

POLICY BRIEF



Border Management in the Kosovo–Southern Serbia–fYR Macedonia Vortex: a Local Perspective

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The impositions of firstly, the international border between the fYR Macedonia and Yugoslavia in 1992, and secondly the conversion of Kosovo's Administrative Boundary Line (the ABL), between the province of Kosovo and the Republic of Serbia, into a de-facto border in 1999, have had significant impacts on the social and economic lives of the predominantly ethnic Albanian border communities of Kosovo, Serbia and fYR Macedonia within the GPKT (Gjilan/Gnjilane-Presevo-Kumanovo-Trgoviste) micro-region. The situation in the past, whereby the people of the micro-region could travel and interact freely, whether socially or commercially, has changed. Now people wishing to cross from one side of the GPKT micro-region to another, say Gjilan/Gnjilane to Kumanovo, must cross what are, in effect, two policed and guarded borders, complete with passport checks and customs inspections.

Whilst the imposition of these new controls over 'new borders' resulted from the fYR Macedonia's self-determination and the crisis in Kosovo respectively, those people living in the border areas of the GPKT are now paying the price in terms of economic hardship. The solution to this problem would be to implement border regimes that, in line with well-established international practice, expedite legitimate cross-border movement of people as well as goods. So



far, however, the central authorities and the border management agencies operating in the GPKT have failed to deliver on this requisite of border management. The Serbian refusal to recognise the United Nations Mission in Kosovo (UNMIK) Travel Document, UNMIK's mishandling of the administration of those documents and the Macedonian Army's failure to communicate and co-ordinate with border management agencies in Serbia and Kosovo are all examples. The failure moreover of all border management agencies in GPKT to engage with local civilian authorities, the municipalities, village leaders and other local representatives is disappointing and ensures that they remain out of touch with the needs of border area inhabitants. This is potentially dangerous in a post-conflict area characterised, as GPKT is, by socio-political volatility and the intermittent outbreak of violence.



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EXECUTIVE SUMMARY

The impositions of firstly, the international border between the fYR Macedonia and Yugoslavia in 1992, and secondly the conversion of Kosovo's Administrative Boundary Line (the ABL), between the province of Kosovo and the Republic of Serbia, into a de-facto border in 1999, have had significant impacts on the social and economic lives of the predominantly ethnic Albanian border communities of Kosovo, Serbia and fYR Macedonia within the GPKT (Gjilan/Gnjilane-Presevo-Kumanovo-Trgoviste) micro-region. The situation in the past, whereby the people of the micro-region could travel and interact freely, whether socially or commercially, has changed. Now people wishing to cross from one side of the GPKT micro-region to another, say Gjilan/Gnjilane to Kumanovo, must cross what are, in effect, two policed and guarded borders, complete with passport checks and customs inspections.

Whilst the imposition of these new controls over 'new borders' resulted from the fYR Macedonia's self-determination and the crisis in Kosovo respectively, those people living in the border areas of the GPKT are now paying the price in terms of economic hardship. The solution to this problem would be to implement border regimes that, in line with well-established international practice, expedite legitimate cross-border movement of people as well as goods. So far, however, the central authorities and the border management agencies operating in the GPKT have failed to deliver on this requisite of border management. The Serbian refusal to recognise the United Nations Mission in Kosovo (UNMIK) Travel Document, UNMIKs mishandling of the administration of those documents and the Macedonian Army's failure to communicate and co-ordinate with border management agencies in Serbia and Kosovo are all examples. The failure moreover of all border management agencies in GPKT to engage with local civilian authorities, the municipalities, village leaders and other local representatives is disappointing and ensures that they remain out of touch with the needs of border area inhabitants. This is potentially dangerous in a post-conflict area characterised, as GPKT is, by socio-political volatility and the intermittent outbreak of violence.

The present inability of the border management agencies of Serbia and particularly fYR Macedonia to comprehend modern and effective border management concepts, and their lack of willingness to co-operate with each other at the local level not only leads to a failure to expedite legitimate movement, but also weakens border control through a failure to co-ordinate activity and exchange information.

Whilst the European Commission and other agencies make much of the need to develop and implement Integrated Border Management Strategies in South-eastern Europe, regional governments have been slow to move on the issue, and sufficient support and guidance has not been forthcoming; where it has, unco-ordinated advice has often been given by the different international players involved. As a result, the final development, the actual implementation and taking forward of these strategies in practice has progressed very slowly.

Both Serbia and fYR Macedonia continue to approach border security from the perspective of militarily securing a linear feature, an antiquated and ineffective approach to borders which places the emphasis on security rather than management and efficiency. The linear feature approach has proven itself flawed when dealing with organised crime across the world, from Uzbekistan to Mexico, and is presently proving itself helpless against organised crime in the GPKT micro-region. The use of intelligence-led operations to target illegal cross border movement is not new to the Serbs, but is an anathema to the Macedonian army.

The emphasis on security rather than management is also evidenced by the inappropriate Rules of Engagement issued to border management personnel by both the Macedonian and Serbian authorities. Whilst border management personnel must be given the right and means to defend themselves, the use of lethal force in order to interdict an illegal movement needs tighter control and more sophisticated training.

Much popular and local government attention within the GPKT micro-region is given to the opening of additional border crossings in order to expedite legitimate cross-border movement. This is

particularly the case between the villages of Lojane and Miratovac (between southern Serbia and fYR Macedonia). However, the costs of establishing new crossing points and the difficulties in maintaining them are hard to justify when the proposed crossing is only 3km from an already established crossing point. A full survey of the needs of local communities, the costs involved and other possible solutions should be undertaken before making a decision to establish a new crossing point, in order to ensure that the best and most appropriate solution is applied.

It is worth noting that the greatest obstacle to legitimate movement across the ABL relates to documentation issued by the UNMIK and that a solution to this must be with UNMIK, in partnership with the Serbian government in Belgrade.

If the current approach of fYR Macedonia and Serbia towards border management in the GPKT micro-region is sustained, dissatisfaction amongst local inhabitants will grow, possibly leading to further incidents, increased tension and possible confrontation as communities' social and commercial lives continue to suffer.

