



12 January 2021

EUR 63/3505/2021

BOSNIA AND HERZEGOVINA: SYSTEMIC SOLUTIONS AND MEANINGFUL EU SUPPORT, INCLUDING SAFE PATHWAYS, COULD PREVENT RECURRING HUMANITARIAN EMERGENCIES

Hundreds of migrants and asylum-seekers remain stranded in northwest Bosnia and Herzegovina (BiH) without an end in sight as politicians at all levels failed to agree their relocation to dignified and humane facilities in other parts of the country. For the third week, they remain trapped in the sleet-sodden wasteland that, before 23 December, was the site of the temporary makeshift camp Lipa. Flimsy tents and several containers provide their only shelter from sub-zero temperatures and snow.

Leading human rights organizations urge the authorities in Bosnia and Herzegovina to ensure immediate humanitarian support, including suitable shelter and assistance, to migrants and asylum-seekers on its territory. Beyond this, BiH must comply with its international obligations and enforce its own laws, including taking full responsibility for securing and managing accommodation and protection of people in need and developing an effective asylum system. BiH also has an obligation to facilitate safe and unhindered access to humanitarian organisations providing assistance to refugees and migrants.

Without systemic and durable solutions that also aimed to place BiH authorities in the driving seat, humanitarian crises of the kind witnessed over the Christmas holidays have become a recurring and unavoidable occurrence every winter. The political stalemate which has left people without shelter despite available facilities highlights the need for an institutional and comprehensive response.

Quick fixes, emergency funding and last-minute political agreements had helped alleviate past crises, but alone they cannot and will not address systemic deficiencies. Without lasting systemic improvements, the crisis-management approach risks undermining the ability of BiH to develop an effective and sustainable institutional response to migration and reduces accountability.

Beyond the much needed financial and humanitarian assistance, European Union should support the authorities in BiH in developing capacity to address the needs of refugees, migrants, and asylum-seekers on its territory in compliance with its international obligations. As the situation in BiH is a direct consequence of EU's migration and asylum policy that protects external borders and shifts responsibility for ensuring protection of migrants and asylum-seekers to the neighboring countries, EU has responsibility towards BiH.

Ultimately, however, only a greater solidarity among EU member states and concrete action by the EU to significantly increase opportunities for safe and regular pathways to Europe, both for refugees and migrants, will prevent humanitarian crises on EU's external borders.

THOUSANDS OF MIGRANTS AND ASYLUM-SEEKERS IN BOSNIA SLEEPING ROUGH

Some 900 people in the improvised camp Lipa in northwest BiH have been sleeping under open sky, braving snow and sub-zero temperatures, for over three weeks. The tent camp, which had been erected last year as a temporary accommodation during COVID-19 pandemic, was closed down on 23 December. The fire that broke out during the evacuation of residents destroyed much of the camp, leaving behind a ramshackle and uninhabitable wasteland.

Yet, due to the inability of the politicians at all levels of government in the country to reach an agreement, all attempts to relocate the Lipa residents to winter-ready centres elsewhere in BiH have failed.

Over the past weekend, the authorities installed 20 heated tents in Lipa, but over 350 people remain in makeshift shelters. The campsite does not have access to running water, adequate sanitation or heating, and poses high risks to the health and safety of people there. As such, Lipa remains unsuitable as a long-term accommodation site.

The closure of the Lipa camp has increased to nearly 2,500 the number of people sleeping rough in BiH. Despite dire winter conditions, many men, families with children, and unaccompanied children continue to seek refuge in parks, abandoned houses, defunct factories, and forests close to the border with Croatia.

AN AVOIDABLE HUMANITARIAN CRISIS

The current humanitarian crisis was predictable – and entirely avoidable. As every year, the arrival of colder weather provoked stark warnings by humanitarian and human rights organizations that without urgent, additional and suitable facilities, people would face the prospect of spending the winter months without an adequate shelter.

Around 8,500 migrants and asylum-seekers currently in BiH, with some 6,000 are accommodated in the UN-operated reception centres. While additional equipped facilities with significant bed capacity set up with financial assistance from the EU are available, such as the Bira reception centre in nearby Bihac, local authorities have prevented their use. There are similar facilities in other parts of the country, but the BiH Council of Ministers and local governments have not been able to agree to their use, making the relocation of people currently sleeping rough impossible.

