliamentarian Filippo

⁸⁰ ODIHR. 21 JANUARY 2016. *SUMMARY REPORT – MIGRATION CRISIS IN THE OSCE REGION: SAFEGUARDING RIGHTS OF ASYLUM SEEKERS, REFUGEES AND OTHER PERSONS IN NEED OF PROTECTION.*

⁸¹ *IBID.*

⁸² OSCE. 4 DECEMBER 2015. *22ND MEETING OF THE MINISTERIAL COUNCIL. STATEMENTS AND DECLARATIONS BY THE MINISTERIAL COUNCIL; DECISIONS OF THE MINISTERIAL COUNCIL; STATEMENTS BY DELEGATIONS; REPORTS TO THE MINISTERIAL COUNCIL.* 2015. AVAILABLE AT [HTTP://WWW.OSCE.ORG/MC/230741?](http://www.osce.org/mc/230741?download=true) DOWNLOAD=TRUE [20.9.2016].

Lombardi serving as its Chair.⁸³ A focal point in the Assembly's work in the field of migration in all three OSCE dimensions, the Ad Hoc Committee also has the task of making policy recommendations on how to advance the role of the OSCE in the field of migration and how to improve the protection of refugees and migrants. Following its establishment, the Ad Hoc Committee made its first field visit to Calais, France, on 11 May 2016. It also traveled to Sicily in September 2016 and plans further visits to Turkey and Greece in the months to come. These fact-finding missions are instrumental for the elaboration of policy reports and recommendations; they direct a spotlight on the consequences of migration mismanagement and highlight the OSCE's ability to address the multifaceted challenges posed by mixed migration.⁸⁴

Following its winter meeting in February 2016, the third Committee of the OSCE Parliamentary Assembly issued a new report on the role of the OSCE in the migration crisis.⁸⁵ The report starts by arguing that the ongoing migration crisis could in reality serve to mitigate the effects of the ageing and shrinking population in Europe. It claims, furthermore, that failure to integrate refugees from Syria in the labour market would result in a waste of brainpower. The report then delves into exploring the role that the OSCE could play in tackling the migration crisis. Specifically, it recommends that the organisation work to enhance the coherence of its various approaches in that field; make more effective use of its second-dimension platforms so as to share lessons learned and develop best practices for the integration of migrants and refugees in the labour market; rely more on the input and experience of OSCE field operations; establish a thematic field mission on migration with a region-wide portfolio to enhance regional co-operation in that area; and enhance co-operation with OSCE partners for co-operation and partner organisations.⁸⁶

On 10 May 2016, an event was held in Athens by the OSCE and the Hellenic Foundation for European and Foreign Policy on the topic of the migration and

⁸³ OSCE PARLIAMENTARY ASSEMBLY. N.D. AD HOC COMMITTEE ON MIGRATION. AVAILABLE AT [HTTPS://WWW.OSCEPA.ORG/ABOUT-OSCE-PA/PARLIAMENTARY-COMMITTEES-GROUPS/OTHER-COMMITTEES-GROUPS/226-AD-HOC-COMMITTEE-ON-MIGRATION](https://www.oscepa.org/about-osce-pa/parliamentary-committees-groups/other-committees-groups/226-ad-hoc-committee-on-migration) [20.9.2016].

⁸⁴ OSCE PRESS RELEASE. 9.9.2016. *IN VISIT TO SICILY, MEMBERS OF OSCE PA MIGRATION COMMITTEE REITERATE CALLS FOR GREATER RESPONSIBILITY-SHARING*. AVAILABLE AT [HTTP://WWW.OSCE.ORG/PA/263371](http://www.osce.org/pa/263371) [15.9.2016]

⁸⁵ OSCE PARLIAMENTARY ASSEMBLY GENERAL COMMITTEE ON DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS. FEBRUARY 2016, OP. CIT.

⁸⁶ THE REPORT ALSO MAKES RECOMMENDATIONS TO OSCE PARTICIPATING STATES AND EU MEMBER STATES SPECIFICALLY.

refugee crisis and its impact on European security.⁸⁷ The conference discussed the security implications of mass movements of people at the regional and sub-regional levels, the role of international organisations, and co-operation and co-ordination among relevant actors. The participants stressed that the phenomenon of migration will most likely be an issue for decades to come, and called accordingly for long-term solutions to be advanced.

In June 2016, the OSCE Parliamentary Assembly's General Committee on Economic Affairs, Science, Technology and Environment, also issued a report on the migration crisis.⁸⁸ The Committee criticised the tendency for demagoguery in the political discourses in many European countries and called instead for an "open discussion about migration, based on the economic evidence that in a globalized world [...] facilitating the movement of skills and talents allows unlocking the economic potential of labour mobility". Furthermore, according to the report, labour mobility is "part of the solution to address the talent shortages and encourage innovation". In its substance, the report underlines the need to adopt a more comprehensive approach towards migration and look for policy solutions that strengthen the objectives of the OSCE in all of its three baskets simultaneously.

