PALACKÝ UNIVERSITY OLOMOUC

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HUMAN SMUGGLING ACROSS THE EU

EXTERNAL BORDERS

Case study of the Una-Sana Canton in Bosnia and Herzegovina

Bachelor thesis

Supervisor: Lucie MACKOVÁ, M.A., Ph.D.

Olomouc 2020

I declare in lieu of oath that I wrote my thesis myself. All information derived from the work of others has been acknowledged in the text and in the enclosed list of references.

In Olomouc, 9 April 2020   ....

UNIVERZITA PALACKÉHO V OLOMOUCI
Přírodovědecká fakulta

Akademický rok: 2018/2019

ZADÁNÍ BAKALÁŘSKÉ PRÁCE
(projektu, uměleckého díla, uměleckého výkonu)

Jméno a příjmení: **Jakub CAHLÍK**
Osobní číslo: **R17602**
Studijní program: **B1301 Geografie**
Studijní obor: **Mezinárodní rozvojová studia**
Téma práce: **Pašování lidí přes vnější hranice EU: Případová studie Bosny a Hercegoviny**
Zadávající katedra: **Katedra rozvojových a environmentálních studií**

Zásady pro vypracování

Tato práce pojednává o problematice pašování lidí do EU přes její vnější hranice. Jako případová studie byl zvolen Unsko-sanský kanton v Bosně a Hercegovině a jeho hranice s Chorvatskou republikou. Teoretická část se zaměřuje na obecné principy fungování hranic, mapování pašeráckých sítí a vliv rozhodnutí místních a evropských autorit na tento jev. Druhou část práce tvoří analýza rozhovorů s přímými aktéry na bosensko-chorvatských hranicích.

Rozsah pracovní zprávy: **10 – 15 000 slov**
Rozsah grafických prací: **Podle potřeb zadání**
Forma zpracování bakalářské práce: **tištěná/elektronická**

Seznam doporučené literatury:

Castles, S., De Haas, H., & Miller, M. J. (2013). The age of migration: International population movements in the modern world. New York, The Guilford Press. Andersson, R. (2014). Illegality, Inc.: Clandestine migration and the business of bordering Europe. Oakland, Univ of California Press. Bilger, V., Hofmann, M., & Jandl, M. (2006). Human smuggling as a transnational service industry: Evidence from Austria. International Migration, 44(4), 59-93. Salt, J. (2000). Trafficking and human smuggling: A European perspective. International Migration, 38(3), 31-56. Shelley, L. (2014). Human smuggling and trafficking into Europe. A comparative perspective (online). Dostupné z: http://www. migrationpolicy. org/research/humansmuggling-and-trafficking-europe-comparative-perspective.

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Datum zadání bakalářské práce: **10. dubna 2019**
Termín odevzdání bakalářské práce: **30. dubna 2020**

V Olomouci dne 6. března 2019

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Abstract

With rising numbers of irregular migrants arriving in Europe, the human smuggling gains importance in the European context. This thesis offers a theoretical analysis of general prerequisites of the phenomenon - borders, migrants and the system of border control – focusing mainly on the European approach to border management. Furthermore, it defines human smuggling itself, describes its operation principles and elaborates an ethical point of view. As a concrete illustration of the market with smuggling services, the last chapter presents results of field research that was carried out in 2019 during the work on this thesis and studied human smuggling in local conditions, specifically in the Una-Sana Canton in Bosnia and Herzegovina.

Key words

Human smuggling, borders, Bosnia and Herzegovina, Una-Sana Canton, migration.

Abstrakt

Se současným přílivem tzv. nelegálních imigrantů, nabývá v Evropském kontextu na významu téma pašování lidí. Tato práce nabízí teoretickou analýzu fenoménů, jež jsou základními předpoklady pro jeho samotnou existenci – hranic, migrantů a systému ostrahy hranic – a zaměřuje se především na Evropský přístup k politice kontroly hranic. Dále vymezuje pojem pašování lidí, popisuje jeho průběh a funkčnost, a uvádí etickou perspektivu na zkoumané téma. Jako konkrétní ilustraci pašeráckého trhu představuje poslední kapitola také výsledky terénního výzkumu, který proběhl v roce 2019 a měl za cíl studovat pašování lidí ve specifických místních podmínkách Unsko-Sanského kantonu v Bosně a Hercegovině.

Klíčová slova

Pašování lidí, hranice, Bosna a Hercegovina, Unsko-Sanský kanton, migrace.

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Glossary

BiH	Bosnia and Herzegovina
EU	European Union
EU-LISA	European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice
FBiH	Federation of Bosnia and Herzegovina
FRONTEX	European Border and Coast Guard Agency
IBC	illegal border-crossing
IOM	International Organization for Migration
KM	konvertibilna marka (currency in BiH)
NATO	North Atlantic Treaty Organization
NNK	No Name Kitchen
PLnU	Pomáháme lidem na útěku
RCB	Red Cross Bihać
RS	Republika Srpska
SIS II	Schengen Information System
TFEU	Treaty on the Function of the European Union
TRC	Temporary Reception Centre
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office of Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
USK	Una-Sana Canton
VIS	Visa Information System

1. Introduction

I was standing in the dark rainy night in the centre of Bihać watching a group of Pakistani guys waiting for their driver that was supposed to take them to Croatian borders. They were preparing to play "the Game", to cross the border and to attempt an illegal entry to the European Union. Most likely, it was not their first attempt and therefore they decided to pay a smuggler, a person that could dramatically increase their chances of reaching Trieste, their target. Neither I, nor they, could be sure that the driver would come, but after several minutes he really showed up. The group got in the car and disappeared into the dark on the road to Plješevica, a mountain range that delineates the Bosnian-Croatian border. I have never found out, if they were successful or not, however, after having seen similar pictures and having heard plenty of stories during the following months of my stay in Bosnia, I decided to learn more about the seemingly enigmatic phenomenon of the human smuggling and to try unravelling the mechanisms of the regional market with smuggling services.

In the past years, European public space was deluged with news about numbers of migrants crossing the European borders. Therefore, when the migration topic became widely discussed, the society pushed politicians to act more seriously in the matter of the border management. It led to "wall building" policies, that encouraged the people on the move to find other, often illegal, ways to enter. Clandestine migration is tightly bound with the phenomenon of illegal border crossing facilitation - the smuggling of human beings. We are used to perceiving human smuggling as a crime against the state sovereignty and human dignity. However, we often forget to think about its reasons and consequences. Human smuggling is not necessarily an unjustified violation of borders and it arises from a need of people who consider their aim of border crossing as rightful but clash with the reality of border impassability. Most of the migrants using smuggling services have not chosen to become illegal travellers beyond the laws and it is thus hard to see their facilitators, smugglers, only as criminals without our full comprehension of the phenomenon.

Th essence of human smuggling is directly linked to the existence of borders of any kind. In the first part of this thesis, theoretical concepts of borders and their management in the European context are presented. Based on the literature review, I try to outline there why societies build walls to separate from others and why people try to find a way of their illegal

crossing. The following chapter studies the human smuggling in the global context and elaborates its general characteristics through three main approaches in the academic circles – organizational and network approach, migration industry and market approach and human rights approach.

As an actual illustration of the market with smuggling services in specific local conditions, the last chapter describes the case study of human smuggling in the Una-Sana Canton in the North-western part of Bosnia and Herzegovina. The chapter first presents the political-geographic background of the region and the history of migratory routes into Europe, especially the Balkan route, which ends in the studied canton. The second part of the case study is an analysis of interviews gathered during the fieldwork among direct participants of human smuggling - migrants, smugglers and humanitarian workers.

2. Aims and Objectives

The main aim of this work is to capture one of many faces of a contemporary phenomenon, generally termed in Europe as "the migration crisis". Human smuggling is a basic aspect of clandestine migration and this thesis wants to bring into discussion more specific information, without which we will not be able to deal with the problem of illegal border crossing. A lack of accessible material about this topic, especially focused on the Balkan region, led the author to create a thesis that will describe, in detail, the process of illegal human smuggling in the north-west corner of Bosnia and Herzegovina, in the Una-Sana Canton. This thesis should help to fill this knowledge gap connected to the obstacles, which prevent efficiently solving the problem of human smuggling across the European outer border.

There is one principal research question (PRQ) in the research and three side research questions (SRQs). It was necessary to change the formulation of research questions as I got to the heart of the matter. Also, it was necessary to reformulate SRQs when I started to do terrain research in the field.

PRQ: How does the market with smuggling services work in the Una-Sana Canton in Bosnia and Herzegovina?

SRQ1: What are the phases of the smuggling process?

SRQ2: Who are the actors involved in the process?

SRQ3: What are the relations between the actors?

3. Methodology

During the research, the methods of qualitative research were used. The reason is that the qualitative approach requires to look at the topic in more context-specific settings (Golafshani, 2003) and to study it through interactions with people, who are an object of research (Dušková & Šafaříková, 2015), which is appropriate in context of current situation in Bosnia. Dušková also emphasizes the advantage of flexibility of qualitative methods, that was important during the work on this thesis due to the inconstant environment of people on the move and politics of local authorities or EU.

3.1. Data gathering and analysing

Primary data were collected by arranging semi-structured interviews with persons connected to smuggling business and by doing participant or unobtrusive direct observation in the field (more on this below). Secondary data, which complete information gained by the fieldwork, were gathered by literature review. Because of a lack of accessible official or academic literature focused on the topic in Una-Sana region, statements of organizations, which operate there, were used as well. This applies mainly for Facebook posts and statements published by NNK, Violence border monitoring, etc. These, in Bosnia often unofficial, organisations can provide information influenced by their subjective point of view, however, they have generally the most accurate knowledge about the current situation in the field.

The main aim of science is to present a truth without distortion caused by errors (Roberts, Priest & Traynor, 2006). And the trustworthiness of research can be based on three quantitative research criteria - objectivity, reliability and validity (Iphofen, 2013). Objectivity is taken into a consideration in the ethical part of this chapter, validity and reliability was achieved by using strategies mentioned by Brink (1993). Firstly, I triangulated different methods of research through a combination of semi-structured interviews and two types of observations. In the same way, data were gathered from different groups of persons (see Figure 1) in two distinct locations – towns Bihać and Velika Kladuša. Secondly, research project was consulted with the supervisor of this bachelor thesis and other experts on the topic. Thirdly, I did a thick description of the research in the methodological part. Brink (1993) emphasizes the description, because it ensures that the research is comprehensible for any other researcher.

The field research was carried out in May and June 2019. As will be reflected below, my personal experiences led me to choose two towns in Una-Sana canton in Federation of Bosnia and Herzegovina, Bihać and Velika Kladuša, as the main areas for doing the research. There were two reasons for that. Both towns are refugee hotspots in the region. It is due to the existence of official camps, Bira Temporary Reception Centre (TRC), Miral TRC, Borići TRC, Sedra TRC, run by International Organization for Migration (IOM), which are placed next to these towns and a support provided by locals and other organizations to migrants. This results in their increased concentration in the area and this directly determines the activity of the smugglers. Bihać and Kladuša became a departure point for the majority of smugglers' operations in north-west Bosnia and started to be one of the "gates to the Fortress Europe". The second argument is that I already had contacts with the locals and stranded migrants, and I knew the locality, which made the fieldwork much more efficient. Before I arrived in the field, I have defined four main groups of people, which I wanted to focus on. These included smugglers, migrants (the ones that had personal experiences with smuggling), humanitarian workers and local authorities, especially policemen. These groups are either directly connected to the smuggling business or have information about it at their disposal. Because it was so complicated to get in touch with the local police (see more on this below) during my fieldwork, I narrowed the research sample just to the first three groups.

For data analysing, I used the strategy of thematic analysis. In the case of recorded interviews, I firstly did a transcription through the *f4transcript* program and then chose twelve deductive codes in order to find answers to the research questions. Information gained through codes comprise a backbone of the case study and are completed with notes from my terrain diary. In the chapter 5, I use direct citations from the interviews, and even though I preserve the grammatic imperfection for the authenticity, some of the citations had to be reformulated for a better comprehension.

It is important to mention that I have personal experiences with the topic and the environment. In the autumn 2018, I lived in Una-Sana canton for almost four months and I worked as a volunteer with organizations No Name Kitchen (NNK) and Pomáháme lidem na útěku (PLnU), both working with the refugees in the area. Because of my involvement with the refugee community and cooperation with local authorities, I got in touch with the smuggling phenomenon and started to be more interested in the topic. Without this

experience, knowledge of the area and created contacts, that I acquired during my volunteering, it would be almost impossible to collect as many relevant data within such a short timeframe. However, I was not able to target all aspects of the problem.

