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## **Human smugglers and social networks: transit migration through the states of former Yugoslavia**

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## **Introduction**

In recent years, the reluctance of western governments to admit asylum seekers and the introduction of restrictive migration policies has caused many people to turn to their last resort - human smugglers. This paper attempts to analyse the role of smugglers in the movement of asylum seekers into Western Europe through the region of former Yugoslavia. Although all of the five newly formed states of former Yugoslavia are affected by the phenomenon of human smuggling, Bosnia and Herzegovina is most often used as a stepping stone for migrants who are moving north and west. Bosnia is consequently the central focus of this paper.

The paper explains why the former Yugoslavia is used as a transit region, by whom it is used, where the smuggled people come from and where they are going to. In addition, the paper provides a description of the experiences that asylum seekers must endure during their journey through the region. As a clandestine and uncontrolled movement, there is a lack of information and statistics on migrant smuggling. The evidence on which this work is based upon is mainly gathered from UNHCR files, media and government sources and existing studies.

## **Former Yugoslavia as a transit country**

The problem of smuggling through former Yugoslavia is not new. As well as being a transit country for migrants, former Yugoslavia has been used for the smuggling of illegal drugs from Afghanistan, Pakistan and Iran. Even today, 80 per cent of Europe's heroin supply is thought to pass through Turkey, and then on through Bosnia, Croatia, Serbia or Slovenia, before reaching the cities of Western Europe.<sup>1</sup> It is estimated that organised crime and smugglers account for \$250 million in losses from Bosnia's state revenue each year.<sup>2</sup>

During the war in Bosnia and Herzegovina from 1992 to 1995, smuggling operations extended to include weapons. Iran and Turkey, along with other Islamic countries, are thought to have helped the Bosnian army with their weapons supply.<sup>3</sup> As a result, a close relationship developed between Bosnia and some Islamic countries with few people from these countries requiring visas to enter. With this Bosnia became a starting point for people wishing to continue west. Similarly, during the rule of Slobodan Milosevic, China and Iraq maintained close ties with Serbia and nationals of these countries did not require a visa to enter Yugoslavia, providing them with an opportunity transit through the country and to move onward to Western Europe.

The former Yugoslavia is a destination country for trafficked women (predominantly sex workers) originating from Ukraine, Moldova, Georgia and Romania. Kosovo is

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<sup>1</sup> "Irregular transit migration through Bosnia and Herzegovina," International Organisation for Migration (IOM), Bosnia and Herzegovina, April 2001a.

<sup>2</sup> "Organizirani kriminal u BiH godisnje 'zaradi' najmanje 500 milijuna maraka," *Vjesnik*, 16 August 2001.

<sup>3</sup> It was during this time that the UN had an arms embargo on the region.

perhaps the most seriously affected part of former Yugoslavia in this respect.<sup>4</sup> In addition, Kosovo produced large number of refugees during the war with Serbia, some of whom moved through Macedonia and continued their journey into other parts of Europe.<sup>5</sup> Similarly, significant numbers of Albanians have been smuggled across the Adriatic to Italy, some of them claiming to be from Kosovo in order to strengthen their request for refugee status.

### **Why smugglers use Bosnia**

During the war in Bosnia human smuggling through the country was temporarily halted. But it was not long thereafter that smugglers began to take advantage of the unstable situation in the region. After the war, the rule of law was virtually non-existent and government officials were often associated with illicit economic activities. In fact, the smuggling routes established in this period appear to have developed as a result of collaboration between the smugglers and the country's politicians, police and border patrol officers.

Another reason why the Balkan route became very popular amongst smugglers at this time is that the newly formed states of this region had also acquired new borders. The most porous border stretches more than 1,600 kilometres around Bosnia. Rivers separate over forty percent of Bosnia from Croatia and the Federal Republic of Yugoslavia (FRY). Of the more than 400 border crossings between these countries, only 52 are registered entry points. As one observer notes, "the border is crossable anywhere. All 1,600 kilometres are passable, depending on how desperate you are to cross into the next country."<sup>6</sup>

The borders between Serbia and Bosnia's Republika Srpska are practically uncontrolled, and migrants who do not enter Bosnia can always cross from there.<sup>7</sup> The border guards are local entity police officers who are underpaid and easily bribed. They often turn a blind eye toward the smuggling process or are themselves sometimes part of it.<sup>8</sup>

However, even legitimate police officers lack the capacity to take proper action. They are often uninformed and confused as to the state's regulations on illegal migration. They operate under different law enforcement regimes, although the national *Law on Migration and Asylum* exists.<sup>9</sup> Until the agreement on the legislative framework of the law between entities is reached, Bosnia's lack of enforceable national migration legislation makes it another reason why smugglers prefer to use this area for their

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<sup>4</sup> Trafficking in women for sexual exploitation is not addressed in this paper. Because of the magnitude of the two problems (trafficking in and smuggling of human beings) the author feels necessary to address the two issues separately.

<sup>5</sup> David Rohde, "The price to rescue Kosovars is high." *The New York Times*, 15 May 1999.

