

# Territorial and Border Demarcation Disputes in the Western Balkans

Case study: The Demarcation process between Serbia and Montenegro

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## Abstract

Territorial and border demarcation disputes brought diverse challenges to republics and provinces founded after dissolution of SFR Yugoslavia. Overview of the issues and lessons that have been identified regionally in Western Balkans are presented in regional study Drawing boundaries in Western Balkans: A people`s perspective. This case study provides an overview of people`s perspective on demarcation process between Serbia and Montenegro. Data for this research are collected in Prijepolje, city in Serbia close to border with Montenegro. Although there has been five years since Serbia and Montenegro became separate countries people living near the border have still not got used to crossing the border at border crossings and still have difficulties getting used to procedures for selling goods from Serbia in Montenegro. Other problems of local people are underdevelopment and migration. With the recommendations of this paper We are addressing Government of Serbia and local authorities.

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*The project provides European Union (EU) institutions with analysis and recommendations based on the opinions and experiences of local people in a range of countries and regions affected by fragility and violent conflict. Regional study is available on: <http://saferworld.org.uk/downloads/pubdocs/Drawing%20boundaries%20in%20the%20Western%20Balkans.pdf>*

## Introduction



**T**erritorial and border demarcation disputes between Serbia and the other states which emerged following the dissolution of the SFRY vary from case to case, and the border delimitation process has been completed with Macedonia alone. In this case study, we will focus on the demarcation process between Serbia and Montenegro. Serbia has good diplomatic relations with Montenegro, although the demarcation process is hindered by the fact that Montenegro has recognized Kosovo and established mutual diplomatic relations. Serbia is not willing to discuss its border with Montenegro if Kosovo is not included as Serbian territory in these negotiations, while Serbia perceives the separate demarcation process between Montenegro and Kosovo as a threat to its territorial integrity and sovereignty.<sup>1</sup>

<sup>1</sup> Serbian government ministers make statements on this issue from time to time, denying the existence of a border between Montenegro and Kosovo and saying that Montenegro should consult Serbia about any uncertainties regarding border issues. For more information see: Ne postoji granica između Crne Gore i Kosova, *Blic*, 15 June 2010, available at: <http://www.blic.rs/Vesti/Politika/193980/Jeremic-Ne-postoji-granica-izmed-ju-Crne-Gore-i-Kosova>.



*Focus Group in Prijepolje*

The European Commission has no jurisdiction over the border demarcation process. There is no *acquis communautaire* relating to border issues and no methodology for tracking progress in this field. However, regional cooperation and good neighbourly relations are considered to be “an essential part of the process of integrating with the European Union”<sup>2</sup> and an integral part of the Political Criteria section of the EC Progress Report, and the European Union has an important role in the regions examined in this study. Disputes with Montenegro over borders and demarcation have never been raised as a problem in progress reports. Relations between Serbia and Montenegro are evaluated in the Progress Report in the chapter entitled “Regional issues and international obligations”. The last Progress report, issued in 2011, rates relations as good.

Important fact for the case of demarcation process with Montenegro is that Serbia has accepted EU standards for border management, adopting a national strategy and an action plan for integrated border management (IBM) in 2006. The strategy’s goal is to enhance the movement of people and goods and prevent cross-border organized crime activity.

<sup>2</sup> *Serbia Progress Report*, p. 21, available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2009/sr\\_rapport\\_2009\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2009/sr_rapport_2009_en.pdf)

This report will focus on people's perspectives on the demarcation process. The goal of this study is to find out how this process influence the everyday life of people in these areas. Recommendations to local institutions, the government and the European Commission should help Serbia overcome the challenge unresolved disputes poses to further EU integration.

The methodology used for this study was developed during the project "The People's Peacemaking Perspectives", which aimed at examining 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, as well as other stakeholders.<sup>3</sup> The methodology included: 1) a desk review of relevant documents, websites and media articles on the selected cases; 2) semi-structured interviews with central and local institutions, local civil society organisations (CSOs), international organisations and EU delegations/liaison offices; and 3) focus-group discussions with local community leaders and citizens living near the border/administrative line.