The personal attitude is of course double-edged. On one hand, the fact that I was participating in the situation not just as a researcher, but also as a humanitarian worker influenced my point of view on the topic. Firstly, ethical questions had to be taken into consideration when the research was designed as I will describe below, and it determined shape of the research. Secondly, the complexity of political situation and heterogeneity of approaches to the solution of refugee situation provided by local authorities, imposed difficulties to everybody, who carried out any activities there. My involvement in the humanitarian activities run by NGOs, were during the field research in spring 2019 an obstruction for me in relation with the police and local authorities. Especially the border police (Granična policija) treated me as a volunteer and humanitarian worker instead of cooperating with me as a researcher. That led to the fact that I was a periodic visitor of police stations, but not for a research purpose. As a result, it was almost impossible to do any interviews with the members of the local or border police on the smuggling topic. Because of that, I have resolved to focus more on SRQ1 and SRQ2. Connection between the actors, who play a role in the smuggling process, that I wanted to analyse in SRQ3, concentrates on the relations between a smuggler and a smuggled person. Limited time that I had in the field prevented me from overcoming this obstruction.

On the other hand, personal participation on the humanitarian projects in the area brought several benefits necessary for this research. For a researcher building relationship and sharing opinions and attitudes with the research participant is a part of gaining confidence (Dušková & Šafaříková, 2015), which is crucial for gathering information in the research (Foster, 1967). When I was working in the migrant community in autumn 2018, I met many migrants. Some of them became my friends or we established a close relation based on confidence. Only thanks to this mutual trust they were able to talk with me openly about smuggling topic – the others did not want to talk about such a delicate issue with a stranger – and I could better review the validity of their evidence. With visage of a volunteer that I still had due to my cooperation with NNK, I could get in places, which are hidden to an external observer. That allowed me to get in touch with even more people. As a last thing, working in both official and unofficial camps, enabled me to critically compare information provided by different

organizations or published in the media with the reality. It is a common practise to optimize them, in effort to look good in the public space. So, the divergence between reality and news led me to appraise the trustworthiness of each source.

3.2. The fieldwork

Data in the field were gathered by using ethnographic field-based methods like participant observation, unobtrusive direct observation and in-depth semi-structured interviews. Even if I presented myself as a researcher during the fieldwork in spring 2019, I was often involved in the activities of NNK. I spent time in migrant communities, sometimes lived in migrant squats and participated in their everyday activities. These are prerequisites for participant observation (Bernard, 1995) that is the basic ethnographic method, through which we can collect primary data and generate a new hypothesis (Foster, 1967). Rarely, I used the method of unobtrusive direct observation when I did not want to interrupt a process or communication in progress. Bernard (1995) defines it as a method when subjects do not know that they are observed. Because of the controversial ethical position of this approach, I applied it just when I needed to understand some part of the smuggling process, which could not be watched uncovered[1]. When I wished to grasp a case such as this, which is normally concealed for an external person, several men were cardinal for me. Soukup (2014) calls them the informants, or rather consultants, and describes them as individuals, with which the researcher stroke up contact hoping to gain information. The most important one was Mohammed, a Kurdish guy, who spent a few months in Una-Sana canton and who showed me all the locations, meeting and departing points and routes, that I wanted to see. Both observations are based on the terrain notes, which were afterwards utilized in the terrain diary, and headnotes, which include other information, feelings, impressions gathered during fieldwork (Ottenberg, 1990).

Another qualitative method for data gathering that I used, was the in-depth semi-structured interview. Hendl (2008) sees an advantage in its structure. There is the main topic, but during the interviewing, a researcher can be flexible in the adaptation of the questions to the situation. Environment, in which I did field research, determined this type of interview, instead of rigidly structured one. Interviews went on in many different places - in coffee bars, squats,

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[1] Once I had an opportunity to look at how guides load their clients into the taxis and treat them. It made no sense to communicate with them at that moment so me and my informant stood covered nearby.

on the streets, wherever it was possible. It was caused by the unreliability of the migrants. In their position, it makes no sense to plan more than a few days ahead and it is usual that their position changes unexpectedly in an hour. A smuggler can call them to the Game (see the chapter Una-Sana Canton situation), police can detain them, anyone can steal their phones etc. As a result of this, when I arranged a meeting with them in advance, they never came, or just extraordinarily. So, I was forced to do an interview, where and when it was possible, best immediately. That was also the reason why most of the interviews take just around fifteen minutes. It is quite hard to have any longer discussion on a dark and rainy street. I organised a set of propositions, which I wanted to cover. This interview guide, as defined by Kvale (1996), contains topics expressed by questions, which expand on the SRQs.

One more impediment that I realized during fieldwork, was a language barrier, that was bigger than I had expected. Most of the interviews were in the English language. A few of them, mainly with migrants from North-Africa region, in French. The language level of volunteers and other workers was no problem, but some of the migrants could not precisely express themselves when they did not speak in their mother language. On account of that fact, I talked with the fluent speakers preferentially. That could exclude people with information from the research sample, however migrants often join into groups with shared information and in most of these groups is someone, who speaks fluent English or French.

In the course of the field research, which took more than one month, I talked with many persons, but just several agreed with recording. It is because human smuggling is according to Bosnian (*Krivični zakon Bosne i Hercegovine*, 2003) and European law classified as an illegal activity and should be punished as a criminal act. Fear of people, associated with the topic, led to fact that they did not want to either talk, or be recorded. Due to that, I recorded ten interviews and the others are taken down in the form of terrain notes.

Figure 1: Table of respondents

Name (pseudonym)	Sex	Role	Location	Time in the USK	Nationality	Date of the interview
Alija	Male	Local humanitarian worker	Bihać	Years	X	6.5.2019
Peter	Male	Foreign humanitarian volunteer	Velika Kladuša	1 Year	X	23.10.2019

Clara	Female	Foreign humanitarian volunteer	Bihać	3 months	X	27.4.2019
Mohammed	Male	Migrant	Bihać	6 months	Kurd	8.5.2019
Javid	Male	Migrant	Bihać	3 weeks	Pashtun	22.4.2019
Abdul	Male	Migrant	Velika Kladuša	2 months	Arab	4.5.2019
Kabil	Male	Migrant	Velika Kladuša	9 months	Berber	2.5.2019
Omar	Male	Smuggler	Velika Kladuša	12 months	Punjabi	11.5.2019
Ahmed	Male	Migrant	Bihać	2 months	Pashtun	27.4.2019
Babak	Male	Migrant	Bihać	1 month	Pashtun	26.4.2019

3.3. Ethics of the research

As was mentioned above, I was involved in the work with refugees for almost four months before my research work. The humanitarian work and the daily contact with people on the road had to create my personal opinion on the situation there. Under these circumstances, it is very hard to stay objective. But as Becker (1967) argues, when we do any social or anthropological research, it is useless to try avoid taking a side, simply because we surely will. Important is to be conscious of that fact and properly work with it. Do not conceal it to yourself or the others, instead count with that during fieldwork and reflect on it in the thesis. Also, Jacobs and Cassel (1987) said that field ethnographers have a particular relationship with the community, with which they have worked, and *"during their fieldwork, most have developed a strong empathy for the peoples they have studied and felt a sense of personal responsibility for their welfare."* As a researcher, I have certainly had a personal relation with the refugees, who represent the majority of my interviewees, and with many of whom we became friends. But I reflected my position, when I did interviews in Bosnia and also during the writing of this piece. Furthermore, in my opinion, it is not something that could strongly affect the conclusions of this thesis, because the aim is not to discuss ethical questions about smuggling, but rather to analyse the smuggling process and describe its actors. Still, if there could be contamination of my opinion in this paper, I tried to point at it.

One of the essential ethical requirements of ethnographic research is "do not harm" (American Anthropological Association, 2012). In this respect, when I was choosing a research sample of people, I decided not to collect information from the people, who were just pushed-back from EU or who were after exhausting moving to Una-Sana canton. Even though these people have an accurate description of the incident – people who are recalling the events with delay often mix several stories together and their evidence does not make much sense – I only established a contact with them and gave them time to recover. Also, sometimes I was forced to stop an interview or contact with someone, when there was a possibility that our contact can be problematic for them[2]. Also, during the data analysis, I decided not to use information, whose publication could lead to complications for the refugees. Due to that, persons and names of some places or routes are anonymised in the paper. Because of the same reason, information gathered in discussions with participants from smuggler community are not concretized. Motivation of each person for providing smuggling services cannot be easily judged, so I do not want to harm them. Last but not least, I did not interfere into the work of local authorities, police or security services, during their contact with migrants, although, in my point of view, their practises were often at least controversial. Still, they do their work and I hope they try to solve the situation in the area.

Anonymization of the people and locations is a process that aims to protect the privacy of participants (Dušková & Šafaříková, 2015). Even if all respondents with which I did an interview, gave me a permission to use their statement in this thesis, when I cite them, I use their pseudonyms, that can help the reader to better understand all circumstances. Sharing just these two pieces of information guarantees that respondents cannot be identified. Because of police intervention, it is necessary especially in the position of migrants and humanitarian workers, who are still present in the area. Locations, which play a role in the smuggling process are changing frequently or are already well known. Therefore, I use their real name in the thesis and concrete description, if it is relevant to the issue.

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[2] As an example, there was a situation when I talked with a group of Afghani guys and their contact person in public park in Bihać. A common police practice at that time was to collect migrants, who were walking down the streets or taking rest in public spaces, and to push them out from the town (RFE/RL, 2019). In some cases, they loaded them in the car and moved them on the border of Una-Sana canton (town Ključ is 90 kilometres far from Bihać). That could make their situation even worse.

3. Borders

3.1. Border theory

The phenomenon of human smuggling requires an existence of several prerequisites in the area. These include interstate borders, smugglers, smuggled ones and the state authority, that classifies smuggling as an illegal activity and actively fights against it. Creation of borders, of any kind, triggers an effort to the border crossing (Khosravi, 2007). And as more difficult the legal border crossing is, the more effort has to be exerted. Consequently, in the extreme case of the physical state frontier, if the border crossing under the control of state power is impossible, people often decide to use an alternative, illegal way. That means to be smuggled to the final destination.

We live our lives in a world full of borders and so human action in the contemporary world is delimited by borders of many kinds, social, economic, juridical, etc. (Nail, 2016). We are far from Ohmae´s prophecy (1992) of the *borderless world*. Due to globalization, states, cultures and societies are more interconnected, but *"it has not changed the world´s political fragmentation. The world has become neither a village, nor borderless"* (Deleixhe et al., 2019, p. 641). And even though the process of globalization significantly diminished geographical and social boundaries, others are rising. In the international field, the recent decision of the United Kingdom to leave the European Union (EU), or foreign policy promoted by Donald Trump, could serve as good examples (Wells & Wang, 2017).

In the past decades, border theory has become an accepted branch of contemporary geography (Konrad, 2015). Still the basic question: "What is the border?" is discussed by scholars. According to Nail (2016, p. 2), the border is *"a process of social division".* Deleixhe et al. (2019) elaborate that, for an individual, a border represents separation of our world, the safe one, from the world of the others. And Morales (1995) adds that borders show us the end of our safe zone and the beginning of a strange area, unknown for us. Relevant dictionaries explain entry "border" as a line between two countries (Cambridge Dictionary, 2020), or: *"an outer part or edge"* (Merriam-Webster, 2020)*.* But we cannot understand the border only as the edge of state (Khosravi, 2007) in geographical terms. It is the division in the broader context, division of the different societies, division of the different symbolic and functional systems (Sendhardt, 2013).

In the book *Theory of the border*, Nail (2016) comes with the concept of borderless society, which he describes as practically the same what we call the global world, the area without separation. However, author emphasizes that as long as there are different societies, there are borders that divide them. The crucial question is, if it is the society, that constitutes the borders or if it is the borders, which form the society. The borders are in fact *"something that is required for the very existence of society itself as a delimited social field in the first place"* (Nail, 2016, p. 4). Consequently, we can say that the society establishes borders and is established by them at the same time. Accordingly, we can assume, that the relation between a state and its frontiers is identical (Deleixhe et al., 2019).