<sup>6</sup> Ian Burrell, "Sex, drugs and illegal migrants: Sarajevo's export trade to Britain," *The Independent*, 22 January 2002.

<sup>7</sup> Bosnia is divided into two entities: Republika Srpska (the Bosnian Serb entity) and the Federation (the Bosnian Muslim and Croat entity). The political and social relationship between Republika Srpska and FRY is much stronger than the relationship between the two entities. The inter-entity borders are more closely regulated than those between the two states.

<sup>8</sup> Burrell, op.cit.

<sup>9</sup> Each entity interprets and enforces the *Law on Migration and Asylum* differently

operations.<sup>10</sup> A recent development on this issue has been the creation of State Border Service (SBS) in 2000. SBS is independent from both the Federation and Republika Srpska and is the only state-level, multi-ethnic law enforcement agency established after the war to control all 1,666 km of BiH borders.<sup>11</sup>

The border guards' lack of knowledge and the country's lack of capacity to properly deal with the illegal migrants they have apprehended raises an important issue. Asylum-seekers who use smugglers to seek protection are treated the same way as all smuggled migrants. When any illegal migrants are caught they are taken to their respective embassy for deportation. For refugees, this may be a life-threatening situation. However, because Bosnia is not financially able to transport the smuggled from the border crossing to the embassy, migrants are mostly just pointed in the direction of the bus that will take them there and are left. For this reason, one border guard official estimates that eighty percent of all migrants transiting through BiH will eventually succeed and reach their final destination.<sup>12</sup>

Furthermore, authorities on all sides have felt that addressing the problem of irregular migration in their countries is still not a priority. Given the recent events and slow post-war recovery this is not surprising. In fact, until recently, many of the migrants who enter Yugoslavia or Bosnia do so legally. Thus, the argument was that the countries need not address the irregular migration problem as it does not concern them. It is only on entering Croatia that the migrants become illegal. Until 2001, the biggest migrant producing countries, such as Iran, Turkey and Tunisia, did not require a visa to enter Bosnia as did Yugoslavs, Chinese and Iraqis. However, although visas are now required for most of the countries, liberal visa regimes still provide a motive for smugglers to use the Balkans as a transit point.<sup>13</sup>

Finally, the poor economic state and high unemployment in the countries of former Yugoslavia make it an ideal place for all sorts of smuggling – human, cigarettes, alcohol, drugs. Many people in the Balkans engage in smuggling activities in order to make money. For instance a taxi driver may transport the migrants from an airport to a border crossing, a travel agent may “book” the next destination for the migrant and a peasant may let the migrant stay at his or her house overnight. In other words, because of the poor state of the economy in the Balkans, one may never know who may be vulnerable to clandestine ways of earning money.

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<sup>10</sup> “Interim report to the government of Switzerland: Assisted Voluntary Return program: irregular migrants in Bosnia and Herzegovina,” International Organisation for Migration, June-November 2001b.

<sup>11</sup> “UNMIBH launches State Border Service public information campaign” United Nations Mission in Bosnia and Herzegovina, available on-line at: [http://www.unmibh.org/stories/08\\_2001/08.htm](http://www.unmibh.org/stories/08_2001/08.htm)

<sup>12</sup> IOM (2001a), op.cit.

<sup>13</sup> Besides the “developed” countries and those of former Yugoslavia, BiH does not require visas for Brunei, Kuwait, Malaysia, Russia, or Turkey. (BH Ministry of Foreign Affairs website <http://www.mvp.gov.ba/>). Yugoslavia does not require visas for nationals of Algeria, Iraq, Macedonia, Romania and Tunisia, among others. (FRY Ministry of Foreign Affairs website: <http://www.mfa.gov.yu/>).

## Status of those being smuggled

Migrants transiting through the Balkans mostly originate from Tunisia, Turkey, Iran, Iraq and China, but some come from Bangladesh, Sri Lanka, Pakistan, India and Romania. Since the war in Kosovo, Kosovo-Albanians are also a population that is often smuggled. Although the countries from which the migrants come from are various, the motivations for leaving are often similar. Repressive governments, human rights abuses, unstable political situations, conflict and poor economies characterise these sending countries.

According to an IOM study which surveyed fifty irregular immigrants who were caught trying to cross one BiH border, over twenty-five percent left their home country because of political persecution.<sup>14</sup> Interestingly, UNHCR statistics show that of the top ten countries from which asylum seekers come from in the European Union, six are also countries of origin of irregular migrants.<sup>15</sup>

One might be puzzled as to why refugee producing countries are the same as those where illegal migrants originate from. Is Europe afraid to accept more migrants and thus closing all the legal channels of entry into the EU, including those for refugees? In fact, a recent study shows that the majority of refugees use smugglers in order to claim asylum in Europe.<sup>16</sup> EU countries, while all requiring proper documentation and visas to enter, do not to provide a different path for people to seek asylum.

