

MIGRANT CRISIS IN BOSNIA AND HERZEGOVINA AND INCREASING THE EFFECTIVENESS OF THE STATE BORDER CONTROL

PRELIMINARY ANNOUNCEMENT

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Abstract: The migrant crisis and the smuggling of migrants have been described here as one of the biggest challenges facing Bosnia and Herzegovina. Border Police of Bosnia and Herzegovina is playing a key role in resolving this security problem. At the same time, the number of migrants who were caught illegally or attempting to cross the state border illegally from 2015 to 2021 is shown in this article. It briefly describes the role of the Border Police in the fight against illegal migration, as well as the problems and poor conditions under which police officers work during the migrant crisis. Finally, a proposal for measures to be implemented to increase the effectiveness of state border control was presented, with an emphasis on strengthening the capacity of the Border Police and involving all levels of government in addressing this security issue.

Keywords: *migration, Border Police, smuggling*

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1. Introduction

The migrant crisis and migrant smuggling are a special source of threats to the state border and internal security. The large number of migrants in transit who have stayed in Bosnia and Herzegovina, has created a serious challenge for the country with limited institutional capacities to resolve the migrant crisis.

At the very beginning of the migrant crisis, it was a humanitarian issue because most of the migrants came from poor countries, but on this route they were joined by economic migrants, who used the refugee crisis to reach European land. By increased migratory pressure, the competent institutions faced, *inter alia*, a challenge in terms of human and financial resources, and Border Police faced a great shortage of human, material and technical capacities.

Strengthening Border Police of BiH, in terms of staffing and material and technical resources, is the basic and most necessary action of the competent authorities in order to more effectively protect the state border. Although Border Police is the only one burdened by it, the migrant crisis is the problem for the whole country and all levels of government.

2. Migrant crisis in Bosnia and Herzegovina

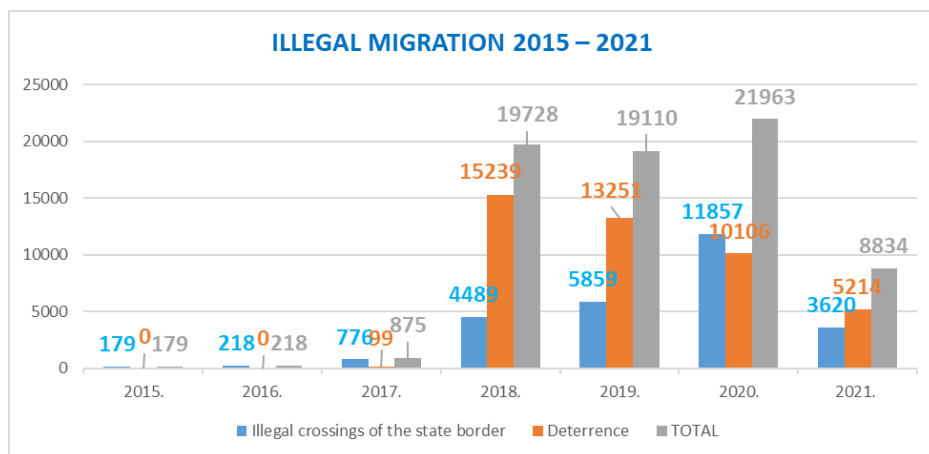
European countries have long been a desirable destination for migrants, mainly those from the Middle East and North Africa, who come to Europe in the hope that they will get a better life in developed western countries. In 2015, the migrant crisis began to take on the proportions of one of the largest humanitarian crises, when an increasing number of refugees opted for routes to Europe. At the end of 2017, Bosnia and Herzegovina encountered mass attempts to illegally cross the state border, and the trend of illegal entry (and attempts at illegal entry) intensified in 2018 and has continued to this day, especially in summer and in better weather conditions. The geographical position of Bosnia and Herzegovina, being at the crossroads from East to West, makes it suitable for the transit of migrants on their way to Western Europe. Migratory pressure

gradually shifted to Bosnia and Herzegovina and it became the so-called 'Sub-route' of Western Balkan Route. The large number of migrants in transit, who have stayed in Bosnia and Herzegovina, has created a serious challenge for the country with limited institutional capacities to resolve the migrant crisis.