As a result of the existence of national states, borders divide the whole world and define interstate movement (Nail, 2016). They regulate the flow of people, goods, ideas and represent a tool to exclude the ones from the possibilities of the others. On one side, there are people in the world that have freedom of moving anywhere, while on the other side, many people lack this right. That creates an inequality (Khosravi, 2007), which people try to equalize. Due to this desire for equal opportunities, the social tension emerges, especially in the borderlands, which are places that attract everybody dreaming about a better life (Michaelson & Johnson, 1997). The simplest way to be equal is to become one of the others. That means to be a citizen of another state. To achieve this aim of improving living conditions, it is necessary to cross frontiers.

State borders surround state´s spatial territory and demarcate the area, in which the state can assert its authority (Deleixhe et al., 2019). Even if the border can never prevent border crossing at all (Nail, 2016), through the activity of border police and other authorities, state legitimately tries to protect its territory. Smuggling manifests itself by breaking this legitimacy. In recent years, EU more and more hermetically closes its outer borders to the foreigners. That leads many authors to start using the term *Fortress Europe* (Sendhardt, 2013, p. 22).

3.2. Fortress Europe

In 1985, the Schengen agreement was signed and this affair was the rudiment for the creation of *Fortress Europe* (Benedicto & Brunet, 2018). Schengen space of free movement allows almost complete permeability of European internal borders, but at the same time demands more sophisticated protection of the outer borders. In the figurative sense of the word,

European states shift bricks from the walls between them to construct higher bulwark with the third countries. Such behaviour is a consequence of the process of *securitization*, which influences European international politics since the issue of the migration started to be a serious part of European discussions (Lemaire, 2019). The theory of the *securitization* was formulated by representatives of the Copenhagen school and was subsequently critically discussed by the second generation of authors (Stritzl, 2014). According to Buzan et al. (1998), it is an utmost politicization of a social issue. The issue of migration is frequently depicted as a threat, which endangers the fundamentals of our lives. It does not have to be necessarily true, but thanks to the depiction of imminent emergency, exceptional political tools are justifiable, even in the cases, which would be normally illegitimate.

It is not surprising, that after the fall of the Berlin Wall in 1989 and the consequent political manifestation of the borders as a barrier for the world prosperity – e.g. Reagan´s speech *"Tear down this wall!"* (Robinson, 2007) – we can see nowadays new isolationist tendencies. Sendhardt (2013) explains it by the concept of *debordering* and reverse *rebordering*. Borders are not static objects and even though their geographical positions remain, other dimensions change in time. Breaking of the Iron Curtain was a demonstration of debordering process. But after that, the external borders turned into the delimitation of a new identity for the European community. This affiliation to EU causes an inclination of citizens to exclude those outside. That was amplified by the securitization of the migration issue and "*borders are beginning to be treated as areas of war, even if there is no threat of territorial loss, where militarism is deployed and the policy of creating walls promoted*" (Benedicto & Brunet, 2018, p. 13). Authors identify three types of walls, which the EU started to build in effort to control the entrance of foreigners and which constitute *Fortress Europe* - the mental one, the physical one and the virtual one. This classification will be used in the following text.

There has to be a demand for building "walls" that will control a movement of migrants. Benedicto and Brunet (2018) see it as a result of *mental walls* constructions in people´s mind. The groundwork for the mental wall against migration lays on racism and xenophobia. Both elements are on the rise in the EU in the last decades (Georgi, 2019) and in the present climate of the "migration crisis", they crystallized in the fear of Muslim immigrants' arrival. In his last book, Bauman (2017) identifies a feeling of unknown as a substantial reason, why people are scared. Not surprisingly, the biggest fear is in the regions, where Muslim minorities comprise

only a negligible part of the society (Hafez, 2015). The image of immigrants as a threat to national security is harnessed by populists, extremists and politics of far-right wing. Unfortunately, mainstream political parties also use the anti-migrant rhetoric in an effort of appeal to their voters (Benedicto & Brunet, 2018). The trend of the intimidation is spreading across whole Europe and extreme political parties influence security politics more than before. As Bauman (2017) states, it is a fight between two opinions and Europe stands in front of a choice - to close before newcomers, or to learn how to live with them together.

European continent is encircled by seas, mountain ranges, rivers and other geomorphological barriers. These ideal natural borders, together with the system of fences, walls and checkpoints constitute *physical wall*s. But the European Union realized, that these walls are not sufficient obstacles for migrants and fortified them by establishing its agency for the border monitoring, FRONTEX[3] (Neal, 2009). In cooperation with national border polices, FRONTEX is the main actor in the European border management. In the present days, FRONTEX oversees three main naval operations running in the Mediterranean Sea[4] ("FRONTEX", 2020). These operations - Minerva, Themis and Poseidon - comprise, with other smaller ones running by national authorities and the North Atlantic Treaty Organization (NATO), first shield against immigrants. Maritime borders are crucial especially for Spain, Italy and Greece. In addition, European states – North Macedonia included – built 14 land walls[5] since 1990, with a primary purpose to prevent immigration (Benedicto & Brunet, 2018). This fortification of the EU frontiers makes it much harder for anyone to get into the European territory and results in the expansion of the human smuggling market.

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[3] FRONTEX was established in 2004 as an agency for monitoring external European borders and for the coordination of national authorities responsible for the surveillance of them ("FRONTEX", 2020) That implicates a question, if FRONTEX is a real outcome of accelerated securitization that affects EU and USA after 9/11, and a tool to isolation. Neal (2009) argued that the foundation of FRONTEX is more an answer to the inability of European states to find a common strategy to handle the migration issue, than a product of impetuous securitization process.

[4] Since 2015 (currently, the operation shall end on 31 March 2020 (Council of the European Union, 2019)) FRONTEX, in cooperation with NATO and involved coastguards, has run operation Sophia also. Sophia focuses mainly on the fight with human smugglers and traffickers and the training of the Libyan coastguards ("Operation Sophia", 2020).

[5] From the total number of 14 walls, two are located in Spanish enclaves Ceuta and Melilla. One surrounds French port in Calais. One walls off so-called A*rctic route* in Norway and three separate Baltic states from Russia. The rest seven try to block the *Balkan route.* And the majority of them set apart Schengen space and Croatia with Serbia.

Construction of *virtual walls* is the third method, which EU set up to defend its territory. The term *virtual walls* includes all surveillance and control systems that complement physical walls and the function of guards. Hand in hand with the technological progress of last years, these systems have become more complex and the technologization of the security will most likely continue (Benedicto & Brunet, 2018). In 2012, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) started its activities. This agency provides management of main large-scale IT systems[6], by which the EU control personal mobility. For better exchange of information and improvement of cooperation among EU members, the European Surveillance System of Borders (EUROSUR) was developed, as well.

To complete the picture, how the EU tries to deal with the contemporary migration issue, it is necessary to mention a juridical framework of the migration phenomenon. However, the aim of this thesis is not to contain an overall complexity of the EU migration and asylum law, which combines international, European and national legal systems (Azoulai & De Vries, 2014). Therefore, only a fundamental regulation will be mentioned. The basic legal document which applies to the migratory and asylum law is the Treaty on the Function of the European Union (TFEU) in titles IV and V[7]. There, articles 77-80 determine the definition of migration and asylum. *Asylum law* concerns the people with refugee status according to the Geneva Convention from 1951[8] and in general fulfils the international obligation in the area of human rights. *Migration law* deals with the migrants, whose motivation to move is based on economic reasons or on seeking of better life conditions (Scheu, 2016) and, in contrast to asylum law, it is more in the jurisdiction of national states (Azoulai & De Vries, 2014). The rights of immigrants, if they cannot apply for an asylum, and this is common in the present time, are therefore defined more by the legal system of the concerned country. Nevertheless, it still must respect the European regulations. That is important because, as reported by Pastore et al. (2006), the largest number of migrants come to Europe through the legal visa system, rather than illegal means. European, respective national, migratory law is thus more responsible for the amounts of migrants than clandestine entries. Benedicto and

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[6] Currently eu-LISA operate Eurodac (system for the comparison of asylum-seekers fingerprints), SIS II (Schengen Information system, control people entering Schengen) and VIS (Visa Information system) ("EU-LISA", 2020)
[7] (European Union, 2012)
[8] (UN General Assembly, 1951)

Brunet (2018) recommend modification of our law and moral system to resolve the current situation instead of the militarization and securitization. This should help Europe to handle the situation more efficiently. But as Jones et al. (2017, p. 13) point in their research report: *"alas, the EU today does not seem significantly better prepared to confront a similar wave of migration in 2017 than it was two years ago".*

3.3. The profile of the migrant

At least since the 1990s, migrants have been branded as a threat to our economic welfare, to our culture and everything good, that was developed by western society (Deleixhe et al., 2019). This formed a wave of fear, which swept over Europe and led to a massive process of bordering. Populists cleverly utilize this fear for their profit and complete the picture of migrants as they need. To achieve a public demand for building the walls, society must be scared of the others, who are strange, eerie, and dangerous. And the migrants turn into something alien. Their image shows that they are different and fanciful, like a species from another planet. However, as a Nail (2015) points out, they are the same people, just in another position, in which we can be also situated one day. *"One is not born as migrant but becomes one"* (Nail, 2015, p. 3)*.*

Thomas Nail (2015) named aptly his book *The Figure of the migrant*. He describes a migrant as a political figure of the movement. As a social status, that is given to the person by society when he or she decides to move. Nevertheless, such characterization omits the individual and, even if we distinguish different types of migrants – nomads, refugees, economic migrants, etc. – their personal motivation and their story would remain hidden. However, for the full comprehension of human smuggling and for taking a stand on it, it is crucial to understand causes for one´s decision. Morales (1995) states, that every human being dreams of an utopic world, which is better than that the one, in which we live now. We project our fantasies to countries beyond the borders and when the fantasies are too tempting, we decide to move and become a migrant. Neoclassical economics of migration sees the decision as a cost-benefit analysis (Sjaastad, 1962). Movement brings with itself a certain type of social expulsion, which can be more or less permanent. But whereas the profit of migration is always uncertain, the loss, based on expulsion, is definite (Nail, 2015).

Scholars recognize pull and push factors (Lee, 1966), which force people to leave their homes. And the current law system legitimates migration depending on whether these factors are motivating or coercive. Authorities distinguish whether people were forced to leave their country of origin[9] or if they decided on their free will. This proves to be problematic, because in many cases it is hard to agree on, whether the movement is voluntary or not (Samers, 2010). The degree of voluntariness in judging the legality of migration does not matter when we study human smuggling as an academic topic. Migrant, that uses smuggling services, is an illegal border crosser (in any sense of the word). But when the discussion leads to the implementation of real politics, all aspect mentioned above should be taken into consideration (Khosravi, 2007).

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[9] In this case, the migrant can be classified as a refugee according to the Geneva Convention (UN General Assembly, 1951).

4. Human smuggling

Since the 1990s, the number of international migrants has increased. IOM (2019a) estimates, that in 2019 international migrants constituted 3.5 per cent of the global population, which is around 272 million people. A substantial part of them cross frontiers legally, but due to the increasing enforcement of borders, the amount of irregular border crossing (IBC) is rising, too (UNODC, 2018a). Majority of respondents in the study about migration in 2019 published by Mixed Migratory Centre (MMC) (Horwood & Powel, 2019) answered, that they had used some kind of smuggling services, which were, in most of the cases, aiming primarily on the safe passage across the border. Completing this information brings us to a conclusion that the smuggling market must grow as well. Shelley (2014) confirms this assumption by regarding the human smuggling and trafficking as the fastest growing transnational criminal activity. United Nations Office on Drugs and Crime (UNODC) reports that a minimum of 2.5 million migrants were smuggled in 2016 (UNODC, 2018a) worldwide with minimal estimated annual profit for smugglers of about 5.5 to 7 billion US dollars. Nonetheless, UNODC points out that because of difficulties in data gathering, these numbers are just a rough estimate.

The global expansion of the human smuggling caused increased interest in the topic also in the academic sphere. Scholars offer several approaches to the human smuggling phenomenon and discuss its complexity and multidimensionality (Baird, 2013). Salt (2000) identifies two main and one alternative theoretical approach to the problem. The first one studies smuggling and trafficking from the economic point of view. The other works with the juridical perspective and regards smuggling as a criminal activity. Alternatively, the author introduces the human rights approach, which reacts to the implemented politics, that apply of irregular border crossing. Van Liempt (2007) uses the same classification and stresses that it is desirable to scrutinise smugglers and migrants and their mutual relation. Baird (2013, p. 9) further broadens their perceptions and categorises six academic approaches:

- *organizational or network approaches, partially based on criminological models*
- *mode of crossing and likelihood of capture models, including estimations of migration rates and flows*
- *migration industry and market approaches; 'smuggling as a business'*
- *global historical comparisons*

- *human rights responses which are concerned primarily with legal arguments*

- *gender approaches to human smuggling*

This chapter is based on Baird´s classification but focuses mainly on the three approaches congruent with Salt – organizational, economic and human rights – that are most apt for the situation in the Una-Sana Canton.