The OSCE's Informal Working Group Focusing on the Issue of Migration and Refugee Flows has also made a valuable contribution. The Working Group was tasked by the 2016 German OSCE Chairmanship with analysing existing OSCE tools for addressing migration challenges, identifying viable entry points for the OSCE and providing recommendations on the way forwards. The Parliamentary Assembly, which issued a report in February 2016, informed the work of the Informal Working Group, whose findings and recommendations were presented at a special meeting of the Permanent Council on 20 July 2016.⁸⁹ They included the need to appoint a Special Representative on Migration to co-ordinate the OSCE's work on migration and refugees – someone who can work in collaboration with other special representatives, use the organisation's convening power to bring together

⁸⁷ OSCE NEWS. 13.5.2016. *IMPLICATIONS OF MIGRATION AND REFUGEE CRISIS FOR THE EUROPEAN SECURITY DISCUSSED AT OSCE-ELIAMEP EVENT IN ATHENS*. AVAILABLE AT: [HTTP://WWW.OSCE.ORG/SG/239911](http://www.osce.org/sg/239911) [20.9.2016].

⁸⁸ OSCE PARLIAMENTARY ASSEMBLY. 2000. *REPORT FOR THE GENERAL COMMITTEE ON ECONOMIC AFFAIRS, SCIENCE, TECHNOLOGY AND ENVIRONMENT*. PA(00)II E REV.1

⁸⁹ OSCE PRESS RELEASE. 20.7.2016. *ASSEMBLY'S WORK ON MIGRATION PRESENTED TO THE OSCE AMBASSADORS*. AVAILABLE AT [HTTP://WWW.OSCE.ORG/PA/255471](http://www.osce.org/pa/255471) [20.9.2016].

participating States and partners (both internally and externally), and synchronise efforts in all three dimensions of security.

6. THE RESPONSE OF OSCE FIELD MISSIONS TO THE MIGRATION CRISIS IN SOUTH-EASTERN EUROPE

The migration crisis has been and remains a source of concern for all OSCE field missions in South-Eastern Europe (SEE). The massive influx of migrants has been identified as a potentially destabilising phenomenon, a factor jeopardising regional security and hindering post-conflict transition. The crisis, however, has not affected all countries in the region in the same manner. Serbia and Macedonia certainly found themselves on the frontline, as did the field missions in Belgrade and Skopje, which viewed the migration crisis as creating a new set of cross-dimensional challenges that they needed to engage with proactively. In other words, the migration crisis was not seen as part of the routine work of the mission, it implied taking the initiative. Kosovo, Albania, Montenegro and Bosnia and Herzegovina, by contrast, were barely affected by the crisis, largely for reasons of geography. In interviews with the staff posted in those countries, the sentiment they expressed was first and foremost one of relief: The missions would not have to prioritise the issue; they would have to make some preliminary assessments (as part of their routine work) at most, and they believed that no further preparation was needed unless the crisis were to hit their host country. In a word, they followed a “business as usual” approach. These missions, interestingly, expressed little concern for the challenges faced by Serbia and Macedonia and their OSCE field missions. Although OSCE field missions in the region readily defined the crisis as regional and transnational, in practice, their response was obviously shaped by more traditional, country-centric views – which is in line with their mandate. That may explain the lack of regional engagement to address the migration crisis on the part of OSCE field missions, and of course, also why the level of engagement of field missions in the region varied so much across the region.

6.1. MONITORING ACTIVITIES

The migration crisis triggered an increase of cross-border monitoring activities by most OSCE field missions. With the visa liberalisation process approaching completion for most Western Balkans countries, the EU started to reduce its previously dominant support in the area of integrated border management (IBM).⁹⁰ Borders were deemed “functional”. The migration crisis, however, showed that this ability to function in “normal times” did not rule out failure in times of crisis. OSCE monitoring activities in Serbia, for instance, indicated that border crossing points at the heart of the crisis were understaffed, suffered from high levels of corruption and lacked the appropriate equipment to respond.⁹¹ Such information, acquired through the physical presence of OSCE officers in the field and their regular encounters with local actors, was key in allowing the missions to gain a sense of what was likely to happen. The missions in Belgrade and Skopje decisively relied on such information in their efforts to provide a “flexible, demand-driven response”, including at short notice.

