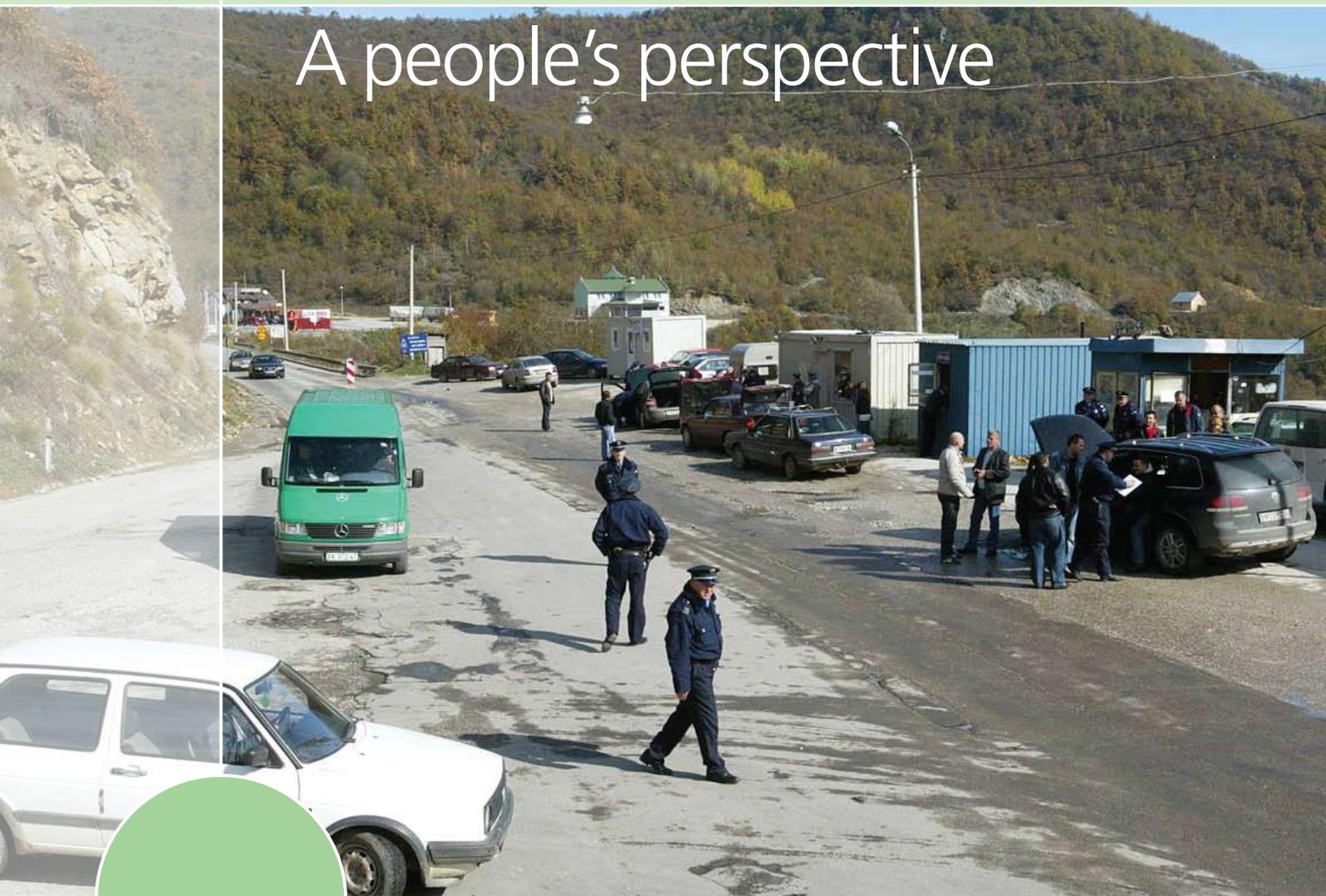




Drawing boundaries in the Western Balkans:

A people's perspective



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Drawing boundaries in the Western Balkans: A people's perspective

Key findings across the region

This report examines five contested borders/boundaries in the Western Balkans, taking a people's perspective by focusing on the views of and impact on people living near the borders and other stakeholders. The five cases are:

1. The border demarcation process between Kosovo and Montenegro over Kulla/Kula, in the area of Peja/Peć, Kosovo and Rožaje/Rozhaja, Montenegro
2. Tensions surrounding the border/boundary between Karaçeva/Karačevo, Kosovo and Bujanovac, Serbia
3. The incomplete process of border demarcation between Bijelo Polje, Montenegro and Prijepolje, Serbia
4. The unresolved border demarcation question over the islets of Mali and Veliki Skolj between Bosnia and Herzegovina (BiH) and Croatia
5. The resolved border demarcation process between Kosovo and the Former Yugoslav Republic of Macedonia (FYROM), between Debellde, in the Kosovan municipality of Viti/Vitina, and the neighbouring municipality of Çuçer-Sandevë, FYROM

The process of establishing borders between different republics and provinces of the former Yugoslavia has brought diverse challenges. While each case study has its own individual nuances, with stakeholders and affected or involved members of the public holding different perspectives, this report provides an overview of the issues and lessons that have been identified.

