



Weekly Briefing

**Montenegro External Relations briefing:
Kosovo-Montenegro border demarcation problem
and its implications for Montenegro**

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Introduction

Montenegro-Kosovo border demarcation problem is a low-level territorial dispute between Montenegro and Kosovo that has been elevated into bilateral issue following the pressure the EU Commission exerted on Kosovo government to settle all territorial disputes before signing the visa liberalization agreement with the EU. The focus of this bilateral problem does not entail any specific inhabited place claimed by the both sides, but rather (acknowledging) the legality of border demarcation ruling based on discrepancies in the land registries of the former country(ies).

The problem originates in 2008, following the (unilateral declaration of) independence of Kosovo and its subsequent recognition by Montenegro. The two newly independent countries now shared international border that was previously border between the two federal units within the State Union of Serbia and Montenegro. From 2009, Montenegro and Kosovo started to negotiate the border demarcation and agreed to authorize a joint expert commission to further negotiate disputed issues. Due to parliamentary crisis in Kosovo the ratification of the commission's ruling was stalled for more than two years. As such, in spite of some media headlines, it barely fits "border dispute" qualification as the contending issues are solely disputed among Kosovar political parties and official Montenegro (so far) remained aloof of the Kosovar internal conflicts. On bilateral level, successive Kosovar governments haven't retracted the demarcation agreement, thus the ratification by the parliament has been regarded as a settled issue pending administrative decision by Kosovar parliament.

Nevertheless, the outcome of the Kosovar parliamentary crisis that exacerbated political conflict over the border demarcation started to spillover to Montenegro. Stalled ratification encouraged certain groups in Montenegro to

start questioning political and historical implications of the demarcation agreement. The demarcation issue became the basis of internal discussions on the both sides, which began by the middle 2017. As of March 2018, the agreement has been ratified by Kosovar Parliament, despite ongoing cross-aisle clashes.

“Historical” background

The boundaries of Montenegro and Kosovo follow a frontier defined by the Yugoslav State Border Commission of 1946, which ruled Metohija (a part of Zetska, Montenegro) to become a part of newly established People`s Republic of Serbia and Autonomous province of Kosovo. However, the frontier between the Albanian border and (the mainland) of Serbia was poorly defined, the exact border line has never been defined in detail and the land registries on the both sides of the border have had maps with overlapping claims. After Kosovo became an independent and recognized by Montenegro in 2008 each state disputed where the boundary actually runs. The portion from the slopes of Prokletije mountain to Serbian border due to missing map records remained to be clearly demarcated.

In 2013, Montenegro and Kosovo signed the bilateral agreement which forwarded the border dispute to a joint expert boundary commission. In the agreement both parties agreed in advance to comply with the ruling of the Border Commission. In 2015, the Commission ruled on where the boundary ran, apparently using the JNA military map from 1953 and placing around 80 up to 150 km square of disputed land inside Montenegrin territory. The Border Commission came out with the joint statement and supporting document pertaining final demarcation line between the two countries. The document served as a basis for an inter-governmental Agreement signed later that year and sent to the both parliaments for ratification. Montenegrin parliament “smoothly” ratified the agreement, however, due to ongoing parliamentary crisis in Kosovo, the ratification was stopped on the Kosovar parliamentary floor and became

contending issue between the opposition and the government. As a result, Kosovo entered in public deliberation that occasionally culminated in violent outbursts in parliament and street protests that escalated tensions on Kosovo's political scene.

Kosovo's leading nationalist party, Vetvendosje (Self-determination), was first to stand against the Commission's ruling claiming that it has been very unfavorable for Kosovo, directly violating constitutional principles and henceforth decided to bring the matter to public scrutiny. AAK party and IK party have also opposed the ratification withdrawing their votes in the Parliament and hence caused a stalemate that lasted until June 2017, when LDK led coalition under the pressure from both the EU and the public stepped down. From September 2017, a new AAK led coalition amid strong opposition from coalition partners had a difficult task to depressurize the terms of the ratification as a conditional requirement for visa liberalization with the EU, called for a revision of the agreement and sometimes relented to public grievances on unfair treatment Kosovo receives in the EU. A group of Kosovo academics and intellectuals in open letter accused Kosovar Border Commission members for an attempt to cater "imaginary agendas of certain interest groups" and objected using "JNA map" from 1953 as a yardstick, arbitrary demarcation of the eastern part of the border and "terra nullius" status for some areas clinging to Kosovo's side. Moreover, in order to avoid any implications on the final settlement of Kosovo sovereignty status dispute with Serbia, Srpska Lista (SL), coalition partner in a government, "categorically refused" to back any agreements pertaining Kosovo international status.