Summary of Recommendations

UNMIK

- Initiate an independent review of the administration and controls applied to the issuing of UNMIK Travel Documents, ID Cards and Vehicle Registration Plates.
- Re-initiate discussions with Belgrade in order to explore possible solutions regarding the obstacles to legitimate cross-ABL movement created by Serbia's refusal to recognise the UNMIK Travel Documents, ID Cards and Vehicle Registration Plates.
- UNMIK border police should establish, without delay, an effective criminal intelligence capability.

fYR Macedonian Government

- The Macedonian Border Police, when taking over responsibility for their northern border, should adopt fully their government's National Integrated Border Management Strategy.
- Without delay, the fYR Macedonian Government should review and amend the Rules of Engagement issued to border management personnel, taking into consideration relevant human rights legislation and European best practice. The Government should consider making non-lethal means of interdiction, e.g. dogs, available to border patrols.
- Recognising that Dashnim Hajrullahu, the young boy killed by the SCG Army while illegally crossing the border between fYR Macedonia and Serbia in January, 2005, was not in possession of valid travel documentation, and recognising that a significant proportion of the population in the border areas of fYR Macedonia also do not possess valid travel documentation, the Macedonian Ministry of Interior should instigate a process for registering those persons and expediting the issue of passports.
- In line with the fYR Macedonian Government's IBM Strategy, the Macedonian Border Police, immediately upon taking over responsibility for patrolling their northern border, should establish mechanisms at the regional level for tactical information-sharing and co-operation with their Serbian counterparts. The fYR Macedonian Ministry of Interior should support any efforts to establish liaison with key players, and should also support efforts to create a GPKT Border Management Council, and appoint a representative to such a body with the aim of ensuring proper communications between local and national authorities (please see recommendations below to local political leaders and representatives).

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Serbian Government

- The Co-ordination Body for Presevo, Bujanovac and Medvedja should encourage the Serbian border management agencies to develop closer operational links with their Macedonian colleagues at the local level.
- The Serbian Government should finalise, adopt and implement its own Integrated Border Management Strategy according to EC best practice standards, and should co-ordinate common priorities with fYR Macedonia to ensure systematic co-operation between the border agencies of their respective countries.
- Without delay, the Serbian Government should review and amend the Rules of Engagement issued to border management personnel, taking into consideration relevant human rights legislation and European best practice. The Government should consider making non-lethal means of interdiction, e.g. dogs, available to border patrols.
- The Serbian Government should commission a survey to assess the potential economic benefits for the municipality of Trgoviste that could result from: a) a border crossing point with Bulgaria; and, b) a border crossing point with fYR Macedonia, in order to assess which of the two options would bring the greatest advantage.
- The relevant Serbian authorities should support any efforts to establish liaison with key players, and should also support efforts to create a GPKT Border Management Council, and appoint a representative to such a body with the aim of ensuring proper communications between local and national authorities (please see recommendations below to local political leaders and representatives).

Local political leaders and representatives

- The Mayors of Presevo and Kumanovo should lobby their governments to provide a regular cross-border bus service facility for local inhabitants operating on the route Lojane-Vaksince-Sopot-Tabanovce-Strezovce-Presevo-Miratovac. This would facilitate the movement of people without the cost of opening and manning a new border crossing.
- The Mayors of GPKT should lobby their respective central authorities to establish direct lines of communication between the border management authorities and their municipal GPKT co-ordination offices. Over time, a GPKT Border Management Council could be established, as a forum where key representation of civic organisations, municipalities, local police and border agency personnel could systematically meet, communicate and co-ordinate, thereby increasing security and developing a much needed understanding on the part of the border authorities of the needs and sensibilities of the local communities.
- Local political leaders and representatives should lobby central governments and other stakeholders in support of all the above recommendations.

BACKGROUND

The GPKT micro-region sits astride both the international border between Serbia & Montenegro (SCG) (including Kosovo) and the FYR Macedonia, which divides the north of the micro-region from the south, and the Administrative Boundary Line (ABL) between Serbia and the Province of Kosovo which divides the eastern part of the micro-region from the western. Thus the border is managed by Serbia on one side, and FYR Macedonia on the other, and the ABL is managed by Serbia on one side and KFOR and UNMIK on the other.

Both the international border and the ABL are recent impositions on the people and communities of the micro-region. The border between Serbia and FYR Macedonia came into being in 1992, following the breakaway from Yugoslavia of the FYR Macedonia, which then became an independent sovereign state.

The ABL came into being later, in 1999, following the signing of the Military Technical Agreement and NATO occupation of Kosovo.

Management of the border between FYR Macedonia and Serbia (including Kosovo) has undergone little change since its establishment. Following independence, the Macedonian Army was made constitutionally responsible for border security and territorial integrity of the state, and in order to meet that task created the 1st Army Border Brigade, a mainly conscript formation, specifically to patrol the 'green border' (the part of the border line between official border crossing points). The crossing points themselves have always been policed by the Macedonian Ministry of Interior police.

The Macedonian approach to border management came under severe strain and criticism in 2001 when members of the ethnic Albanian National Liberation Army, fighting an insurgency campaign against the Macedonian authorities, proved themselves able to come and go across the border, seemingly at will. Both prior to and following that insurgency, smuggling across the border of all manner of commodities, from wheat flour to compact discs, has been prolific.

In an attempt to address many of the shortcom-

ings of its border management in 2003 the FYR Macedonian Government, adopted a new Integrated Border Management Strategy, endorsed by the EU and NATO, under which a new border police service is currently being created. This service will take over responsibility for all policing of the FYR Macedonian/Serbian border by the 31 December 2005.