It is rare that a refugee is able to obtain a passport from the same government authorities that are causing him/her to flee from persecution. Even if a refugee does hold a passport, it may be a life-threatening situation for him/her to be seen at the respective embassy waiting for a visa. These and other EU policies, such as carrier sanctions, make refugees vulnerable by offering them no other option than to resort to smugglers.

Therefore, it appears that not all smuggled migrants are refugees – they comprise approximately twenty-five to thirty percent of the smuggled migrants. However, a large proportion of the refugees in Europe are smuggled – an estimated 60-70 percent of refugees in the Netherlands and over half of asylum seekers in Germany.<sup>17</sup> Nevertheless, UNHCR statistics show that the total number of refugees and asylum seekers in Europe is small (2 million, including those from BiH and FRY) when compared to the total world refugee population (19.7 million).<sup>18</sup> It is also a fact that the number of asylum applications per year in the EU corresponds to the major influx of refugees from the Balkans, first in 1992-93 and again in 1999-2000. Since then, the number has slightly decreased.<sup>19</sup>

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<sup>14</sup> IOM (2001a), op.cit.

<sup>15</sup> Top ten countries of origin of asylum seekers in the EU over the past ten years are FRY, Romania, Turkey, Iraq, Afghanistan, BiH, Sri Lanka, Iran, Somalia and DR Congo.

<sup>16</sup> John Morrison, "The trafficking and smuggling of refugees the end game in European asylum policy?" UNHCR, July 2000.

<sup>17</sup> Ibid.

<sup>18</sup> "Global report 2001," UNHCR, 2002.

<sup>19</sup> "Number of asylum applications submitted in 30 industrialised countries, 1992-2001" UNHCR, 30 May 2002.

It is difficult to predict exactly how many ‘genuine’ refugees actually travel in clandestine ways to reach Europe. They are often afraid to approach the authorities and seek asylum for fear of being deported because they have arrived illegally.<sup>20</sup> It is also more common for a migrant to claim asylum if he or she is caught crossing the border illegally rather than once they are already ‘settled’.

Another question that arises is why asylum-seekers are not claiming refugee status in the former Yugoslavia? One of the reasons why they do not claim asylum is because these countries can hardly be considered a “safe first country of asylum”.<sup>21</sup> UNHCR protection reports show that in Croatia every first asylum application has been rejected and that the asylum seekers do not stay long enough to appeal their claim. Croatian authorities often send illegal immigrants to Bosnia where they are left to try again.<sup>22</sup> Weak asylum legislation in all of the countries further toughens the means for refugees seeking asylum. UNHCR is currently the only reliable body to determine refugee status, however, this relies on government authorities to present the asylum seeker to the organisation.

One study also mentions that refugees and asylum seekers wish to continue further west than the Balkans because “even those asylum seekers who merit refugee status have clear preferences in relation to their ultimate destination, and [...] their migration is often facilitated by means of transnational social networks.”<sup>23</sup> For example, most of the refugees from Kosovo have family members in Switzerland or Germany who pay the smugglers to bring the refugees there.<sup>24</sup> As for those without family members or friends in the western countries, smugglers’ connections in the origin, transit, and destination countries determine where their clients are headed.<sup>25</sup>

### **The role of the smuggler**

It is estimated that each year between 400,000 and 500,000 migrants are smuggled into Europe, out of which approximately 50,000 are smuggled through the ‘Balkan route’.<sup>26</sup> The routes are well established and are well known among local populations and authorities. Since the reopening of the Sarajevo international airport in 1996, most of the transit migration has occurred through this point. Just out of the war, BiH

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<sup>20</sup> This notwithstanding the 1951 Geneva Convention Relating to the Status of Refugees states the principle of *non-refoulement* regardless of refugees’ legal status. Also, Article 14 of the 1948 Universal Declaration of Human Rights states that “everyone has the right to seek and to enjoy in other countries asylum from persecution.”

<sup>21</sup> “The Interface between International Migration and Asylum” UNHCR, November 2000 [report for internal use only]

<sup>22</sup> Croatia and BiH have signed a bilateral Readmission Agreement in 2000 which allows for each country to send illegal migrants back to the previous country if they have crossed the shared border. However, it has been noted that the Croatian authorities send all of the illegal migrants back to BiH without proving that the migrants have first passed through BiH, IOM, 2001a, op.cit.

<sup>23</sup> Jeff Crisp, “Policy challenges of the new diasporas: migrant networks and their impact on asylum flows and regimes,” *New Issues in Refugee Research*, UNHCR, May 1999.

<sup>24</sup> Carol J. Williams, “Traders in people prey on refugees stuck in Albania,” *The Los Angeles Times* 24 May 1999.

<sup>25</sup> See case study of Iranian asylum seekers in Netherlands by Khalid Koser, “Asylum policies, trafficking and vulnerability,” *International Migration Special Issue* vol. 2000/1, 2000.

<sup>26</sup> “U.K. and Bosnia join forces to halt human smuggling,” U.S. Committee for Refugees 1 September 2001

did not impose visa restrictions to any nations, making it the easiest passage to the West.

