

Serbia: Cross-border Co-operation as an EU Peacebuilding Tool

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1. Introduction

Cross-border co-operation (CBC) is an important feature of several European Union (EU) frameworks and projects in Serbia, agreed upon and implemented in the course of European integration. Cross-border co-operation facilitates the open market, economic development and political dialogue between EU Member States. Serbia could reap similar benefits from cross-border co-operation with its neighbours, but its border regions are afflicted by ethnic/religious tensions, especially in Sandžak and the Kosovo-Serbia frontier (in North Kosovo). At present, cross-border co-operation is used as a tool for economic development and high-level political dialogue. This paper contends that cross-border co-operation is also an effective peacebuilding tool and would facilitate Serbia's EU accession, as it tackles the actual impediments to development and democratisation.

For the purpose of this paper, Sandžak and North Kosovo were selected to explain the importance of cross-border co-operation in a post-conflict situation as both regions are afflicted by tensions along ethnic/religious lines. The frontier between Kosovo and Serbia is a special case. Serbia does not recognise Kosovo's declaration of independence in February 2008 and still considers Kosovo to be part of its sovereign territory. Although 22 out of 27 EU Member States recognise Kosovo as a sovereign state, the EU views Kosovo's status as neutral, as does the UN. This means that both the EU and the UN consider UN Security Council Resolution 1244, authorising an international civil and military presence in Kosovo, to still be in place.

This paper analyses the effectiveness of EU policies and frameworks for cross-border co-operation as well as their implementation. The EU mainly frames its programmes according to economic criteria, and does not necessarily define development and cross-border co-operation as a peacebuilding and conflict prevention tool. In doing so, it fails to acknowledge that post-conflict Serbia is in a state of 'negative peace' (i.e., the absence of violence), with a long way to go towards a sustainable democracy and 'positive peace', which requires the elimination of the root causes of violence and overcoming social divisions through reconciliation.¹ Although the European Union promotes this necessary development in Serbia through a number of initiatives, peacebuilding and reconciliation is not mainstreamed in EU policy.

The fact that the potential for cross-border co-operation to contribute to reconciliation and peacebuilding has not been exploited points to a lack of policy coherence. This paper looks at cross-border co-operation from two angles: Firstly, it analyses the EU's cross-border co-operation tools and their conflict-sensitivity. Secondly, it looks at the overall efforts of the EU in the field of peacebuilding, many of which risk reinforcing the conflict cycle through the application of a top-down strategy of separation. It is suggested that the EU should instead focus on reconciliation as well as local needs, and on tackling of the factors that reinforce violence. Support for grassroots and civil society initiatives in the field of, among other things, cross-border co-operation, is still playing a subordinate role in EU policy.

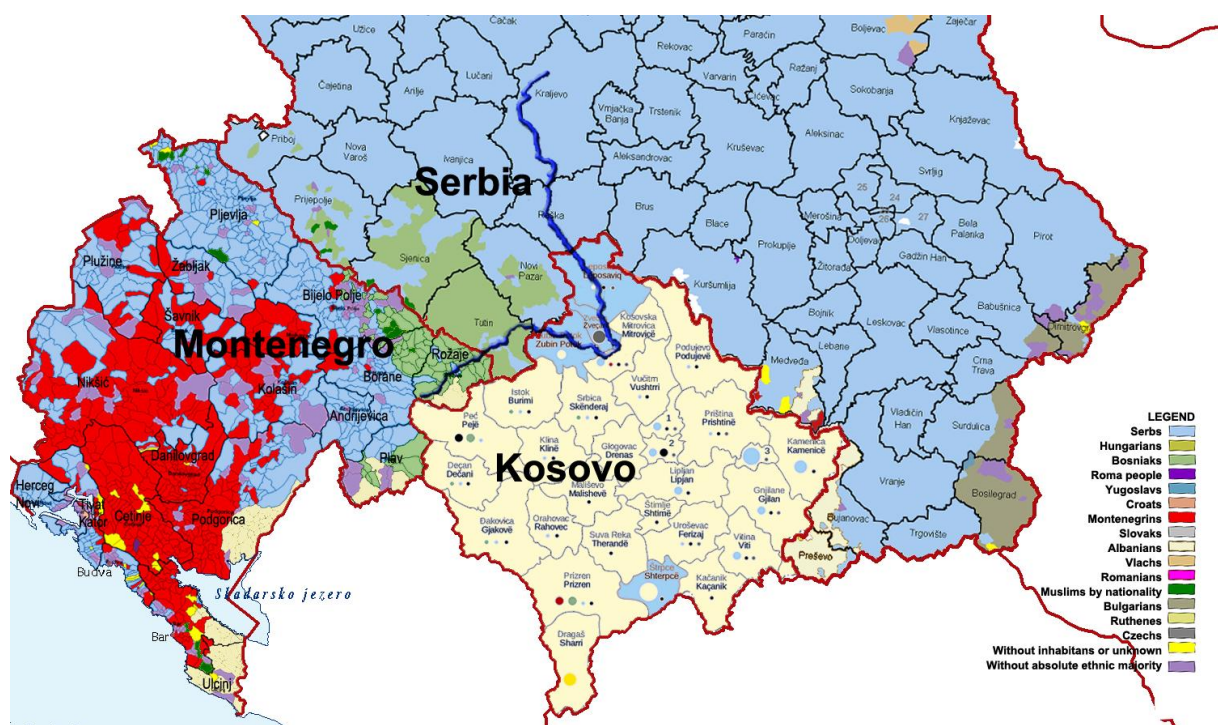
¹ Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*, (Oslo: International Peace Research Institute, 1996).