On the other side, Montenegro has presumptuously adhered to the Agreement, regarding the dispute as Kosovo's internal matter. Srdjan Darmanovic, Montenegro's foreign minister repeatedly said, the border demarcation issue with Kosovo was finally settled with the Border Commission decision. Prime Minister Markovic has also dismissed any re-negotiation of the Commission's ruling and bilateral terms agreed so far. In January 2018,

Markovic told a press conference that it was "out of the question" for Montenegro to "start all over demarcation negotiations". He then made an official visit to Pristina by the end of January, "to help Kosovar government in soothing political ambient for accepting the ratification". Immediately after the visit, two Presidents signed joint statement calling Kosovar Parliament to ratify the Agreement. As a result, the ratification was put on parliamentary floor by March and after two weeks-long cross-bench negotiations the ratification got support of 80 (out of 120) votes and was signed on March 21.

Creeping revisionism and treacherous precedent

Interestingly, a broad public reaction on the demarcation issue with Kosovo came only after the ratification by Kosovar parliament was immediate. In March 2018, Rozaje branch of SNP, Montenegro's opposition party, accused PM Markovic condoning to revisionism of Kosovo's political elite while on the official visit in Pristina. Under the pressure from the EU, he, allegedly, agreed to annex the Agreement with certain stipulations concerning the disputed demarcation line and the implementation of the Agreement. "[With this] he expediently lubricated Kosovar parliament, but betrayed the interests of Montenegro". This prompted a response from other opposition party's leaders who under sway of the presidential elections campaign criticized the government from two camps: anti-revisionist and anti-'precedentist'. Contrary to the government's explanation of the "re-negotiation of some technical matters", the former saw the annex as bowing to the pressure from the EU and giving in to Kosovar revisionists; the latter reawaken 'pro-Serb' nationalism by emulating Srpska List position in refuting any international agreement with "so called state of Kosovo" and even calling for annulling the decision to recognize the independence of Kosovo.

The anti-revisionist position is supported by opposition parties who are strongly opposed to transferring any part of Montenegro's territory to Kosovo. "The ratification agreement draft (aka Vujanovic-Thaci joint statement) also

implies reconsidering the border line correction [...] which means that our side volunteered in changing the border at our expense” stated Milun Zogovic, a Democratic Front MP. "In spite of the calls of local inhabitants to stop selling out their ancestral land, Markovic-Vujanovic had some deals with Albanian mafia where Montenegro`s territory was a collateral” said DF leader Andrija Mandic and stated that the DF “will retract recognition of Kosovo independence as one of the first things after coming on power”. Anti-‘precedentist’ stance has been voiced by Montenegrin bishop of the Serbian Orthodox Church (according to recent polls the most trusted non-governmental institution in Montenegro). Bishop Amfilohije Radovic has quoted saying that “demarcation line means acknowledging the surrender of Metohija region” and continued that any agreement with Kosovo is “anti-Montenegrin” agreement.

Montenegro`s PM Dusko Markovic downplayed domestic reaction and said that "there is no need for Montenegro to be rough while the issue can be resolved through friendly dialogue." Together with the EU he greeted the ratification of the Agreement by Kosovar Parliament and emphasized that this is a confirmation that the both sides have capacity to solve important bilateral issues, without external help.

In final remarks it should be mentioned the official position of the EU regarding the issue. Although depicted as unfair and hypocritical by Kosovo`s leadership to condition solving bilateral issue before obtaining the visa liberalization, the EU`s position in “overseeing” the negotiating and settling the issue had three rather far-sighted objectives. First, the EU tested the FP capacity of the both countries to mutually solve bilateral issues without major interference from the EU. From this point can be understood very clear-cut “carrot or stick” message to Kosovo`s leadership. Second is to test the internal political stability of the both countries to pursue FP agenda that abides by the EU rules of good-neighborly conduct and resists the impact of political forces advocating historical revisionism or admonishing treacherous precedents in nation`s foreign conduct. In this sense, Montenegro`s government so far had

very successful track of record. Third, and the most important, to finish the process of border consolidation in the Western Balkans. Some of the critical voices accused the EU of tightening its position on the Kosovo's border delimitation with the neighbors in order to secure no "border revisionism" with Serbia. The implementation of the joint Border Agreement with Montenegro demonstrates the successful step ahead in the consolidation of territorial integrity of the both countries. However, as far as Montenegro is concerned, the public discussion sparked by Kosovo's ratification stalemate demonstrates that the implementation of the Agreement and the final consolidation of the present border with Kosovo might last longer than expected.