In contrast to the international border with FYR Macedonia the ABL has experienced far more change in its brief history. The ABL is in fact the line representing the boundary of the province of Kosovo within Serbia. Prior to the conflict in Kosovo in 1998 and 1999 the boundary line was almost meaningless in anything but an administrative/legal sense and no controls were placed upon those wishing to cross. As a part of the peace agreement signed between NATO and the Yugoslav authorities following the NATO air campaign a Ground Safety Zone (GSZ) was established. According to the agreement Serbia was prohibited from deploying troops or heavy armour within 5 kilometres of the ABL. The GSZ was designed to create a buffer between NATO and Serbian forces and to allay fears of Serbian military operations against Kosovo. Given the situation at the time this was a sensible and practical measure. However the failure of KFOR to secure the ABL and the blind eye turned by the United States contingent of KFOR towards the exploitation of the GSZ by the Liberation Army of Presevo, Medvedija and Bujanovac (UCPMB) were significant contributory factors in the subsequent ethnic Albanian insurgency in Southern Serbia. The establishment of normal and respected border management along the ABL, particularly in the GPKT micro-region, at any time, now or in the future, will be made more difficult as a result of these early precedents and the mindsets they have created.

Following the settlement in May 2001 of the ethnic Albanian insurgency in the three municipalities east of the ABL - Presevo, Medvedja and Bujanovac - the Yugoslav Army and police began a phased re-occupation of the GSZ. The army commenced patrolling of the ABL (currently the

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responsibility of the 78th Mechanised Brigade, based in Vranje), supported by the Gendarmerie. Plans are now underway to restructure the Serbian military units tasked with securing the ABL, and a positive step to be noted is that these plans see military units in the area transformed into a fully professional brigade, without conscripts.

On the Kosovo side KFOR remains responsible for the security of the ABL between recognised crossing points, although their effective presence on the ABL is limited by lack of resources. It is only relatively recently that ABL crossing points have been established by UNMIK and the Kosovo Police Service Border Police. However the ABL cannot in any way be described as effectively managed or secure. For example, local sources in Veliki Trnovac, Bujanovac municipality, state that the income of some 50% of households in that large village (approximately 10,000 people) is supplemented by the proceeds of cross-ABL smuggling. On the other hand, the UNMIK Headquarters of the border police is unable to gauge the extent of illegal cross border activity “as there are no intelligence systems in place and statistics of seizures and incidents are not compiled”.¹

Border population

The border area between Serbia and FYR Macedonia is generally sparsely inhabited, particularly in the area of the Skopska Crna Gora highlands. The area of the ABL on the other hand experiences a higher population density. The GPKT micro-region as a whole is inhabited predominantly with people of Albanian ethnicity, with Kumanovo (mixed Macedonian/Albanian/Serbian) and Trgoviste (Serbian) being the exceptions with larger ‘minority’ communities.

The ethnic Albanians in this micro-region share a common language, culture, religion and ethnic identity and feel they should enjoy easy access across both the border and the ABL as a result. This feeling of belonging to one community, relatively recently divided by artificially imposed borders, is strengthened by cross-border marriages and other family ties as well as low-level trade and shared livestock grazing areas.

In addition, the ‘minority’ communities of ethnic Serbs in the Gjilan/Gnjilane municipal area in Kosovo and in the Kumanovo municipal area in FYR Macedonia also have traditionally strong family and social ties with the Serb communities in southern Serbia, including the GPKT towns of Presevo and Trgoviste. For the same reasons, these communities share very similar feelings towards the borders as their ethnic Albanian neighbours.

Border economy

The economy within the border areas of the GPKT micro-region is mainly based on low level agriculture, many families existing on subsistence farming; the meagre income which results is however often supplemented with funds supplied by relatives working abroad. Further from the borders and within the main population centres of the region the economy, lacking any significant production capacity, survives on low-level trade and income from overseas diaspora.

1) Head of Investigations, UNMIK Border Police HQ

ASSESSMENT OF CURRENT BORDER MANAGEMENT REGIMES AND THEIR IMPACT ON SECURITY

There are three border regimes presently in place, in that there are three governmental or state-type entities, with their respective and different legislative bases, and each with their own approach towards border management. These are the Serbian, the FYR Macedonian and the UNMIK/KFOR regimes.

Border management regimes can have both positive and negative influences on the security situation. Effective border management will maintain territorial integrity, expedite legitimate movement and trade, whilst deterring, identifying, preventing, and where necessary, interdicting illegal or hostile cross-border movement.

By expediting, or facilitating, legitimate movement and trade, effective border management will not only meet the needs of local populations and economies, but will also avoid the frustrations and tensions that build up when such legitimate movement is hindered or obstructed. In other words, a border management regime that fails to expedite legitimate movement can expect to provoke frustration and tension within the effected communities, and can therefore be said to contribute to a worsening of the security situation. Equally, an overly harsh or oppressive border management policy, or one inadequately tailored to the needs of the communities on which it impacts, will have a similar effect, triggering, in some cases, the hostility of the local population towards security forces and associated governmental authorities. In the case of the GPKT micro-region, where security forces are staffed predominately by members of one ethnic group, inter-ethnic disputes may arise.

On the other hand, a border management regime that fails to deter, prevent or interdict illegal cross border movement can be said to harm the security situation by failing to prevent smuggling and other illegal trade feeding the black economy. The black economy reduces local and central government revenue and undermines legitimate business, as a result the state receives less revenue to invest for the benefit of the community and the economy becomes stagnant and unhealthy. The community affected then typically becomes dissatisfied and restless, adding to tension.

The need to prevent hostile cross-border activity is clear. Borders cannot be efficiently secured against crime and its subversive effects unless the border management authorities on each side of the border communicate and co-ordinate at the national and local levels. In the GPKT micro-region organised crime groups and armed nationalist Albanian groups communicate and co-operate very effectively across both the FYR Macedonian/Serb border, including that part of the borderline between the province of Kosovo and FYR Macedonia, and across the ABL. Failure of border management agencies to co-operate as efficiently as the criminals will mean that the positive effect of border management is undermined and security threatened. It is very clear that co-operation between the Serbian and Macedonian border management agencies is very far from adequate or effective. This border is therefore vulnerable to criminal exploitation.

It is against these measurements, and with an awareness that any border (including the ABL) is subject to two border management regimes (those of the authorities on either side of the border in question), that we must examine the effect of border management regimes in the GPKT micro-region in terms of security.