Section 2 of this paper analyses the Sandžak and Kosovo-Serbia conflicts and relates them to cross-border co-operation as a peacebuilding tool. Section 3 looks at the tools used by the EU for cross-border co-operation, and how the EU addresses the current conflicts as a political actor as well as with its financial instruments. Section 4 examines the limits and policy implications of the EU's cross-border co-operation tools, and analyses current peacebuilding strategies in the region. Section 5 concludes by making policy recommendations.

2. The Sandžak and Kosovo-Serbia Conflicts

This section gives a short background to the Sandžak and Kosovo-Serbia conflicts. It identifies the underlying factors for the onset (root causes) and triggers (outcomes) of violence and tension in Sandžak and Kosovo, as these determine the strategy for peacebuilding. This background lays the basis for the analysis of current EU cross-border co-operation tools as well as determining the opportunities and challenges in their application in post-conflict and ethnically diverse environments.

Figure 1: Ethnicity in the Ibar region



Source: Serbia Census of 2002; Montenegro Census of 2003; Kosovo estimations of 2005

In both conflicts, the root causes can be described as division within society along ethnic lines on the bases of politically and socially constructed long-standing conflicting identities. This division is reflected in the distribution of wealth, positions and state power.² In Kosovo and Sandžak, the socially constructed ethnic identity as the root cause should be further

² Susan L. Woodward, 'Do the Root Causes of Civil War Matter? On Using Knowledge to Improve Peacebuilding Interventions', *Journal of Intervention and Statebuilding*, Vol. 1, No. 2 (2007), p. 150.

distinguished from the triggers of new violence (outcomes)³ – the ‘reality created by the [conflicts]’.⁴ These outcomes are similar in terms of economic underdevelopment and the distribution of wealth along ethnic lines; the development of nationalist/religious ideologies; and political mobilisation along societal divisions, which has led to a group hierarchy in society with socioeconomic discrimination. Additionally, in the case of Kosovo, the state has been organised among the ethnic groups, which has led to parallel state structures in some Serbian majority areas in Kosovo. The history of conflict in this region is a reinforcing factor as the experiences of war and discrimination are outcomes of former conflicts (or steady low-level conflict), but have also become root causes of the still high tensions. The people remain vulnerable to inter-ethnic⁵ and intra-ethnic tensions⁶, as well as to political exploitation of the ethnic division that traces back to the experienced violence, ethnic discrimination and trauma. The economic situation in both regions is very poor, with no significant progress.

In Kosovo, the violent conflict in 1998 and 1999 created a division along ethnic lines. This is reflected in the division of territory in Kosovo Albanian and Kosovo-Serbian parts. The land north of the river Ibar is predominantly inhabited by Serbs, and the land south of the river by Albanians (see map in Figure 1). The newly formed Kosovo state has control over the south and is supported by the European Union Rule of Law Mission in Kosovo (EULEX) in the area of rule of law.⁷ In the north, Kosovo police are present, but other institutions do not function. The Serbian state is co-operating with EULEX, but local power mongers are obstructing the mission. EULEX is less visible in the south, because it largely operates through Kosovo state institutions. In the north it is visible, but has been unable to establish rule of law. The International Crisis Group and Humanitarian Law Center are clear about the situation: there is no effective rule of law.⁸ Hence, the post-conflict situation holds serious potential for new violence. Both ethnic groups are basically not communicating with each other. This means that the root causes of the conflict are still present and have not been tackled. The social, economic and political structures in society are still divided between both groups. In order to achieve positive peace, it is necessary to change these structures. Economic development in a society needs to be structured in a way that benefits both sides and brings them into contact. Otherwise, the existing structures are reinforced and the conflict potential remains.

In Sandžak, the situation is different. Serbs and Bosniaks and other groups do not live in separate territories, but the division of social activity between ethnic groups is creating conflict potential. Neglect of the region by the Serbian Government has led to renewed tensions and

³ This analysis follows the distinction between root causes and conflict outcomes made by Susan L. Woodward (2007), *Ibid.*

⁴ *Ibid.*, p. 155.

⁵ International Crisis Group, *North Kosovo: Dual Sovereignty in Practice*, Europe Report No. 211, (Pristina/Mitrovica/Brussels: International Crisis Group, 2011).

⁶ Transconflict, *Sandžak*, [online], accessed 26 April 2011, available at <http://www.transconflict.com/about/where-we-work/sandzak/>

⁷ Council of the European Union, *Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo*, Brussels, Official Journal of the European Union, 2008.

⁸ International Crisis Group, *North Kosovo: Dual Sovereignty in Practice*, pp. 2–3; and Humanitarian Law Center Kosovo, *Security Situation in Mitrovicë/Mitrovica During the Period December 2008 and January 2009*, (Pristina: Humanitarian Law Center Kosovo, 2009), pp. 66.

public uprisings.⁹ The ethnically mixed area sandwiched between Kosovo, Montenegro and Bosnia experienced official state terror against its minorities (mostly Muslim-Slavs/Bosniaks) during the Milosevic regime including ethnic cleansing, kidnappings, murders, arbitrary arrests, violent attacks and job dismissals. These issues have only been partly addressed by subsequent governments and by political and social groups in Serbia. The political representation has shown little interest in changing the organisation of the Serbian state. Still, until recently, there were no major groups seeking independence or aspiring to join Bosnia. The potential for ethnic violence was relatively small.¹⁰ However, continued neglect by the government and the subtle and open discrimination against Bosniaks in the past few years has changed the situation. Many Bosniaks fear that discrimination and exclusion will worsen, which has led to the increased polarisation of issues along ethnic lines. A pressing issue in this respect is the governance of the Serbian state. Intra-ethnic tensions have also risen. The Bosniak community is increasingly divided on how to respond to the political situation.¹¹

This paper looks at both conflicts from a sociological perspective. This means that the analysis is not limited to the division along ethnic lines; instead, the social position of people in Sandžak and North Kosovo is seen as defined by economically, socially and politically created identities that are the outcome of the conflict. The current separation of groups obstructs political, social and economic development, and creates potential for violent conflict. It goes without saying that changing these socialised structures is a difficult and long-term process. Reconciliation and the elimination of the outcomes that are reinforcing ethnic division need to be introduced. This is particularly difficult in an environment in which publically held beliefs about 'the other' are reinforced in the media and other social activities.