A range of political dynamics underlies the slow progress in resolving these outstanding border cases. The Kosovo-Serbia border/boundary problems emanate from deadlock over Kosovo's independence. Whenever there is discussion of further border/boundary changes to reflect the ethnic demography of border areas, the local tensions this creates reverberate around the wider region, where people of common ethnicity straddle borders/boundaries in a number of places. For instance, uncertainty and tension regarding Kosovo were said to be linked to progress in demarcating the border between Montenegro and Serbia, which was perceived to have slowed since 2009, when Montenegro recognised Kosovo as an independent state.

A public event in Kosovo. →

SAFERWORLD



In other cases security and even environmental factors were found to have held up progress. If a disputed area has ever contained military bases, its perceived strategic value can be a factor that delays agreement over border demarcation. This was true of the now-resolved case between FYROM and Kosovo, and continues to fuel concern among Kosovan stakeholders over the Cepotin military base in Serbia. In other unresolved cases, there are concerns about how land may be used in future: in the case of Mali and Veliki Skolj, Croatian stakeholders expressed concern that Bosnian authorities might not take due care of the local environment if they attained access to the coastline and constructed a port.

“The Gendarmerie captured one local man five to six months ago and kept him in detention for three days. Finally, he needed to pay a fine to be freed. Another person has been mistreated only because he didn’t recognise the sign and allegedly, according to Serbian forces, he crossed the border line illegally.”

24 year old activist, Kamenica, Kosovo

“The undefined border line between Kosovo and Montenegro has significantly impacted the life of local inhabitants especially in an economic sense because we can no longer utilise our properties.”

Student, Peja/Peć, Kosovo

Although most of the cases included in the assessment are not focal points of widespread fear or insecurity, one continues to create higher levels of tension than the others: that of Serbia and Kosovo. There have recently been outbreaks of insecurity around the border/boundary and people consulted raised concerns over the way security is provided in this area. These include dissatisfaction among ethnic Albanian communities in Kosovo and South Serbia over the militarisation of security provision in the area. However, Serbian authorities view this as a legitimate response to perceived security threats. Any repeat of past heavy-handed or abusive behaviour also has the potential to stir up lingering resentment among the local population. Focus-group participants in Karačeva/Karačevo also felt that there was insufficient presence of trusted, unbiased security providers, as well as poor co-operation between local and national authorities in the provision of overall security.

In the cases of BiH-Croatia, Kosovo-FYROM, Kosovo-Montenegro and Kosovo-Serbia, a key issue has been lack of clarity over where borders lie. In Kosovo the public complained about perceived Serbian encroachment into Kosovan land (citing discrepancies between the border/boundary developed under the Kumanovo/Kumanova agreement and maps held by municipal authorities). Resentment has also arisen in the buffer zone between Montenegro and Kosovo over damage to and theft of forest resources – perceived by each side to have been illegally exploited and damaged by the other. Similarly, the cases of FYROM-Kosovo, Kosovo-Montenegro, Kosovo-Serbia and Montenegro-Serbia illustrate that throughout the process of border demarcation, people have faced uncertainty about whether property and property income might be lost if it falls within another territory when the border is

Border police checking documents at the Serbian border. →

OSCE



finalised. In the dispute over Mali and Veliki Skolj, the border uncertainty is perceived to have held back investment in and development of the tourism industry in the area.

A common feature across the case studies was the impact on daily life of the way borders are managed and secured. New international borders have created obstacles to the movement of people. In all cases except that between BiH and Croatia there was public criticism of the inadequate numbers of checkpoints. One implication of the political deadlock between Serbia and the Kosovan authorities is that movement of people is particularly restricted at the Kosovo-Serbia border because Kosovan travel documents are not recognised by Serbian authorities. Although the technical dialogue between Serbia and Kosovo produced an agreement on freedom of movement in July 2011, its effects are not yet being enjoyed by ordinary people, and the situation in Northern Kosovo remains very tense.

“Before 2006 I could sell in Montenegro as much onion as I wanted. Now I have to wait on one Customs, then on another and I come to market at noon. By that time my products are wasted. And all the money I could make I gave to Customs.”