Whereas the Belgrade headquarters of the OSCE Mission to Serbia could rely on its presence in south Serbia (it has an office in Bujanovac) to monitor Serbia’s southern border with greater intensity, the OSCE Mission to Skopje organised its activities from the capital. At the beginning of the crisis, one team from the mission’s police development unit (PDU) visited the border areas once a week. Following the tightening of Macedonia’s border policy between November 2015 and February 2016, one PDU team was deployed to the southern border at Gevgelija three to four times a week, and this presence was further strengthened with two PDU teams deployed on a regular basis in Gevgelija from March 2016. The PDU teams occasionally stayed in the field overnight. In the meantime, similar visits were made to the northern border. The intensity of these monitoring activities only declined from May 2016, with the mission reducing its number of visits to Gevgelija, for instance, to one or two per week⁹² In the near future, monitoring activities will be facilitated by the office centre recently opened in Gevgelija, which consists of a container installed in the camp.

⁹⁰ FLESENKEMPER, TOBIAS AND TOBIAS BÜTOW. 2011. BUILDING AND REMOVING VISA WALLS: ON EUROPEAN INTEGRATION OF THE WESTERN BALKANS. *SECURITY AND PEACE*. 29(3), 162-168.

⁹¹ INTERVIEW IN THE OSCE MISSION TO SERBIA

⁹² OSCE MISSION TO SKOPJE. 10 JUNE 2016. *UPDATE ON ACTIVITIES IN THE AREA OF MIGRANT/ REFUGEE CRISIS*. SEC.FR/444/16/REV.1

In Bosnia and Herzegovina, the mission monitored the migration crisis less intensively and, above all, from a greater distance. It sought to assess how a possible change in the migration route would affect the country, but this assessment was primarily based on second hand information provided by the authorities or through information acquired as part of routine work. More specifically in Brčko, a newly deployed OSCE human rights officer (a position created in the summer 2015) researched the possible impact of the migration crisis in her area of responsibility. Meetings with local authorities led her to the conclusion that these were unprepared. In the rest of the country, the mission was ready to make use of the Temporary Presences Mechanism, which had been created in 2014 to allow the swift and lasting deployment of OSCE officers in the field (stationed in commercial premises rented by the Mission).

In Kosovo and Albania, the field missions similarly sought to assess the level of preparedness of local authorities following a potential shift in the migration route. In Kosovo, the mission noted that the authorities had conceived a kind of emergency plan, but it did not reinforce its monitoring capacity in this area. In Albania, the presence became more attentive to cross-border movements, but it did not deploy teams of monitors on the ground working specifically on migration (as this would have placed too much strain on resources). Interestingly enough, the OSCE mission in Pristina did have officers monitoring the work of municipalities on migration matters. But they were not deployed in response to the migration crisis. They only monitored the reintegration of Kosovo migrants who had been (in)voluntarily repatriated after their exodus in 2014/2015.

6.2. REPORTING & LIAISING ACTIVITIES

The migration crisis led to increases in OSCE field missions' reporting and liaising activities. In addition to the usual reporting tasks, in spring 2016, the mission to Serbia published a background report on the migration crisis.⁹³ A rare occurrence in the reporting work of OSCE field missions, this kind of report covers a broad set of issues, reviews key developments and scrutinises the role of the mission in relation to them. In the background report of March 2016, the mission presented an overview

⁹³ OSCE MISSION TO SERBIA. 31 MARCH 2016. *BACKGROUND REPORT. BASELINE ANALYSIS, PROJECT AND NON-PROJECT ACTIVITIES IN THE FIELD OF MIGRATION*. SEC.FR/230/16.

of the migration-related situation in Serbia, its challenges and ramifications and reviewed the activities it had hitherto implemented “to assist the host country in integrating a human rights approach into its management system” in the field of migration.⁹⁴ In specific terms, the report took stock of recent developments in the number of migrants and refugees, identified the responses of the host country (e.g. the creation of a migration working group in Serbia), identified regional and bilateral implications (e.g. the likelihood that regional tensions could be exacerbated), and identified a series of challenges and threats. For instance, it noted that with the closing of the Balkans route, “there are strong indications that the current situation might increase the risk of migrant smuggling and trafficking in human beings by international organised networks”.⁹⁵ Drawn up on the initiative of the field mission, the report was transmitted to the Permanent Council in Vienna. Some heads of delegation allegedly expressed a strong interest in this initiative. The mission to Skopje likewise produced a fairly comprehensive background report on its activities in the area of the migrant and refugee crisis.⁹⁶ This report provided a timeline of migration-related events in the country as well as a list of activities undertaken by the mission in fields such as anti-trafficking, monitoring, and policing.