4.1. Human smuggling vs. Trafficking in human beings

In the case of illegal border crossing, we are talking about two close phenomena, the human smuggling and the trafficking in human beings. Both activities encompass an illegal transportation of people but differ in several aspects (Baird, 2013; Bilger et al., 2006; Içduygu & Toktas, 2002; Salt, 2000; UNODC,2018a). However, these differing aspects are not fully agreed in the literature. Since the second half of the 1990s, a necessity of the clear definition has emerged. National governments interpreted these two terms in various ways, which implied obstacles for coherent international policy (Salt, 2000). Consequently, in 2000, the United Nations Convention against Transnational Organized Crime (UNTOC)[10] was signed along with three supplementing protocols[11], that strictly define human smuggling and trafficking. The Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air (UN, 2000b) defines:

> *"Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.*

The Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN, 2000c) says:

> *"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum,*

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[10] Also called the Palermo Convention (UN, 2000a).
[11] Protocol against the Smuggling of Migrants by Land, Sea and Air (UN, 2000b), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN, 2000c), Protocol against the Illicit Manufacturing of and Trafficking in Firearms (UN, 2000d).

the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour

or services, slavery or practices similar to slavery, servitude or the removal of organs.

Aforementioned authors base their analysis of differences between human smuggling and trafficking in persons on these definitions. There is a consensus that its important facet is *transnationality.* Smuggling of migrants is always an irregular migration between separate countries[12]. In contrast, trafficking in persons does not necessarily include an illegal entry to the foreign state. Actually, most of the victims are exploited in their country of origin (UNODC, 2018b). The difference is also in the *purpose.* Traffickers exploit victims for gaining a profit, while smugglers support an effort of migrants to cross a border in order to obtain a benefit. In the case of trafficking, there is no *voluntariness*. Victims are always coerced and abused by traffickers. In comparison with that, smuggled persons generally want to migrate and agree with a payment for using smuggler´s services. Baird (2013) however points out that the distinction in voluntariness is not too sharp. In many cases, migrants are forced to use a smuggler for reasons, that were definitely not self-imposed. Abusing and human rights violation are not only present in trafficking. During the smuggling process, smugglers often use their power and change the condition of contract and physically or mentally maltreat their customers (Içduygu & Toktas, 2002). Moreover, UNODC (2018a) adds the criterium about "*against what or whom the crime was committed*". Trafficking in person is a crime against a human being. Human smuggling violates borders and state sovereignty.

Regardless of their differences, human smuggling and trafficking in persons are both illegal activities which are always difficult to investigate (UNODC, 2018a). Data gathering is problematic, because it is almost impossible to do direct observation and therefore, authors have to work with estimates or so-called ex-post accounts, that are collected after the process itself (Pastore et al., 2006). Kraler and Reichel (2011) identify five methods to estimate the flow of irregular migrants, that can be used also in the case of human smuggling. Other authors (Baird, 2013; Içduygu & Toktas, 2002) agree, that the most common methods are quantitative estimates based on numbers of border apprehension and qualitative research, which handle interviews with migrants, exceptionally smugglers. Nevertheless, the reliability of these sources is questionable. Numbers of apprehension counted by courts or police cannot be

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[12] This definition creates a problem with the branding of the people, who illegally transported migrants within Una-Sana canton and police treated them as smugglers (see case study).

representative and mainly report only the number of smugglers, not the number of smuggled migrants in total. According to Van Liempt (2007), data gained by interviews with migrants can be biased as well. Migrants have many reasons for concealing information or for making changes in their statement - either they want to protect the others, or they are ashamed. Because of these obstacles, human smuggling remains poorly known and understood phenomenon, and so it is hard to analyse.

4.2. Organization, structure and role of organized crime

Most of the research about the smuggling of migrants is focused on the hierarchy of smuggling organizations and networks, their *modus operandi* and connection to other criminal activities. It is because these studies were carried out mostly by institutions responsible for the border management, that want to gather the information for the suppression of the crime. This hunt for the role of the organized crime is the main point of criticism of these studies (Baird, 2013). The assumption that human smuggling is run by highly sophisticated, hierarchically integrated and globally operating criminal cartel was heavily discussed around the beginning of the century (Kyle & Koslowski, 2001). The variation of opinions could be caused by a vague differentiation between smuggling, trafficking and clandestine migration. However, after the UNTOC was written, there is almost unanimous consensus in scholar´s circles that human smuggling is more likely organized as a network of independent actors (see e.g. Bilger et al., 2006; Pastore et al., 2006; Baird, 2013). Authors state that even the picture of smuggling services, as a specific form of the organized crime run by a mafia-like organization, looks good on the television screen, several studies show the opposite. Bilger et al. (2006) state, that smuggling industry consists of many small-scale operators competing with each other as in a classic market economy. Pastore et al. (2006) see the proof of this statement in a high frequency of conflicts in crossing processes. It is usual that during smuggling procedures different smugglers[13] do not cooperate as it would be regular in an organization controlled by one integrated centre, particularly in sharing information about the transportation, payments and customers.

The first UNODC Global Study on Smuggling of Migrants (2018a) denies the role of the one well-organized player as well, but emphasizes variations in the size and structure of smuggling

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[13] In this thesis, the term smuggler is used for anyone, who provides any kind of smuggling services.

operations, and distinguishes four types of the smuggling organizational structure. *Individual structure* is comprised of several small smugglers, that act occasionally when they take the opportunity. They are often residents in border areas and, in the most cases, provide just basic services as information or telecommunication. In the *networks structure,* smugglers are organized in networks, which loosely cooperate among themselves and each arranges different part of the process. Smugglers in different countries set up partnerships in an effort to gain more profit, but in this partnership, a strict hierarchy is missing, even the mutual relation can be asymmetric. *Mixed structure* connects and mixes individual smugglers and networks. In the case of large-scale smuggling operations across multiple borders, which contain fraudulent documents or sophisticated types of transportation, the study recognizes the existence of *hierarchical structure.* The presence of a more complicated functional structure was often associated with the involvement in other criminal activities, but besides few exceptions, the connection was rarely proven. Only high level of corruption and falsification of documents were detected (UNODC, 2018a).

Similar to smuggler networks, migrants themselves often develop a network of relationships. Social, family and ethnic ties complement migration and smuggling and create an alternative system based on trust and solidarity. This system is more horizontal than vertical and includes mostly equal relations of power. It is crucial for sharing information and can provide to migrants an assurance against exploitation by smugglers. The strength of ties equalizes the position of the smuggler and migrant and Baird (2013) accentuates that the quality of these social relations is more important than their quantity.

Smuggling is not limited only to assistance with border crossing. It also often includes services such as providing an accommodation, information about the route, bribing of authorities, recruitment or falsification of the documents, etc. (UNODC, 2018a). These services can be handled by one person or more, depending on the complexity of the smuggling process. Pastore et al. (2006) speak only about two categories of smugglers. *Passeur,* which is the person that directly accompanies migrant on the path across the border, and *organizer*, that is a developed version of the passeur and arranges recruitment of new customers or manages the cooperation with other organizers. This two-stepped model is sufficient for the small-scale smuggling operations, but for more complicated ones, more roles are required. The following

classification is based on the articles of Içduygu and Toktas (2002) and Schloenhardt (2001), but only roles relevant to human smuggling are considered:

1. *Initiating smuggler/Recruiter* contacts or is contacted by new customers and organizes an initial phase of the journey or forwards migrants to another smuggler.
2. *Organizer* organizes smuggling operations and its logistics in the origin or transit country.
3. *Guide* knows the region in detail and escorts the migrants across the borders.
4. *Cashier* is a credible person for both sides, that guarantees the realization of the financial transaction.
5. *Middleman* ensures safety connection between a particular link in the chain of human smuggling.
6. *Other intermediaries* help all other smugglers and are involved in secondary smuggling services not linked with direct facilitation of the irregular border crossing.

Depending on the terrain, border controls, available resources and time, organizational capacity of smugglers and other determinants, migrants can be smuggled in countless variants. The transport process itself can combine multiple routes, but, in general, literature discerns smuggling by sea, land or air (UNODC, 2018a). Globally, most of the smuggling operations are carried out via *land routes*. The crossing of the land border is often relatively simple for implementation. It may not even necessarily require smuggling services and smugglers may be used just as a guarantee of the higher probability of success. Land smugglers operate plentifully along US-Mexico border, land African borders or in central Asia. *Smuggling by sea* involves using of vessels and detail knowledge of departure and arrival points. It is the most dangerous type of irregular border crossing[14] but migrants tend to use it when the chance of reaching their final destination is higher or when it is the only possibility. This applies especially in the area of the Mediterranean Sea, the Gulf of Aden or Southeast Asia. The most sophisticated smuggling route is through the *air*. It regularly includes bribing of officials and using fraudulent documents. Therefore, it is the most expensive way, although the safest one.

Smuggling routes create a system of departure, transit and arrival points, that change in time. Their existence is fluid and depends on changes in border policies, police interventions,

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[14] According to UNODC (2018a) 58% reported deaths of migrants were caused by drowning.

demand for smuggling services, etc. These access points emerge mainly in borderlands (Deleixhe et al., 2019), in the areas, with a high concentration of migrants, that want to cross the borders, or that already crossed them. They can be harbours, refugee camps, islands or border towns. As an overall term for such points authors use the expression *hub* (Bilger et al., 2006; Van Liempt, 2007). However, UNODC (2018a) uses this term in more specific sense and conditioned it by its stability. The hub is a place where supply and demand in the smuggling market meet together and where a community, whose existence is directly based on migrant smuggling, was established.

4.3. Market with imperfect information

Contrary to the perception of smuggling as a form of organized crime, Salt and Stein (1997) came with the model of human smuggling as a complex free market, that provides a wide spectrum of services in different regions around the world. Smuggling services are commodities tradeable in market-like conditions of the international service industry for the people on the move. Migrants (customers) create demand and smugglers (suppliers) respond by supply. Despite that, the market for smuggling services lacks a basic prerequisite for free market competition. The fact that smuggling is an illegal activity requires a high level of secrecy, which results in the limited flow of information, needed for the right decision (Bilger et al., 2006). In this market with imperfect information, smugglers could offer services for inadequate prices, because the quality of their services is unknown. Thus, the low-quality smugglers could make the prices lower and steal clients from the ones, who provide high-quality services. Economists call it a principle of adverse selection. For this reason, providers of high-quality services try to persuade clients about their trustworthiness and offer warranties. Smugglers mostly use safe methods of the payment through an intermediary, or a so-called guarantee operation, that ensures some kind of compensation in the case of a failure. Nevertheless, the reputation of a smuggler and a review by successful migrants are the most important instruments for a proof of the credibility.

During the smuggling process, the position of power between the smuggler and the migrant is not equal. However, before the migrant decides to use services of a particular smuggler, it is the smuggler, who has to gain a trust of his potential customer and to adapt his prices to the current demand (UNODC, 2018a). That involves active marketing and recruitment. Smugglers can advertise their service directly, through recruiter or social media, but their

positive references are the most certain way to convince their potential customers (Çarmikli, 2016). Here, the migrant community and social ties (mentioned above) play an irreplaceable role in helping the migrants to choose a credible smuggler to reach their destination. It is a common practice, that smuggler misinforms clients about obstacles and the specifications of the route. It is also common, that migrants would be able to cross the border on their own, but the smugglers persuade them of the necessity of their assistance (UNODC, 2018a). Small-scale smugglers, who escort migrants personally are regarded as the most reliable, because in case of apprehension, they risk more than the ones, who send only a guide (Bilger et al., 2006).

