

# DELINEATION OF THE STATE BORDER BETWEEN THE REPUBLIC OF MACEDONIA AND THE FEDERAL REPUBLIC OF YUGOSLAVIA

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## INTRODUCTION

***Disputes related to state borders emerged as significant challenges to international peace, security and stability.***

The expansion of the European Union (EU) and the incorporation of many western European countries into its open market and Schengen regimes points towards a change in the traditional functions of state of borders and, to some extent, a reduction in their importance. Beyond the EU's external boundaries, however, state borders have in many ways retained their classic role and relevance and this is certainly the case for the countries of Southeast Europe in the post-communist period. Indeed, with the disintegration of former Yugoslavia and the emergence of its constituent republics as sovereign, independent states, disputes related to state borders emerged as significant challenges to international peace, security and stability.

These major problems relating to international boundaries stemmed in large part from the fact that the borders between the republics within the former Yugoslavia were not precisely defined and documented. This article examines one such border – that between the Republic of Macedonia and the Federal Republic of Yugoslavia. Encouragingly, in the context of events elsewhere in the former Yugoslavia in the 1990s, the two states have recently concluded a definitive treaty on the alignment of their state border. This positive development must, however, be assessed in light of unrest and insurgency in northern and western Macedonia in recent months.

## NEGOTIATIONS AND RATIFICATION OF THE AGREEMENT

The borders of the Republic of Macedonia with the Republics of Bulgaria, Greece and Albania were also state borders of SFRY with these neighbouring countries, and when Macedonia became independent, the issue on border demarcation with the Federal Republic of Yugoslavia emerged.

An Agreement on regulating the relationship and promoting the cooperation between the Republic of Macedonia and Federal Republic of Yugoslavia was signed in Belgrade, on 6 April 1996. A Joint Diplomatic Expert Commission was established in line with Article 2 of the agreement for determining the extension and delineation of the state border with a mandate “*to prepare a draft for an international agreement which describes in written form the extension of the mutual state border and whose integral part will be the topographic maps where the joint state border is demarcated.*”

During the four-year-long negotiations, the Joint Diplomatic Expert Commission held 14 sessions. The first founding session was held on 2 September 1996 in Belgrade and the last fourteenth was held on 14-15 February 2001 in Skopje. Together with the extensive work on demarcation, the seriousness of the task was underlined by the fact that international agreements on borders are unalterable, they last for an unlimited period of time and thus even the smallest mistake or oversight cannot be tolerated.

During the negotiations data was used from the relevant cadastral registries and other documentation of both states, as well as topographic, geographic and other maps. The population and the settlements, as well as the condition of the real

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estate belonging to the population in the immediate vicinity of the borderline and historical data were taken in account. In certain areas where there was no precise documentation, the principle of the 'status quo of the borderline in the past' was applied. Natural geographic principles for the extension of international borders were applied in the parts where objective conditions allowed. It is important to note that the extension of the state border in about 95% of its length coincides exactly with the so-called administrative border that was respected as a state border in the past.

At the Summit of the Heads of State of the countries participating in the South Eastern Europe Cooperation Initiative Process, held in Skopje on 22 February 2001 the *Agreement between the Republic of Macedonia and the Federal Republic of Yugoslavia on Demarcation and Extension of the State Border* was initialled by the Macedonian and Yugoslav Ministers for Foreign Affairs, Srgjan Kerim and Goran Svilanovic, and was signed the next day by the Presidents of the two states, Boris Trajkovski and Vojislav Kostunica. The Assembly of the Republic of Macedonia ratified the Agreement, as did the Assembly of the Federal Republic of Yugoslavia, and it entered into force on 16 June 2001.

Given the importance of such agreements, with their implications for fixing a boundary permanently, the members of the Commission from both sides, made enormous efforts to accomplish their given task and achieved a great deal. The negotiations took place under intense public pressure to finalise what was a very significant issue between the two countries. The delimitation and signing of the agreement were, equally, a very important issue from the political perspective and therefore the negotiations took place at a rapid pace in order to finalise the Agreement as soon as possible.