Local farmer, Lučice village, Serbia

In all cases except that of BiH-Croatia, livelihoods of local people – for example, farmers wishing to trade livestock – have been affected by the inconvenience and additional costs of moving goods across new borders. There is also a public perception that criminal activity is creating insecurity in the area between Kosovo and South Serbia and in the buffer zone between Kosovo and Montenegro. In the latter case, robberies are common and are only sometimes addressed by cross-border law enforcement co-operation. Smuggling is also undermining the legal market for goods in the cases of Kosovo-South Serbia, Kosovo-Montenegro and Montenegro-Serbia.

Many issues stem from the hardening of administrative borders: the process whereby boundaries that were originally drawn to serve an administrative purpose are becoming international borders. An example of this is the situation of people isolated because a new boundary does not take account of local geography. Thus some borders effectively close people into a valley whose natural exit route now leads across an international border. In other places the public, previously able to obtain essential goods a short distance away, find that they cannot cross the border easily or must now pay taxes to bring in goods and so must make long journeys to buy provisions. In Southern Serbia the border/boundary with Kosovo has had the effect of separating the minority Albanian community from their ethnic kin.

"My house is close to the border. I am used to walking freely and now if I don't cross the line on the border crossing they arrest me, write me a ticket. If I want to sell a calf or a lamb in Montenegro – and that's how I've made a living for decades – I have to travel double the distance."

Local farmer, Babine, Serbia

"This process takes place only between Zagreb and Sarajevo, as if it does not concern us, the people living in this area."

Focus-group participant, Neum, BiH

"A Serb from Belgrade and an Albanian from Kosovo suffer less because of bad Serbian and Albanian relations than a Serb from Bujanovac or an Albanian from Preševo."

Journalist, Bujanovac, southern Serbia

Another adjustment problem involves local people arrested by border police for violation of border regulations. Near the Serbia-Montenegro border, although police usually offer a simple warning, local people have been angered by cases when arrests have been made. Other instances have been reported in the Kosovo-Montenegro and Kosovo-Serbia cases in which local people who deny illegally crossing borders have been arrested.

Similarly, near the border with Serbia, Montenegrin people noted that they could inadvertently find themselves connected to the mobile phone networks of neighbouring countries and were obliged to pay roaming charges if they failed to realise this. Access to transport services for the rural population in this area has also been affected: local bus routes between Serbia and Montenegro have been suspended as they do not fulfil the standards set by authorities for international bus services.

These disruptions to daily life compound the economic marginalisation of border areas and peoples – a common feature of all the border regions featured in the case studies except for the area surrounding the Klek peninsula.

Responses to the challenges faced by the public in areas affected by unresolved border demarcation have tended to be inadequate across the region, but in different ways and at different levels. National authorities and international actors were found to lack transparency in terms of border disputes, border management and security provision in border areas. The police in South Serbia was unwilling to discuss the issues. Similarly, in some cases officials from the EU and other international organisations declined to offer their views on border disputes. Authorities are not yet taking responsibility for joint work to resolve outstanding political issues in the BiH-Croatia, Kosovo-Serbia, Kosovo-Montenegro and Montenegro-Serbia cases. There were some examples of good co-operation between security providers across borders (especially between those in Montenegro and their Serbian and Kosovan counterparts). Nonetheless, in all cases, connections between communities, local authorities and security providers were inadequate. They should be strengthened to resolve the practical challenges of providing security and responding to people's concerns more efficiently.

While the issues raised do not suggest that border disputes carry an imminent risk of renewed conflict throughout the region, the violence witnessed since July 2011 in the north of Kosovo offers a clear warning sign of the powerful emotions that can be stirred around disputed border lines. Slowness in resolving issues in a way that is sensitive to the needs and perspectives of the public is offering an opportunity for exploitation of those issues by extremists throughout the region. Failure to resolve demarcation issues and raise border-control standards likewise ensures that parts of the region maintain a reputation for being vulnerable to transnational organised crime, smuggling and people trafficking.

Together, the case studies make the case for more rapid and people-focused solutions to the issues raised by this research.

Research approach

This regional report is the result of the collaborative research efforts of the Centre for Security Studies in BiH, the Forum for Civic Initiatives and the Kosovar Centre for Security Studies in Kosovo, the Centre for Security Studies in Montenegro, the Belgrade Centre for Security Policy in Serbia, and Saferworld.

The partners worked according to a common methodology developed together with Saferworld. This involved:

- Desk review of relevant documents, websites and media articles on the five cases
- More than 30 key informant interviews with central and local institutions, local civil society organisations (CSOs), police, international organisations and EU delegations/ liaison offices
- Over 15 focus-group discussions with local administrations, non-governmental organisations (NGOs), businesses, community representatives, women and youth

The methodology was designed to bring out the perspectives of the public and local stakeholders, based on a shared understanding between the partners that the views of people whose lives are most affected by the process of drawing and managing these boundaries should be placed at the centre of more effective responses to them.

