



# The Meaning of Borders and Border Issues in the Age of Globalization: Europe and Asia

Edited by Duško Dimitrijević, Dragana Mitrović and Ivona Lađevac

---

THE MEANING OF BORDERS AND BORDER ISSUES  
IN THE AGE OF GLOBALIZATION: EUROPE AND ASIA

---



Institute of International Politics and Economics

# The Meaning of Borders and Border Issues in the Age of Globalization: Europe and Asia

Edited by

Duško DIMITRIJEVIĆ,

Dragana MITROVIĆ

and

Ivona LAĐEVAC

Belgrade, 2012

---

THE MEANING OF BORDERS AND BORDER ISSUES  
IN THE AGE OF GLOBALIZATION: EUROPE AND ASIA

---

*Publisher:*

INSTITUTE OF INTERNATIONAL POLITICS AND ECONOMICS,  
Makedonska 25, Belgrade

*For the Publisher:*

Dr Duško DIMITRIJEVIĆ, Director

*Reviewers:*

Prof. Taro TSUKIMURA,  
Doshisha University, Faculty of Policy Studies, Japan

Ryoji MOMOSE,  
Professor, Osaka University, Research Institute for World Languages, Japan

Dr Tetsuji SENOO,  
Doshisha University, Faculty of Policy Studies, Japan

Vladimir GREČIĆ, Ph.D.,  
Institute of International Politics and Economics

Blagoje BABIĆ, Ph.D.,  
Institute of International Politics and Economics

*Editors in Chief:*

Duško DIMITRIJEVIĆ, Dragana MITROVIĆ, Ivona LAĐEVAC

*Cover design and Layout:*

Snežana VOJKOVIĆ

*Printed by:*

Želmid, Belgrade

ISBN 978-86-7067-166-9

---

Publishing of the thematic proceedings was financially supported by the Ministry of Education and Science of the Republic of Serbia within the project “Serbia in contemporary international relations: Strategic directions of development and strengthening the position of Serbia in international integration processes – foreign policy, international economic, legal and security aspects”, number 179029, for the period from 2011–2014.

---

PROCEEDINGS OF THE  
ROUND TABLE CONFERENCE

The Meaning of Borders  
and Border Issues  
in the Age of Globalization:  
Europe and Asia

15 September 2011

Belgrade



---

## Contents:

|               |   |
|---------------|---|
| Preface ..... | 9 |
|---------------|---|

### I BORDERS IN EUROPE AND ASIA

|  |    |
|--|----|
| <i>Psychological “Border”, Group Identification and Intergroup Conflict,</i><br>Tomohiro KUMAGAI .....   | 13 |
| <i>Sandžak/Raška as a Border Area,</i> Vladimir AJZENHAMER .....   | 17 |
| <i>Israeli Borders Amid Globalisation and Regional Tensions,</i><br>Slobodan JANKOVIĆ .....  | 24 |
| <i>The Position of the Kaliningrad Region of the Russian Federation</i><br><i>after the Enlargement of the European Union,</i><br>Ana JOVIĆ-LAZIĆ, Marko NIKOLIĆ ..... | 39 |
| <i>The Caspian Sea and its Border Disputes,</i> Dragan TRAILOVIĆ .....   | 53 |
| <i>Borders – between Scylla and Charybdis of Ethnocentrism and Globalization</i><br><i>– the Case of Yugoslav Geographical Space,</i> Edita STOJIĆ KARANOVIĆ ....      | 60 |

### II BORDERS IN THE AGE OF GLOBALIZATION

|   |    |
|---|----|
| <i>Regionalism and Border Problems in Southeast Europe and East Asia,</i><br>Mamoru SADAKATA .....    | 77 |
| <i>The New European Frontiers,</i><br>Dejan GAJIĆ, Mina ZIROJEVIĆ FATIĆ, Dragan ĐUKANOVIĆ .....       | 84 |
| <i>The Importance of Borders in the Contemporary Context of Global Economy,</i><br>Marko TMUŠIĆ ..... | 92 |

---

|   |     |
|---|-----|
| <i>Transboundary Hydropolitics in Europe and Southern Asia – A Comparative Analysis</i> , Mihajlo VUČIĆ ..... | 105 |
| <i>Border Issues and their Regional Aspects – The Case of Japan and South Korea</i> , Đorđe KALUĐEROVIĆ ..... | 120 |
| <i>Globalization and Border Security</i> , Ivona LAĐEVAC, Žaklina NOVIČIĆ .....                               | 129 |
| <i>Geopolitics of Energy as a Border Issue</i> , Dragana MITROVIĆ .....                                       | 139 |
| <i>Principle of Uti Possidetis and Delimitation on the Danube River</i> , Duško DIMITRIJEVIĆ .....            | 147 |

---

## Preface

This book summarizes the conference proceedings presented by the scholars from Japan and Serbia at the round table conference *The Meaning of Borders and Border Issues in the Age of Globalization: Europe and Asia* held at Institute of International Politics and Economics on 15 September 2011. The partner organizations of the Institute were the Centre for Asian and Far Eastern Studies (CAFES) and the Faculty of Political Science, Belgrade University.