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When initiating the Agreement, the Macedonian Minister of Foreign Affairs, Srgjan Kerim said:

*This is a moment of the new history of the Balkans and the South Eastern Europe. We mark the borders, we do not erect walls and we wish them to be opened and transparent. FRY is our neighbour, we wish to have friendship and cooperation and to strive towards European integration together.*

At the signing of the Agreement, Macedonian President Trajkovski stated:

*I am glad that this Agreement was signed today in front of the Macedonian and international public, adding, this important international Agreement is an expression of positive will of the citizens of the both countries. Starting from the fact that only two months ago we decided to conclude this opened issue, which has in a way hindered our relationship and cooperation in the past, this signature is an expression of a positive political will, on the one side, but on the other, it is an expression of benevolence and means taking responsibility for resolving the existing problems. This concludes the single opened issue between the two states, which hindered the development of possibilities for cooperation between our two countries... This Agreement that regulates the demarcation of the border, does not mean a demarcation of a border that will remote and separate us, this will be a possibility for our citizens to establish a more frequent communication among themselves... this opens new possibilities and greater transparency in our relations.*

The President of the Federal Republic of Yugoslavia, Kostunica stated:

*On the one hand this is an expression of good political relations and further developing of the economic relations between the two countries, and I am more and more convinced that this is an expression of something deeper than any policy and democracy, such as the traditionally good relations between our two nations.*

He went on to say that:

**The message is clear, the borders must be firm and unchanged, and at the same time, opened.**

*The Agreement between the Republic of Macedonia and the Federal Republic of Yugoslavia signed today, [notably] at the margins of this Summit, represents the building of relations for peace and stability and cooperation in the Balkans, because in many respects, the Balkans represents the most important part of Europe, the part of Europe where the civilisation was born, adding that this Agreement sends a clear message that the Balkans, which has lately been a barrel of [gun]powder, will become a part of developed Europe and oasis of peace. The message is clear, the borders must be firm and unchanged, and at the same time, opened.*

The EU's Commissioner for Foreign Affairs, Chris Patten, welcomed the signing of the Agreement saying:

*It is a great success of the regional cooperation which is an important element of the process for stabilisation and association between the European Union and the Stability Pact.*

The Agreement between the Republic of Macedonia and the Federal Republic of Yugoslavia on Demarcation and Extension of the State Border, is the second agreement of this type in the area of the former Yugoslavia – the first being that between Bosnia and Herzegovina and Croatia. As a result of the February 2001 agreement the Republic of Macedonia can be said to have formally defined and legally 'closed' its international borders. In contrast, there are still other such negotiations for the Federal Republic of Yugoslavia to be pursued.

Integral parts of the Agreement are the "Description of the State Border Extension", which details the borderline from the Macedonian-Albanian-Yugoslav tripoint (Border Marker D 24) to the Macedonian-Yugoslav-Bulgarian tripoint (Border Marker 160), and the "Atlas of Topographic Map Sheets, scale 1:25,000", which contains map sheets on which the borderline is delineated.

**Demarcation represents the next phase of the process envisaged under the Agreement.**

A notable item of the Agreement is Article 7. This instructs the Parties to conclude a separate inter-state agreement which shall determine the modalities of renewal, maintenance and free access of the citizens of both countries, to cultural and historical monuments and memorial sites on the territory of the two states. This is significant as this provision is designed to provide for Macedonian access to the monastery of Saint Prohor Pciniski which is located on the Yugoslav side of the line. This site is of spiritual importance to the Macedonian nation, and was also the location for the establishment of the modern Macedonian state on 2 August 1944. Control over and access to the monastery was therefore a potential source of dispute between the parties.