CASE STUDY PROFILE

The border at Kulla/Kula between Peja/Peć, Kosovo and Rožaje/Rozhaja, Montenegro

Summary

Kosovo and Montenegro have agreed in principle that administrative borders of former Yugoslavia have already been transformed into state borders. Border authorities are co-operating: joint patrols are conducted by international peacekeepers from the Kosovo Force (KFOR) and Montenegrin border police, who also communicate with the Kosovo border police. Yet despite good relations between authorities and local people on both sides, unfinished demarcation of the border, as well as the effect of the 11km buffer zone between Kosovo and Montenegro, is causing disruption and frustration on the Kosovan side and concerns over vulnerability to trafficking and criminality among neighbouring Montenegrin communities.



The view from Kosovo

Issues

- The buffer zone represents a poorly regulated area vulnerable to smuggling of narcotics and goods such as petrol.
- Connections between villagers, local authorities and central government are weak.
- Opposition parties, local communities and media articles have criticised the failure to demarcate the border and warned of the volatility of the situation.
- One related demonstration blocked the road to the border checkpoint amid claims that 1,000 hectares of land had been misappropriated by Montenegro, affecting 13 local villages and 13,000–15,000 inhabitants in the Rugova region.
- Local government officials allege the destruction of Kosovo's forest resources by Montenegrin authorities.
- The ambiguous security situation created by the buffer zone has led people to complain about difficulty accessing and making use of their property.
- Focus-group participants cited 4 cases in 2010 of local people who believed themselves to be within Kosovo being arrested by Montenegrin border police.
- Communities bemoaned the failure of authorities to involve them in resolving the issues, provide financial compensation and establish a new crossing point at Cakor.

The view from Montenegro

Issues

- Montenegro may be cautious about progressing with demarcation since Serbia views demarcation of any border between Montenegro and Kosovo as a threat to its sovereignty.
- Unemployment is very high, so young people are leaving border areas.
- The public sees a potential economic benefit from living in the border area, but for this to be realised the border should become 'softer' in order to enable the free flow of people, goods and capital.
- Focus-group participants are concerned by rumoured tobacco, coffee, cattle and drug smuggling across this border.
- There are also concerns that individuals from Kosovo are illegally cutting wood in Montenegrin territory.
- Negotiations are underway on information exchange between customs authorities under the EU's System for the Exchange of Excise Data (SEED) system.
- The public had some minor concerns about the functioning of the border crossing at Kulla/Kula regarding long queues and their treatment by border officials.
- Local and central authorities do not co-operate in a satisfactory way
- Municipalities bordering Kosovo and CSOs have weak to non-existent co-operation.

Recommendations

- The Government of Kosovo should expedite the establishment of a demarcation committee in order to start the demarcation process with Montenegro.
- Representatives of affected villages and municipalities should participate fully in the demarcation process and be given access to information and documents on the governments' discussions.
- The Government of Kosovo and the respective municipalities of Peja/Peć and Istog, along with representatives of the local community, should jointly co-ordinate a process to provide fair compensation for any loss of land or property in the border demarcation process.
- Authorities (central, local government) including the EU and other multilateral organisations should intensify their support for economic development and cross-border co-operative initiatives, and both countries should seek to make the region a more attractive place.
- The Kosovan and Montenegrin authorities should increase cross-border cooperation and joint border patrols

Recommendations

- The Montenegrin Border Police should inform the public of their responsibilities under border regulations.
- The Governments of Montenegro and Kosovo should:
 - Involve local people in the demarcation process together with relevant institutions and NGOs.
 - Compensate people for any loss of land or property in the border demarcation process.
- Border authorities on both sides should improve efficiency of border crossings to reduce waiting times.
- With the support of donors such as the EU, the Kosovan and Montenegrin authorities should also
 - Improve infrastructure, technology and data-exchange at border crossings.
 - Develop initiatives to stimulate the local economy and generate employment.
- The Government of Montenegro should consider ways to assist Montenegrin retailers to compete in the context of lower consumer prices in Kosovo.
- The local and central government should enhance their efforts to ensure that local needs are addressed by central government.
- Donors such as the EU should also seek to strengthen the capacity of local civil society in its engagement in issues affecting border areas, in collaboration with civil society from neighbouring states.

Full case studies available at: www.qkss.org, www.fiq-fci.org, www.cbscg.me

CASE STUDY PROFILE

The border/boundary area between Karačeva/ Karačevo, Kosovo and Bujanovac, Serbia



Summary

In February 2008 the Kosovo Assembly declared Kosovo independent from Serbia. Serbia does not recognise Kosovo as an independent state but rather as its Southern province. Ethnic communities on both sides of the boundary between Kosovo and Serbia are affected by the resulting political tension, insecurity, disruption and marginalisation. Between 25 and 28 July 2011 the situation escalated in Northern Kosovo, when the Government of Kosovo imposed controls on Serbian goods in response to Serbian blocks on goods in place since 2008 (due to Serbian non-recognition of Kosovan customs stamps). The deployment of Kosovan special police alongside customs officers at two border checkpoints was perceived by ethnic Serbs as a provocation. This led to violence resulting in the death of a Kosovo police officer and the destruction of a border post. The situation in Northern Kosovo remains tense.