<sup>3</sup> The project resulted in five case studies: Bosnia and Herzegovina (prepared by the Centre for Security Studies, BiH), Kosovo (prepared by the Forum for Civic Initiatives and the Kosovar Centre for Security Studies, Kosovo), Montenegro (prepared by the Centre for Security Studies, Montenegro), lessons from the border demarcation process between Kosovo and FYROM (prepared by the Forum for Civic Initiatives and the Kosovar Centre for Security Studies, Kosovo) and case study Serbia, that focused on territorial and boundary disputes between Serbia and Kosovo and demarcation process between Serbia and Montenegro. The regional report was prepared by Saferworld, based on the case studies.

## Political context

6

The history of the border between the Republic of Serbia and the Republic of Montenegro is almost a century long. The border between the two countries was defined for the first time by The Treaty of London in 1913, with which both sides were satisfied. At some times the boundary line was not a state border as for example in the period from 1945 to 2006 when Serbia and Montenegro were republics of the same state.<sup>4</sup> After Montenegro's declaration of independence in 2006, the demarcation process became a diplomatic issue again. Serbia recognized Montenegro on 15th June 2006, 12 days after its declaration of independence and diplomatic relations were good until 2008. Relations between Montenegro and Kosovo influenced diplomatic relations between Montenegro and Serbia. When Montenegro recognized Kosovo as an independent state, the Montenegrin ambassador was declared to be *persona non grata* in Serbia and diplomatic relations were broken off. The Montenegrin ambassador reappointed after a year, but Kosovo remained the weakest point in diplomatic relations between the two countries. Serbia considers Kosovo to be its southern province and monitors developments in the demarcation process between Montenegro and Kosovo. The Serbian Minister of Foreign Affairs could often be heard making statements that the border between Montenegro and Kosovo does not exist and that Serbia considers any talks on the issue between the two countries to be a threat to its territorial integrity and sovereignty.<sup>5</sup> The border between Serbia and Montenegro including Kosovo and Metohija is 249.5 km long and control is divided into four sectors.

In this study we want to explore how the incomplete demarcation process influences local communities and what their priorities are concerning this issue.

Data for this report was collected in Prijepolje in May 2011. Data for this case were collected through focus groups and interviews. The focus groups were organized in Prijepolje with ten participants, four Bosniaks and six Serbs, from Prijepolje, Brodarevo and the villages of Babine, Jabuka and Lučice. The local organization Argument provided help in recruiting participants for the focus groups. Interviews were conducted with the Head of

4 From 1945 to 1991 Serbia and Montenegro were republics of the Socialist Federal Republic of Yugoslavia, from 1991 to 2003 of the Federal Republic of Yugoslavia and from 2003 to 2006 of the State Union of Serbia and Montenegro.

5 More details: Jeremić: Ne postoji granica između Crne Gore i Kosova, *Blic*, 15 June 2010, available at: <http://www.blic.rs/Vesti/Politika/193980/Jeremic-Ne-postoji-granica-izmedju-Crne-Gore-i-Kosova>

customs in Gostun, the chairman of the municipal assembly in Prijepolje and the president of CSO Argument. Interviews were conducted in Belgrade with the First Secretary of the EU Delegation to the Republic of Serbia and the Head of the Borders Group at the Ministry of Foreign Affairs of the Republic of Serbia.

Year	Serbs	%	Muslims	%	Bosniaks	%	Others	%	Total
1991	24,770	53,24	20,200	43,42	/	/	1,555	3,34	46,525
2002	23,402	56,82	3,812	9,26	13,109	31,83	865	2,1	41,188

Table 4. Demographic structure of the Municipality of Prijepolje<sup>6</sup>

Prijepolje is a city in southwestern Serbia, 30km from the border with Montenegro and 35km from Bosnia and Herzegovina. The population structure is as follows: Serbs make up 56.82% of the population, 31.83% are Bosniaks and 9.26% are Muslims.<sup>7</sup> Armed conflict has not occurred in this region in recent history. Even during the war in Bosnia there were no tensions in this community.<sup>8</sup>