Demarcation represents the next phase of the process envisaged under the Agreement when the demarcation teams are assigned the task of transferring the delimitation directly on to the ground. Here it has to be borne in mind that the borderline has been marked on a map at a scale of 1:25,000 and that it has been

described textually on the basis of the same map, which may cause difficulties in the course of the demarcation process. The length of the border between the Republic of Macedonia and the Federal Republic of Yugoslavia, in line with this Agreement and measured according to the 1:25,000 topographic map, is approximately 280km. This relative imprecision is due to the fact that the length is not calculated from the coordinates of the turning points. The most precise borderline would be a polygonal line with coordinates of the turning points received from the system of coordinates at state level. To date, the Republic of Macedonia has such a precisely defined borderline only with the Republic of Greece, but its other borderlines are to be measured by geodesists in the future as well.

**CONCLUSION:  
THE BORDER  
AGREEMENT  
AND THE  
CONFLICT IN  
THE REPUBLIC  
OF MACEDONIA**

Legally and technically, the issue of the delimitation of Macedonia's northern border with Yugoslavia is, therefore, now closed. The swift conclusion of the February 2001 Agreement was influenced by Macedonia's aspirations to membership of the EU and NATO, given that one of the conditions for association with the latter two organisations is the satisfactory conclusion of all open issues with neighbouring states. Ironically, however, as the issue of the Macedonia-Yugoslavia border was formally resolved, almost simultaneously a conflict with an ethnic dimension emerged close to the newly delimited border.

*According to some analysts, the signing and ratification of the ...Agreement... was one of the triggers for the recent conflict in northern and western Macedonia.*

According to some analysts, the signing and ratification of the February 2001 Agreement on demarcation of the state border between Macedonia and Yugoslavia (including the part with Kosovo), was one of the triggers for the recent conflict in northern and western Macedonia from March 2001. Certainly, Albanian leaders in Kosovo have stated a number of times that Kosovo would not recognise the borderline agreed between Skopje and Belgrade. However, the Macedonian Government could not negotiate with anyone other than Belgrade given the existence of UN Resolution 1244, which clearly defines Kosovo as part of the Federal Republic of Yugoslavia. While there is clearly a cross-border dimension to this conflict (see previous article), the territorial integrity and sovereignty of Macedonia has been recognised by the international community and its international borders should be regarded as inviolable.

The international community must continue giving strong support to the Macedonian state. In this respect, NATO is working in close cooperation with Macedonia and KFOR is undertaking steps to enhance and strengthen control along the Macedonia-Yugoslavia border. This cooperation must also include visible signs of public support for the people in Macedonia, clearly underlining that the international community is standing by it, including the Albanian minority. Macedonian efforts are aimed at finding a resolution of all the unsettled issues in a legitimate manner and through intensifying the democratic process that in our country has never been stopped.

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There are some outstanding questions in the Republic of Macedonia, but, following the border agreement with Yugoslavia they should not arise in connection with international boundaries, and border issues should not in the future be a motive for any conflicts in the country or with any neighbouring countries.

*Mile Milenkoski, Border Directorate, Ministry of Foreign Affairs, Republic of Macedonia.*

## **AGREEMENT BETWEEN THE REPUBLIC OF MACEDONIA AND THE FEDERAL REPUBLIC OF YUGOSLAVIA ON DELINEATION OF THE STATE BORDER**

The Republic of Macedonia and Federal Republic of Yugoslavia (hereinafter referred as 'Contractual Parties')

Taking into consideration the Agreement on regulation of relations and on promotion of cooperation between the Republic of Macedonia and the Federal Republic of Yugoslavia, signed on 8 April 1996 in Belgrade;

Considering the mutual commitment to give their own contribution to promotion of good-neighbourly relations, security, and stability in the Region and beyond;

Guided by the desire to fulfil consciously their obligations that they have undertaken in accordance with the UN Charter, especially taking into consideration the respect of the principles of sovereignty, territorial integrity, political independence and solving of conflicts peacefully, without threat or use of force;

Determined to define the demarcation of the state border and to prepare text delineation of the borderline;

Have agreed as follows:

### **Article 1**

The state border between the Republic of Macedonia and the Federal Republic of Yugoslavia (hereinafter 'the state border') is a flat land that vertically cuts the ground area and separates the territories of the two states, their air space and the space beneath the ground surface.