The greatest migratory pressure is on the part of the state border in the area (Višegrad, Foča, Zvornik, Bijeljina, Trebinje) where the state border is mostly on the Drina river, so that illegal migrants attempt to enter Bosnia and Herzegovina by avoiding border control, using boats and other aids for crossing the Drina river from the direction of Serbia, and in most cases, from the direction of Montenegro. Data from Border Police and other police agencies in BiH indicate that the largest number of migrants, after Border Police of BiH takes measures and hands them over to the Service for Foreigners' Affairs, express their intention to apply for asylum in BiH. The Service for Foreigners' Affairs issues to those individuals a certificate of expressed intention for asylum in BiH, giving them a deadline, maximum 14 days, within which the person who expressed the intention must apply for asylum to the Ministry of Security of BiH. However, in most cases, individuals who have expressed the intention to apply for asylum do not apply for asylum to the Ministry of Security of BiH, but within the validity of the certificate, which enables them to move in accordance with the law, they try to cross the state border illegally, i.e. leave the country. This abuse of the right to asylum and international protection is the basic *modus operandi* of illegal migration in BiH.

The table below shows the number of migrants, since 2015, who have been found by Border Police of BiH in illegal crossing, or attempt to cross the state border illegally.

Most migrants, according to citizenship, who have been caught illegally crossing or attempting to cross the state border illegally in recent years are citizens of Pakistan, Afghanistan, Bangladesh and others.



2.1. Migrant smuggling

Migrant smuggling means mediation for the purpose of directly or indirectly obtaining financial or other material benefits from the illegal entry of a person into a state, of which that person is not a citizen or has no permanent residence there (Mujanovic & Muratbegovic, 2016). In accordance with the Law on Border Police of BiH and the Law on State Investigation and Protection Agency, it is prescribed that these are the leading agencies in the fight against people smuggling, i.e. migrant smuggling, especially when it comes to Border Police of BiH, whose main task and goal is border protection, where people smuggling, i.e. migrant smuggling, appears as one of the sources of threats.

Border Police of BiH performs the state border surveillance by taking appropriate measures and actions aimed at preventing unauthorized crossings of the state border, combating cross-border crime and taking measures against people who crossed the state border in an unauthorized manner. The state border may be crossed only at border crossing points, at a time and in a manner consistent with the purpose of border crossing points and with valid travel documents. When the provisions on

the manner of crossing the state border have been violated, then one can speak of illegal crossing of the state border, for which there are prescribed sanctions.

In recent years, with increased migratory pressure in Bosnia and Herzegovina, police officers of Border Police of BiH discovered more than 300 criminal offences of 'People smuggling' (Article 189 of the Criminal Code of BiH) and more than 30 criminal offences of 'Organising a group or association for committing the criminal offence of migrant smuggling'.

One in a series of operational actions of Border Police of BiH, regarding migrant smuggling, is Action 'LIPA' (2020). On the grounds for suspicion that the criminal offences of 'Organised crime', 'Organising a group or association for committing the criminal offence of migrant smuggling', 'People smuggling', 'Illicit possession of weapons or explosive substances' and 'Money laundering' were committed, in the area of Bihać, Cazin and Velika Kladuša, a search was conducted at 21 locations, and 23 people were apprehended, who are suspected of smuggling more than 685 migrants in about 30 organised smuggling transportations.

As for the method of migrant smuggling, all available means of transport are used, such as freight motor vehicles, passenger motor vehicles and vessels-boats. Also, migrants try to cross the state border on foot. Mostly in the area of Zvornik, migrant smuggling is attempted from the territory of the Republic of Serbia to the territory of Bosnia and Herzegovina by boats, both by citizens of BiH and the Republic of Serbia, and among the smugglers there are also migrants, mostly citizens of Afghanistan and Pakistan. After the potential illegal transfer to the country, the smugglers try to enable the migrants to continue their movement inside BiH, with the aim of going to one of the EU countries. Border Police of BiH has registered a large number of cases of detecting migrants in the cargo space of freight motor vehicles. These cases are most often recorded in the area of operation of Border Police Units Brod, Orašje, Gradiška and Zvornik.