Prices of smuggling services depend on various factors. Petros (2005) defines four main determinants: the distance, means of transport, number and characteristics of migrants and other circumstances. The risk, which migrants are ready to bear may be the most significant aspect (Bilger et al., 2006). The study by UNODC (2018a) states prices from several hundred US dollars for easy land border crossing, up to fifty thousand for the complicated journeys, e.g. from Nepal to the United States. In general, air routes and entry to highly guarded countries are the most expensive. Nonetheless, fees are fluctuating as the factors influencing the route are changing too. The money transactions are rarely realized directly. Migrants can pay for the services before the whole smuggling process, during it, or payment can be ensured by family or friends in the country of origin or destination (Pastore et al., 2006). However, in all these cases, using intermediary or cash office is the safest way to avoid deceiving tricks for both sides. Literature (Baird, 2013) denotes such process as *hawala* system. Clients give money before the operation to a third side, any trustworthy person (*hawaladar)*, who subsequently pays the sum to the smuggler after a successful journey (Baird, 2013).

4.4. The human rights approach

The human rights approach to the human smuggling focuses on the policies, that apply to the irregular border crossing and to the phenomenon of the smuggling itself. The discussion of the ethical point of view is led mainly about the two of them. The policies, that regard the human smuggling and irregular entrance to the country as a crime against state sovereignty, and the ones, that emphasize the abuse of migrants by smugglers and see the smuggling as a crime against human beings. Scholars analyse social regimes, that criminalize irregular migrants and smugglers. Ask a question, how much is this criminalization legitimate and call for the change

of current discourse. Nonetheless, this normative perspective of the human rights approach is the key reason for critics (Baird, 2013)

In his autoethnographic study, Shahram Khosravi (2007, p. 321) describes feelings before his first illegal border crossing:

> 'If I take a step,' I thought, 'I will be somewhere else. When my foot touches the ground on the other side of the road, I will not be the same person. If I take this step, I will be an "illegal" person and the world will never be the same again.

Similar sentiments are echoed by migrants around the world every day. Clandestine border crossing is classified as illegal and thus anybody who tries it, should be punished according to the law. However, it is a contradiction in terms if we claim, that everybody can freely leave their country[15] but in the same time, we do not allow others to enter any other country, not even ours (Baird, 2013). In the publication, the author suggests a compromise - states have the right to control the movement across their borders and to prevent migrants from entering, but on the other hand, states should provide a possibility for anyone to apply for asylum and refugee status, according to the international law. The international system of offices for asylum-seekers should ensure this right, but Khosravi recognised already in 1987 that there was no point in going to the UNHCR office in effort to claim for asylum, because it was just a waste of time. Nowadays, conditions are often the same for migrants. In some cases, migrants have to wait months for the final decision (Lyons, 2018) or they cannot even ask for the protection, because states deny to accept any asylum applications (Mitsotakis, 2020).

Another topic of the human rights approach is the lack of sufficient protection of migrants from their abuse during the journey. The most registered cases of physical or sexual violence on migrants were caused by smugglers (Horwood & Powel, 2019, p. 78). However, not all smugglers harm their clients and unfortunately, not only smugglers are responsible for the acts of violence. Mixed Migratory Review (2019) brands also security forces and immigration officials as important perpetrators of migrant´s abuse. It confirms the present phenomenon of illegal pushbacks and police violence on European borders (Border Violence Monitoring, 2020). It is another contradiction in the policies and laws, that aim to protect migrants from

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[15] Article 13(2) of the Universal Declaration of Human Rights (1948): *"Everyone has right to leave any country, including his own, and to return to his country."*

the smugglers. Smugglers often misuse their stronger position against their customers, but they are not the only ones. For migrants, the enemy is more often a representative of border management and the smuggler is rather perceived as *a helper* who saves the migrant from his or her daunting position and enables him or her to achieve a better live (Khosravi, 2007).

5. Una-Sana canton situation

This chapter is a descriptive case study of the human smuggling situation in the Una-Sana Canton in Bosnia and Herzegovina (BiH) based on the fieldwork research realized during the late spring of 2019. For a better comprehension of local specifics, geographical, political and cultural context of the studied region is established in the first part of the chapter. The second part describes the history and the development of the Balkan Route, which is essential to understand the situation of migrants stranded in the area. The last part presents the mechanisms of the local market with smuggling services in 2019 through the eyes of its actors.

5.1. Context of the Una-Sana canton

Una-Sana Canton (*Unsko-sanski kanton - USK*) is an administrative unit, one of the ten cantons in the Federation of Bosnia and Herzegovina (FBiH), the entity within BiH. The canton is located in the north-western tip of the country and has internal borders with Republika Srpska and Canton 10 and external with Croatia. It is named after two rivers, Una and Sana, along which the main infrastructure and settlement is concentrated. The economic and political hearth of the canton is capital Bihać, that straddles the river Una and is connected with the rest of the country by a railway from Bosnian Novi Grad to Croatian Knin. Main roads mostly copy the railway and lead to the centre of the country through town Ključ and to Croatia through border crossing in Izačić and Velika Kladuša. The USK is predominantly hilly with Bihać lying 223 metres above sea level and the highest peak Gola Plješevica, which is nine kilometres far away, in 1646 a.s.l. This determines the local climate, which can be, especially in the winter, when average temperature falls deep under the zero and the snow covers the countryside, hard for migrants, that do not find a shelter. Geographic conditions also affect the orientation of the regional economy and cultural-historical position of the region as a meeting point of the western (Christian) and the south-east (Muslim affected) culture.

The Dayton Agreement[16], which was signed in 1995, set up the new republic Bosnia and Herzegovina, which now consists of two entities – the Federation of Bosnia and Herzegovina

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[16] The General Framework Agreement for Peace in Bosnia and Herzegovina (UN, 1995) also known as the Dayton Agreement was a peace treaty among representatives of Croats, Serbs and Bosnians which formally ends the Bosnian War and reconstituted former Yugoslavian republic as new sovereign state Bosnia and Herzegovina.

(FBiH) and Republika Srpska (RS) – and district Brčko. Both entities are de facto politically autonomous to some extent and have their own constitutions. RS has a relatively centralized administrative structure and directly regulates its lower-level administrative units, the municipalities (*opština*), through the Ministry of Local Government. By contrast, FBiH divides into another ten subnational units, cantons, that each has a separate set of local governmental law, independent ministries and power to organize the municipalities and to handle local issues. In an effort to equitably arrange the country among different ethnic groups, the Dayton Agreement thus created a system of eleven self-governing governments. The act maybe reduced ethnic tensions within Bosnia, but complicatedness of such a political system makes impossible to effectively implement any policy (Jokay, 2001). By this structure, USK comprises eight municipalities, from which mainly Bihać, Velika Kladuša, Cazin and Ključ have to deal with the enormous number of incoming migrants.

The USK, like all the other parts of BiH, was strongly affected by the Bosnian War. According to the last census in 2013 (Agencija za statistiku BiH, 2016), the population of the USK was 273 261, which is significantly less than in 1991, when the number of citizens was 330 479 (Federalni Zavod za Statistiku, 1999). This decrease is caused mainly by a displacement of Serbian minority during and after the war. As a consequence, the population of the USK consists mainly of Bosniaks (90%) with predominant Muslim religion (92%). A small number of job opportunities and average salary around 840 KM (around 420€) (Federalni Zavod za Statistiku, 2019), together with factors as corruption, political scandals and poor economic situation of BiH, compels more and more people to leave the region and seek a better life abroad. Alija, one of the local humanitarian workers, describes it: "*I know that there is no escape from Balkan, but I never know, who wants to escape this country first. The locals or the migrants?*" All these geographic and demographic characteristics influence considerably the current situation of migrants in the region.

5.2. Balkan route

Since 2014, the number of refugees and migrants arriving to Europe was significantly increasing, culminated in 2015 and then decreased again (Figure 2). FRONTEX (2020) defines three major migratory routes (Figure 3), that are used by migrants*. The Western Mediterranean route*, which goes from Morocco to Spain and has become the most frequently used in 2018 (FRONTEX, 2019). *The Central Mediterranean route*, which is a generally used

term for migratory routes from Tunisia, Algeria and Libya to Italy or Malt. And last but not least *the Eastern Mediterranean route*, which leads from Turkey through the Aegean Sea to the Greek islands or across the Turkish land borders with Greece and Bulgaria. However, for many migrants Greece is not their final destination and the Eastern Mediterranean route continues with so-called *Western Balkan route*, which passes through the former Yugoslavian countries to Hungary, Austria and Italy. On top of that, these main migration routes into Europe are complemented by several smaller ones[17].

Figure 2: Number of sea and land arrivals to Europe via Mediterranean routes 2015-2020
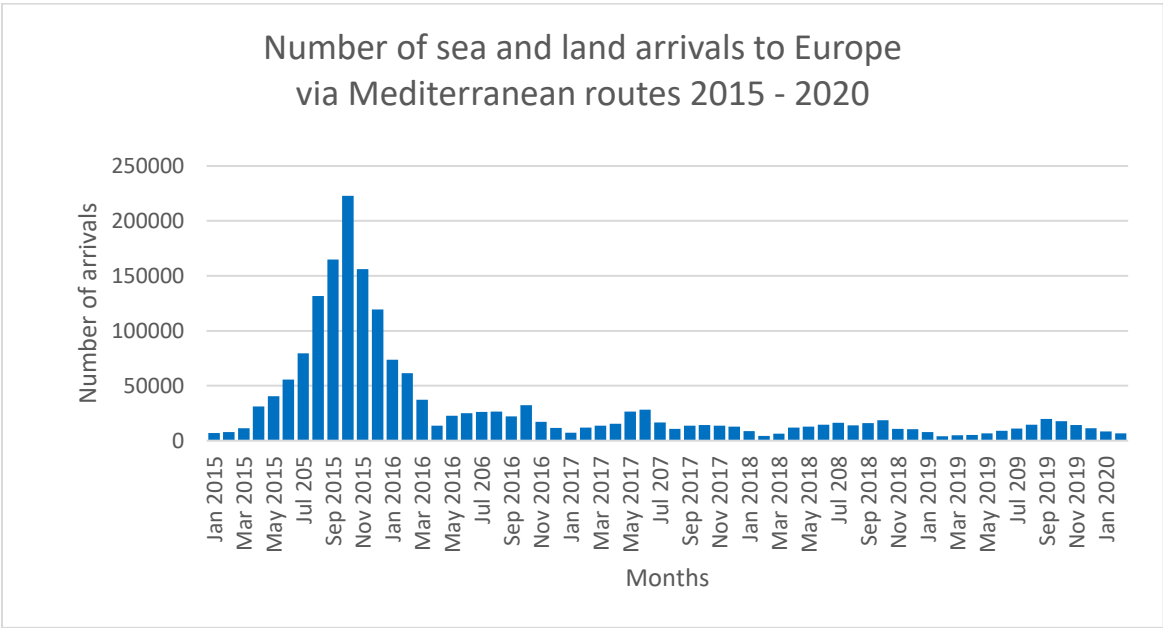
Number of sea and land arrivals to Europe
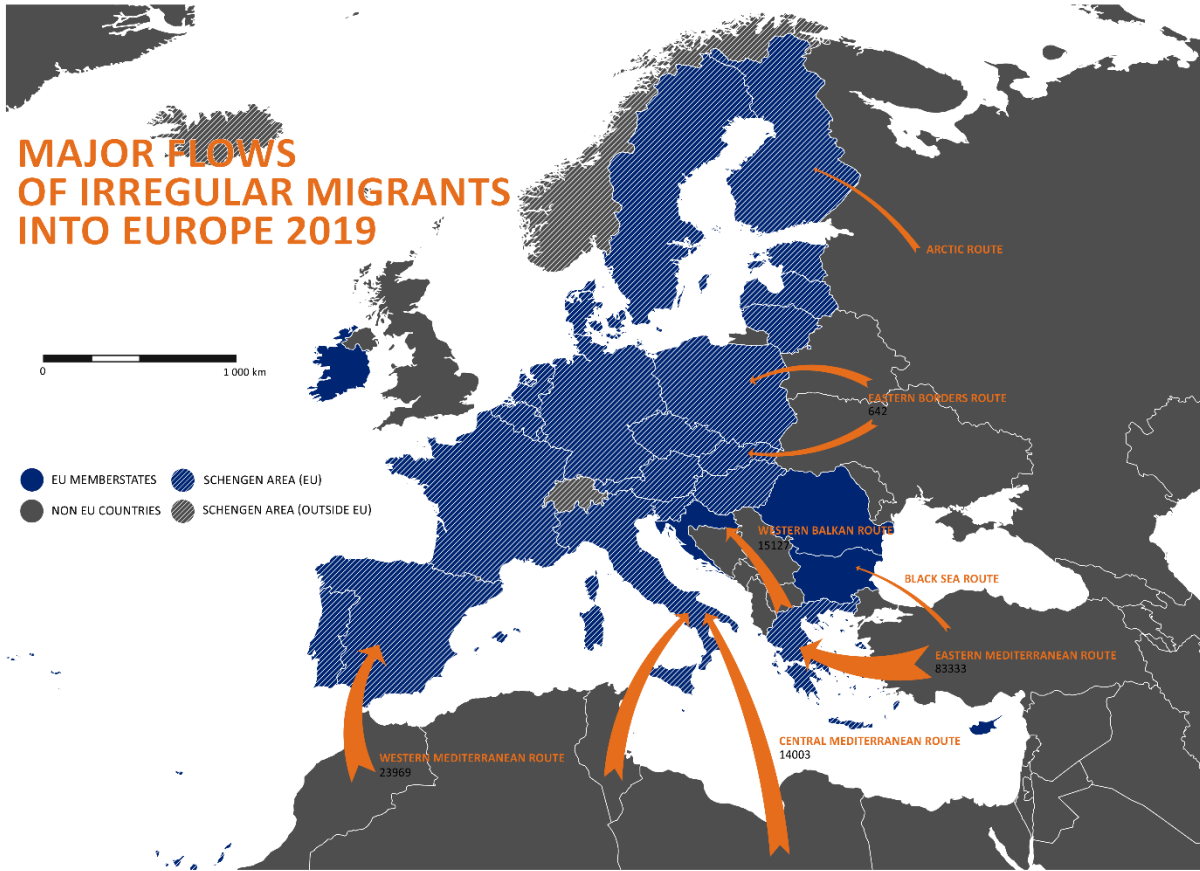via Mediterranean routes 2015 - 2020