A shift in analysis and in the formulation of policies is necessary towards a comprehensive approach. Such an approach should consider all economic, political and social factors that trigger the ethnic identities and the in- and out-group distinctions in society. While political/ethnic leaders are mostly concerned about their own power and interests, it is argued that integrative processes concerning the day-to-day lives of local citizens¹² should be the focus of Serbia's policies, and those of the EU.¹³ In this respect, cross-border co-operation – already supported by the EU – can have a significant impact. It can directly address the elimination of segregating factors, opening the way for integration and reconciliation.¹⁴ In the case of Kosovo, this involves including the Albanian community south of the river Ibar and the Serb community north of the river. In the case of Sandžak, it involves bringing people from the Bosniak and Serb communities, who are often already living in the same town or village, into

⁹ International Crisis Group, *Serbia's Sandžak: Still Forgotten*, Europe Report No. 162, (Belgrade/Brussels: International Crisis Group, 2005).

¹⁰ *Ibid.*, p.i.

¹¹ Justin Vela, 'Serbia's Sandžak at odds with Belgrade', *Transconflict*, [online], accessed 16 May 2011, available at <http://www.transconflict.com/2010/12/serbia-sandzak-at-odds-with-belgrade-712/>

¹² International Crisis Group, *Serbia's Sandžak: Still Forgotten*, p. 16f.

¹³ Our message is primarily for EU institutions, but other actors could naturally benefit as well. Notably, the states of Kosovo and Montenegro, and any other actor involved.

¹⁴ We recognise the differences between the conflict in North Kosovo and Sandžak, but consider both to be post-conflict societies. The violent conflict in Kosovo in 1998 and 1999 and state terror in Sandžak under the Milosevic regime are both considered violent conflicts.

contact. In both cases, the administrative borders are not the conflict lines. To change the structure of society, ethnic separation, not border division, needs to be addressed.

In contrast to the rather clear interstate disputes,¹⁵ to which a separation (instrumental reconciliation) might be a solution, the settlement of intra-state conflict is likely to need integrative reconciliation (also called socioemotional reconciliation) for positive peace. This goes beyond the gradual improvement of interstate relationships and the focus on peaceful co-existence in the present; socioemotional reconciliation facilitates dealing with the past and targets the integration of people into a single society. This process creates a feeling of belonging and decreases the vulnerability of people to political mobilisation along conflict lines.¹⁶

Integration can be facilitated, for example, by giving social space to people to express apologies and forgiveness, and for truth telling and acknowledgment. This process restores self-esteem and respect, as well as dealing with threats of victimisation and guilt.¹⁷ Cross-border co-operation does not in itself create this social space for reconciliation, but can be a first step towards establishing contact points and fostering interaction between social groups. Regarding the regional dimensions of these conflicts, this contact has to include inter- and intra-group co-operation within Serbia and across borders as an important tool for peacebuilding, social cohesion and integration. Besides its role in reconciliation, cross-border co-operation enables socioeconomic development in the underdeveloped regions neglected by politicians and lacking investor interest due to political stalemates and instability. Hence, it can provide a basis for highly needed socioemotional reconciliation, while directly addressing conflict outcomes, thereby breaking the vicious cycle of reinforcing the conflict through political mobilisation.

3. EU Tools for Cross-border Co-operation

There is an important role for the international community and, in particular, the EU in promoting new social structures that do not reinforce the existing separation in Serbia. The EU advocates for cross-border co-operation in Serbia through several tools (see Annex 1). Three tools can be distinguished: (1) international treaties as the frameworks for cross-border co-operation, (2) political pressure from different institutions, and (3) investment in development projects. But how do these tools work in relation to the social reality in Serbia? Focusing on economic development alone is likely to strengthen existing social structures and sustain tension between the different groups. A comprehensive and conflict-sensitive approach is needed – one that fosters sustainable socioemotional reconciliation.

Furthermore, it is importance to make a distinction between the two levels: the bilateral level, associated with international relations, where state actors play their role, and the intra-society

¹⁵ Note: In the case of Kosovo, this distinction cannot be clearly made due to the unresolved status issue.

¹⁶ Arie Nadler and Nurit Shnabel, 'Instrumental and Socioemotional Paths to Intergroup Reconciliation and Needs-Based Model of Socioemotional Reconciliation', in Arie Nadler, et al. (eds.) *The Social Psychology of Intergroup Reconciliation*, (New York: Oxford University Press, 2008), p. 40 ff.

¹⁷ *Ibid.*, see especially, Part II 'Socioemotional reconciliation: Moving beyond victimhood, guilt, and humiliation', pp. 33–194.

level, where, in this case, ethnic groups are the main actors. The conflict in Kosovo in the 1980s and 1990s was essential to the development of Serbian and Albanian nationalism, and to the violence that followed.¹⁸ The combination of division along ethnic lines and the use of nationalistic narratives by political elites proved to be catastrophic. While political pressure on political elites is important, facilitating reconciliation on the ground is just as important, but less well tackled by the cross-border co-operation tools of the European Union at the moment.