Additional reports have been produced on particular events (e.g. a spot report on the incidents in Horgoš was issued by the mission to Serbia in 2015 to raise awareness with the Permanent Council) or particular issues (e.g. a report on migration-related trafficking of human beings was issued by the mission to Skopje in May 2016, based on joint research carried out with the Macedonian police in Tabanovce). Whether broad or more focused in scope, these reports were not the result of a request from Vienna – although OSCE participating States welcomed them and parallel briefings were organised to inform key actors about their content (e.g. in February 2016 with the police representatives of the Visegrad countries, as the Balkans route was being closed). Rather, these reports were largely self-generated initiatives on the part of the missions. Only Serbia and Macedonia are covered by such reports in detail. Nor have OSCE field missions produced a report covering the entire region. The missions in Tirana, Sarajevo, Pristina and Podgorica have also not issued reports focusing on

⁹⁴ *IBID.*

⁹⁵ *IBID.*

⁹⁶ OSCE MISSION TO SKOPJE. 10 JUNE 2016. *UPDATE ON ACTIVITIES IN THE AREA OF MIGRANT/ REFUGEE CRISIS.* SEC.FR/444/16/REV.1

migration, but have only reported on migration occasionally as part of their routine reporting activities.

Another impact of the migration crisis on the activities of OSCE field missions in the Western Balkans has been the (limited) intensification of their strategic co-operation on migration matters. This has particularly been true of the missions to Serbia and Skopje, and to a lesser extent of the presence in Albania. Co-operation between the missions was not formally organized, and took mostly place through informal meetings, at different levels and on an ad hoc basis. In November 2015, for instance, the heads of OSCE missions to Serbia and Skopje organised a joint visit to the one-stop centre in Preševo and to the Tabanovce transit station in Macedonia to “observe migrant management procedures and to discuss further cooperation”.⁹⁷ This initiative was described as “part of the enhanced information-sharing between the two field operations affected by the crisis”.⁹⁸ Likewise, in February 2016, the heads of the OSCE mission to Skopje and the OSCE presence in Albania met to discuss the latest developments in the migration crisis and the possibility that closing the Balkans route could result in an influx of migrants to Albania. During the meeting, it was agreed to explore the option of conducting joint working-level meetings on the crisis.⁹⁹ At the management level again, OSCE meetings in Vienna offered the opportunity for OSCE heads of mission in the region to convene and discuss cooperation on migration-related matters, e.g. within the scope of the Permanent Council special session of 20 July 2016.

The migration crisis ultimately led to the intensification of relations between OSCE field missions in the region and the offices of international organisations and INGOs active in the field of migration. Regular briefings were organised by UNHCR-Serbia and other UN agencies, as well as the EU, which the OSCE mission to Serbia attended. The primary object of these meetings was to discuss the migration crisis. In Macedonia, meetings were held every week with representatives of the government, UN agencies (in particular UNHCR and UNICEF), as well as a wide range of INGO and NGO representatives (Save the Children, Red Cross, Macedonian Young Lawyers Association...). These were attended by the migration focal point and other OSCE officers. Similar meetings have been organised in other Balkans countries for this

⁹⁷ OSCE MISSION TO SERBIA. 31 MARCH 2016. *BACKGROUND REPORT. BASELINE ANALYSIS, PROJECT AND NON-PROJECT ACTIVITIES IN THE FIELD OF MIGRATION*. SEC.FR/230/16.

⁹⁸ CIT. SEC.FR/444/16/REV.1

⁹⁹ SEC.FR/444/16/REV.1

same purpose, and OSCE field missions have participated. In Montenegro, the practice of regularly discussing the migration crisis started as the Balkans route was closed. The primary purpose of these meetings was to exchange information about the current situation in the country and discuss the activities being pursued by the various actors. Although no international actor took full control of the agenda, the UNHCR was clearly in the lead, at least in Serbia.

6.3. PROMOTING A HUMAN RIGHTS-BASED APPROACH TO THE CRISIS

OSCE field missions have been active in promoting a human rights-based approach to the migration crisis. They have, for instance, supported the development of a regional network of civil society organisations (CSOs) working on human rights protection. The work of the network, which was created in 2010, includes the field of forced and voluntary migration. The network facilitates the regular exchange of information between CSOs, provides legal analyses and serves as the basis for joint advocacy action at the national and international levels. From November 2015 onwards, OSCE field missions in the region have supported the organisation of workshops on migration and international human rights law within this network. The mission to Serbia, moreover, undertook the translation into English of a 2015 report on human rights in Serbia by the Belgrade Centre for Human Rights, which assesses Serbia's compliance with international standards on the treatment of asylum seekers.¹⁰⁰

OSCE field missions in the region also supported the organisation by other international bodies of regional meetings on the same issues. For instance, in 2015, they supported an international conference featuring the ombudsmen/women and representatives of national human rights institutions from the Mediterranean, Western Balkans region and wider Europe, which resulted in the adoption of a joint declaration.¹⁰¹ Likewise, they supported the organisation in Tirana in September 2016 of an international conference of Ombudsmen/women entitled "Challenges for Ombudsman Institutions with respect to mixed migratory flows". This conference

¹⁰⁰ [HTTP://WWW.BGCENTAR.ORG.RS/BGCENTAR/ENG-LAT/WP-CONTENT/UPLOADS/2013/04/HUMAN-RIGHTS-IN-SERBIA-2015.PDF](http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2013/04/HUMAN-RIGHTS-IN-SERBIA-2015.pdf)

¹⁰¹ *DECLARATION ON THE PROTECTION AND PROMOTION OF THE RIGHTS OF REFUGEES AND MIGRANTS*. 2015, OP. CIT.

ended with the adoption of the “Tirana Declaration on Migration”, which will be forwarded to the United Nations for consideration.