6 Data for 1991 were taken from: Savezni zavod za statistiku (1993): *Popis stanovništva, domaćinstava, stanova i poljoprivrednih gazdinstava u 1991. godini: Stanovništvo-nacionalna pripadnost, podaci po naseljima i opštinama*. Data for 2002 is from: Republički zavod za statistiku (2010) *Opštine u Srbiji 2010*, pp. 64-65. available at: <http://webrzs.stat.gov.rs/WebSite/Public/PublicationView.aspx?pKey=41&pubType=1>

7 In table 4 it can be seen that the 1991 census did not give citizens the opportunity to declare as Bosniaks. The majority of Bosniaks are Muslims by religion. The term Bosniak was used in the Ottoman and Austro-Hungarian Empires for people living in Bosnia and Herzegovina. During the SFRY period, (1945-1991) only Muslims were recognized as a constitutive nation and Bosniaks declared as Muslims. Re-affirmation of Bosniak as a national category began in 1990. .

8 During the war in Bosnia, in 1993, paramilitary units in Štrpci pulled 19 passengers, 18 Bosniaks and one Croat, from a train travelling from Belgrade to Bar, and killed them. Nine of the victims were from Prijepolje, but according to Jusuf Muškić, chairman of the Municipal Assembly of Prijepolje, the local community was not involved in this crime.



## Key security dynamics

8

In this region there has been no conflict in recent history and problems are related to everyday life. Underdevelopment of the region is a problem mentioned by all participants in this research. It has been five years since Serbia and Montenegro became separate countries but local people have still not got used to crossing the border at border crossings and still have difficulties getting used to procedures for selling goods from Serbia in Montenegro.

### *Local people are not used to cross border at border crossings*

The process of border demarcation between Serbia and Montenegro is in progress. Both countries created a commission for delimitation in 2008, but the body's work was halted when Montenegro recognized Kosovo's independence, because Serbia did not want to take part in negotiations about borders if Kosovo was not included in the process as part of Serbia. This caused deterioration of diplomatic relations between the two countries and postponed the talks on delineation. Political factors will interfere with the talks between Serbia and Montenegro as long as the status of Kosovo and Metohija is left unresolved. During this research we discovered only one small territorial dispute between the municipality of Pljevlja in Montenegro and the municipality of Prijepolje in Serbia, an area covered by forest. This territory is under authority of the public enterprise for forest management "Srbijašume" and it does not affect local people's lives. However, this issue is likely to be solved by a compromise between the two states and should not cause any obstacles during negotiations.<sup>9</sup>

The first progress in negotiations between Serbia and Montenegro was made in 2011, when an Interstate Commission was assigned to negotiate on demarcation, border crossings and cross-border traffic. At the first meeting, held on 7 March 2011, four border agreements relating to traffic were agreed - three on road traffic (Gostun - Dobrakovo, Špiljani - Dračenovac and Jabuka - Rače) and one railway agreement defining control on the railway line Beograd (Serbia) - Bar (Montenegro). Control of passengers will be performed without stopping trains and cargo traffic in Bijelo Polje (Montenegro). The agreements require ratification.

<sup>9</sup> This is the impression of Sava Stanković, head of the Borders Group at the Ministry of Foreign Affairs of the Republic of Serbia.



Freedom of movement has never been an issue in this region. Citizens of Serbia can cross the border with Montenegro with their ID or passport. However, a problem for local citizens mentioned during focus group was to get used to crossing the border at border crossings. Connections between communities on either side of the border have always been strong. Montenegrins and Serbians speak the same language, marriages between people from the Serbian and Montenegrin side are common, farmers from Prijepolje sell their products in Pljevlja (Montenegro). The distance that locals have to travel if they want to get to the desired destination in Montenegro is sometimes several times longer if they go through regular border crossings. Because of this locals often cross the border away from border crossings.

*“My house is close to the border. I am used to walking free and now if I don’t cross the line at the border crossing they arrest me, give me a ticket. If I want to sell a calf or a lamb in Montenegro and that’s how I have made a living for decades, I have to go twice as far...”*

*Local farmer, aged 55, Babine village*

The Law on Protection of the State Border stipulate that it is only possible to cross the border at established border crossings.<sup>10</sup> Mol has the authority to open temporary border crossings if there is a need for additional ones and there is the possibility of open several locations where local people with special permits could cross the border. Serbia already has experience of a similar border crossing regime which has been implemented in agreement with Macedonia and this is the issue that requires further negotiation by the two countries’ commissions. The commission for delimitation visited the border area and produces an analysis to answer the questions of whether the existing border crossings are positioned in the correct places and whether there is a need to establish additional border crossings. The commission’s conclusion was that there is no possibility of opening new border crossings. However, it is possible to arrange a crossing for people living in the border area at points defined by the two countries.