3.1 European Integration: Cross-border Co-operation Tools and Frameworks

The European Union sets criteria for prospective member countries. The most important are the Copenhagen criteria, which state the need for good relations with neighbouring countries.¹⁹ Serbia is also part of the Stabilisation and Association Process (SAP) and has signed the Stabilisation and Association Agreement (SAA) with the European Union. Article 6 of the SAA states the following:

*'Serbia commits itself to continue to foster cooperation and good neighbourly relations with the other countries of the region including an appropriate level of mutual concessions concerning the movement of persons, goods, capital and services as well as the development of projects of common interest, (...). This commitment constitutes a key factor in the development of the relations and cooperation between the Parties and thus contributes to regional stability.'*²⁰

The Stabilisation and Association Agreement elaborates on the commitment of Serbia to foster 'good neighbourly relations' by naming the countries that have signed a Stabilisation and Association Agreement with the EU and the countries that have not yet done so, but are part of the Stabilisation and Association Process, as most important neighbourly countries.²¹ This means that Serbia is required to have good neighbourly relations with Montenegro and Kosovo. Contrary to this, interstate co-operation with Kosovo is almost completely absent. Serbia disputes Kosovo's declaration of independence and refuses to develop meaningful relations. The current dialogue facilitated by the European Union will most likely bring about only minor changes in state relations, but may, nonetheless, be of great importance to the people living in North Kosovo.

From a legal perspective, Kosovo is part of the Stabilisation and Association Process under the flag of United Nations Interim Administration Mission in Kosovo (UNMIK).²² Still, its final

¹⁸ Julie A. Mertus, *Kosovo. How myths and truths started a war*, (Berkeley: University of California Press, 1999), pp. 230.

¹⁹ European Council, *Conclusions of the Presidency, Copenhagen*, June 1993, [online], accessed 1 May 2011, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=DOC/93/3&format=HTML&aged=1&language=EN&guiLanguage=en>

²⁰ Council of the European Union, *Stabilisation and Association Agreement between the European Communities and their Communities and their Member States of the One Part, and the Republic of Serbia, of the Other Part*, Luxemburg, 2008, [online], accessed 25 April 2011, available at: http://ec.europa.eu/enlargement/pdf/serbia/key_document/saa_en.pdf

²¹ *Ibid.*, Article 15.

²² Note: As established by UN Security Council Resolution 1244.

status in the region is unclear. Neighbouring countries²³, except for Serbia, have accepted the declaration of independence, but Serbia is enough to block entry to regional institutions like the Regional Cooperation Council (RCC). The European Commission presents a progress report for Serbia every year. In 2010, the report stated that:

*'...regional cooperation was affected by a lack of agreement between Serbia and Kosovo on the latter's participation in various regional meetings. An acceptable and sustainable solution for the participation of both Serbia and Kosovo in regional fora needs to be agreed as soon as possible. This is essential for inclusive and functioning regional cooperation.'*²⁴

Bilateral agreements are important to develop good neighbourly relations and establish cross-border co-operation. Cross-border co-operation is not a precondition for good neighbourly relations, but it is vital for areas that have a history of social, political and economic entanglement. This is the case both in Sandžak and North Kosovo.

This regional co-operation on the Balkans is organised through several organs related to the Regional Cooperation Council.²⁵ Several policy areas are streamlined by the secretariat of this organisation based in Sarajevo. An example is the Central European Free Trade Agreement (CEFTA), which ensures free trade within the region. Kosovo was part of this agreement under UNMIK. Since Kosovo's declaration of independence, Serbia has blocked free trade and vetoed Kosovo's access to regional institutions. This presents a serious problem for cross-border co-operation, particularly as a peacebuilding tool.

As part of the European integration process, Serbia is committed to the establishment of good neighbourly relations and to increasing cross-border co-operation. In the case of Montenegro, a Cross Border Cooperation Programme has been drafted,²⁶ but it does not tackle the social structures along ethnic lines that are creating conflict potential. Hence, cross-border co-operation is not used as a peacebuilding tool and is mostly limited to economic co-operation. Due to lack of conflict sensitivity, the programme may even heighten tensions. If socioeconomic development through trade and people-to-people activity is unequal between ethnic groups, people may perceive cross-border co-operation as furthering exclusion and discrimination. It, therefore, risks reinforcing the existing structural divisions on the basis of social, political and economical conditions. The SWOT analysis in this programme document also ignores the triggers of tension: in the threat assessment, the risk of strengthening social divisions, and thereby increasing the potential for conflict potential, is absent.²⁷

²³ Albania, Croatia, Macedonia and Montenegro have accepted Kosovo's declaration of independence. Serbia and Bosnia and Herzegovina have not.

²⁴ European Commission, *Serbia 2010 Progress Report*, Brussels, 2010, [online], accessed 5 April 2011, available at http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/sr_rapport_2010_en.pdf, pp. 18–19.

²⁵ See: *Regional Cooperation Council* (website), [online], accessed 1 May 2011, available at <http://www.rcc.int/pages/6/2/overview>

²⁶ Republic of Serbia, Ministry of Finance and Republic of Montenegro, Secretariat for European Integration, *IPA Cross Border Programme 2007–2013*, (Belgrade/Podgorica: Republic of Serbia, Ministry of Finance and Republic of Montenegro, Secretariat for European Integration, 2007).

²⁷ *Ibid.*, pp. 21–24; SWOT stands for strengths, weaknesses, opportunities, threats.