In the period between January and December of 2000, according to the SBS statistics, 30,535 ‘tourists’ from Iran, Turkey, Tunisia, India, Bangladesh and China arrived at the Sarajevo international airport while only 5,826 persons departed.<sup>27</sup> Once border patrol and light visa regimes were introduced others were forced to resort to overland border crossings.

There are many paths by which the smugglers transfer their clients through former Yugoslavia. The path which the migrants are directed towards is often dependent upon their nationalities and the smugglers’ connections and organisation. The information on this topic is very sparse and it is precisely for this reason that smuggling operations are so successful. This section describes what are believed to be some of the most common routes used by different types of smugglers.

Many, if not most, smuggled migrants come to Bosnia directly through the Sarajevo airport. Although most nationals now require visas to enter the country, visas are easily obtained. Usually, all that is required is to show that the ‘tourist’ possesses a return ticket, passport and enough money to last while they are in the country. Fraudulent documents are also readily available from the smugglers.

In addition, it is suspected that government officials give their input to human smuggling by selling proper documentation for legal entry to Bosnia. Thus, the legal status of the migrants while in Bosnia is mixed. Some may enter legally, others possess fraudulent documents, or may have legitimate documents obtained illegitimately.

From the airport, taxis wait to take the migrants to the Croatian border by one of the three main routes. The most popular route is through the ‘Bihac pocket’ which is on the north-western tip of Bosnia. From there, it is only approximately seventy kilometres to Slovenia. The Croatian and Slovenian borders are crossed either by foot or in hidden containers in the back of trucks. Once in Slovenia, dependent upon the migrants’ or smugglers’ choice, the migrants continue to their final destination, entering the EU either through Italy or Austria.

The second route takes the migrants north, crossing the Croatian border into Slavonija. This is the blue border, dividing Bosnia and Croatia with the river Sava. Migrants are then either ferried across on tiny boats or they are left to swim to the other side. From there they will be smuggled to the northernmost tip of Croatia where they cross the Slovenian border at Ljutomer or Ormoz.<sup>28</sup> It is only a short distance from there to the border with Austria. However, Slovenia is increasingly becoming a target country for the irregular migrants as well as a transit country. In 2000, Slovenia received about 13,000 asylum applications, as compared to 776 a year before. However, it is believed that many migrants (particularly if they are caught) abuse

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<sup>27</sup> IOM, 2001a, op.cit.

<sup>28</sup> “Illegal migration – a threat to Slovenia’s national security,” Government of the Republic of Slovenia public relations and media office, January 2001.



Slovenia's asylum system – which offers the right to free movement – in order to continue their journey towards Western Europe.<sup>29</sup>

The third route from the Sarajevo airport involves crossing the southern Bosnian-Croatian border around a town Doljani. Migrants are then smuggled over the Adriatic Sea into Italy. This is the fastest but at the same time the most dangerous route to the EU. Big groups of migrants are crammed on small capacity rubber dinghies with high-speed motors. With the Italian coast guard patrolling the Adriatic, smuggling often turns into a chase. This is dangerous because smugglers commonly resort to pushing the refugees overboard into the perilous waters to fight for their lives. It is mostly by this route that Kosovo-Albanians are also smuggled.

Since the tightening of airport control in Sarajevo, many migrants, most notably Turkish Kurds, now travel overland from Romania, to Yugoslavia, and then enter Bosnia in order to reach the EU.<sup>30</sup> They come to Sarajevo, make their contact, and take one of the above-described routes. Smuggling is often executed openly and it is known in which part of town migrants gather, in which hotels they temporarily reside, which travel agencies provide them with their next itinerary, and who the local smugglers are that will take them there. The exception is the Chinese smuggler.

Chinese migration to the west is the most hidden of all. It is allegedly run by the 'Snakeheads', a notorious Chinese mafia, which controls most of the country's organised crime. There are an estimated 200,000 Chinese immigrants currently residing in Belgrade waiting to be smuggled into the EU.<sup>31</sup> The migrants fly directly to the Belgrade airport where they are taken by the smugglers across the unmonitored Republika Srpska's border into Bosnia. From there, they cross in to Croatia in order to continue either through Slovenia to Austria or across the Adriatic Sea to Italy.

A route that has also been used by the Chinese is the round trip flight from Belgrade to Jordan, with transit (disembarkation) stops in Rome or Heathrow.<sup>32</sup> During their travels, Chinese migrants enter legally into Yugoslavia and illegally into each country thereafter. For a person to travel from China to a destination in Western Europe the obligatory payment will likely be up to \$60,000. It has been reported that Milosevic had greatly facilitated the Chinese smuggling business during his years in power by requiring a fifty percent reimbursement of all the profits.<sup>33</sup> The smuggled must often repay their debts by working in sweatshops, restaurants or for other pre-determined employers in the final destination.

### **The smuggling network and its organisation**

Increased patrolling of international borders and other emerging government policies to control migration have, to a certain extent, made the requirements for successful

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<sup>29</sup> Brian J. Pozun, "Just passing through: illegal immigrants find new back door to Europe in Slovenia," *Central Europe Review* 3, no. 4 (2001).