The Administrative Boundary Line (ABL)

The ABL and the border management regimes in place on the Serbian and Kosovo sides, with the exception of the UNMIK Travel Document problem described below, poses little hindrance to legitimate movement. Although an inconvenience for those who have to cross it, the ABL and its current multi-ethnic police management of crossing points does not add to tension or contribute to a deteriorating security situation.

However when measured against ability to deter, prevent or interdict illegal movement the management of the ABL looks weak. On the Serbian side, effective use has been made of intelligence, and efforts to co-ordinate with KFOR have been effective. However the UNMIK border management regime has a number of serious failings. Firstly, there is no intelligence capa-

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bility within the Border Police. Investigative capacity is almost non-existent and there are no figures available to the UNMIK Border Police HQ on traffic levels, seizures or any other information that may assist in planning effective law enforcement. In effect UNMIK treat the ABL as a purely administrative responsibility, and by so doing are failing to place sufficient emphasis on the prevention of illegal movement and are thus contributing to the black economy on both sides of the ABL.

Despite intelligence from Serbia, FYR Macedonia and open comments from people living in the area, suggesting that large-scale smuggling is a characteristic of the ABL, UNMIK Border Police state that there is little or no illegal movement of people or goods. UNMIK's poor management of the ABL is a serious problem that, if not addressed, will most likely result in Kosovo becoming permanently established as a centre for black market activity of such significance as to prove economically destabilising for the region.

The FYR Macedonian/Serbian border

Contrary to Serbian effectiveness in terms of ABL management, their management of the border with FYR Macedonia is of mixed quality. The recent incident in January 2005, in which Dashnim Hajrullahu, a local teenager, was shot and killed whilst crossing the border illegally between Lojane and Miratovac, demonstrated an entirely unnecessary use of force by the Serbian Army. Whilst there is no doubt that Hajrullahu was engaged in an illegal crossing, and no doubt that the Serbian soldier who shot him was acting within the Rules of Engagement (RoE) issued to him, the issuing of such RoE must be highly questionable under international human rights standards, and the fact that the only means available for interdicting Hajrullahu was the use of lethal force shows a carelessness towards the interests of local communities that undermines effective border management in that it increases distrust and tension, and could provoke violent confrontation.

There is also strong evidence that both Serbian and Macedonian army personnel patrolling the border are happy to take bribes to turn a blind eye to illegal border crossings. The vulnerability of border guards to bribery is in part due to their being poorly paid and, in

the main, conscripts. The establishment of a professional border police to replace conscript military units in FYR Macedonia should go some way in addressing this problem.

Another characteristic of the FYR Macedonian/Serbian border is the almost total absence of any form of communication or co-operation between the Serbian and Macedonian border management agencies at the local level. There is absolutely no doubt that co-ordinated policing of any border from both sides is more effective in preventing illegal cross-border movement than if each side is acting individually and without co-ordination with the other. Establishing effective cross-border co-operation was one of the objectives of Macedonia's Integrated Border Management Strategy, but the Macedonian Border Police have failed to apply the strategy to date.

As it affects the security of the GPKT micro-region, the failure of the Macedonian and Serbian border management agencies to communicate and co-ordinate locally can have, and probably has already had, fatal consequences. Border management is, as already been stated, partly about expediting or facilitating legitimate cross-border movement. This is difficult to do if the difficulties and needs of local border communities are not well understood by the border management personnel on either side of the border. This requires a permanent and close relationship between the border management agencies and the communities close to the border. It also requires a close relationship between border management agencies in neighbouring states. These relationships have yet to be established.

In the case of the GPKT micro-region, a particular situation exists. Entirely groundless, unnecessary and provocative public media statements have recently been made by various nationalist Serb politicians and representatives of the Serbian security forces, indicating that there are guerrilla training camps and Albanian armed groups operating in the area just south of the border in FYR Macedonia. For young Serbian conscripts patrolling their side of the border, having no contact with their Macedonian counterparts, these stories must be quite intimidating, and when confronted with an illegal crossing, as was the case with Hajrullahu, lethal force may be all too readily resorted to.

ASSESSMENT OF CURRENT BORDER MANAGEMENT REGIMES AND THEIR IMPACT ON LOCAL COMMUNITIES

Prior to the break up of Yugoslavia in 1992 and the signing of the Military Technical Agreement in 1999, when borders were imposed on the area, the communities of the GPKT micro-region enjoyed significant commercial and social interaction. With commercial interaction came increased markets and with these markets came a level of economic stability that has not been enjoyed since. The area is in general poor: only 2,408 persons were registered² as employed in the municipality of Presevo in 200², out of a population of 34,904³ (6.89%). The days of unobstructed trade are sorely missed and small businesses yearn to exploit old markets. Local politicians see renewed commercial activity within the GPKT micro-region as vital for the sustainable economic health of their communities.

Of course, with the old commercial links came social ones, and today many inhabitants of the micro-region find themselves on different sides of the border, or ABL, from friends and relatives. This provides the second imperative reason employed by people of the area in arguing for new border crossing points to be established.

Both of these arguments; commercial and social/family, employed by the local population and its leadership in lobbying the authorities for increased numbers of border crossing points, are entirely legitimate. It is a fundamental principle of good border management that legitimate movement should be expedited, albeit whilst deterring, detecting and interdicting illegal cross-border movement. Therefore commercial and social/family cross-border movement must be facilitated. The question is, whether or not the creation of more border crossing points is in itself a satisfactory and adequate solution. Another principle of good and effective border management is that local solutions should be found for local problems, recognising thereby that different communities have different characteristics, problems and needs and that different geographical border areas pose different challenges in terms of border management.

In the case of the FYR Macedonian/Serb border, the situation varies along its length within the GPKT micro-region. The municipality of Trgoviste in the eastern part of the micro-region, and within Serbia, does not experience the historical and inter-ethnic factors that influence the political, social, and security situation further west around the villages of Miratovac and Lojane. However Trgoviste is more isolated, is further from significant state infrastructure and as a result suffers from a local economy that is barely functioning and stands little chance of rejuvenation. Any and all possibilities of encouraging the development of the local economy in Trgoviste, through the opening of a border crossing point, either with FYR Macedonia, or more likely with Bulgaria, should be researched.