Finally, OSCE field missions in the region helped to organise and participated in a two-day expert conference on “Safeguarding Rights of Asylum Seekers, Refugees and Other Persons in Need”, organised by ODIHR in Warsaw in November 2015. The aim of the conference was to identify good practices in the treatment of asylum seekers and others and to promote policy measures in line with international law, international human rights law, OSCE commitments and other international standards.

6.4. RAISING AWARENESS AT THE COMMUNITY LEVEL

OSCE missions, most notably in Serbia, have undertaken a number of activities to raise public awareness at the community level in response to the migration crisis. The mission in Serbia co-operated with civil society representatives in Southern Serbia (e.g. with the Preševo Youth Office) to promote a positive attitude towards migrants and refugees in the local population. In November and December 2015, it supported “Titulli”, an “independent, bilingual, online-based local media outlet in South Serbia”,¹⁰² with the publication of a series of articles and photo galleries on migration-related topics. This initiative was very well received by the public, as media coverage in Serbia has generally been sympathetic to the plight of those caught up in the migration crisis.

In Bosnia and Herzegovina, the mission helped to organise a conference at the Faculty of Law in Banja Luka on the the possibility of Bosnia and Herzegovina's transformation from a country that exports migrants into one that welcomes them. The mission also declared itself ready to engage in dialogue with local communities to ease tensions related to the influx of migrants. An effective platform for such dialogue exists in the form of the 19 local “coalitions against hate crime”, which were set up with the support of the OSCE. These bring together citizens of all ages and local leaders from different faith and ethnic groups. In Macedonia and the other countries of the region, no mention was made of activities aimed at raising awareness.

¹⁰² INTERVIEW IN THE OSCE MISSION TO SERBIA

6.5. LOCAL GOVERNANCE AND CIVIL SOCIETY CAPACITY-BUILDING

In Serbia and Macedonia, a number of activities have been launched to reinforce the capacities of local authorities or civil society. In Serbia, the mission has assisted local administrations in areas hit by mounting migration pressures in identifying viable traffic-management solutions (e.g. facilitating dialogue among local authorities and the UNHCR).

In Macedonia, the mission will train a total of 60 frontline workers – social workers and NGO activists – in 2016. They are being deployed at border entry-points and transit centres to enhance the early and proactive identification of victims, especially among high-risk groups (unaccompanied minors, migrants, refugees, asylum seekers, victims of violence) by frontline social workers.

In a similar vein, the mission to Skopje sought to enhance access to justice and legal aid for victims of trafficking by advancing a multi-year project: nearly 20 lawyers will be trained in representing and providing free legal aid to victims. This will enable them to receive hands-on experience through direct involvement in legal processes in ongoing cases of human trafficking and smuggling.

Likewise, in June-July 2015, the mission to Skopje took steps to strengthen the capacity of professionals to address cases of people-trafficking and smuggling and apply the principle of non-punishment of victims, contributing to the training of more than 50 judges, prosecutors and law-enforcement officers.

6.6. CAPACITY-BUILDING IN POLICING AND COMBATING MIGRATION-RELATED CRIME

Some missions have also responded to the migration crisis by becoming more active in the field of police development. The mission to Serbia, for instance, ran an extra-budgetary project entitled “Mobile Police Station”, which aimed to support communities by providing assistance and training to local police forces. Similar projects are ongoing in Macedonia: the mission to Skopje already provided training to more than 100 police officers, mainly from the border police, on the fight against organised crime and transnational threats. The scope of the training is not limited to,

but includes, migration-related aspects of police work (in particular anti-trafficking and anti-smuggling measures). For instance, from May 2015 to March 2016, courses were delivered in co-operation with international partners on topics that included profiling and searching tactics, green-border observation training, and basic and advanced training on how to identify falsified documents. In Bosnia and Herzegovina, the chief of police in Brčko expressed her interest in similar training activities, but owing to relatively low numbers of migrants arriving, the mission in Sarajevo did not follow up on her request. In Albania, the mission's assisted the border police by providing computers to five border points with the explicit aim of boosting the capacity of local officers to address a possible increase in the numbers of migrants arriving.