Cooperation between the two countries’ border police is good. A protocol on the implementation of joint patrols along the state border between Serbia and Montenegro was signed in 2009. The two countries’ police thus act preventively and have joint results in discovering smuggling, illegal immigrants, and illegal cutting down of trees in the border area.<sup>11</sup>

10 More details: Law on Protection of the State Border, *Official Gazette No. 97/2008*, Articles 10-23.

11 More details: Prijepolje: Zajedničke patrole na granici sa Crnom Gorom, *Radio Sto plus*, 28 July 2010, Available at: [http://www.radiostoplus.com/index.php?option=com\\_content&view=article&id=503&catid=18:marketing](http://www.radiostoplus.com/index.php?option=com_content&view=article&id=503&catid=18:marketing)

### *Selling goods from Serbia in Montenegro*

Farmers from this region face the problem being unable to sell their agricultural products in Montenegro. Local farmers have been selling their products on markets in Montenegro for decades. Until 2006 it was possible for them to bring into Montenegro as much agricultural produce as they wanted. Customs checkpoints existed before 2006 but according to the ordinance from 2003, goods transferred between Serbia and Montenegro had the status of domestic goods and were free from customs taxes, special taxes on import of agricultural and food products, or fees for other services. Farmers had only to provide an assurance issued by the municipality that they are engaged in agricultural production. These regulations have not been valid since Serbia and Montenegro became separate countries. Now goods have to pass phytosanitary and veterinary inspection when they enter Montenegro and because of these procedures local farmers need more time to reach. Two border crossings with Montenegro (Gostun and Tutin) have these check points. Some farmers have to travel longer distances because the necessary checks cannot be carried out at the nearest border crossing (e.g. Jabuka). Local farmers say that from time to time they enter the territory of Montenegro illegally because that is the only way for them to earn money (e.g. selling cattle).

Regional trade is regulated by a CEFTA Agreement since 2007, but this agreement favours larger quantities of goods that are not beyond the capacity of local farmers.

*“Before 2006 I could sell as many onions as I wanted in Montenegro. Now I have to wait at one customs post, then at another and I get to market at noon. By that time my products are wasted. And all the money I could make I give to the customs.”*

*Local farmer, age 35, Lučice village*

Individual farmers suffer the most because of these regulations. Local government cannot directly help these people because this area is regulated by laws at the state or international level. Farmers address local authorities about this problem and they expect local authorities to engage more with this issue. The development of agriculture is one of the priorities of the Municipality of Prijepolje’s Strategy for Sustainable Development. Because of this, the Municipality should engage more in finding ways to improve the existing regulations in cooperation with local agricultural associations and the local Economic Development Office. Small companies from Prijepolje have similar problems. They usually trade in smaller quantities of goods and existing regulations encourage trade in larger quantities.

## *Regional underdevelopment and migration*

Underdevelopment in the region is a problem mentioned by all stakeholders.<sup>12</sup> Unemployment is one of the biggest problems for this community.<sup>13</sup> Prijepolje's textile industry collapsed and an unsuccessful privatization has also contributed to a rise in unemployment. According to Jusuf Muškić, industry in Prijepolje employed around 10,000 people, while and according to 2009 data, Prijepolje has 5,788 citizens in employment. Independence for Montenegro did not influence this process. Another problem is migration, people, especially the young, are moving away from the region because of high unemployment and lack of prospects. According to the chairman of the Municipal Assembly of Prijepolje around 4 - 5,000 people emigrated in the past decade. Young people are moving to large urban centres looking for jobs and better life conditions. The 2002 census shows a decrease in Prijepolje's population of 5,000 compared to the previous census in 1991.<sup>14</sup>

Undeveloped infrastructure also influences the trade between Serbia and Montenegro. As an example, 70% of goods go through the border crossing at Gostun in Prijepolje municipality. The roads leading to this crossing are in a bad state and the border crossing appears almost improvised.<sup>15</sup> This situation additionally slows down trade. Improving infrastructure is a priority, but the issue unresolved property rights between the municipality and local people delays resolution of this problem.