How does the EU assess the consequences of such programmes? The answer is the technocratic way: the objectives become the guidelines for evaluation. So, if the objectives are not conflict sensitive, neither is the evaluation by the EU. Does this mean that the institutions of the European Union are not aware of the situation in the Sandžak region? The Serbian Progress Report 2010 stated the following about the situation:

*'Clashes both between ethnic groups and within the Muslim community in Sandžak have continued. Tensions persist in particular between the two existing Islamic organizations. In September 2010, incidents occurred in Novi Pazar during a protest over a land dispute between the local Islamic organization and the municipal authorities. The Bosniak National Minority Council, whose members have been elected in June 2010, is not yet registered and fully functional due to a number of open issues related to its constitution.'*²⁸

This shows that the European Commission is aware of the problem, and considers the appropriate way to address it to be the minority council. However, the cross-border co-operation programme is not seen by the EU as a tool for peacebuilding. It is argued that it should be, otherwise the programme could increase the potential for conflict.

3.2 The EU as a Political Actor and its Financial Instruments

Besides the EU's cross-border co-operation tools and frameworks, the EU uses its political influence through its institutions and investments to advance the implementation of its treaties and frameworks. This specifically applies to the direct instruments signed by both Serbia and the EU during Serbia's EU integration process. While the Stabilisation and Association Agreement and the European Partnership Agreement demands an increase in cross-border co-operation, the Instrument for Pre-accession Assistance (IPA) is the main financial instrument supporting specific projects in this field. However, as already analysed in the last section, progress is limited due to, among other things, political stalemates. To remove the obstacles, the EU exerts political pressure on the Serbian (and other) government(s) through its institutions and financial assistance through the IPA. In this section, the level of political engagement by the EU and the impact on cross-border co-operation is analysed.

One of the main current political initiatives regarding peacebuilding is the Serbia-Kosovo dialogue facilitated by the EU. This dialogue is based on the UN Security Council Resolution 1244 and mainly aims at: (1) improving regional co-operation, (2) bringing both sides further along the path toward European Union integration and (3) improving the everyday lives of people on the ground. The question of Kosovo's final status is not part of the discussion, which mainly aims to address the practical obstacles in the everyday lives of Serbian and Kosovo citizens.²⁹ However, it is the first high-level political dialogue between independent Kosovo and Belgrade, and has been brought about through the political weight of the EU. Furthermore, some results have been produced in terms of land ownership records

²⁸ European Commission, *Serbia 2010 Progress Report*, pp. 18–19.

²⁹ Council of the European Union, *EU Facilitated Dialogue: Working Group on Civil Registry Set Up*, Brussels, 28 March 2011, Press statement, 8360/11 PRESSE 83, [online], accessed 5 April 2011, available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/120350.pdf

(cadastre), and current debates might improve the freedom of movement of people, which would represent an important step towards increasing cross-border co-operation.³⁰

The dialogue illustrates the weight of the EU as a political actor in the region. However, most cross-border co-operation tools are only partly or legally adapted and lack practical implementation (see Annex 1). The question remains: Is Serbia only paying lip service to cross-border co-operation to decrease political pressure from the EU? If so, how much influence does the EU have in the region, especially in demanding substantial political changes, which are not necessarily desired by the Serbian elite? In this respect, it is important to consider the different policy areas of cross-border co-operation. Where economic co-operation seems much easier to achieve, cross-border co-operation, especially as a distinct peacebuilding tool, encounters domestic resistance from political decision-makers. In the current nationalistic environment – and with the interest of the high-level elite to neglect conflict areas – reconciliation and sustainable local development is difficult to achieve work only through high-level political actors.

An IPA-funded cross-border programme between Serbia and Montenegro has been running in the municipalities of Raski (Sandžak) and Slatiborski since 2007.³¹ This programme primarily aims to facilitate confidence-building and overcome conflicts as well as local division as a result of new state borders. The programme is indeed establishing contact points at a local level between the citizens of Serbia and Montenegro; however, the conflict analysis shows that the divisions in Sandžak are according to ethnic groups, which have been mobilised by certain political groups, not according to borders. Although the cross-border co-operation project focuses on economic and social co-operation between communities, the main stakeholders in the project are the states and national ministries, in particular, which frame and plan the programme, while local actors and civil society are only participating as consultative bodies, but can further apply for funding from the budget of EUR 500,000 per year.³² Although the programme aims at overcoming conflict, conflict analysis is generally lacking in the programme's documents, in contrast to, for example, economic assessment.³³ This indicates the focus of the programme. There is no cross-border co-operation programme between Kosovo and Serbia.

In both examples of cross-border co-operation discussed here – the political dialogue and the cross-border co-operation programme – their impacts on the conflicts are still open. But it is clear that no project is using cross-border co-operation as a reconciliation tool, nor is any intra- or inter-ethnic co-operation encouraged in the guidelines for application.³⁴ Still, the cross-border co-operation programme is a first step towards recognising the capacity of cross-

³⁰ B 92, 'Three Main Topics' in *Belgrade-Priština Talks*, 7 March 2011, [online], accessed 15 March 2011, available at http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=03&dd=07&nav_id=73106

³¹ Republic of Serbia, Ministry of Finance and Republic of Montenegro, Secretariat of European Integration, *IPA Cross Border Programme 2007–2013*, p. 5f.

³² *Ibid.*, p. 5f.

³³ See SWOT analysis, *Ibid.*, p. 26 ff; SWOT stands for strengths, weaknesses, opportunities, threats.

³⁴ Republic of Serbia, Ministry of Finance and Republic of Montenegro, Secretariat for European Integration, Joint Technical Secretariat, *Cross-border Programme Serbia-Montenegro, Supported by European Union, Potential Applicants*, [online], accessed 1 May 2011, available at http://www.cbcsrb-mne.org/index.php?option=com_content&view=article&id=67&Itemid=70&lang=en

border co-operation as a peacebuilding tool, although the focus is still on economic development and technical co-operation,³⁵ which are far less politicised and contested issues in the region.