The view from Kosovo

Issues

- Kosovan stakeholders object to the Military Technical Agreement between the International Security Force and the Yugoslav and Serbian Governments (Kumanovo/Kumanova Agreement, June 1999), complaining that it was negotiated without the presence of Kosovo Albanian representatives, refers to manipulated topographic maps that contradict borders shown in maps held by municipal authorities, and permits Serbian security forces to operate from private properties.
- Discussion by Serbian officials of the partition of Kosovo is viewed nervously on both sides of the border by all communities because of its potential to lead to people being uprooted and further demands for border changes along ethnic lines.
- The ethnic Albanian community in Kamenica municipality in Kosovo perceives the presence of the Serbian Gendarmerie to be a threat and cites cases of local inhabitants' arrest and detention by the Gendarmerie, as well as incursion by the Gendarmerie into Kosovan territory.
- Local ethnic Albanians in Kamenica have protested against the militarisation of the area in response to the construction of Cepotin military base by the Serbian Defence Ministry, and the lack of trusted security provision by KFOR and the Kosovo Police Service.
- Citizens of Kosovo cannot travel freely to Serbia. Local people are also concerned by obstacles to the free movement of goods, difficulty accessing their private property and lack of convenient border crossings.
- Local people are frustrated by the failure of Kosovan authorities to take their concerns into account.

The view from Serbia

Issues

- Southern Serbia experienced an armed conflict after the fall of Milosevic and intermittent incidents continue to recur.
- Recent discussions in Serbia of the division of Kosovo generated tension among all communities in Southern Serbia.
- Despite an official policy of restoring Serbian sovereignty, demilitarising Southern Serbia, facilitating returns, improving security, promoting multiculturalism and supporting the socio-economic development of affected areas, problems remain.
- Albanian and Roma minorities have a lack of trust in authorities.
- Relations between local authorities and central government are weak.
- Despite improvements since 2006, Albanian communities feel resentment over past violence by Serbian forces and intrusive searches by the Gendarmerie, and question the need for their continued presence in the area.
- The Serbian Government in turn asserts the need for the Gendarmerie to be present to address security threats such as terrorism that cannot be handled by the Multi-Ethnic Police.
- The Multi-Ethnic Police is a valuable attempt to address lack of trust in security providers but it is not yet representative of the local population, nor are Albanian officers yet represented at Police Directorate level.
- Although Albanian leaders have a role in autonomous local government structures and the Multi-Ethnic Police, society is divided. Some government and public institutions are separated along ethnic lines because of the tendency of leaders and office holders to serve their own ethnic community and also because of the segregation of some services (such as schools).
- Political tension is discouraging investment and economic prospects in the region.
- High unemployment and a struggling local economy make Southern Serbia a relatively impoverished part of the country.
- Despite investment, infrastructure remains poor and the region is marginalised, which has created a problem of outward migration.

“Look at the structure of the employees in public institutions: in institutions where Serbs are in leading positions, the number of Albanians and Roma is small; and in institutions where Albanians are in leading positions, the number of Serbs and Roma is small. In some cases Serbs and Roma are a minority, in others Albanians and Roma. This is because institutions are not democratised, and the problem is how to change this approach.”

Journalist, Bujanovac, southern Serbia

“We need here local government where no one feels like a winner or loser, but where all communities are at least roughly satisfied.”

Doctor, Bujanovac, Serbia

- Family relations, commerce and movement across the border have been hampered as Serbian authorities do not accept travel documents issued by Kosovan authorities – although initiatives are being taken to find a solution to this.
- Co-operation between Albanian businessmen and the Kosovan business community is all but impossible.
- Local people crossing borders face long waits at checkpoints, especially in summer, when many people working abroad return to Kosovo, Serbia and FYROM for holidays.
- Albanians have until recently only been able to access Albanian-language tertiary education in Kosovo or Albania. Employment prospects for young Albanians in Southern Serbia are affected by the fact that Kosovan diplomas are not recognised in Serbia. However, a new initiative may address this and two departments of the University of Niš offering courses in Albanian have opened in Medvedja.