Bosnia's complex constitutional structure often obfuscates actual lines of responsibility, and political will to coordinate response to crises or manage issues of shared responsibility is essential. Indeed, for years, the Una-Sana Canton on BiH's border with Croatia has been coping with the majority of people stranded on the country's territory alone, which has resulted in the backlash and measures that have prevented further arrivals in the Canton.

Over the years, and despite significant support by the EU and international organizations, authorities have not taken full responsibility for providing accommodation or support to migrants, asylum seekers and refugees. With international organizations, including International Organization for Migration (IOM), stepping in to fill the gap year after year, the informal arrangements for managing accommodation facilities between the authorities and humanitarian organizations have blurred individual responsibility and reduced any real accountability.

BiH has the responsibility to provide the minimum guarantees, including ensuring the right to housing and shelter, water and sanitation, health and social protection, to migrants, asylum-seekers and refugees, in line with international and national law. The current impasse and the humanitarian crisis should be an opportunity for the BiH Council of Ministers to assume full responsibility for reception and accommodation facilities, and in coordination with entity and cantonal authorities, develop a strategy to ensure adequate accommodation and protection for people in need. An efficient asylum system and adequate reception and accommodation support for refugees, migrants and asylum-seekers are, after all, a part of the EU Acquis, to which BiH has committed as an aspiring member state.

HUMANITARIAN CRISIS IN THE BALKANS – AN INEVITABLE CONSEQUENCE OF EU'S EXTERNALIZATION POLICY

While the authorities in BiH do bear responsibility for the current emergency, the deteriorating humanitarian situation in the country is also a consequence of EU's policy to fortify external borders and outsource migration control to the member states on its periphery or third countries – where the rights of refugees, asylum-seekers and migrants are systematically endangered.

Indeed, from overcrowded refugee camps on the Greek islands to makeshift settlements in BiH, people seeking protection and a better life in Europe face heavy-handed border police, barbed wire, inhumane and undignified conditions, in situations of permanent uncertainty. A humanitarian crisis in the Balkans has been building up for years, since EU member states closed key access points to the EU territory - without providing other regular pathways. Tightening of the EU migration policies has created a growing bottleneck at the EU's external borders, including with Croatia, and led to the creation of overcrowded and inhumane camps such as Lipa.

While EU has provided financial and technical assistance to BiH, such support has often focused on short-term solutions. On 3 January, the European Commission announced additional €3.5 million in humanitarian aid to help the refugees and migrants currently without shelter in BiH, bringing the total of such aid to €13.8 million since 2018. Overall, over the past three years, the EU has provided over €88 million in assistance to the country to address immediate needs of refugees, asylum-seekers or migrants, and strengthen its migration management capacity.

While essential, financial assistance that is allocated on short-term cycles and ad-hoc emergency funding will have a limited effect without decisive dialogue on meaningful long-term solutions. The permanent crisis management mode, first and foremost by the European Commission, without demanding concrete progress on accession criteria, disincentivizes greater national ownership by the authorities in BiH.

Moving on from this crisis, the Commission should set clear expectations in terms of commitment of BiH authorities to put in place robust institutions and demonstrate readiness to adequately address the needs of people on its territory. This includes identifying suitable accommodation facilities in all parts of the country and gradually assuming their management and provision of protection and assistance. Moreover, the gaps in the country's asylum system, including the persistent lack of resources and capacity in Ministry of Security and deficiencies in ensuring procedural guarantees for international protection, should be urgently addressed. The progress in compliance with these measures should be assessed in the light of BiH's accession process as envisaged in Chapters 23 and 24.

To this end, the European Commission must ensure that sufficient, long-term and predictable financial and technical assistance is made available to BiH.

EU has responsibility to continue to provide significant support to its neighboring countries to ensure that the people temporarily stranded on their territory as a result of EU's containment measures and restrictive migration policies have access to shelter, protection and asylum system. As long as safe and legal pathways are not provided, the rights of migrants and refugees will continue to be violated. It is regrettable that the EU Migration and Asylum Pact lacks this ambition and proposes again the strategy of containing migrants, refugees and asylum seekers in countries at the periphery of Europe. This strategy will undoubtedly equal more human rights violations in the future.

/END