These capacity-building measures in the field of (border) police development seek to address the issue of migration-related crime. With the closing of the Balkans route, smuggling and trafficking activities, already thriving at the onset of the crisis, have intensified in the region, and crimes related to illegal migration have become a real problem. Refugees and economic migrants, making up the mixed flows of migrants entering or transiting Western Balkans states, are indeed highly vulnerable to exploitation and human trafficking. Some missions have therefore committed resources to projects addressing this issue. For instance, in Albania, an 18-month project entitled "Protection of children from trafficking, exploitation and irregular migration" was launched in January 2016. The project primarily targets Albanian would-be emigrants by informing them about legal obligations, promoting children's vocational education in remote areas and offering scholarships. Another project, launched in June 2016 by the OSCE Special Representative for Combating Trafficking in Human Beings, targets all migrants entering or transiting through OSCE participating States or partners for co-operation. Entitled "Combating trafficking in human beings along migration routes", this two-year extra-budgetary initiative is supported by the mission to Skopje, and other OSCE field presences in the region. It will involve a total of 200 officials from various institutions in the region, with the aim of enhancing the capacity of participating States from the region and beyond to rapidly identify victims and effectively prosecute traffickers, thus strengthening the overall criminal justice response along these routes.

OSCE field missions, furthermore, have supported the creation of joint operational platforms as a means to increase trust, enhance the exchange of information and promote convergence between police, customs and other departments across the borders of Western Balkans states. They supported, for instance, the establishment,

about two years ago, of joint bilateral information exchange centres (JIEC) between Albania and Kosovo, and Macedonia and Montenegro as well as plans to establish trilateral JIECs between Kosovo, Albania, and Montenegro and Albania, Greece and Italy. Similar centres have already been established in other Western Balkans countries – often on the initiative of the OSCE. They enable law enforcement officers from different countries to meet physically to discuss relevant issues, and can therefore easily be leveraged to strengthen the fight against migration-related crime. Likewise, the mission to Skopje sought to facilitate the establishment of a common Greek-Macedonian contact centre through various channels, but its attempt has so far not been successful, due to the naming issue.

Finally efforts to support combating migration-related crime have also involved organising or participating in various workshops, meetings and conferences involving law enforcement officers from the region. By fostering cross-border co-operation in that area, OSCE field missions seek to foster an exchange of best practices, enhance communication and thereby increase the effectiveness of anti-trafficking and anti-smuggling measures. In September 2016, for instance, the mission to Montenegro helped to organise a workshop on irregular migration and migration-related crimes. The workshop was initiated by the OSCE Secretariat and supported by the IOM. Similarly, the mission to Serbia organised a workshop in co-operation with the IOM and UNODC in November 2015 with a focus on crimes related to irregular migration in the Western Balkans and supported the participation of representatives from Serbia's Ministry of the Interior in a regional meeting of law enforcement authorities on transnational organised crime, including migrant smuggling, held in Skopje. In April 2016, it supported the organisation of regional meetings of police officers involved in migration-related crimes and trafficking in human beings. The initiative, initially launched by Hungary, was joined by Serbia and Macedonia and supported by the OSCE missions to Serbia and Skopje. These two OSCE missions pushed to widen the geographical scope of these law enforcement meetings and to look for ways to institutionalise them in the form of a regional platform that would provide logistical and technical assistance to operational-level meetings among law enforcement authorities in the region. Likewise, OSCE field missions recently supported the organisation of a bilateral meeting between Macedonian and Albanian law enforcement authorities, a regional meeting of Western Balkans national anti-trafficking coordinators focusing on unaccompanied migrant minors (May 2016), a regional meeting of anti-trafficking national contact points and NGO representatives (September 2016), and a regional meeting of the heads of law enforcement departments from Western Balkans countries and beyond (October 2016). Support

for these meetings is not unusual in the work of OSCE field missions – it is part of their ordinary anti-trafficking work. But the potential or actual increase in migration-related crime has placed migration high on the agenda of anti-trafficking co-operation. This increase is reflected in the work of OSCE field missions.

6.7. SUPPORT FOR RESEARCH ACTIVITIES

The migration crisis led to a marginal increase of the missions' interest in or support for research activities. In November 2015, the mission to Serbia, for instance, provided logistical support for Professor Mark Latonero's research on the use of new technologies in migration issues for the organisation of a series of consultative meetings with key actors in Serbia. Similarly, in its new 2015-2020 strategy on Countering Violent Extremism (CVE), the mission in Bosnia and Herzegovina identified the need to increase support for research on the role of Salafist movements in the country. Although CVE and migration are always separate in the missions' programmes, responses to both overlap in fundamental ways.

7. POTENTIAL DEVELOPMENTS, CURRENT LIMITATIONS

In the past 12 months, the OSCE has produced a series of documents related specifically to the migration crisis. They include a series of recommendations to the OSCE as an organisation or to the participating States. Most notably, the thematic report prepared by the Bureau of the OSCE Parliamentary Assembly General Committee on Democracy, Human Rights and Humanitarian Questions in February 2016,¹⁰³ is a highly pertinent and well-documented source of inspiration for further improvements in that area. Rather than repeating these recommendations, this concluding section will highlight a few ideas that have been raised or discussed while carrying out research for this study.