<sup>30</sup> IOM, 2001b, op.cit. and Burrell.

<sup>31</sup> Oana Lungescu, "Chinese migrants 'mass in Yugoslavia'," *BBC News*, 15 March 2001.

<sup>32</sup> "Immigration: Europe on the move," CNN In-depth report, available on-line at:

<http://europe.cnn.com/SPECIALS/2001/immigration/>

<sup>33</sup> "For illegal immigrants, a gateway via Balkans," UNHCR, 23 August 2000.

smuggling operations much higher. Smugglers now operate in more organised ways, with transnational networks in countries of origin, transit and destination.<sup>34</sup> They operate hierarchically and independently at each level, their clients are involved only with the smugglers at the bottom of the hierarchy and, if caught, are not able to provide much useful information to the authorities.<sup>35</sup>

According to the recent studies from Hungary, Poland and Ukraine, the general structure of the organised human smuggling operations has three or four levels. At the top are the “brains” of the smuggling operations. On the next level are the organisers who are located in each country of the route – they could be either nationals of that country or of the country of origin of the smuggled migrants<sup>36</sup> – and who have direct contact with each other. They are engaged in most of the decision-making about smuggling based on the information provided from the smugglers at the next level. The third level includes local, bilingual people who transfer information between the organisers and the bottom level smugglers who are, commonly, locals. At the bottom level, smugglers may be permanent or temporary, providing services such as transport, accommodation or safe houses.<sup>37</sup>

Smugglers possess the latest communication technology in order to be informed of the changing border control measures and to adapt to them. They are very flexible and quickly change their routes depending on the level of restrictive measures.<sup>38</sup> Smugglers are also equipped with the material necessary to make fraudulent documents, such as passports or identification cards.<sup>39</sup> In order to execute their operations more smoothly, they often bribe or threaten government authorities to allow smuggling.<sup>40</sup>

It costs refugees and migrants anywhere between \$1,000 and \$60,000 to be smuggled. Refugees from Kosovo usually pay around \$1,000 or more to go to Italy. Kurdish migrants and refugees pay between \$2,000 and \$10,000 and usually go to Germany. It costs between \$5,000 and \$15,000 for nationals of Islamic countries and Chinese pay up to \$60,000. Sophisticated smugglers even offer economy, business and first class services with economy class entailing many detours and first class travel being the fastest, most direct route.<sup>41</sup>

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<sup>34</sup> Statement of Peter Schatzer at the “Parliamentary Assembly of the Council of Europe Conference on Illegal Migration,” in Paris, 13 December 2001.

<sup>35</sup> Christina Boswell, “Desperate measures” *The World Today* 57, no. 11 (2001).

<sup>36</sup> Many foreign nationals, especially those from the Islamic countries, received Bosnian citizenship during and immediately after the war. It is known that some of these new citizens are involved in smuggling of their compatriots. (“Sarajevo: grad (ne)organiziranog kriminala,” *BH Dani*, 3 August 2001.) However, the BiH government is currently in the process of reconsidering the validity of citizenships given during this time.

<sup>37</sup> “Migrant trafficking and human smuggling in Europe: A review of the evidence with case studies from Hungary, Poland and Ukraine,” IOM, 2000.

<sup>38</sup> For example, as a result of stricter visa enforcement for the Turkish nationals at the Sarajevo International Airport, the number of Turkish arrivals fell from the monthly average of 1,500 at the beginning of 2001 to 398 in August of same year. Smugglers have adapted to the new restrictions by smuggling Turkish migrants overland instead, IOM, 2001b, op.cit.

<sup>39</sup> Melinda Liu and Ron Moreau, “Inside ‘people smuggling,’” *Newsweek*, 138, no 19 (2001).

<sup>40</sup> “Sex, drugs and illegal migrants” and Peter Finn, “Albanian smugglers dupe Kosovo refugees; boat trips to Italy often end in tragedy,” *The Washington Post*, 7 June 1999.

<sup>41</sup> Mario Kaiser, “On Europe’s 70 m.p.h. smuggling route tomorrow: profile of an Albanian smuggler,” *The Christian Science Monitor*, 14 November 2000.

It is estimated that for every three migrants successfully smuggled, one migrant is intercepted. During 2000, more than 26,000 migrants crossing the Croatian border illegally were caught; 35,743 were caught in Slovenia; and 15,000 migrants were caught in Italy at the border with Slovenia.<sup>42</sup> In Bosnia, SBS reported 11,351 migrants who were not allowed entry in 2001 due to a lack of legal documentation.<sup>43</sup>

Additionally, there are many small-time gangsters in this region who try to take advantage of refugees and migrants wishing to reach Western Europe. Some beat up and rob the migrants, leaving them helpless in the country. Others will occasionally drive the migrants around in circles in Bosnia's mountainous regions and then tell them to run, that Italy is just across the road.<sup>44</sup> Another group of Chinese was taken by the police in Zagreb after a smuggler told them they were in Austria.<sup>45</sup>

The 'unorganised smugglers' of the Balkans often only bring the migrants to the border, leaving them to go across on their own. They are told that another contact will be waiting for them on the other side, however, migrants rarely succeed in finding them.<sup>46</sup> Migrants who in their country of origin pay only for information on how to proceed with their journey, often end up fooled by these small-time crooks. They are given a name of a contact in Bosnia, commonly of the same nationality as the migrant, or of a local person, who is then to provide the rest of the services and information to the migrant upon a received payment.