### **Article 2**

The state border between the Republic of Macedonia and the Federal Republic of Yugoslavia extends from the Macedonian-Yugoslav-Albanian tripoint TTK 2092 (border stone D24) to the Macedonian-Yugoslav-Bulgarian tripoint (border stone 106).

### **Article 3**

The data on extension of the borderline are contained in the following border documents that are integral parts of this Agreement:

- text description of the extension of the state border (Enclosure 1)
- topographic map in ratio 1:25000 (Enclosure 2)

In case of discrepancies between the text description of the state border and the topographic map, the text description of the state border shall prevail.

### **Article 3**

The borderline on the Macedonian-Yugoslav border shall be marked by border marks.

### **Article 4**

If the state border coincides with the middle of a riverbed, then the borderline shall extend along the middle of the bed of the water flow. In case of natural or man-made change of the water flow, the state border shall remain on the place where it had originally passed at the moment of its demarcation in the field.

### **Article 5**

The Contractual parties shall establish a Joint Commission, which shall be competent, based on the text description of the extension of the state border, to make demarcation and delineation of the common state borderline in field within two years since entering of force of this Agreement.

The Joint Commission shall carry out the demarcation and delineation of the borderline established based on Article 3 of this Agreement and shall work out

border documentation, which will describe the manner of demarcation of the common borderline and position of border marks.

The Joint Commission shall pass Regulations on its work, Instructions for demarcation and delineation of the state border and Technical Instruction for preparation of the border documentation.

The border documentations shall be prepared in two original copies, one copy for each contractual side.

The Joint Commission, when making the delineation of the borderline in the field, in sections where the description has been prepared based on the agreed documentation, shall follow the data contained in cadastre plans. At the same time, starting from the local, geographical, orthographical, and economic conditions on the whole, the Joint Commission shall be given the opportunity, by mutual consent, to make the necessary and balanced corrections, which deviate from the text description of the state border to a distance of 150 m.

#### **Article 6**

The Contractual Parties shall regulate, through agreement, their relations with regard to the maintenance, renewal and delineation of the state border and the border marks, prevention and solving of border incidents, as well as regulation of the local border traffic of persons as well as the free use of immovable property that has remained on the other side of the border line by holders of real property rights upon it.

#### **Article 7**

The Contractual Parties, with regard to the cultural and historical monuments and memorial sites on the territory of the two states – monastery Sv. Prohor Pciniski, the Serbian Military Cemeteries, etc. shall conclude separate inter-state agreement which shall determine the modalities of their renewal, maintenance and free access of the citizens of both countries.

#### **Article 8**

The Contractual Parties in accordance with international standards and national laws, shall make efforts with regard to the protection of environment within the border area.

#### **Article 9**

Any possible disputes in interpretation and application of this Agreement shall be settled by the governments of the Contractual Parties via diplomatic channels, that is, by using other available instruments of international law for settlement of disputes.

#### **Article 10**

This Agreement shall be valid for an indefinite period. Individual articles of this Agreement may be changed or amended only by a common consent of the two Parties.

#### **Article 11**

This Agreement shall be subject to ratification, pursuant to the laws of the Contracting Parties, and shall enter into force on the 30th day of the date of the second note whereby the Contractual Parties have mutually informed on the fulfilment of the conditions for its entering into force.

Done in Skopje, on 23 February 2001 in two original copies, one in Macedonian and one in Serbian, whereby the two texts are equal.

For the Republic of Macedonia

For the Federal Republic of Yugoslavia

*(Unofficial Translation)*