Following the tragic death of a teenager, shot in January 2004 by Serbian soldiers whilst he was attempting to illegally cross the border between the villages of Lojane (FYR Macedonia) and Miratovac (Serbia), there has been more focused attention given to the creation of a border crossing point between these two villages. In this case the two communities involved, both ethnic Albanian, are lobbying hard, with the support of regional political leaders, for a crossing point. However this local solution is unlikely to address the situation satisfactorily. It is unlikely that the presence of a formal border crossing point would have solved the deceased's problem as he was not in possession of a passport and would therefore not have been granted permission to cross in any case. But the death of the teenager did trigger popular demonstration and gave nationalists on both sides of the ethnic divide a platform on which to express their hard-line policies. The tragedy therefore led to an increase in tension within the GPKT micro-region and threatened security. If a legal border crossing point would not have prevented the incident, or others of a similar nature, what would?

²) There are in addition clearly large numbers employed on the grey economy, who are not registered and therefore avoid tax.

³) 2002 census.

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In order to study the situation we have to look at the ABL and the FYR Macedonian/SCG border separately, as they both present different characteristics, obstacles to movement and challenges to agencies responsible for their management.

The ABL

Legitimate movement across the ABL does not face any significant physical obstacle. The crossings at Mucibaba and Konculj⁴ link most communities on either side of the boundary in the most practical way considering the geography and terrain of the area.

There are some villages in Southern Serbia whose only access to the rest of Serbia is by crossing the ABL into Kosovo and then crossing again to re-enter Serbia by another route. The village of Breznica is the most obvious of these, however a reasonable, flexible and helpful approach is applied by both KFOR on one side and the Serbian army and police on the other, good communication between them resulting in appropriate local solutions.

There are other obstacles however. By far the most significant of these is the Serbian government's policy of non-recognition of the UNMIK Travel Document, ID Card and vehicle registration plates.⁵

The lack of formal recognition accorded by the Serbian authorities to the UNMIK Travel Document and ID card causes real inconvenience to holders of those documents who wish to cross the ABL into Serbia from Kosovo. The Serbian police have demonstrated flexibility, recognising the needs of local communities, for example doctors known to have patients in Serbia are permitted to cross in 'KS' (UNMIK-issued car license plates) registered vehicles and with UNMIK documentation, but the majority of Kosovars are denied entry into Serbia unless they present documents recognised by Belgrade.

Whilst, for political reasons, problems relating to the formal recognition of these documents are unlikely to be solved prior to the final status of Kosovo, there are other practical and security

problems that must be addressed if progress is to be possible.

There is very strong evidence that the Kosovo vehicle registration database is incomplete. Certainly there are occasions when the database is not updated for many months. There is also evidence of a thriving business in Kosovo involving the creation of 'new' vehicles from parts taken from others stolen or written off in accidents, a process known as 'ringing'. These 'ringed' vehicles, although probably often unsafe, are then registered in Kosovo and sold. The failure of UNMIK, thus far, to establish sufficient safeguards against corruption during the vehicle registration process creates a problem for law enforcement agencies and public safety within any country in which KS registered vehicles are permitted to travel. It is difficult to argue that the Serbs, or anyone else, should recognise KS vehicle registrations under such circumstances.

Like the KS vehicle registration system, the administration of UNMIK ID cards was prematurely handed to Kosovar Albanian institutions without sufficient safeguards and protection being put in place. Some international personnel in UNMIK resisted this transfer of responsibility, but failed. UNMIK was however successful in retaining supervision and administration of UNMIK Travel Documents, but the criteria for issuing a Travel Document was then reduced and narrowed only to that of the applicant being in possession of an UNMIK ID card. Thus, effectively there is no longer any useful supervision or monitoring of the issuing of these documents. Evidence that the system is being abused can be found in the following:

- The presence of "significant numbers" of senior civil servants in the Kosovar ministries whose original and first homes are outside the province, mainly Southern Serbia, and whose only legitimate claim to work in Kosovo is the possession of an UNMIK ID card.⁶

4) The old "gates" 6 and 5 respectively.

5) The issuing of the documentation required to in order to cross borders - passports, visas, etc. - falls within the scope of border management and is therefore covered in this report.

6) Interview with UN advisor to the KTC; interviews with ethnic Albanian inhabitants of the GPKT micro-region.

- The number of FYR Macedonian citizens with UNMIK Travel Documents who apply for visas from European embassies based in Skopje.⁷
- The admission by various village leaders and political personalities in both FYR Macedonia and Serbia that many people within their communities possess UNMIK Travel Documents, ID cards or both, and that those people are aware that they possess them illegally.

If the only issue in the GPKT micro-region was that of border management, the problems relating to UNMIK documentation would not be particularly worrying. However, if, at some time in the future, Kosovo is granted independence, the authorities of the new state would be required to establish criteria on which rights to citizenship would be based. Given the reason for the UNMIK documentation being devised in the first place (i.e. the need to establish identification, residence and rights of employment), there is probably no better or, on the surface, legitimate criteria that could be applied other than prior possession of an UNMIK ID card.

Given this possibility and the continued orientation of the Albanian population outside, but in close proximity to Kosovo, towards greater ties with the province, and the calls, albeit from a minority of hardliners, for areas of southern Serbia and parts of FYR Macedonia to be united with Kosovo (particularly if Mitrovica were to be split from an independent Kosovo), the possession of UNMIK Travel Documents and ID Cards by significant numbers of people in the border/ABL areas of FYR Macedonia and Southern Serbia may prove an explosive issue.

These problems were not caused by the introduction of the UNMIK documents themselves, which at the time was a pragmatic solution to a practical problem, but were caused by the abuse of the administrative systems for issuing these documents. Initially the system was abused by persons falsely claiming to have lost all their previous Yugoslav documentation,⁸ and then later more systematically and criminally through corruption that was able to take hold following the premature handing over of ID Card administration to

local institutions. Given these problems, it is difficult to argue that any state should make itself vulnerable to deception and crime through their recognition of these documents. UNMIK must address these concerns if a long-term solution to expediting legitimate movement across the ABL is to be achieved.