4. Limits and Policy Implications of EU Tools for Cross-border Co-operation

4.1 States as Main Actors: Neglecting Reconciliation and Lack of Ownership by the People

This paper started by stating that cross-border co-operation is an important peace-building tool. In the previous section the specific actions and frameworks of the EU institutions in establishing cross-border co-operation were discussed and their effectiveness assessed. It can be concluded that: (1) the EU sees good neighbourly relations as a precondition to EU membership, and cross-border co-operation as a valuable tool in fulfilling this precondition, (2) the EU identifies cross-border co-operation mainly as an economic development tool, and (3) the EU does recognise the problems in Sandžak and North Kosovo, but considers them internal problems of Serbia and Kosovo, respectively.

Two main problems emerge from the EU's interpretation of cross-border co-operation. Firstly, there is a discrepancy between the criteria and policies of the EU, and its actual programmes. The criteria relate mostly to market integration and the stabilisation of relations between states. These are the most important issues in developing the European Union as a supranational actor. However, programmes are concerned with a different level of analysis on the Balkans: reconciliation is necessary between social groups within society because this is where the tensions lie (i.e., the outcomes of the conflict situation). The conflict did not take place between states, like the Second World War or Cold War, but within the former state of Yugoslavia. The dynamic is different, and so are the peacebuilding efforts required. The programmes of the EU are torn between both levels of analysis, and, in terms of cross-border co-operation, have a clear bias towards the interstate level. Reconciliation between states is not unimportant, but it has a limited effect on the actual structures within society. Furthermore, by not recognising the actual conflict potential in North Kosovo and Sandžak, the effect of cross-border co-operation policies could even be harmful for the region.

Secondly, there is a question of ownership of the process of peacebuilding. The EU builds a partnership mainly with the state and with civil society organizations (CSOs). To what extent can the EU steer a society to change its views about its neighbours? People have to make their own minds up. The EU can only facilitate this process, but has a responsibility to facilitate it in a way that encourages democratic decisions. We interpret this as a responsibility to facilitate reconciliation. The political dialogue between the Serbian and Kosovo government is a welcome initiative, but the same is necessary at the grassroots level. People have to be brought into contact; the social and economic organisation of society should bring different groups together, rather than reinforce the existing structures along ethnic lines.

³⁵ Council of the European Union, *Stabilisation and Association Agreement between the European Communities and their Communities and their Member States of the One Part, and the Republic of Serbia, of the Other Part.*

4.2 The Risk of Polarisation

The identified division along ethnic lines as the main root cause of the conflicts determines the peacebuilding policies supported by the European Union, as well as public perceptions. In conflicts perceived as ethnic, these policies mostly include power-sharing arrangements, protection/subvention of minority rights, regional autonomy, decentralisation and quotas for the representation of groups. These measures aim at forming more ethnically homogeneous administrative units in a state, which is said to ease tensions.³⁶ This policy was particularly encouraged in the newly formed Kosovo, and in recent years also in Sandžak. However, this policy of separation has the potential to reinforce ethnic division in a society at the local level, which can be seen quite strikingly in the case of Sandžak. At first, general bad governance, excessive centralism, corruption, theft and ineffective policies appeared to local groups as official ethnic discrimination by the local Bosniak Municipality – or by the Serbian central government.³⁷ As a short-term measure to address this, in the years that followed ethnic-based representation replaced general majoritarian competition as an EU supported peacebuilding tool. Serbia's implementation of these separatist instruments is still problematic in many ways and prone to political misuse by the elite. This has led to an increase in tensions in the region. Today, demands for autonomy have even been put forward.³⁸ The International Crisis Group assessed the risks – resulting from the inadequate handling by the central government, Belgrade media and the Bosniak National Council (BNVS) – as a crucial danger in the formerly gradually improving inter-ethnic relations in Sandžak.³⁹

While the applied policies of ethnic representation and power sharing may satisfy short-term demands and increase the feeling of safety for minority groups, it heightens the perception of ethnic/religious in- and out-groups in the long-term. This increases the risk of polarisation and is, therefore, not sustainable within a society struggling with economic hardship and lack of social cohesion. Further, conflict has led to a socioeconomic change, which is expressed in Kosovo and Serbia by a shift in the interests and capabilities of (ethnic/religious) leaders.⁴⁰ These changes must be acknowledged and given space for integration in the political system, which is highly applicable to, for example, Sandžak Muslim fractions and other contested groups in North Kosovo. A political system containing minority representation can, in this situation, sometimes be counterproductive, as it creates a political platform for anti-democratic elites who often came into power during conflict and not because of their ability to solve the problems of the citizens they represent. The focus of peacebuilding should, therefore, not be on 'who [or which ethnic group] rules' and the ethnic leadership, but more on 'what rules' need

³⁶ Donald Rothchild and Philip G. Roeder, 'Dilemmas of State-Building in Divided Societies', in Donald Rothchild and Philip G. Roeder (eds) *Sustainable Peace: Power and Democracy after Civil Wars*, (New York: Cornell University Press, 2005), pp. 1–26.

³⁷ International Crisis Group, *Serbia's Sandžak: Still Forgotten*, p. 5.

³⁸ *Ibid.*, p.16f.

³⁹ *Ibid.*, p.31.