3. The role of Border Police of BiH in the fight against illegal migration

Border Police of BiH is the first multiethnic police agency at the state level. It is an administrative organisation within the Ministry of Security of BiH, with operational independence, established for the purpose of performing police tasks related to the surveillance and control of crossing the border of BiH and other tasks prescribed by law.²

Migrants in Bosnia and Herzegovina pose a security challenge and, as such, can be a potential means of intensifying internal antagonisms. As for illegal migration, understanding the concept of borders is of crucial importance.

Border Police of BiH is responsible for the implementation of the Law on Border Control, the Law on Movement and Stay of Aliens and Asylum, prevention, detection and investigation of acts prescribed by criminal codes in BiH. It is in the case when these criminal offences are directed against the security of the state border or against the performance of tasks and duties of Border Police of BiH, and when these criminal offences must be prosecuted in accordance with the provisions on misuse of public documents serving as proof of identity, travel document and visa requirement, and provisions on the movement and stay of foreigners and asylum, if they were committed when crossing the border or are directly related to crossing the state border. Border Police of BiH is one of the key actors in managing illegal migration in BiH.

Since the beginning of the migrant crisis in Bosnia and Herzegovina, the greatest migratory pressure has been recorded in the area of Border Police Units Zvornik and Višegrad. Since the beginning of the migrant crisis, Border Police of BiH has been taking intensified measures in the state border surveillance in order to prevent illegal crossings of the state border, and since the beginning of the migrant crisis, almost all human, material and technical capacities of Border Police have been deployed to the eastern part of the state border.

² <http://www.granpol.gov.ba/Content/Read/10?title=Onama>,
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In order to adequately respond to the constant migratory pressure, Border Police of BiH has been continuously taking measures and actions, making additional efforts within its own capacities, and with the support and assistance of other police agencies in BiH, to ensure increased presence of police officers in the state border surveillance and in all identified places of possible illegal crossing of the state border, especially on the border with the Republic of Serbia and Montenegro. In order to implement the above, measures and activities are implemented, as foreseen by the Plan of Measures and Activities for Effective Migrant Crisis Management in BiH, adopted at the 22nd session of the Council of Ministers of BiH, as well as the Plan of Measures and Activities of Border Police of BiH for Effective Migrant Crisis Management in BiH. In addition, the implementation of activities continues, envisaged by the Framework Action Plan of Border Police of BiH in preventing illegal migration on the territory of BiH and other operational plans made at the regional and local levels, aimed at the fight against illegal migration.

Border Police of BiH continuously carries out implementation protocols with neighbouring countries related to the implementation of joint patrols and regular meetings with border authorities of neighbouring countries.

3.1. Shortage of staff and material and technical capacities

According to the current Rulebook on Internal Organisation, Border Police of Bosnia and Herzegovina lacks 415 police officers. It is important to note that it has remained unchanged for almost 20 years, which is why changes have been proposed because it does not provide for a migrant crisis or new border crossing points and more. Although Border Police of BiH changed and amended the Rulebook several times according to European standards, the government never had the understanding to adopt them, because it looked exclusively at the political dimension, not the professional one, thus any changes to the Rulebook were stopped. The latest Rulebook on Internal Organisation of Border Police was drafted and proposed to the Ministry of Security of BiH in

early May 2020, and it is largely in line with European standards. The need for 1304 police officers was expressed in it. If the proposed Rule-book were adopted, the problem of great shortage of police officers would be solved and thus all critical points of illegal crossings of the state border could be largely protected.

Border Police is trying to compensate for the shortage of officers by redeploying existing staff to organisational units with the greatest migratory pressure. Assistance in the fight against illegal migration to Border Police of BiH is also provided by the members of State Investigation and Protection Agency, the Directorate for Coordination of Police Bodies and the Ministry of the Interior of the Republic of Srpska- Police officers of Border Police of BiH have also been extraordinarily deployed to the units with the greatest migratory pressure.

In accordance with the signed mutual agreements between Border Police of BiH and the competent Cantonal ministries of the interior, the engagement of officers of police agencies within these ministries in the state border surveillance is carried out in accordance with operational assessments and plans of Border Police of BiH.