Recommendations

- The Government of Kosovo and the EU should seek to stimulate engagement between central institutions and local people and municipalities affected by the border/boundary dispute.
- Local municipalities and central government should jointly assess lack of access to property and provide due compensation to local people.
- The Kosovan and Serbian authorities should work together to achieve freer movement of people and goods.
- The Kosovo Government, representatives of minority communities, EULEX and KFOR should agree on a shared plan to increase border patrols by actors trusted by the local population in areas affected by insecurity.
- Kosovan and Serbian authorities should ensure that any demarcation committee set up to negotiate the case in the future should ensure an inclusive approach is taken that identifies and prioritises the needs and perceptions of local people affected.
- Engage in constructive dialogue with a view to settling the wider questions underpinning the border dispute and related tensions.

Recommendations

- The Serbian Government should engage more in the Southern Serbia region.
- The Serbian Government should intensify its efforts to support economic development and attract investment in this region, with assistance from the EU, other international organisations and donors where required.
- Further efforts should be made by the Serbian Government to integrate Albanian and Roma communities into government institutions, including representation in the Gendarmerie and at higher levels in the police.
- Public office holders should serve the common public interest (rather than particular ethnic interests).
- There should be more support for dialogue between communities, and the EU and international community should take every opportunity to foster this dialogue.
- The Serbian authorities should extend the progressive efforts to facilitate movement across borders, allow for recognition of diplomas attained in Kosovo and provide tertiary education in the Albanian language in southern Serbia.

CASE STUDY PROFILE

The border area between Bijelo Polje, Montenegro and Prijepolje, Serbia

Summary

The process of demarcating the border between Serbia and Montenegro ground to a halt in 2008, and remained in limbo after Montenegro's recognition of Kosovo served to cool its relations with Serbia. Although negotiations resumed in March 2011, with the agreement in principle of four new agreements dealing with road and railway co-operation, negotiations with Serbia to prepare an agreement on state borders have not taken place. Despite close co-operation between border police on both sides and good relations between communities, the international border created in 2006 has had an impact on the lives of local people.



The view from Montenegro

Issues

- Local people feel that greater political will needs to be shown on both sides to resolve the issue.
- A key problem that received strong emphasis was that there are no local crossings for farmers living in the area.
- Some lands lie across the undemarcated border. Hence, local people have difficulties in accessing their land and must travel long distances to cross the border and reach it.
- Movement of goods and people is occurring without major problems, but:
 - It used to be much quicker and more efficient.
 - Official border crossings have inadequate capacity both in terms of police and for phytosanitary inspection (e.g. of cattle), which slows movement of people and trade.
 - Smuggling of cattle from Serbia is undermining the livelihoods of local cattle farmers.
- Clashing mobile phone signals mean that some local people are unintentionally incurring inflated roaming charges
- Local bus and train services have been cut as they do not meet the standards for international lines. This has isolated local people and made short journeys very time-consuming
- In some respects, border authorities are co-operating successfully, for example with joint railway controls and information exchange under the SEED system. But co-operation among border municipalities could be improved.
- People feel vulnerable to crime and would welcome more regular patrols by police in the community
- There is a lack of any civic forum for debate on cross-border issues, which civil society could play a role in stimulating.

The view from Serbia

Issues

- Montenegro's recognition of Kosovo is perceived by Serbia as a threat to its sovereignty.
- However, Serbia and Montenegro have good relations, as do communities on either side of the border.
- However, a small territorial dispute over a wood exists between the municipalities of Pljevlja in Montenegro and Prijepolje in Serbia. As the wood is administered by a public enterprise for forest management, Srbijašume, the dispute does not involve local people.
- Problems linked to the border consist therefore of disruptions in everyday life. People are not yet used to crossing borders at official crossings or transporting goods according to international trade rules.
- Border infrastructure (such as roads and checkpoints) is of poor quality.
- Crossing the border at official checkpoints forces local people into longer journeys, making small-scale livestock rearing, agriculture and small business much less viable.
- There is a serious impact on livelihoods for local people in an economically marginalised area. Some farmers resort to entering Montenegro illegally as their only way to continue making a living from their traditional livelihood. Economic decline has also resulted in unemployment and outward migration.

Recommendations

- The Montenegrin authorities, together with the Serbian authorities, should explore the possibility to:
 - Create more border crossings for local people and/or issue special permits for local farmers and other residents to be able to access their lands across the border, possibly via specially designated crossing points.
 - Inform the public of their responsibilities under border regulations.
 - Involve local people in the demarcation processes together with relevant institutions and NGOs.
 - Improve efficiency of border crossings to reduce waiting times, giving especial priority to farmers.
 - Restore transport links between border towns.
 - Compensate people for any loss of land or property in the border demarcation process.
- Authorities, together with continued support from the EU, should improve infrastructure, technology and data-exchange at border crossings.
- The municipalities of Bijelo Polje and Prijepolje should deepen the co-operation and increase information exchange between them.