First, it is noteworthy that the OSCE does not really have a systematic and coherent approach to migration-related issues that it could implement to address the

¹⁰³ OSCE PARLIAMENTARY ASSEMBLY GENERAL COMMITTEE ON DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS. FEBRUARY 2016, OP.CIT.

migration crisis effectively. Participating States remain divided over key aspects of the crisis (e.g. the acceptability of quotas). As a result, tensions between them have occasionally resurfaced (e.g. between Serbia and Croatia). The OSCE should therefore stand ready to provide a platform for political dialogue on migration, and follow up on Ministerial Council Decision No 5/09.¹⁰⁴ A supporter of inclusive politics, the OSCE promotes a comprehensive approach to security, upon which its participating States can build. Moreover, its broad membership includes non-EU States such as Macedonia, Serbia and Turkey (all of which have been affected by the refugee crisis) – a valuable advantage in comparison to other international organisations. The OSCE, in the same vein, could co-operate more effectively with its Asian and particularly Mediterranean Partners for Co-operation, especially Algeria, Egypt, Jordan, Morocco, Tunisia and Afghanistan. These states already host the majority of Syrian refugees, and are key to developing a more inclusive and holistic approach to the challenges of migration management.¹⁰⁵

Second, the development of a platform for political dialogue on migration within the OSCE should go together with the promotion of a more consistent normative framework. Migration, as we have discussed, is an area that the OSCE has addressed from various angles. Historically, the OSCE and its participating States have committed themselves to encourage legal, circular labour migration as a means to reducing socio-economic disparities in the OSCE area and thus strengthening international security. The OSCE later started to engage with migration through the lens of the third dimension, promoting the protection of migrants' rights. More recently, it has taken a more securitised approach, focusing on illegal migration, anti-trafficking and migration-related crime. As a result, over the past few decades, the OSCE has built and embedded migration-related frameworks in each of its three dimensions. These frameworks overlap, but they do not form a coherent whole. In the absence of an overarching framework, their guidance is limited in the event of mixed-migration crises. To remedy that, the OSCE could start a political process on the broader consequences of the refugee crisis, including its economic, social and humanitarian aspects, also linking this debate to other related topics such as combating terrorism or trafficking in human beings. It is remarkable that the “countering violent extremism” agenda, at the level of the missions, is fully unconnected to measures related to migration management.

¹⁰⁴ OSCE. ATHENS, 2 DECEMBER 2009, OP. CIT.

¹⁰⁵ IN LINE WITH OSCE. LJUBLJANA, 6 DECEMBER 2005, OP. CIT. AND OSCE. BRUSSELS, 5 DECEMBER 2006, OP. CIT.

In addition, participating States could identify gaps in OSCE commitments, for instance between those related to the protection of refugees and those related to fighting illegal migration. Asylum laws in some Western Balkans countries make it nearly impossible for asylum-seekers to transit through the country without becoming illegal migrants. An overarching approach to mixed migration could help to de-compartmentalise migration management frameworks.

Third, OSCE participating States could further strengthen OSCE normative frameworks by renewing their commitments. As early as 1992, for instance, the OSCE already called on all participating States to “contribute to a concerted effort to share the common burden” of forced migration.¹⁰⁶ This call could hardly be more topical, and yet it seems outdated in relation to the current crisis. Likewise, in 1992 and 1995, the participating States expressed their support for “unilateral, bilateral and multilateral efforts to ensure protection of and assistance to refugees and displaced persons with the aim of finding durable solutions”¹⁰⁷ while refraining from strengthening their security at the expense of the security of other states.¹⁰⁸ Here again, the topicality of this commitment is obvious. OSCE participating States also reaffirmed their commitment “to respect the right to seek asylum and to ensure the international protection of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol [...]”.¹⁰⁹ Renewing these migration-related commitments would help defuse the idea that migration management is not part of the prerogatives of the OSCE. This idea, interestingly, is shared both by those actors that wish the organisation to increase its involvement in this area (e.g. some field missions) and by those actors that are reluctant to consider greater involvement of the OSCE in migration matters (e.g. the European Union, according to several interviewees). Renewing OSCE migration-related commitments would clarify this ambiguity while providing an incentive for the OSCE and its field missions to become more active in a field fraught by many comprehensive security challenges.

Fourth, OSCE participating States have a long history of holding each other accountable with regard to the implementation of international and OSCE commitments. In OSCE executive organs (above all PC meetings), OSCE participating States could thus make greater use of the assessments provided by OSCE agencies or

¹⁰⁶ OSCE. STOCKHOLM, 1992, OP. CIT.

¹⁰⁷ OSCE. HELSINKI, 1992, OP. CIT.

¹⁰⁸ OSCE. BUDAPEST, DECEMBER 1995, OP. CIT.