⁴⁰ Marie-Joëlle Zahar, *Fanatics, Brigands, Mercenaries...and Politicians: Militia Decision-Making and Civil Conflict Resolution*, PhD dissertation in political science, (Montreal: McGill University, 1999).

to be in place to strengthen mechanisms in society to deal with contested issues through non-violent means as the basis for a sustainable peace.⁴¹

The question remains: What strategy and policies can lead to sustainable peace in the current situation? First of all, it must be said that the current policy of separation and its focus on institutions has not achieved the success hoped for by the EU and other international actors. However, the current structures cannot easily be changed because they are already institutionalised. Change would create renewed fears of exclusion and discrimination for minorities. These institutions should, therefore, be seen as transformative tools, which – when properly implemented – can even serve as the local infrastructure for reconciliation and integration. Still, current institutions and figures (religious, ethnic), who mostly have their own interests in mind rather than truly representing their group, tend to tear people apart through a nationalistic interpretation of policies (e.g., use of Sandžak languages and religion in schools).⁴² In the current polarised and nationalist environment, well-meant legislation can also be turned into a trigger for division and can do more harm than good when not properly implemented and if not conflict-sensitive. Hence, it must be clear that current institutional peacebuilding mechanisms should only be applied in the transformation period and incorporate a grassroots perspective. Furthermore, the EU can contribute significantly to the better and people-centred governance of ethnic/religious-representation bodies by using its leverage as an important partner in the region and by work with them constructively.

A shift in perspective is needed from the EU's current focus on the state and institutions, to local dimensions and the solution of practical problems in conflict areas. A people-centred approach is necessary to break the vicious cycle of group vulnerability to political mobilisation and to empower ordinary citizens to determine what kind of state they want to live in. As already analysed in the last section, ownership is crucial in this respect. Without political consensus between the states about entering into a partnership that includes all necessary steps to finally overcoming tensions, the states are, to a large extent, unable to address the need for grassroots reconciliation. The EU's leverage is needed to bridge this gap by facilitating socioemotional reconciliation and the development of a democratic society. Cross-border co-operation within the current frameworks should be drafted as a peacebuilding tool that incorporates contact between conflict groups, local development and social people-to-people activities that enable the society to deal with its past. In the long term, a bottom-up movement of democratically empowered citizens is a better option than top-down solutions imposed through national legislation. Whether the state should be the main implementing actor in these cross-border co-operation initiatives – as in the cross-border co-operation programme between Serbia and Montenegro – is debatable in post-conflict areas.

⁴¹ Susan L. Woodward, 'Do the Root Causes of Civil War Matter? On Using Knowledge to Improve Peacebuilding Interventions', p. 155.

⁴² International Crisis Group, *Serbia's Sandžak: Still Forgotten*, p. 30ff.

4.3 A Shift to People-centred Policies: Addressing the Conflict Outcomes and Enabling Reconciliation

Having addressed the shortcomings of cross-border co-operation, this section looks at the role of the EU in Serbia. This paper advocates for a sociological perspective on cross-border co-operation; programmes should be conflict sensitive and not assume that economic integration will solve problems on its own. In a post-conflict society, the different parties are generally resistant to dialogue and discussing sensitive topics. However, such dialogue is necessary to achieve positive peace. One way of addressing this issue is to adjust the policy framework that the EU offers to Serbia. It is not feasible to change criteria set at the highest level, however, the interpretation of the criteria set by the European Commission should be clear and address its application to conflict areas in the Balkans. Guidelines for the development of cross-border co-operation programmes should demand that state institutions explain the conflict potential in their respective areas.

Another way of moving forward is to acknowledge the dynamics of a post-conflict society. The society has to go through a process of reconciliation in order to build positive peace. The state plays an important role in this process, but is often not the most open-minded party in society. Other stakeholders need support to balance power and acknowledge ownership by the people of the peacebuilding process. A good example is RECOM: a coalition of civil society organisations for the initiation of the establishment of a regional commission to establish the facts about victims of war crimes and other serious human rights violations committed in the former Yugoslavia from 1991 to 2001.⁴³ This initiative aims to gain the support of state and non-state actors to deal with the past and reconcile communities. For many people, even discussing practical solutions is taboo, especially in relation to North Kosovo. This taboo has to be broken and reconciliation facilitated, and the EU has the political leverage to do so.

Furthermore, the conflict in the Sandžak region is seen as a minority issue. Within Serbia, the power sharing approach in the form of national minority councils is a way of dealing with the issue, as noted in the progress report of the Delegation of the European Union to Serbia. Political support for this kind of solution should not be without concern. Recognising minorities can harm civic identities that exist within society. From a sociological perspective it is important to break existing structures along ethnic lines, not reinforce them by organising politics in the same way. These councils only have a place if they facilitate dialogue between the different communities within society as part of a transitional solution.

Finally, there is a dual role for the European Union when it comes to facilitating cross-border co-operation for Serbia. The traditional interstate level is important; these channels are well developed and efforts such as political pressure for a dialogue between the Serbian and Kosovo governments should be continued. In the meantime, however, local developments are just as important. In a post-conflict society, there is no guarantee that the situation will remain stable. Therefore, grassroots initiatives are vital to give a perspective to the people in an otherwise status quo.