At times, smuggling operations also end in tragedy. It is estimated that within the last decade 2,000 migrants have died at Europe's borders.<sup>47</sup> The infamous case of the 58 Chinese migrants who were found dead at Dover in June 2000 are believed to have first entered Europe via Balkans. The biggest casualties occur on the Adriatic when the smugglers ferry migrants across to Italy where, if a boat is spotted by the Italian coast guard, smugglers often push passengers overboard to slow the coast guard and escape the chase.

Instances of boat collision at high speeds have occurred which resulted in the death of many people including women and children. In order to flee the coast guard, boat smugglers now dump the passengers just off shore making them swim to Italy.<sup>48</sup> Others have drowned crossing Bosnia's blue borders. Twenty Iranian migrants were reported drowned at one time in Sava while trying to reach Croatia on their way west.<sup>49</sup> Bosnia is also a dangerous ground for migrants who transit the country by foot due to high volume of landmines planted during the war.

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<sup>42</sup> "U.K. and Bosnia join forces to halt human smuggling".

<sup>43</sup> "2001 Country report: Bosnia and Herzegovina" U.S. Committee for Refugees, 2002, available on-line at: [http://www.refugees.org/world/countryrpt/europe/bosnia\\_herce.htm](http://www.refugees.org/world/countryrpt/europe/bosnia_herce.htm)

<sup>44</sup> Drazen Simic, "Trgovina ljudima: Italija usred Bosne," *Aimpress*, 7 February 2001, available on-line at: <http://www.aimpress.ch/dyn/pubs/archive/data/200102/10207-006-pubs-sar.htm>

<sup>45</sup> "Croatia becomes center for human smuggling," *Reuters*, 6 July 2000, available on-line at: <http://www.balkanpeace.org/hed/archive/july00/hed299.shtml>

<sup>46</sup> *Ibid.*

<sup>47</sup> Jeffrey Smith, "Europe bids immigrants unwelcome; Natives resent changes in their way of life," *The Washington Post*, 23 July 2000.

<sup>48</sup> Kaiser.

<sup>49</sup> Muslin.

Nevertheless, the hardships of being smuggled seem to outweigh the hardships of staying in one's own country. As one Iranian woman said about her smuggler, "he was not a good man, but I would never have escaped Iran and got to the Netherlands without him."<sup>50</sup> To refugees fleeing persecution, with other channels of emigration continually being closed, smugglers are most often their only option. To the majority of smugglers it is not an issue who their customers are or what their motivations are for seeking their services, they are merely supplying a service in great demand.

To European governments smugglers are seen as a potential threat to national security, breaking laws and bringing people inside country's borders without national authorities' knowledge. Because of the current terrorist concerns, some governments believe terrorists may be using smugglers to reach their countries. European governments advocate issues of human rights of smuggled migrants, advertise each casualty, while continuing to strengthen the guarding of their borders and the closing of the channels for legal migration.

### **The EU's response**

This section of the paper will not describe EU migration policies as it concerns those countries.<sup>51</sup> Rather, it will explain measures taken by the EU to prevent transit migrants from entering countries from former Yugoslavia. The EU is confident that it will gain the cooperation of BiH and other Balkan countries on migration control because they have an incentive to do so – in order to join the EU border control must be in order.

The United Kingdom receives one of the largest numbers of immigrants in Europe. Together with Italy, the country most affected by human smuggling from the Balkans, the two have taken an initiative on behalf of the EU to combat illegal transit migration in the region. Last year they announced an action plan which included creation of the EU liaison officer network in former Yugoslavia for intelligence and information sharing on illegal migration.

In addition, the EU countries sent national immigration and police officials to these transit countries to provide assistance on migration and smuggling issues including training of the police force, advising and monitoring to stop all forms of organised crime. The EU strongly enforces the return of migrants who enter the countries illegally and increased the penalties for human smugglers and traffickers, including carriers transporting illegal migrants. It further promotes readmission agreements with neighbouring countries as well as transit countries of illegal migration.<sup>52</sup>

In addition to the action plan of the UK and Italy, the EU has also put tremendous pressure on the former Yugoslav governments to introduce visas for all migrant producing countries. It has put economic and humanitarian aid to Yugoslavia contingent upon this country's sealing of its borders to Chinese immigrants. Likewise, strong pressure was put on the Bosnian government to introduce visas for

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<sup>50</sup> Koser.

<sup>51</sup> See John Morrison, "The trafficking and smuggling of refugees: the end game in European asylum policy?", UNHCR, July 2000.