The size of migration flows on the migratory routes changed in time. Figure 4 shows the number of illegal border crossing (IBC) on the Eastern Mediterranean and Western Balkan routes from 2009 to 2019. It is apparent that most migrants used the Eastern Mediterranean route, and thus the Balkan route, in the autumn 2015 and at the beginning of 2016. This sudden increase of IBC numbers was caused mainly by the German decision in September 2015 to examine more asylum applications than was necessary according to Dublin III Regulation[18] as a response to a humanitarian emergency of number of forced migrants from

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[17] *Arctic route* from Russia to Finland and Norway; *Eastern Borders route* from Ukraine, Belarus and Moldovia to Poland and Slovakia; *Black Sea route* across the Black Sea to Bulgaria and Romania; *Western African route* from Morocco and Western Sahara to the Canary Islands.
[18] The current version of the Regulation No. 604/2013 (EU, 2013) stipulates which of the member state is responsible for the appraisal of asylum application.

Syria, Iraq and Afghanistan. However, this act created a strong belief for migrants, that Germany is opening its door to all migrants, which was not an official policy of the EU (Sardelić, 2017). In the period from April 2015 until March 2016, when the EU-Turkey agreement (described hereinafter) was implemented, almost one million migrants arrived into Greece and the overwhelming majority of them continued further to Europe. That exerted a significant pressure on the asylum system of the EU countries, but also on the capacity system of much poorer former Yugoslavian countries, that constitute Balkan corridor.

Figure 3: Major flows of irregular migrants into Europe 2019

Data source (FRONTEX, 2020)

Figure 4: Number of IBC on the Eastern Mediterranean and Western Balkan routes 2009 - 2019

Number of IBC on the Eastern Mediterranean and Western
Balkan routes 2009 - 2019
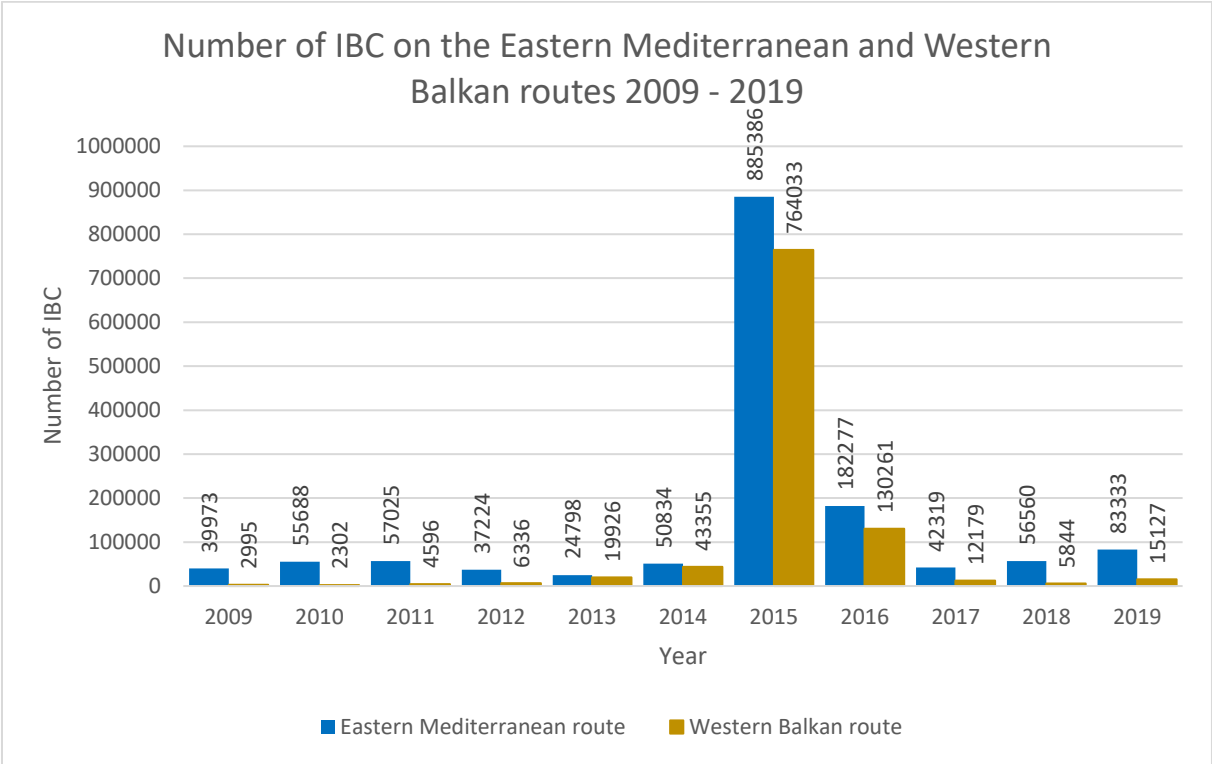
Data source (FRONTEX, 2020)

Sardelić (2017) presents two main prerequisites for the creation of Western Balkan route. Former Yugoslavian countries – North Macedonia, Montenegro, Albania, Serbia, BiH, Croatia and Slovenia – firstly hesitated to be a final destination for newcomers, arguing with a lack of capacity for their integration. Despite that fact, a majority of migrants was heading to the western European countries anyway. Secondly, all these countries have recent experience with huge flows of migrants[19] and decided not to choose the strategy of building physical barriers against migrants (as for example in Hungary) and assist them to pass to the north instead. States literally provided buses or trains, often free, which transported migrants from borders to borders (Beznec et al., 2016).

The number of arrivals to the region sharply decreased in March 2016, when, in an effort to tackle the migration crisis, the EU-Turkey agreement[20] came into effect. The deal was based on a wider framework of the EU-Turkey Joint Action Plan and contained key points as: All

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[19] It is estimated that the wars in Croatia, BiH and Kosovo caused together displacement of over 2.4 million refugees and 2 million internally displaced persons (Watkins, 2003, p. 10).

[20] (Council of the EU, 2016)

irregular migrant crossing from Turkey into Greece will be sent back; for each Syrian returned to Turkey this way, one Syrian will be resettled from Turkey to the EU; the EU provides 3 billion euro to Turkey as a support to solve the migrant situation in the country (Council of the EU, 2016). This controversial agreement was criticised by many humanitarian organizations – Amnesty International (Gogou, 2017) or Médecins Sans Frontières (Siegfried, 2016) – however, it ensured that the number of migrants on the European south-eastern border markedly reduced.

There are three main migratory routes in the Balkan region, that cross each other and change in time - both in the direction and in the number of migrants that use them – depending on the border policies of European states, rumours spread among migrants and supply of route facilitators smugglers. The smallest in the number of migrants, is *the Northern route,* which leads from Greece through Bulgaria, Romania and Hungary. For the remaining two, FRONTEX uses the aforementioned overall term, *Western Balkan route,* because they are similar in the size, national composition of migrants and both end in Austria or Italy*. The Central route* had led from Greece through North Macedonia, Serbia to Hungary, but, after Hungary erected a fence on its southern frontier in autumn 2015, the route has turned to Croatia and Slovenia. *The Southern route* is the relatively newest and goes from Greece through Albania, Montenegro, BiH, Croatia and Slovenia and in most cases ends in Trieste in north Italy.

BiH noticed an increased inflow of migrants in spring 2018, when the Southern route started to be more frequented and when a part of migrants stranded in Serbia moved to BiH, most likely due to smugglers' invitations to use newly opened routes from BiH. According to United Nations High Commissioner for Refugees (UNHCR) update (UNHCR, 2019) in the past two years, 2018 and 2019, Bosnian authorities detected 53 263 arrivals into the country. However, this number reports only migrants registered in official places and is most likely undervalued. At the end of 2019, it was estimated that about 8 000 people were on the way, especially in Sarajevo and USK. At the time of writing, there were eight official camps for refugees, migrants and asylum-seekers in BiH, ran mostly by IOM or Bosnian government in cooperation with other organizations and four of these facilities were located in the USK[21]. All camps were

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[21] The Borići TRC – especially for minors, families and other vulnerable groups; The Sedra TRC – especially for families with children and minors; The Bira TRC – predominantly for single men; The Miral TRC – predominantly for single men.

overcrowded and housed together around 5 300 people, additional 2 000 stood outside the formal accommodation (UNHCR, 2019). Some migrants rent flats from locals, but in most of the cases, it means squatting in an old abandoned building or living outside without any access to basic living necessities. The demographic profile of the community has changed during these two years. While in 2018, the most declared country of origin was Syria (20%), Pakistan (15%) and Iraq (12%), in 2019, it was Pakistan (46%), Afghanistan (17%) and Iraq (9%) (IOM, 2019b). Also, a large group of Moroccans was noticed in the second half of the year (in December 28%) (UNHCR, 2019). Majority of migrants were single men (IOM, 2019b).

Figure 5: Balkan routes to Europe
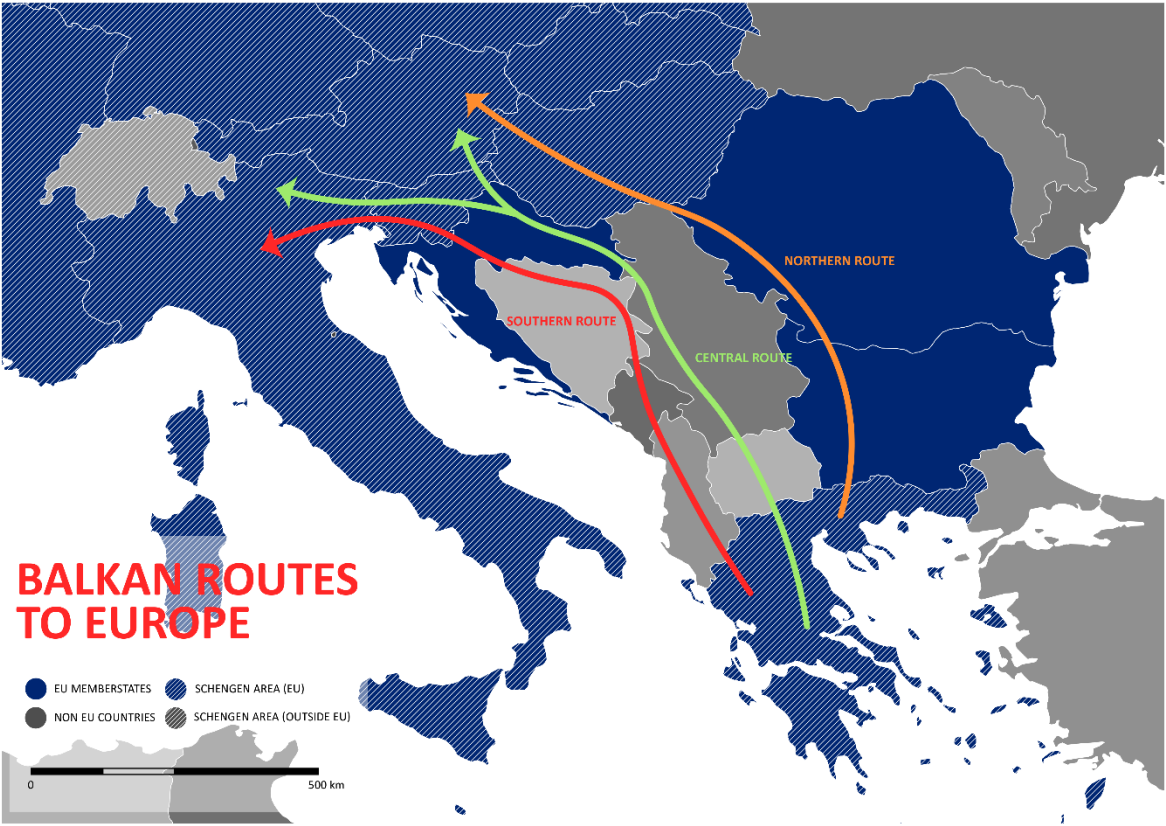
Altogether, around five thousand migrants (IOM, 2019b) stay in the USK (the number is changing depending on the season) and try to get to Italy. Such a huge number of people creates tensions between the migrants and locals. Because of the impossibility to get inside official camps and other reasons, a lot of migrants spend their time in the town centres of Bihać and Velika Kladuša, around which the camps are situated. Their presence is negatively perceived by the locals, that argue with an impact on tourism and overall increased criminality. Nonetheless, Alija points out: *"People are angry because the government does not do*