⁴³ RECOM, *The Coalition for RECOM*, [online], accessed 9 May 2011, available at <http://www.zarekom.org/The-Coalition-for-RECOM.en.html>

5. Recommendations

European institutions

1. Recognise peacebuilding as a priority in cross-border co-operation initiatives in post-conflict societies such as Serbia and Kosovo, and mainstream it in all economic, political and cultural development projects.
2. Make a shift in policy-making from a state-centred approach to an approach that includes civil society and other non-state actors in political dialogues at all levels (regional, national and local). Within projects that facilitate reconciliation, the ownership of the peacebuilding process by the people needs to be recognised and respected.
3. Refocus cross-border co-operation frameworks to function as a peacebuilding tool. Preconditions for successful project implementation in this respect are conflict analysis and the interpretation of the Copenhagen criteria and those stemming from the Stabilisation and Association Agreement by EU delegations in the respective countries.
4. EU institutions should continue to use their leverage as political actors to advocate for practical solutions on the ground, and to facilitate reconciliation on the interstate level through political dialogue.
5. Bring the Instrument for Pre-accession Assistance (IPA) in line with the conflict analysis. Guidelines for its application should be conflict sensitive and based on a conflict analysis. Criteria for actions and beneficiaries should aim at overcoming the conflict lines and facilitate socioemotional reconciliation.
6. Support the current policy of ethnic separation (minority councils, quotas and so forth) only as a transitional tool for peacebuilding. The risk of reinforcing group divisions in society through these institutions needs to be addressed and limited by facilitating dialogue between the ethnic/religious leadership and the EU, as well as between ethnic groups.
7. Follow-up on the EU's welcomed acknowledgement of Kosovo as an entity eligible for cross-border co-operation by facilitating the establishment of a Serbia-Kosovo cross-border co-operation programme. The remaining political constraints on the implementation of cross-border co-operation should be addressed by applying creative solutions to the parties' concerns regarding any political implications of Kosovo's final status.

Governments of the region

1. Support national dialogue between the different conflict groups on the ground and facilitate socioemotional reconciliation through the following:
 - a. Interpret cross-border co-operation as a peacebuilding tool and consider the EU conflict analysis in framing cross-border co-operation programmes.

- b. Establish effective communication channels with civil society organisations and local communities.
 - c. Consider the minority councils in Serbia as transitional structures to be replaced in the long term by a decentralised, majoritarian system supporting civic identity.
2. Co-operate with regional bodies and facilitate reconciliation and local ownership on an interstate level through the following:
 - a. Maintain the Serbia-Kosovo dialogue on practical issues, consider the inclusion of Kosovo's status on the agenda and establish meaningful relations between the two parties.
 - b. Serbia should provisionally or fully recognise Kosovo as a partner in regional bodies (such as the Regional Cooperation Council, Central European Free Trade Agreement and the Energy Community Treaty).
 - c. Both Serbia and Kosovo should support RECOM and break the taboo on discussing past conflicts.

Civil society

1. Advocate for a conflict sensitive approach to cross-border co-operation, especially regarding civil society's role as a consultative body in the cross-border co-operation programmes.
2. Initiate and continue projects that overcome the existing structures in society along ethnic lines.
3. Monitor the impact of cross-border co-operation programmes on the conflicts and give feedback to the states involved, the EU and other relevant actors.
4. Support the EU in facilitating the high-level political Serbia-Kosovo dialogue by providing information about local concerns and possible solutions.
5. Maintain active lobbying for RECOM and the establishment of a Kosovo-Serbia cross-border co-operation programme.

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Annex 1: Overview of EU Tools and Frameworks for Cross-border Co-operation in Serbia

	EU tools & frameworks	Policy areas			Implementation of legislation & in practice	Response/control over implementation, by whom & with which tools/documents
		<i>Economic</i>	<i>Political</i>	<i>Cultural</i>		
Direct	SAA*	All policy areas: Article 6 ensures general freedom of movement and aims at the harmonisation of domestic legislation with EU legislation.			Only partly implemented in national legislation and not fully implemented in practice	European Commission: Annual progress report; influence over Serbia's EU integration process
	European Partnership	Political, legislative and economic policy areas (Copenhagen criteria): Cross-border co-operation as a political target; further defined in the SAA				European Commission: Conditionality of financial assistance
	IPA*	Financial assistance for all policy areas: Component II – cross-border cooperation activities between Serbia and EU Member States as well as with adjacent candidate and potential candidate countries (€190.9 million 2008)			External aid programme is in practice (see Section 3.2 of this paper), as is aid for civil society projects/NGOs	European Commission: European Delegation to Serbia monitors and evaluates project implementations
	e.g., ECT*	Economic policy: Economic tool for cross-border energy trade and free markets (more tools in other sectors)			Partly implemented	ECT Secretariat and European Commission: ECT is part of the SAA and the European Partnership, implementation progress monitored through EU institutions and RCC secretariat

	EU tools & frameworks	Policy areas			Implementation of legislation & in practice	Response/control over implementation, by whom & with which tools/documents
		<i>Economic</i>	<i>Political</i>	<i>Cultural</i>		
	Visa Facilitation	Political policy: Enhance cooperation with the EU; side effect: stronger pressure on domestic border management (affecting cross-border co-operation)			Implemented	EU Member States: In case of non-compliance with framework, visa privileges can be revoked
Indirect/ supported by EU	RCC*	All policy areas: Coordinating body for all regional cooperation treaties			Running	SEE Member States, European Union, EU Member States, International organisations: Exercise political/diplomatic pressure on their members
	SEECF*	Political and economic policy areas: Security, political stabilisation, economic relations, human resources, democracy, justice, organised crime			Partly legally implemented, not practically implemented	Inter-state programme: Frequent high-level political cooperation meetings to supervise implementation progress
	CEFTA*	Economic policy: freedom of movement of goods and services			Not legal or practically implemented	Supervised by RCC: CEFTA is based on the implementation of the World Trade Organization's regulations (free trade, development, non-discrimination, reliable tariffs, fairness), SAAs, any other free trade agreements in the region

***Abbreviations:** SAA (Stabilisation and Association Agreement); IPA (Instrument for Pre-accession Assistance); RCC (Regional Cooperation Council); SEECF (South East European Cooperation Process); ECT (Energy Community Treaty); CEFTA (Central European Free Trade Agreement)