The FYR Macedonian/Serbian border

The Macedonian authorities do recognise UNMIK documentation, and individuals holding UNMIK Travel Documents or travelling in KS-registered vehicles are treated as any others when entering the country. There is no visa regime imposed by FYR Macedonia on holders of the UNMIK Travel Document and UNMIK documentation in the case of the FYR Macedonian/SCG (Kosovo) border does assist in facilitating movement. However people wishing to travel from Gjilan/Gniljane to Kumanovo are forced to take a lengthy route via the border crossing at General Jankovic-Blace rather than the shorter and more direct route through Southern Serbia unless they are in possession of a Yugoslav passport, as the shorter route entails crossing the ABL. For this reason travel between Gjilan/Gniljane and Kumanovo is negatively affected by the Serbian refusal to recognise UNMIK Travel Documents.

For persons wishing to travel between the Kumanovo and Presevo areas within the GPKT micro-region there is no difficulty. Documentation is not an issue as the population holds recognised passports (either Macedonian or Serbian) and the main official border crossing between Serbia and FYR Macedonia, Tabanovce, lies on the most direct and convenient route between Kumanovo and Presevo. Significant delays at Tabanovce are rare, except in the summer months when large quantities of Turkish 'Gastarbiter' travel along this route from Germany to Turkey for their holidays. Even this problem should be addressed by the expansion, development and modernisation of the crossing, which is already underway and funded by the European Union.

The main complaints concerning movement across the FYR Macedonian/Serb border can be heard from

7) Diplomatic sources in Skopje and direct observation.

8) A claim now known to be false in the majority of cases.

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the communities of Trgoviste municipality, in the east, and the villages of Lojane, Miratovac, Sopot and Strezovce either side of the Tabanovce crossing point.

In the case of Trgoviste, a very poor municipality, desperate for revitalisation, the local administration look to potential new border crossings, one with FYR Macedonia, and one with Bulgaria, as being the answer to their economic difficulties. There are also, as in other places along the border, relatives and friends who find themselves divided by the border with FYR Macedonia.

However it is difficult to see how, in the absence of a comprehensive economic development plan, such border crossings would assist in economic regeneration. Certainly the journey from Trgoviste to the nearest centre in FYR Macedonia, Kriva Palanka, would be a lengthy one, over difficult terrain and along poor roads. The economic incentives for local businesses to trade across that border would be minimal and would not be sufficient to overcome the difficulties posed by poor infrastructure. The creation of adequate infrastructure would be unlikely to generate sufficient commercial activity to make such an investment worthwhile.

A border crossing with Bulgaria, to the east of Trgoviste, at Ribarci, may, on the other hand, generate a small amount of through traffic from Kustendil to Vranje and the Kosovar and Southern Serbian areas of the GPKT micro-region. The infrastructure is better than that available between Trgoviste and Kriva Palanka and any additional movement through Trgoviste would doubtless result in some increased business for local traders and small businesses. However, it was not possible for the study undertaken for this report to fully explore such through traffic potential and its likely effect on the local economy. Further research into the cost-benefit potential of this crossing is strongly recommended.

In the cases of Lojane, Miratovac, Sopot and Strezovce, commercial interaction and development resulting from the two crossing points that local communities are lobbying for (one between Lojane and Miratovac, and a second between Sopot and Strezovce) would be unlikely to generate any additional income for their villages as they do not consti-

tute either a significant market, or production capacity. The concern of local inhabitants here is more the resumption of the free social and family interaction that existed prior to the establishment of the border in 1992. In this sense the priorities for this locality and that of Trgoviste are reversed.

Another significant factor of this locality is the presence of the main border crossing point between FYR Macedonia and Serbia at Tabanovce. Lojane is only 3km from the Tabanovce crossing point, and Sopot 2.5km as the crow flies. In this sense it seems ludicrous to go to the expense of creating two more crossing points in this area. However, if one looks beyond the immediate vicinity of these villages, to the nearest economic centres of any size, Presevo and Kumanovo, travel is made inconvenient by the need to transit Tabanovce. For example the distance from Lojane to Presevo, via Tabanovce is 24.5km, but if a crossing point were to be opened between Lojane and Miatovac the distance would only be 9km, a significant difference for people who often have to travel by foot. But in bad weather, across bad roads, the journey, even at 9km would be, if such a crossing were opened, an unpleasant one. More imaginative and appropriate ideas, such as the provision of a bus route, servicing local villages and expediting movement across the border at Tabanovce may be explored, providing for a more comprehensive and less costly solution than two new border crossing points.

Other problems

A significant proportion of the population within the border areas of the GPKT micro-region, particularly within FYR Macedonia, are without citizenship documents. Macedonian authorities put the figure as high as 40-60%,⁹ and it is significant that Dashnim Hajrullahu, the young man shot between Lojane and Miratovac in January, was also not in possession of any form of travel documentation: had he had a passport he could have crossed the border legally and would not have been killed.

This situation has come about as many people never applied for citizenship. They did not do so partly as a result of the comparative remoteness of their com-

9) Mol Foreigners Department.

munities and the inconvenience of doing so, but also, in part, due to the political situation that existed when FYR Macedonia gained its independence. At that time many ethnic Albanians refused to participate in referendums and discussions relating to the establishment of the new state and failed to register as citizens when the state was established. The Macedonian authorities have embarked on some half-hearted initiatives, assisted by the OSCE, to rectify the situation since 2001, but there is still a problem and lack of documentation continues to cause concern as many of these people cross the border illegally every day and, not possessing documentation, must do so illegally (as in the case of Dashnim Hajrullahu). The creation of additional border crossing points will not in itself address this problem, although if it were made physically easier to cross the border legally local people may be more motivated to obtain the correct documentation.