Recommendations

- The Serbian Government should:
 - Raise awareness of local people on rules and procedures for crossing the border.
 - Communicate better with communities on the number and location of border-crossing points.
 - Explore the possibility, together with the Montenegrin authorities, to make special arrangements for local people with special permits to cross the border at designated points agreed between the two countries.
 - Improve border infrastructure, together with continued support from the EU.
- The municipality of Prijepolje should:
 - Involve local agricultural associations and the Local Economic Development Office in raising challenges they face with the central government and finding solutions to the effects of the international border on local livelihoods and mediate between relevant ministries and local people on demarcation issues.
- The Montenegrin and Serbian authorities should enhance the efficiency of control procedures at border crossings in order to reduce waiting times.

CASE STUDY PROFILE

The islets of Mali and Veliki Skolj between Neum, Bosnia and Herzegovina and Slivno, Croatia



Summary

There has been controversy over whether the islets of Mali and Veliki Skolj belong to Croatia or BiH. If owned by BiH, the resultant maritime border would provide BiH with maritime access to international waters and possibly enable it to construct a new port. The status of the islands would affect Croatian plans to build a bridge from Peljesac peninsula to the mainland. As a result of good bilateral relations, the Inter-State Diplomatic Commission for Identification, Demarcation and Management of the State Border has made progress on this issue. However, the agreements that resulted have not since been ratified by either of the state parliaments.

The view from BiH

Issues

- Divisions over this issue do not run deep, especially as the population on both sides of the border is overwhelmingly ethnically Croat.
- Local people in Neum, BiH, have little access to information on the dispute and do not expect their views to be taken into account when the border is demarcated.
- There is concern among local people that if Bosnia is awarded the islands and builds a port, the authorities might not take care of the environment, which could harm tourism.
- Local people wish to see progress in resolving this issue and to be involved in the solution.

The view from Croatia

Issues

- The issue is not a cause of tension for the people of Klek, but they believe the islands should belong to Croatia. Young people hold particularly strong views on the subject.
- Local people are not kept informed by authorities of progress on this issue, and so rely on media reports, which can be biased.
- The issue tends to be raised only at election time, demonstrating how such unresolved issues can be used for political purposes.
- Local people in Klek find the municipality of Slivno unresponsive to their concerns. They would like to be involved in the process of resolving the issue.
- Young people view the issue as an obstacle to the development of tourist services in the area that should be more clearly prioritised and addressed.
- The Croatian Government feels that its positive relationship with BiH is exemplified by numerous examples of agreements and co-operation, and that the issue of border demarcation should be solved.

Recommendations

- The parliaments and governments of BiH and Croatia should resume progress towards resolving the issue. Either:
 - Agree and ratify an annex dealing with Mali and Veliki Skolj to the 1999 Treaty on the State Border Between the Republic of Croatia and BiH; or
 - Revive the work of the Inter-State Commission to overcome the political obstacles to resolution of the issue, including negotiations over port and bridge construction, with reference to the economic and environmental concerns of local people.
- The authorities in BiH and Croatia should:
 - Provide communities with more information on this issue.
 - Involve communities in resolving this issue and strengthen links between communities and local authorities.

Full case study available at: www.css.ba

A people's approach to resolving border disputes in the Western Balkans

Based on the cases discussed, some common problems and pragmatic solutions can be identified. Lessons can also be learnt from the now-resolved case between FYROM and Kosovo.

Lessons from the border demarcation process between Kosovo and FYROM, 2008

"Both local residents and the municipality structures are satisfied that this problem has been solved in a peaceful manner. However, any tentative postponement of this dispute or an eventual failure would serve as a real threat for both countries."

Student, Debellde, Kosovo

In 2008 the authorities of Kosovo and FYROM renegotiated the demarcation agreement between the Federal Republic of Yugoslavia and FYROM signed in February 2001 in Skopje. The process covered an area that had suffered insecurity in the previous decade: within FYROM a conflict emerged in the local area in 2001 between ethnic Albanian minorities and the Macedonian state.

The technical demarcation commission formed by the two countries was mandated to negotiate the demarcation within one year. The process was opposed by Serbia and Russia. It also raised controversy regarding 2,500 hectares of contested land that was claimed by both sides.

Lessons learnt from the process include the following:

- Public pressure ensured public involvement in the demarcation process.
- The demarcation commission ensured involvement at different levels:
 - inclusion of leaders of affected communities in the demarcation process
 - communication with the local population and a wider group of community leaders about the process
 - communication at the national level with the general public
 - communication with national and local political leaders and government officials on both sides.
- The demarcation commission drew on cadastral surveys of land ownership as well as maps of the state border in the demarcation process.
- The public in Kosovo was relatively satisfied in that, of the disputed 2,500 hectares, all except 22 hectares of private property believed to belong to Kosovan people was allocated to Kosovo at the close of the process.
- The status of private property lying across the border was also recognised.
- The community of Debellde continues to bemoan the failure of authorities to respond to their requests for:
 - an additional border-crossing point
 - joint border patrols by border authorities of Kosovo and FYROM.
- Security provision in the area continues to be an important factor in maintaining the peaceful conclusion to the process.