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*anything" (*with the situation). On the other hand, locals, especially in the first months of the crisis, showed substantial urge to help and to improve the living conditions of migrants. They had provided them with food and non-food items before any official organizations started and afterwards supplemented their effort. Alija further states the reason: *"People here are Muslims and we know, what it is to be a refugee. My family were refugees in Slovenia. We wanted to help."* Another reason for the positive attitude towards the migrants is that they bring an enormous amount of money to the region (Buyuk, 2020) and are important customers of accommodating and transporting services.

The main aim of the majority of migrants in the USK is to reach Trieste in Italy because there they face much lower probability of being caught by police and deported back outside the EU territory. This can be achieved only by an attempt to illegally cross the border and the territory of Croatia and Slovenia, or, in a slang term used by the whole transit community along the Balkan route, an attempt *to play a Game* or *to go Game*. Another extensively used slang term is *the jungle*, which is an overall term for forests and uninhabited areas, through which migrants have to move to avoid police. In the following part of this chapter, I will use the slang versions of these terms to ensure a better coherence of the text with the direct speech of respondents.

There are different types of the Game, that can be played (detailed in the next subchapter) and whose success rate depends on the luck, utilization of smugglers or vigilance of border police. It is a cat and mouse game between migrants and Croatian/Slovenian police, that chases migrants in the jungle and sends them back to Bosnia or Serbia. These illegal pushbacks by police often include robbing, harming and threatening of the migrants (see e.g. Border Violence Monitoring, 2020) which remains a common practice despite the fact that several organizations try to point at this problem of human rights violations. Majority of migrants have to play the Game several times before they reach their dream destination, however finally almost everybody passes. Javid mentions: *"You try one time, two times, eight times (…) they beat you, take money, break a phone, but I will go until I die."*

5.3. Human smuggling in the Una-Sana Canton

It is hard to create an overall accurate description of the human smuggling market and the border situation in the USK. Peter, a foreign volunteer in the USK, says:

I think, that as the time goes by on the borders, they change. It is like a flowing ecosystem, one spot opens up or one way opens, (be)cause people find (it) quite easy to cross and then the smugglers take advantage of it. And then eventually, the police on the other side of the border figures it out (the breach) and makes it more difficult to cross. And then it is difficult to cross, until somebody figures out something new.

However, even in these variable conditions, permanent attributes of the human smuggling can be identified.

5.3.1. Reasons

People use smuggler´s services, when they want to improve their chance to successfully reach the territory of EU or when they see it as the only possibility, how to get out from Bosnia. "*You cannot pass without smuggler from this place,*" says Ahmed. A smuggler-beginner, Omar, also described its necessity:

Pay someone and go. Yes, this is the only one solution. The best solution. By the time, you find a way and then you go, but you will come back. It is not just about the money; it is about your health as well. Walking that far, eight or seven days. It´s too (many) mountains, cold, animals, snakes, always sleeping in the jungle.

To go to Game without a smuggler means that migrants will be most likely seized by the police and returned back to BiH. For that reason, almost everybody who tried to go to the Game, wants to use smuggler services. These are however quite expensive and so they end up marooned in the USK. According to Peter, the time spent in the USK is inversely proportional to the amount of money migrants are able to expend:

There are still many Syrian people, who come to the border, show up with money and can cross in the week, because they have enough money to pay a good smuggler. But on the other hand, you have Pakistani or African people, who do not have the same amount of money and they are here for four, five months.

This fact is probably the main factor that influences the ethnic composition of migrants in USK. The relatively richer migrants from Syria or Iraq that arrived to the USK, already successfully crossed the border into the EU, while the poorer Pakistanis, Afghanis or North Africans have to attempt to cross on their own or to use cheaper, usually less successful, smugglers, and they get stranded there. "*It is simple - you have money, you go. You do not have money, you*

stay. That is the deal, if you have money, you can go wherever you want. It is all a question about money," explains Muhammad.

5.3.2. Smugglers

There are many smugglers – in the transit community sometimes called agents – operating and providing their services in the USK. *"A lot of them everywhere. If you go to Beograd, there are more smugglers than refugees,"* says Ahmed hyperbolically. However, it is difficult to identify them, even for people working in the migrant community. Peter describes:

> *Usually, guys do not want to tell you, there is a smuggler. (…) I think that sometimes you meet guys and they are not doing business (of smuggling services), but then maybe a couple of months later, they are doing this business. They are usually the guys, who are in this area for more than five months. There is some reason, why they are staying longer, because even for the poorest people, they are lucky enough to make it somehow to Italy after five months. But the ones, who are staying there for a really long time are usually staying because they have some incentive.*

The community of smugglers in the USK is quite heterogeneous. *"You can find the Bulgarians, Serbians, Bosnians, Pakistanis, Arabs, people from everywhere,"* says Mohammed. Based on nationalities, three main groups can be distinguished. There is a minority of local smugglers from the Balkan region, that operate along the Balkan routes, mainly in their country of origin. *"There are not many, but they exist,"* says Abdul. Very often, the local smugglers are individuals, that caught an opportunity to make more money in the miserable regional economic situation. In general, they provide cheaper services, but, because of rumours, it is harder for them to gain trust of migrants. Not all of them are real smugglers and some only misuse a vulnerable position of migrants. During the field work, I have heard several stories, like the one by Abdul:

> *Bosnians, in every house, they have (a weapon). So, some smuggler, some Bosnian, he said: "Pay me like five hundred and I will take you to Ljubljana." He took me and four other persons. Everyone has five hundred euros. After that, he stopped, pulled the weapon, took money from us and said: ´Go, go, čao brate.'*

Specific sort of local smugglers are people, who transport migrants, who sometimes cannot use the local transportation[22], only within the USK.

The largest group of smugglers are migrants themselves. It is hard to say, if they have European documents or not, because information differs. Some of them possess legal European passports and came back to Balkan to smuggle. Even though they are formal citizens of the EU, the vast majority of them belongs to one of the migrant ethnic groups and they likely used to be migrants before. Omar gives an example:

> *"Yes. They have a passport. Even the smaller guy, who takes you from here, has Italian papers. He comes by plane somehow here and he takes the Game from here and in eight days he is in Italia. Never police catch him, and he earns forty thousand, fifty thousand in one Game."*

Abdul presents another example: *"He was in Italy, for education. After he took his bachelor's degree, he got papers. (…) He came here to work. Because he has a cousin in Serbia, who takes people here."* Clara, a foreign volunteer, adds: *"I think it depends. We know that some of them have Italian passports and they speak Serbian and they have been here for a while. Others, I think, they are migrants."*

Besides the group or former migrants who returned, there are smugglers that emerged from the people on the move. They usually have good language and business skills and have learned they could make considerable amounts of money. *"They were like us. And after they started to take people, make money, live in nice houses,"* describes Kabil. Peter says: *"In most cases, I think they are people without any official permit (passport), that were on the route longer and who have more information and knowledge how to survive."*

The third group of "smugglers", who do not operate in the area, but help migrants with the transfer from Bosnia to Italy, are family members or friends. *"Yeah in some cases, I have heard of people with papers coming, sometimes family members. I think that it is also important, when you are talking about people smuggling, that there are more these informal ways in which people cross the borders,"* affirms Peter.

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[22] During the fieldwork, migrants were not allowed to buy bus tickets between different municipalities.

There are many reasons, why migrants decide to become smugglers, but not all who possibly could, choose to become one. Babak explains why: *"I do not want to. Because I don´t like (it). It´s fucked up. It is better to live one easy life, in one easy place."* To be a smuggler means to earn a lot of money, and even Omar states it as the main reason, why he started to smuggle people, it is usually not the only one. The reason might be also a gain of power and an improvement of social position, but unfortunately during the fieldwork, I managed to get in touch with only a limited number of smugglers to find a sufficient answer. Peter thinks that:

> *I would also maybe guess that most of the people who are working as the smugglers along the route, they did not have really intention of making the service. But they maybe just found it as a practical way to save themselves. To ensure their own passage. There are a lot of people who are doing it on a short-term basis to just pay for their own smuggler.*

And Clara describes smuggling as a job that is hard to leave:

> *Because they are earning a lot of money here, so the purpose to get to Europe might get lost on the way. (…) he (one of the minors) asked one of the big bosses, if he could do this job, because until now he was just doing small little services for the smugglers. And the big boss told him, that he doesn´t recommend him to start doing this, because otherwise he might like it and lose his aim to get to Europe.*

5.3.3. Hierarchy and international networks

As was mentioned in the chapter 4, some smugglers operate as individuals, whereas some employ other people to execute sub-roles in the smuggling process and thus create a hierarchy in the smuggling group. Clara explains:

"There are bosses. I would say the bosses, they are the ones, who organise everything. Then there are these people, who know the paths in the jungle and accompany the migrants on the Game. And the small kids, who are working for them." In the context of these coordinated groups, the smugglers described in the paragraphs above are so-called organizers, that coordinate a smuggling project. Some want to stay inconspicuous, some are publicly known, depending on their strategy of finding customers. However, in the USK I did not succeed in interviewing any *recruiters* in the community. Smuggler often employs *guides*. They are usually migrants, that already know the terrain and the path and accompany customers across the border to the meeting point with a taxi (Taxi game) or during several days lasting journey

to Italy (Walking game). For the Taxi game, smugglers hire *drivers,* that load migrants to a car on the meeting point and then take them to another border. Omar describes their position as: *"They are not employees, not all are. Drivers are available. Is like a taxi service, smugglers call a taxi to pick me up from here. There are many drivers, many cars"*. Drivers are often migrants with documents, or locals (Bosnians, Croats, Slovenians), because as Peter says: *"In the case of police halting, they have a better position than some Pakistani (without passport)."*

Answers to the question about the international network of smugglers and its management differed a lot. Some respondents had a similar opinion as Clara:

> *We don´t know for sure, but I think, like the big boss of the squat, he is not like the big boss. We know that he has a big boss in Serbia, who probably has someone above him. I don´t know if in Afghanistan or in Europe. So, it´s not just a thing in the squat. The squat is a small bubble in a huge net.*

In contrast to that, other respondents agreed more with Omar´s point of view: *"It is business, nothing else, pure business. There is no big boss of the whole Balkan, no Mafia, no godfather. (…) There are just people, who take an opportunity. Anybody can come here and take people."* I think that the existence of any hierarchical top-down controlled organization is not very probable. The impression of one sophisticated organization could originate, at least for a part of the respondents, from the concealment of smuggling operations.