CONCLUSIONS

It is clear that the existence of the international border and the ABL, together with the requirement to police both boundaries, provide both obstacles to legitimate movement and inadequate barriers to illegal movement. It is equally clear that the border management agencies in the GPKT micro-region work independently of each other and are orientated towards different goals. As a result, the local population continues to be inconvenienced and is unable to fully exploit the little potential for commercial development that exists. If this continues, the relationship between border management agencies and the communities in the border areas can only deteriorate as economic and social development is undermined and frustration grows.

At first glance, the obvious way to expedite movement is to open more border crossing points. However, this simply cuts down travelling time for people who possess travel documentation. It does not help the farmer who must graze his cattle, or the person who has never registered citizenship. There are a multitude of day-to-day problems that the communities and people living in rural border areas face, and the border management regimes in place must be suf-

ficiently flexible to find solutions at the local level. But because borders have two sides this is only possible if the border management agencies on each side talk to each other and co-operate at the same local level. The failure of the GPKT border management agencies to do this is their single biggest failing and it must be addressed.

Additional border crossing points are also expensive, both financially and in terms of resources. The authorities in the GPKT micro-region are not wealthy and the benefits of new crossing points must be weighed against the costs and disadvantages. Full research and surveys are also required; what are the needs of the local community? Will the immediately obvious solution be the most appropriate? What other solutions might there be?

Finally, the role of the Macedonian Border Police is crucial. So far the Macedonian border management agencies have the worst record in the GPKT micro-region for working with local communities: the problem of border area inhabitants not possessing travel documentation is a predominantly Macedonian phenomenon, and the pattern set by the Macedonian Border Police in taking over their southern and eastern borders does not bode well. The country's Integrated Border Management Strategy has been hailed as possibly the best in Europe and, if it were to be implemented, would provide a sound basis for border security and management in the GPKT micro-region, with full involvement and participation of all parties - local government, village representatives, uniform police, customs, the Ministry of Education Ministry, Ministry of Health, and others.

However the Macedonian Police have so far ignored the national strategy when taking over responsibility for the national border from the army. Instead they are perpetuating the mistakes of the previous system, failing to integrate with key partners, and as a result are failing to expedite legitimate movement and are missing the opportunity to secure their country and the GPKT micro-region from organised crime. Pressure must be applied to the Macedonian authorities to implement their strategy.

POLICY BRIEF

RECOMMENDATIONS

UNMIK

1. An independent review of the administration and controls applied to the issuing of UNMIK Travel Documents, ID Cards and Vehicle Registration Plates should be commissioned to identify any flaws in the procedures and systems employed, with the aim of developing appropriate and targeted recommendations as to how the integrity of the process can be improved, reducing scope for corrupt activity and improving the system's credibility.

2. The only obstacle of any significance to movement across the ABL is the refusal of the Serbian authorities to recognise the UNMIK Travel Document, ID Card and Registration Plate. UNMIK, possibly in partnership with the OSCE office in Presevo, should work with the Co-ordination Body in order to address the obstacle to legitimate cross-ABL movement posed by the Serbian policy of non-recognition of UNMIK documentation.

3. The failure of UNMIK border police to detect or collect information regarding illegal movement of goods and people across the ABL contributes directly to the proliferation of smuggling in the GPKT micro-region. As such it also contributes towards the undermining of legitimate local economies. UNMIK Border Police should therefore, as a matter of urgency, review its intelligence and analytical capabilities with the objective of establishing a clearer picture of the situation and deterring, detecting and interdicting illegal movements.

FYR Macedonian Government

1. The Macedonian Integrated Border Management Strategy is an excellent model for policing the borders of the GPKT micro-region and broader region. It creates the model for integrating all stakeholders in border management, improving protection against illegal movement whilst expediting legitimate movement through a clear understanding of local needs and a flexible and responsive approach to assisting border area communities. The Border Police, when taking over responsibility for their northern border should adopt fully their government's National Integrated Border Management Strategy.

2. Wherever possible lethal force must be avoided when interdicting illegal cross border movement. The present Rules of Engagement issued to Macedonian border management personnel are in violation of EU best practice and, as has been proven, have in the past resulted in the deaths of individuals who have carried out no other offence than to attempt to cross a border without a passport. On such occasions, tension and hostility, undermining the security situation, have resulted. The Macedonian authorities without delay, and in order to avoid unnecessary deaths or deterioration in relations with local communities, should review and amend the Rules of Engagement issued to border management personnel, taking into consideration relevant human rights legislation and European best practice. Consideration should also be taken of the possibility of making non-lethal means of interdiction, e.g. dogs, available to border patrols.

3. Recognising that Dashnim Hajrullahu was not in possession of valid travel documentation, and recognising that a significant proportion of the population in the border areas of FYR Macedonia also do not possess valid travel documentation and are therefore left with little choice but to cross the border illegally, the Macedonian Ministry of Interior should instigate a programme for registering such persons and expediting the issue of passports, thereby removing the need for any person with a legitimate reason for crossing the border from having to do so illegally.

4. In line with the FYR Macedonian Government's IBM Strategy, the Macedonian Border Police, immediately upon taking over responsibility for patrolling their northern border, should establish mechanisms at the regional level for tactical information-sharing and co-operation with their Serbian counterparts. The FYR Macedonian Ministry of Interior should support any efforts to establish liaison with key players (including local government and relevant international stakeholders), and full authority should be delegated to local commanders to liaise effectively. The Macedonian authorities should also support efforts to create a GPKT Border Management Council, and appoint a representative to such a body with the aim of ensuring proper communications between local and national authorities on priority border-related problems and opportunities (please see recommendations below to local political leaders and representatives).

Serbian Government

1. Recognising that a co-ordinated approach to border management, involving co-operation and information-sharing between border management agencies on either side of the border, is more effective in both preventing illegal movement and expediting legitimate movement across the border than an unco-ordinated and individual effort, the Co-ordination Body for Presevo, Bujanovac and Medvedja should encourage the Serbian border management agencies to develop closer operational links with their Macedonian colleagues at the local level.

2. The Serbian Government should finalise, adopt and implement its own Integrated Border Management Strategy according to EC best practice standards, and should co-ordinate common priorities with fYR Macedonia to ensure systematic co-operation between the border agencies of their respective countries.