Full case study available at: www.qkss.org, www.fiq-fci.org

A people's approach to overcoming challenges related to border disputes and border demarcation processes on the part of national governments and the EU in the Western Balkans would take into account the following suggestions:

Prioritise resolving unresolved cases

In recognition of the disturbance that border disputes are causing in the lives of ordinary people and the risk of this being manipulated to perpetuate conflict dynamics, authorities within the region should either take steps to ratify existing agreements or speed up processes for agreement on demarcation of borders/boundaries.

The international community, and especially the EU, should play a more active role in encouraging settlement of outstanding issues with relevant incentives.

With regard to the unique case of the Kosovo-Serbia border/boundary, EU institutions should recognise the particular potential of this case to result in further violent incidents. It should therefore make full use of the capacities offered by its extensive EULEX rule of law mission to help mitigate tensions related to status disagreements and make greater efforts to ensure better provision of security, more efficient regulation of trade and more effective controls on organised crime and illegal trafficking in the border/boundary areas.

Be responsive to local needs and perspectives

National governments should ensure participation of local people from all groups in demarcation processes and take into account their views on where borders and check-points should lie. They should then take all necessary steps to address the problems they face comprehensively, drawing on international support, including from EU institutions, where required. This means ensuring freer movement across borders for local people, such as through:

- creation of special permits for property owners
- reduction or waiving of taxes for local residents so that taxation systems do not destroy traditional livelihoods, local agriculture or small-scale production and trade, but instead stimulate marginalised border economies
- providing separate queues at crossing points for local residents
- the creation of more crossing points according to local demands (except in BiH, where this concern was not raised)
- educating the population on the location of and procedures for crossing borders
- where relevant, revising laws to make them more responsive to local needs.

View of a village in FYROM → from Debellde, Kosovo.

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Border between Serbia and Montenegro. →

OSCE



The EU and other international donors should continue to provide both political and financial support to the work of representative local and national civil society organisations to contribute to decision-making processes on border/boundary demarcation and other development issues.

Communicate better at different levels

National governments in the region should communicate how issues are going to be resolved, responding to the interests of local people as well as local and national leaders and officials.

Provide fair compensation

National governments also have a responsibility to respect existing property rights and provide compensation for lost property or income caused by border demarcation issues. Where national resources do not suffice, this is an area in which international financial support could also help underpin speedier resolution of cases.

Support capacity development of border authorities and security providers

The security deficits in particular areas and their nature (crime, political violence, trafficking and in some cases lack of confidence in security providers in border areas) indicate a clear need for a more people-focused approach to identifying and addressing security issues in border areas. This process should make much clearer co-operative links between local government, communities and security and justice providers to ensure progress on either side of borders that are experiencing insecurity. More information on practical steps towards such co-operative, people-focused approaches is available in the Saferworld publication *Creating Safer Communities: Lessons from South East Europe*.

As well as supporting any such initiatives, the EU and other international actors should continue their engagement to deepen the technical competence of border-management agencies and border infrastructure development in line with relevant standards relating to border management.

Build confidence as a priority in areas with more serious conflict dynamics

To address inter-ethnic tensions, particularly in the Kosovo-Serbia case, confidence and security needs to be improved with a more-community-based, less militarised approach to border management, border patrolling and local policing.

The impartiality not only of security providers but of all public institutions needs to be strengthened both to be more representative of communities in the local population and the better to serve the public interest regardless of ethnic identity on either side of the border/boundary line.

With its track record in supporting integrated border management, community safety and policing in the Western Balkans, the EU may be well placed to extend its support to enhanced security provision in insecure border areas. In such areas, the EU should encourage discussions and initiatives among stakeholders on how to boost border communities' confidence in and satisfaction with security providers and border management arrangements.

Tackle the economic marginalisation of border areas

The study identified, in most of the border areas examined, a sense of economic stagnation and lack of opportunity. In line with the accepted principle of avoiding pockets of exclusion, international donors and the EU should encourage and strongly support the efforts of national and local governments to overcome obstacles to economic growth and employment generation in border areas.

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Acronyms

BiH	Bosnia and Herzegovina
CSO	Civil society organisation
EU	European Union
FYROM	Former Yugoslav Republic of Macedonia
KFOR	Kosovo Force
NGO	Non-governmental organisation
SEED	System for the Exchange of Excise Data

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COVER PHOTO: Border between Serbia and Montenegro. © OSCE



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