On the other hand, the existence of a linkage of certain degree between different smugglers in a non-hierarchical international network is almost sure. It does not mean, that every smuggler is connected to another - some of them operate individually, but there is a connection between smugglers in various countries. Ahmed confirms: *"Yes, they have connection, because it is a network. From Afghanistan, Iran, Greece, Turkey, Bosnia up to Slovenia. (…) They know each other, because if the smugglers do not know each other, this cannot be possible. Migrants will not come here."* The assumption, that without smugglers, migrants would not arrive in the USK is improbable, but almost all respondents concurred on the existence of relations between smugglers. Moreover, Peter believes that:

> *I think there is maybe some network that organized stuff back in their home country. They have this connecting to the smugglers on the route, that they kind of organize before they leave. (…) I think that it is important to realize, that for an Afghani and*

Pakistani, this is a route that they have been taking to go to Europe for decades. That

you have Pakistani people, that crossed in 80´. So, these networks are really established.

5.3.4. Social position of smugglers

Smugglers are not perceived just as providers of border-crossing services, but they hold a specific social position in the migrant community. As a concrete illustration, Clara describes a social hierarchy in the squat, occupied by a large the group of Afghans:

> *(…) there are two different groups of smugglers. Each group might have around five, six persons, like the big ones. And then a lot of persons, mostly kids, underage persons, working for them. So, there are big bosses and then, there are people, who do little jobs for them. And this might be going to the shop, taking the food to their tents, buying cigarettes, etc. (…) There are some guys, who are working for the smugglers because they don´t have money. So, they cannot pay the Game and they work for smugglers for a while and then they can go on the Game. And then, there are just people, who, I think, like power somehow. Mostly teenagers are influenced by smugglers' power and they start to work for them, and I think in one point, it´s super hard to get out of this power structure.*

Because smugglers are respected, often speak several languages and know the community, local authorities use them as a liaison to transmit information. Peter explains:

> *If the police want to send a message to the transit community, they go to those guys. And I do not think that there is necessarily cooperation, but it is like saying: ´We do not really want to know so much, but we know that you are a leader so we will talk to you.´ It is like an open secret that they both know. And in Vučjak[23], it is especially like that. If you ask somebody from the Red Cross, they will probably say something different, but from what I heard, when the Red cross wants to get a message to the community or wants to distribute valuable aid, they go to the smugglers. And that happens, because the police or the Red cross do not understand the community, as well as the leaders, the smugglers.*

Respondents do not confirm any cases of bribing of the Bosnian police by smugglers. Simply, because as Abdul says: *"The police, they don´t give a fuck about them. (…) They want migrants to get out of the country. When you walk to the border, no one says anything. They say: ´Go,*

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[23] Unofficial camp for migrants near to Bihać, that was closed in December 2019.

good luck, go (to) Croatia.´" In the case of Croats, some of the respondents deny any bribery as well, while others admit bribing in the case of the Truck game or the Guarantee game (below): *"(…) you pay six thousand euros. It´s double expensive than the normal Game and this is because the smuggler corrupts the border police. They pay them not to check the truck and that´s how the people cross into Europe,"* describes Clara. Peter wonders how else could some migrants pass, too:

> *I am sure, like for instance this Game of 150 people that were caught in Slovenia. I would put some good money on it, that there are some police officers in Bosnia or Croatia who got some money or were bribed in another way, you know.*

Some rate of bribing is definitely present in the smuggling process, especially in the case of highly sophisticated Games. My personal experiences with the Balkan policemen just confirm it. However, running a smuggling profession is not necessarily fixed on it.

5.3.5. Games

Migrants in USK distinguish three main types of attempts of illegal border crossings, so called "Games", depending on the means of transport. *The Walking game*, the cheapest one, is usually realized without the facilitation by a smuggler. For this reason, it is used mainly by poorer migrants – often Pakistanis, Afghanis and North Africans - that cannot afford more expensive means. The smuggler sends a guide, that accompanies a group of migrants all the way from the USK to Trieste (Italy). Guides, that know pathways through *the jungle* in Croatia and Slovenia, significantly improve the chances of migrants to escape the police, or not to get lost in the forests. It is around 200 kilometres from the USK to Trieste, and the journey takes normally from nine to twelve days – with a guide, it can be reduced to just seven. More migrants start from Bihać than from Velika Kladuša, because as Kabil says: *"There are more forests, more jungle, you can hide and find a route, where the police never catch you."* The size of the group differs. Often, they are only a few close friends from one ethnic group going together to try their luck, but I also saw groups of 60 Pakistani migrants heading to Plješevica mountain range from the centre of Bihać.

More complex is *the Taxi game.* Migrants have to cross Bosnian-Croatian borders by foot and on the meeting point beyond the border they have to wait for a car, that takes them to the Croatian-Slovenian borders. Once there, they have to do the same as on Bosnian-Croatian

border but this time vice-versa. *"He took us to the border of Bosnia and Croatia. After we cross the border and continue by walking. (…) The guide took us to some point. So, we sit and wait until the cars come,"* says Abdul. The first, walking part, of the border crossing is sometimes led by a guide, but sometimes migrants have just a GPS location of the meeting point. This can be often problematic, because border police can detect the mobile signal and they can be more easily tracked down. Omar describes:

> *The rule for the Game is that you can´t use your mobile phone, because there are police, they normally catch your signal, GPS location, then they come and find you. Because they can see, they have a technology. They see someone in the mountain, some mobile signal in the mountain. What is this guy doing there? So, it must be some immigrants. (…) Just for five, ten minutes, you send location and then you move from there.*

Quite often migrants have to wait several days on the meeting point with very uncertain outlook and sometimes nobody comes. Javid says: *"But the car didn´t come and we were forced to go to the police, and they deported us."* Or sometimes instead of the smuggler-driver, the police came, as Abdul describes: *"We were on the point near the forest. There is a small road. We were waiting for two days, after no food, no water. So, police came, catch us and bring us here."*

The Truck game is "played" mainly in Serbia through which a huge number of lorries pass into the EU, however, few migrants choose this way in the USK as well. At the border crossing in Izačić, near to Bihać, trucks have to wait before they pass through a police control. During that time period, the smuggler finds a truck and hides migrants inside. *"So, they walk, around nine in the night, until the Croatian border. Then they hide in the truck, that the smuggler finds and then they cross the border, if they are not caught in the scanner,"* says Clara. Police use the scanners to detect human existence in the cargo space and because the reliability of the scanner is high, there is an assumption that if the migrants pass, the border officers are likely bribed.

The most sophisticated and the most expensive is *the Guarantee game,* also called *the Safe passage.* In general, it means direct transportation from the Bosnian territory to Italy. It usually costs more than double the price of the Taxi game. Due to the high price, predominantly richer migrants, that travel directly from the hub to the hub use it. It is not

much visible in the USK, because smugglers provide this kind of service more in Sarajevo or Beograd and the customers stop in the border region on the way just for a while. Peter says:

> *(…) sometimes, you see Turkish people, or foreigners, staying in the hotels in Velika Kladuša and those people show up for not so long and then they move. And I always have a kind of assumption that they are going that way with some high smuggler with connections. I would imagine that when you are going this way you probably transfer some money to the border authority.*

The *Guarantee game* is connected with a phenomenon of fraudulent documents. However, during my fieldwork, I did not encounter any mentions of such offers/services in the USK.

5.3.6. Prices and payments

As was mentioned in the theoretical part, smuggling is a market with imperfect information and smugglers can shift the prices relatively freely. Prices naturally obey the laws of the market and rise with increasing demand. According to long-term humanitarian workers, the price for the Taxi game was around 300 euros at the beginning of 2019, while in the time of the filed work it was around 3 500 euros. Other factors that determine the cost of smuggling service are: the reputation of the smuggler; the distance (not all Games end in Italy); the number of people in the group; willingness of the migrant to do a job for the smuggler; the nationality of the smuggler (in general, if the smuggler and migrants are from the same ethnic group, the prices are lower); type of Game; etc.

Some migrants pay the smugglers in advance, but there is always the risk that they will be cheated. Therefore, the majority use the *hawala* system. Hawaladars, mediators of money transactions, are usually settled in a foreign country. Migrants in Bosnia use instead of *hawaladar* the term *office*. Based on my research, I conclude that migrants from Pakistan and Afghanistan use predominantly offices in their country of origin, whereas these from the north African countries or Syria use offices in Turkey, Greece or Germany. Abdul explains, how these offices work:

> *After you reached Italy, you give them a code. Like a code for Western Union. It is the same but not the same, because the smuggler says: When you are in Slovenia, you give me half of the code, after, in Italy, you will give me all the code. And he doesn´t let you go, because he needs to check the money. So, when he checks it and it is all good, you are free after.*

However, the cost of the Game is not only the payment to the smuggler. Omar counts: *"One Game costs two hundred, three hundred euros. Sometimes they take phones, power banks, everything, you know. (…) because your phone, sometimes they take it, so you lost it. Power banks, cables, this is 25 KM. Sim card, each sim card is 30 KM. So, 55 KM. And your food and other (things such as) sleeping bags, which they burn now as well. "*

Figure 6: Table of Games in the USK

Game	Cost	Duration	Relative risk of apprehension
Walking game	100-1 500€	7-12 days	High
Taxi game	2 000-4 000€	2-3 days	Medium
Truck game	2 000 €	X	High
Guarantee game	4 000-6 000€	X	Low

Data source personal research

*Range of cost is created from the lowest and the highest sums of money that were founded during the research.

*The relative risk of apprehension is calculated from the personal interviews made during the fieldwork.

*I did gather no data for the wide cells.

As was mentioned at the beginning of this chapter, the smuggling market in the USK is a flowing ecosystem, changing in time. However, I tried to describe it in as much detail as was possible.

6. Conclusion

When I was leaving Bosnia, I recognised and fully appreciated the strength of the passport with twelve stars. Despite the fact that neither me nor any anonymous Pakistani boy in Bosnia decided where we wanted to be born, I could cross the borders through the legal border crossing, whereas he had to pay a smuggler and "go Game". According to the rules of border management, I was a migrant that enjoys the freedom of mobility in the globalized world, while he was an illegal border crosser violating the border sacredness. Consequently, his smuggler was a criminal too, furthermore, trying to make a profit from his work. Our perception of borders and the right to cross them determines political decisions, that affect the life in the border regions every day. This ethnographic thesis aimed to describe the phenomenon of human smuggling in the specific local condition, in the hope that better comprehension of the topic helps Europeans to more justly set policies of border management.

As the European society became more integrated, it started to demarcate its own living space and encircled itself by the system of physical, mental and virtual walls. That led to the creation of *Fortress Europe*, a place, which is the target destination of many migrants on their way to a better life, but which is for many of them inaccessible. We can agree on that *"the movement of the migrant is not always good, and social regimes of expulsion are not always and in every way bad"* (Nail, 2015, p. 15). However, it is not surprising that the tightened border controls do not discourage all migrants from their aim and augment the demand for smuggler facilitation instead. And as Europe makes the irregular border crossing harder, the human smuggling gains importance. Therefore, the rise of the market with smuggling services along European borders is more a consequence of European rebordering process, rather than an illegal activity which emerged in the criminal gangland.

Human smuggling in the USK has started to develop mainly since spring 2018 when the Southern Balkan route became more used. Regional smuggling market has changed in accordance with the situation of the migrants stranded in the USK and evolved into a system of independent smugglers providing several different services, *the Games*, depending on the nationality and the wealth of migrants. The community of smugglers is quite heterogeneous and consists of locals, migrants and formal citizens of the EU that have connections to people

on the move. Smugglers, or so-called organizers, operate individually or employ others, especially for the positions of drivers and guides, and are usually connected with other smugglers across several countries. That makes their business more effective, however, their interconnectedness cannot be understood as a hierarchical crime organization, but rather as a network of mutually competing actors. The migration crisis of last years imposes complicated position not only on migrants, but also on local authorities, that have to cope with the situation of Bosnia as a transit country and the borderland of the EU. Because the successful facilitation of the IBC by smugglers helps the region to reduce the critical number of people on the move staying there, local authorities do not exert much effort to prevent it and often use the social position of the smugglers for a better management of the transit community.

Mechanisms of human smuggling market established in the USK mostly confirm works of other authors on the topic, however, because it is relatively new, we are lacking a sufficient distance and cannot create an overall description yet. In the context of the USK, we can see that the phenomenon arises from the demand of migrants to facilitate irregular border crossing and consequently from the European policies of "building walls" on its outer borders. If Europe wants to deal with human smugglers, it has to start considering the human smuggling not a priori as a criminal activity but as a reaction to European efforts to exclude others from its welfare. Such a change in the mindset could be the first step in finding a solution to the current situation.

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