3. Wherever possible lethal force must be avoided when interdicting illegal cross border movement. The present Rules of Engagement issued to Serbian border management personnel are in violation of EU best practice and, as has been proven, have in the past resulted in the deaths of individuals who have carried out no other offence than to attempt to cross a border without a passport. On such occasions tension and hostility, undermining the security situation, have resulted. The Serbian authorities without delay, and in order to avoid unnecessary deaths or deterioration in relations with local communities, should review and amend the Rules of Engagement issued to border management personnel, taking into consideration relevant human rights legislation and European best practice. Consideration should also be taken of the possibility of making non-lethal means of interdiction, e.g. dogs, available to border patrols.

4. In order to provide the most appropriate solution for the municipality of Trgoviste, recognising that municipality's unique economic difficulties, but accepting the possibility of some small level of regeneration through cross-border commercial activity, the Serbian authorities should commission a survey to assess the potential economic ben-

efit for the municipality of Trgoviste resulting from: a) a border crossing point with Bulgaria; and b) a border crossing point with fYR Macedonia, in order to assess which of the two options would bring the greatest advantage.

5. The relevant Serbian authorities (Ministry of Defence, Ministry of Interior) should support any efforts to establish liaison with key players (including local government and relevant international stakeholders), and full authority should be delegated to local commanders to liaise effectively. The authorities should also support efforts to create a GPKT Border Management Council, and appoint a representative to such a body with the aim of ensuring proper communications between local and national authorities on priority border-related problems and opportunities (please see recommendations below to local political leaders and representatives).

Local political leaders and representatives

1. Rather than establish a new border crossing point between the villages of Lojane and Miratovac, consideration should be given to the establishment of a bus service operating on the route Lojane-Vaksince-Sopot-Tabanovce-Strezovce-Presevo-Miratovac, with the purpose of assisting and expediting the movement of members of those communities, helping to improve the social interaction between them.

Such a bus service would be provided free of charge or at commercially competitive rates. A border police officer from both fYR Macedonia and Serbia could travel on the bus thereby providing for expeditious movement across the border and for security. The provision of this service would be cheaper than the establishment of two border crossing points, would mean that the young, elderly or those with loads would be able to travel more easily than on foot and would thereby fulfil the obligation, aimed at reducing tension, of the border management agencies to facilitate legitimate cross-border movement.

POLICY BRIEF

2. All of the above recommendations require the active participation of state level bodies and institutions. If such participation is to be forthcoming, the active lobbying of the Mayors of Presevo and Kumanovo particularly, but also the mayors of Gjilan/Gnjilane and Trgoviste, will be crucial.

3. For border management in the GPKT micro-region to be effective, systematic and institutionalised relations need to be established between the GPKT municipal authorities, local police, civil society leaders, and the border management agencies operating in GPKT.

Co-ordination officers/offices have been appointed/established within the municipalities of GPKT to co-ordinate the array of co-operation activities (from youth co-operation through to economic development planning) being undertaken currently in the micro-region. These co-ordination officers oversee the work of a range of civil and municipal transfrontier working groups and Committees established in GPKT with EastWest Institute support.

The Mayors of GPKT should lobby their respective central authorities to establish direct lines of communication between the border management authorities and their municipal GPKT co-ordination offices. Over time, a GPKT Border Management Council could be established, as a forum where key representation of civic organisations, municipalities, local police and border agency personnel could systematically meet, communicate and co-ordinate, thereby increasing security and developing a much needed understanding on the part of the border authorities of the needs and sensibilities of the local communities.

Centre for Border Co-operation (CBC)

CBC MISSION

The Centre promotes optimal cross-border co-operation across Eurasia, where severed relations or dysfunctional border practices hamper development and security. We engage local communities and their governments throughout Eurasia to bridge dangerous ethnic, political and economic divides, address cross-border threats through functional co-operation, and help strengthen border policies and practices to equally address the requisites of security and freedom of movement.

STRATEGIC GOALS

CBC projects are based on the assumption that if ethnic, religious and politico-economic fault lines are to be bridged, there is a need to work not only at the policy level with central governments, but also across borders with local border communities where such fault lines are most acutely felt. Addressing this need to work both 'bottom-up' and 'topdown', CBC's mutually re-enforcing strategic objectives are:

1. At the grass roots level (responding to local demand), to support functional, interest-based co-operation between border regions suffering dysfunctional or severed links;
2. At the policy level, to support the establishment of the necessary national and regional legislative/political frameworks facilitating cross-border co-operation, addressing the need to balance security and freedom in border policy and reduce the socio-economic gap on the borders of the EU.

WHY CBC?

Threats of international terrorism and cross-border criminality, the conflict-ridden fragmentation of ex-Yugoslavia and the process of European Union Enlargement have brought border issues to center-stage. Border regions internationally continue to represent zones of significant tension and instability if not outright conflict; they are at the same time among the least developed areas in the region. Functional trans-frontier co-operation of local actors and institutions (business, civic and government) in such areas serves as an important tool of conflict prevention/post-conflict reconciliation as well as regional development and socio-economic convergence, promoting local democracy and open civil societies. As such it is a prerequisite of development and security in border regions, providing a concrete underpinning to regional co-operation and normalised inter-state relations.



GJILAN/GNJILANE-KUMANOVO-PRESEVO-TRGOVISTE (GPKT)

The work in the GPKT micro-region is predicated on the view that instability and cross-border crime in the micro-region is more a result of the harsh border regimes imposed in the recent past and resultant socio-economic isolation of the three parts of this once vibrant market region, than of the often-cited ethnic conflict in the area. EWI's GPKT Project seeks to foster political consensus at both local and national levels on positive solutions to the challenges facing communities in the GPKT micro-region, and is working with civil society in a number of areas to enhance capacity and support cross-border multi-ethnic partnership and confidence-building. The Initiative contributes to stimulating a much-needed debate about the nature of border regime reform in the Balkans in order to assist in the battle against organised crime and to promote regional stability and co-operation. This research was funded by the C. S. Mott Foundation and the Swedish International Development Cooperation Agency as part of their support for the GPKT Project.