<sup>52</sup> "Closing Europe's back door," *The Observer* 4 February 2001

Iranian and Turkish nationals. While a visa was imposed on Iranians on 26 December 2000, because of the closeness of Bosnian-Turkish relationship and the strong reaction from the Turkish government the notion of a visa for Turkish nationals was rejected.<sup>53</sup>

European governments have also provided equipment for border patrols. Italy has outfitted the Albanian coast guard with high-speed boats and new communication systems to prevent smuggling across the Adriatic, however, there is still no positive progress.<sup>54</sup> Recently, European governments and the U.S. have invested \$1.6 million in Bosnia's SBS software and hardware development.<sup>55</sup> Further, the EU has prepared a European Union Police Mission (EUPM) to take over the police reform in Bosnia from United Nations Mission in Bosnia and Herzegovina (UNMIBH) once its mission expires at the end of the year 2002.<sup>56</sup>

The EU measures towards human smuggling in former Yugoslavia have been focused strictly on border control. At the inauguration of one SBS unit, and with that, the further tightening of BiH borders, Jacques Klein stated that "in the case of Bosnia and Herzegovina this may sound contradictory because Europe is opening up and dispensing with borders, but first of all you must have strong borders, before you can remove them."<sup>57</sup>

### **The role of international organisations**

The main organisation in preventing the use of BiH as a transit country for human smuggling is UNMIBH.<sup>58</sup> Its mandate is to reform and restructure local police and other law enforcement agencies in BiH. As a part of its mandate UNMIBH established Bosnia's SBS whose main function is to effectively patrol BiH borders in order to prevent trafficking and smuggling of people and also goods. It is the first state-level law enforcement body in BiH that is multi-ethnic and independent.

Inaugurated on 6 June 2000 at the Sarajevo international airport, SBS has since obtained control of over eighty-eight percent of BiH borders. UNMIBH has requested a five million dollar budget for the SBS for the year 2002 in order to provide the capacity necessary for patrolling the borders. Another important consideration is that the SBS officers are paid well – this helps to avoid persuasive bribery from the smugglers.<sup>59</sup>

All border service officers also receive training on border control from the International Police Task Force. In April, UNMIBH developed a training centre

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<sup>53</sup> Simic.

<sup>54</sup> Finn.

<sup>55</sup> "SBS IT border control management system – latest developments," United Nations Mission in Bosnia and Herzegovina, *Borderline* 13, May-June 2002.

<sup>56</sup> "Policing the police in Bosnia: a further reform agenda," International Crisis Group, 10 May 2002

<sup>57</sup> Statement by Jacques Klein, "Inauguration of the State Border Service Unit – Doljani" 31 July 2000, at: <http://www.unmibh.org/news/srsgspe/2000/31jul00.asp>

<sup>58</sup> Information on UNMIBH and SBS is available on-line at: <http://www.unmibh.org>

<sup>59</sup> An IOM study demonstrated that regular police officers resented the SBS officers because SBS officers were paid much higher wages than them. For this reason, they often refused to cooperate and share information with the new border services.

where the officers receive a seventeen-month theoretical and practical training session to ensure that the SBS is a “truly modern European Border Service.”<sup>60</sup> However, as the border service is still in its initial phase, continued training and capacity building is essential.

The increased perception that irregular migration is a potential threat to social stability in Western Europe has to a certain extent rubbed off on the countries of transit of such migration. As all current initiatives are aimed at halting irregular migration, a negative image of irregular migrants – including refugees and asylum seekers – has been instilled in the minds of people. It is for this reason that one of primary functions of UNHCR has been promoting the 1951 United Nations Convention relating to the Status of Refugees to the governments of Western European countries as well as those of the former Yugoslavia.<sup>61</sup>

In the region, UNHCR’s main strategy is the capacity building activities for the governments to enable them to distinguish between the asylum-seekers and other migrants, regardless of their legal status. UNHCR collaborates with all the former Yugoslav governments and advises them on their respective laws on asylum. In Bosnia, UNHCR works closely with the Ministry for Human Rights and Refugees (MHRR), a body that deals with all migration issues including issuance of visas, travel documents, residence permits and national asylum procedures<sup>62</sup>, and UNHCR provides financial and technical assistance to the MHRR.

A Working Group on Immigration and Asylum was set up by the UNHCR in conjunction with MHRR, OHR and the EU PHARE project to elaborate the legal framework of the ‘Law on Immigration and Asylum’. UNHCR also holds two-day seminars together with the MHRR for SBS officers on “Basic Protection Principles of Refugees and Asylum Seekers.” They discuss the topics of migration control and asylum, smuggling and trafficking, and the 1951 Refugee Convention and 1967 Protocol.<sup>63</sup>

Furthermore, UNHCR provides funding for the asylum-seekers reception facilities in BiH, which are administered by the MHRR. With the more effective border control and Bosnia’s readmission agreement with Croatia, the four reception centres are becoming increasingly crowded. Mistreatment by the Croatian police and harsh travel experiences of smuggled refugees has resulted in increased asylum applications in Bosnia. An appeal has been made to donors for additional centres.