Poor infrastructure at border crossing points (only a few border crossing points meet EU standards, while other BCPs do not have basic working conditions) and poor working conditions are just some of the problems faced by members of Border Police, because the state does not invest enough in Border Police of BiH. Members of Border Police are, also, the first to be hit by illegal migration, and additional problem is the lack of specialist equipment. In view of all the above, it is necessary that police officers of Border Police of BiH be equipped with better quality protective equipment, because the lack of it is a big problem in protecting the state border. Border Police, above all, lacks thermal imaging cameras, binoculars for day and night surveillance, sensors, unmanned aerial vehicles and more. Thanks to international organisations and donations, Border Police manages, making superhuman efforts, to fight against migration.

4. Proposal of measures for the fight against illegal migration

The main problems of Border Police of BiH in the fight against illegal migration are shortage of staff and insufficient material and technical equipment, particularly specialist equipment for border surveillance and border checks. The problem of illegal migration does not concern only Border Police of BiH, but all levels of government, which should make their contribution to solving this problem. The state should be more involved in resolving the migration problem and understand it as a security issue. It is necessary to change laws and regulations when it comes to illegal migration, such as the Law on Movement and Stay of Aliens and Asylum.

Understaffing is a major problem. It is important to note that one police officer covers 16 km, i.e. one patrol covers 32 km, which is extremely bad, especially when it comes to migration. For years, Border Police of BiH has been appealing to the shortage of human, material and technical capacities, and its strengthening in that sense is necessary in order to more effectively protect the state border.

It is necessary to take measures to complete activities on the adoption of the Rulebook on Internal Organisation of Border Police of Bosnia and Herzegovina, i.e. that it be adopted by the Council of Ministers, to ensure staffing in accordance with current needs, for the performance of tasks under the competence of Border Police of BiH. The mentioned Rulebook envisages an increase in the number of executors for four segments: the state border surveillance, specialized units, investigations and border checks.

It is necessary to work on strengthening the material capacities of Border Police of BiH for the fight against illegal migration and other forms of cross-border crime, by equipping it with specialist equipment for border surveillance and performance of border checks.

The Law on Police Officials of BiH also needs to be amended. For example, to amend the provisions of the Law on Police Officials of BiH, which prescribe the internal transfer of police officers to a position up to 80 km away from the current position, in order to create legal preconditions

for the possibility of internal transfer of police officers to units exposed to increased migratory pressure.

It is also necessary to provide Border Police of BiH with funds for financing fuel consumption, fleet renewal and current maintenance of vehicles and equipment in Border Police of BiH, so that police officers are better equipped and are able to more effectively protect the state border, since the help of some international organisations alone is not enough for the above to be financed for a longer period.

Strengthening the cooperation of Border Police of BiH with other law enforcement agencies in BiH has an important role in protecting the border, i.e. in combating illegal migration and smuggling of migrants across the state border of BiH. International cooperation of BiH with neighbouring countries (Serbia, Montenegro and Croatia) and other countries on the routes of movement of illegal migrants, through EU-ROPOL, FRONTEX, and other international organisations, is also crucial.

5. Conclusion

Border Police of BiH is continuously taking measures and actions and making additional efforts to ensure, within its own capacities, and with the support and assistance of other police agencies in BiH, an increased presence of police officers in the state border surveillance and in all identified places of possible illegal crossing of the state border, especially on the border with the Republic of Serbia and Montenegro, all with the aim of deterring migrants from attempting to enter BiH illegally.

Members of State Investigation and Protection Agency, the Directorate for Coordination of Police Bodies and the Ministry of the Interior of the Republic of Srpska also provide assistance to Border Police of BiH in the fight against illegal migration. Police officers of Border Police of BiH have also been extraordinarily deployed to units with the greatest migratory pressure.

In order to largely solve the problem of the migrant crisis, it is necessary to take the proposed measures, by strategic planning and action plans, but above all, measures at the state level because Border Police

alone cannot fully protect the state border (with one police officer per 16km). The non-response of the state to this security issue, at all levels of government, leads to major problems, and the biggest burden is on Border Police of BiH.

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