12 As an indicator we can compare average salaries. In Belgrade, the average monthly salary in 2009 was around €400, while in Prijepolje it was around €250. More details in: Republički zavod za statistiku (2010) *Opštine u Srbiji 2010*, pp. 140-145. available at: <http://webrzs.stat.gov.rs/WebSite/Public/PublicationView.aspx?pKey=41&pubType=1>

13 According to 2009 data, the number of employed (5,788) is lower than the number of unemployed (7,180), More details: Statistical office of the Republic of Serbia, available at: [www.stat.gov.rs](http://www.stat.gov.rs)

14 According to the survey, the Municipality of Prijepolje had 46,085 inhabitants in 1991 and 41,188 in 2002. More details: Statistical office of the Republic of Serbia, [www.stat.gov.rs](http://www.stat.gov.rs)

15 This information was provided in an interview with Predrag Bošković, Head of Customs in Gostun.



*Novi Pazar police station on the border  
between Serbia and Montenegro, OSCE/Milan Obradovic*

The EU supports this region through a cross-border cooperation programme. This instrument is aimed at reinforcing cooperation between institutions in border regions of the neighbouring countries. These are usually small-scale cross-border infrastructure projects, which reinforce economic cooperation, as well as activities related to environmental protection, tourism, culture, agriculture, education, research and development, employment, institutional cooperation etc. The programme is being implemented by the Serbian Ministry of Finance and the Montenegrin government's Secretariat for European Integration. Potential beneficiaries apply for funds through open calls for project proposals.<sup>16</sup> Projects in Prijepolje include the formation of the Kolovrat business zone<sup>17</sup>, the development of tourist destinations in municipalities in Serbia and Montenegro and others.

16 More details about this programme: *Cross-border Programme Serbia and Montenegro*, <http://www.cbcsrb-mne.org/>

17 More details about this project: *Kolovrat Business Zone*: <http://www.poslovnazonakolovrat.org.rs/oprojektu.html#10>

## Recommendations

- The border police should use user-friendly methods to inform citizens (e.g. leaflets and brochures that should be distributed in police stations and municipalities or appear in informative programmes, etc.) to explain why the government decided on the existing number and location of border crossing points.
- The border police should regularly inform citizens about border crossings, procedures for crossing the border and any developments on the issue (e.g. opening of new border crossings points, changes in documentation needed) using user-friendly methods (e.g. leaflets and brochures that should be distributed in police stations and municipalities or appear in informative programmes, etc.).
- The Government of Serbia should, through the Commission for Delimitation, explore the possibility of arranging border crossings for people living in the border area at points defined by two countries. Local authorities and local people should be included in this process.
- Controls and procedures at border crossings should be organized to be more efficient in order to shorten waiting times at border crossings. The Interior Ministry, the Ministry of Finance and the Ministry of Agriculture should coordinate the opening hours of border crossings with their counterparts from Montenegro.
- Infrastructure at border crossings should be improved. The Municipality of Prijepolje should mediate between the relevant ministries (the Ministry of Foreign Affairs, the Interior Ministry, the Ministry of Finance, Ministry of Spatial Planning) and local people.
- The Municipality of Prijepolje should engage more in resolving the problems of local farmers regarding selling agricultural products in Montenegro. The Municipality does not have the authority to influence the trade regime between Serbia and Montenegro. It could help if relevant ministries (the Ministry of Foreign Affairs, the Interior Ministry, the Ministry of Agriculture, etc.) recognise the problems of the local community. Together with local agricultural associations and the Local Economic Development Office, the Municipality should define what provisions in the existing regulations should be improved to enable better conditions for local farmers.

## Acronyms

14

CEFTA	<i>Central European Free Trade Agreement</i>
CSO	Civil society organization
EU	European Union
ID	Identity card
Mol	Ministry of Interior
SFRY	<i>Socialist Federal Republic of Yugoslavia</i>



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