In Yugoslavia, UNHCR is the only viable body enabled to execute refugee status determination procedure. During 2001, there were 145 asylum applications and UNHCR recognised nineteen individuals as Convention refugees. Yugoslav border control officers are instructed to contact the agency when they encounter an asylum-seeker in order for them to receive proper treatment.

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<sup>60</sup> “SBS training centre welcomes the first Cadets,” United Nations Mission in Bosnia and Herzegovina Borderline 13, May-June 2002

<sup>61</sup> “Interface between international migration and asylum,” [report for internal use only]

<sup>62</sup> “Interface between asylum and migration in Bosnia and Herzegovina”

<sup>63</sup> “Training on asylum procedure,” United Nations Mission in Bosnia and Herzegovina Borderline 6, March-April 2001.

However, the UNHCR office in Yugoslavia reported that they are often uninformed of the border entries by third country nationals and are concerned that some asylum-seekers may have been expelled from the country. Additionally, UNHCR collaborates with the Yugoslav government on establishing the law on asylum. A Migration and Asylum Initiative was created and a national working group was established with the Ministry of Interior to commence the process of asylum system creation.

IOM has focused most of its resources on assisting trafficked migrants, most of whom are women and girls. Bosnia and Kosovo have become main destination countries for young women from the Eastern Europe who have been forced into prostitution and other forms of exploitation. IOM has developed a special program to deal with those trafficked which includes voluntary return, reintegration, and dissemination of information on trafficking in countries of origin, transit and destination, as well as capacity building activities with governments and local NGOs.<sup>64</sup>

In June 2001, IOM initiated a similar project for stranded irregular migrants. Border guard officials are requested to contact the local IOM office when the irregular migrants are caught. Because SBS does not have the capacity to deport people, IOM has assumed a responsibility for providing Assisted Voluntary Return to the migrants who wish to return to their countries of origin. They provide temporary accommodation, medical examinations, transportation and a small return allowance to the stranded migrants. The IOM had planned to assist approximately 600 migrants with its initial budget. With ten percent of the budget used, IOM has helped thirteen percent of the 600 persons.

For the first five months of the project, 130 irregular migrants were referred to the IOM, out of which seventy-five were returned home and the rest left the IOM shelter the following day.<sup>65</sup> IOM is also a member of the Working Group on Immigration and Asylum, providing advice on migration issues and promoting their voluntary return project to government authorities.

Other organisations which are actively involved in migration issues, including smuggling are the Office of the High Representative (OHR), the Office of the High Commissioner for Human Rights (HCHR) and the Organisation for Security and Cooperation in Europe (OSCE). As a part of the Dayton Peace Agreement, OHR was set up by the UN Security Council to oversee the implementation of the agreement. OHR's involvement in this matter is inevitable, as it is the only body which can impose binding decisions and legislation for the BiH government.

The HCHR focuses on addressing human rights issues with respect to the trafficking of persons. It has developed guidelines together with the IOM and IPTF on dealing with trafficking in BiH. Both the OHR and the HCHR are part of the Working Group on Immigration and Asylum. The OSCE, on the other hand, promotes democracy,

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<sup>64</sup> "IOM counter trafficking strategy for the Balkans and neighbouring countries," IOM, January 2001.

<sup>65</sup> IOM stated that they are not capable of tracking the migrants after they leave shelter. Within the program, services are provided only on a voluntary basis. Many of the migrants who leave the shelter will try again to cross the border. (IOM, 2001b, op.cit)

human rights and arms control measures which may all be associated with the issues of illegal migration and human smuggling.<sup>66</sup>

The involvement of international organisations in former Yugoslavia, particularly in Bosnia, during the post-conflict period has been enormous. International organisations promote sustainable development in migration control by creating a neutral, state-level SBS and assuring that all ethnic sides are equally represented in the government.

## **Conclusion**

Because of the poor economic state of some countries, combined with human rights violations, persecution and conflicts, many people decide, or are forced to migrate to a safer, more prosperous state. Many potential migrants have networks of family and friends developed in some European countries, which among other reasons makes those countries a desired destination. Refugees and asylum seekers, along with the other migrants, have found that the legal channels to reach their countries of choice are almost non-existent and thus they become vulnerable to human smugglers.

Former Yugoslavia's unstable political situation and weak legislation makes this region an ideal stepping stone for clandestine migration towards the EU. Western European countries have acted very strongly against smugglers using former Yugoslav countries as transit points. Together with international organisations in the region they promote the strengthening of visa regimes, development of adequate laws on migration and asylum, and the enhancement of border control.

All of these measures take a preventative stand against migration. However, rather than improving the situation, these measures often create further complications. People will continue migrating and it is not possible to prevent them. In fact, the risks may be further increased for persons who are already escaping a dangerous situation. More people will die by suffocation or drowning. The voyages will be more expensive. Migrants will become more vulnerable to exploitation by the smugglers. The 'developed' countries of Europe must look further than their own borders and further than the borders of the transit countries. Europe should carefully analyse the situation within the borders of the migrant producing countries. Only then might some genuine solutions to ending the smuggling of vulnerable people come to light.

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<sup>66</sup> UNHCR, 2000, op.cit