¹⁰⁹ OSCE. ISTANBUL, 1999, OP. CIT.

other international organisations and INGOs (including ODIHR, the UNHCR and the Council of Europe) to exert peer-pressure on those participating States neglecting their commitments, e.g. by failing to protect refugees appropriately.

Fifth, at the operational level, OSCE participating States could recognise the comparative utility of OSCE field missions in providing a flexible, demand-driven response to migration-related challenges. Their long-standing presence on the ground, detailed knowledge of border areas, routine work at the community level and established relationship with local authorities are valuable assets, on which an integrated approach to migration management could build. In the absence of an overarching framework delineating the scope and priorities of OSCE actions in that area, however, OSCE field missions run the risk of pursuing activities that overlap with the work of (I)NGOs instead of focusing on addressing aspects of migration-related challenges which cannot be so easily addressed by other actors.

Sixth, the engagement of OSCE field missions in the field of migration is limited by a series of factors. Neighbourly disputes between participating States (e.g. Croatia vs. Serbia or Greece vs. Macedonia) can easily carry over into co-operation in migration management matters and significantly constrain the range of cross-border activities OSCE field mission may deploy. Their work in this field would be facilitated if participating States could acknowledge the transnational nature of migration and the collective character of the challenges it presents.

Seventh, there is a significant lack of knowledge in OSCE field missions about the activities pursued in Vienna and existing OSCE frameworks for migration matters. This lack of knowledge has not impeded the mission's self-empowerment in Serbia and Macedonia. But it can foster a feeling of disconnectedness – from OSCE executive structures and from other field missions – and does not encourage other missions to become more active in that field. No wonder that migration challenges are often only addressed through “business-as-usual” activities, and that the responses of OSCE field missions, as a rule, do not reflect the transnational character of migration challenges. As discussed above, although OSCE field missions in the region readily defined the crisis as regional and transnational, in practice, they predominantly act as if the phenomenon and its underlying challenges were only of significance for the host country. A genuine regional approach to migration management at the operational level of the field mission could help identify new areas and new modes of co-operation.

8. LIST OF INTERVIEWEES

OSCE Mission to Serbia, 5 May 2016

1. Amb. Peter Burkhard, Head of Mission
2. Mr. Michael Uyehara, Deputy Head of Mission
3. Mr. Giovanni Gabassi, Executive Officer
4. Mr. Vladimir Bilandžić, Special Advisor on Confidence Security Building Measures
5. Mr. Tommaso Diegoli, Political and Press Affairs Officer
6. Ms. Denise Mazzolani, Head of Police Affairs Department
7. Ms. Leslie Hess, Acting Head of Democratization Department
8. Ms. Nataša Novaković, Acting Head of Rule of Law and Human Rights Department
9. Mr. Alberto Pasquero, Organized Crime Programme Manager, Police Affairs Department
10. Ms. Milica Đorđević, National Legal Adviser / Focal Point for Trafficking in Human Beings, Rule of Law and Human Rights Department
11. Ms. Ljiljana Breberina, National Programme Officer, Media Department

OSCE Mission to Skopje, 8 July 2016

12. Amb. Nina Suomalainen, Head of Mission
13. Steven Davis, Head of Public Safety and Community Outreach Department
14. Tatjana Temelkoska, National Interethnic Relations Officer
15. Gonzalo de Cesare, Head of Human Dimension Department
16. Thomas Harte, Police Advisor

OSCE Mission to Bosnia and Herzegovina, 22 July 2016

17. Amb. Jonathan Moore, Head of Mission
18. Nina Sandrk, Democratic Governance
19. Marina Barreiro Marino, Human Rights Advisor
20. Francesco de Sanctis, Rule of Law
21. Gerhard Faustmann, Arms Control Project Officer
22. Selma Zekovic, Countering Violent Extremism Project Officer
23. Alexander Chuplygin, Deputy Head of Mission
24. Mark Hanbur, Senior Political Advisor

OSCE Mission in Kosovo, 25 August 2016

25. Amb. Jean-Claude Schlumberger, Head of Mission

26. Vesna Vujovic Ristovska, Chief of Section on Serious and Organized Crime
27. Giulia Sechi, Special Assistant to the Head of Mission.

OSCE Presence in Albania, 13 September 2016

28. Amb. Robert Wilton, Acting Head of the OSCE Presence in Albania
29. Ms. Claudia Vollmer, Head of the Democratization Department
30. Mr. Markus Puchwein, Security Sector Development Officer
31. Ms. Juliana Rexha, National Anti-Trafficking Officer

OSCE Mission to Montenegro, 19 September 2016

32. Mr. Vladimir Ragozin, Security Cooperation Programme Manager
33. Ms. Ivana Vujovic, Democratisation National Programme Officer
34. Ms. Ivana Markovic, Democratisation Programme Assistant

9. AUTHORS

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