The round table conference was financially supported by the Serbian Ministry of Education and Science within the project “Serbia in contemporary international relations: Strategic directions of development and strengthening of the position of Serbia in international integration processes – foreign policy, international economic, legal and security aspects”, number 179029, for the period from 2011–2014. There were also presented the papers included in the project “The Meaning of Borders in the Age of Globalization: Europe and Asia” that were carried out through the Japan Foundation’s Grant Program for Intellectual Exchange Conferences 2011 within which the Centre for Asian and Far Eastern Studies (CAFES) and the Faculty of Political Science, Belgrade University, participated.

Mr. Viktor Nedović, representative of the Ministry of Education and Science and National Coordinator for FP7, delivered an opening speech on the scientific cooperation between Japan and Serbia. Mr. Nedović greeted participants emphasizing that this conference was an example of fruitful cooperation between Serbian and Japanese scholars, especially having in mind that this gathering was the fifth in a row. The conference was attended by Mr. Kazuaki Kameda, Minister-Counsellor, Embassy of Japan in Belgrade, who also addressed the participants.

The main subject of the conference was border issues in the age of globalization, which were discussed by scholars from the two countries, Japan and Serbia. Being up-to-date, inspiring and instructive, we hope that this collection of papers will be interesting both for scholars and the broader public.

Editors



I

---

BORDERS IN EUROPE AND ASIA



---

Tomohiro KUMAGAI<sup>1</sup>

## PSYCHOLOGICAL “BORDER”, GROUP IDENTIFICATION AND INTERGROUP CONFLICT<sup>2</sup>

### ABSTRACT

Religious identity was understood as an easy method to mobilise people in order for political parties to gain votes and cover the ideological difference between the political groups. The term “Shi’ite” became a keyword to secure the support of the communal society, although the ideological Islamist parties developed on the basis of the philosophical function of the religion of Islam. Once religious solidarity ceased to cover the diversity of the alliance, parties started to find wider support in mobilising various types of non-institutional communal networks, which led to the controversial debates among the political parties on national integration.

*Key words:* group, group identity, intergroup aggression, religious identity, solidarity

In the field of politics, history or international relations, border means the geographic line that divides two or more countries or groups. But in the field of social psychology, we focus on “category”, such as ethnicity, gender, race, and nationality as psychological “border”. Social psychologists have examined how category effect on human cognition, emotion, attitude, and behavior.

When we form group, we are affected by lots of psychological change. One of the most particular changes is “ingroup bias”, that is individuals recognize and behave in favor of ingroup member compare with outgroup member. For example, Sherif, Harvey, White, Hood, and Sherif (1961) showed that when boys in summer camp were assigned into two groups and played game (like football). After the assignment, they became to have negative attitude and aggressive to other group member. And Tajfel, Billig, Bundy, and Flament (1971) also showed individuals allocated much money to ingroup member

---

<sup>1</sup> Tomohiro Kumagai, Ph. D., Otsuma Women’s University, Tokyo, Japan.

<sup>2</sup> This paper was done within the project *The Meaning of Borders in the Age of Globalization: Europe and Asia*, through the Japan Foundation’s Grant Program for Intellectual Exchange Conferences 2011 in which the Centre for Asian and Far Eastern Studies (CAFES) and the Faculty of Political Science, Belgrade University, participated.

---

than outgroup member even if the group was simply made based on preference of painter.

Why does building psychological border, or group categorization, engenders intergroup conflict? As the basic psychological need, people want to identify with positive categorical group because it enhances their self-esteem indirectly. And because of ingroup bias, people see their group positively, then identify it. For example, if group leader emphasizes group border or category, fellow group members recognize themselves as the group member more strongly and more positively, then they forget categorical group that they belonged before. This is the first step of intergroup conflict.

The second step is changes in cognition of events. According to group emotion theory, group identification moderates how individuals recognize an event that they were not personally involved. The more strongly individuals identify with an ingroup, the more strongly they feel and recognize an event which happens on ingroup as on themselves. For example, when individuals strongly identify with Japanese, they would feel stronger collective guilt (Doosje Branscombe, Spears, & Manstead, 1998) to victim such as Korean or Chinese in WW2 by Japanese army (and try to justify it). And they may stronger collective anger (Yzerbyt, Dumont, Wigboldus, & Gordijn, 2003), when they know Japanese citizen were killed by atomic bomb.

The third step is concerning retaliation. As the result of group identification, when individuals observed that a fellow ingroup member were unfairly treated, or more directly, harmed by other group, they would feel psychological damage even if they did not suffer any damage personally. It motives retaliation toward outgroup unfair harmdoer. How the victims perceive the situation and humiliation affects on the retaliation.

Social unfairness would work as symbolical damage. According to Kumagai and Ohbuchi (2009) aggressive reaction is particularly intensified when a victim perceives the harm situation as unfair. These findings indicate that third party aggression would be motivated by inter-group injustice. The key factor of third party aggression is group identification. This group identification can also be enhanced by social fairness. According to group value model insisted by Lind & Tyler (1988), people regard fair treatment as indicator of the quality of their social relationship. When people are fairly treated, they would feel they are respected. Opposing to this, unfair treatment make people feel disrespected. A sense of respected would enhance self-esteem, it intensify group identification.

Based on this discussion, I assumed that participants who were fairly treated by ingroup member would more strongly identify with the ingroup and have more negative attitude to outgroup than those who were unfairly treated by ingroup.

In order to verify these hypotheses, I conducted experiments with Japanese undergraduate students as participants. The experimenter explained to the participants that experiments would be conducted with six participants, simultaneously. In the first session,

---

the experimenter said that they were going to measure participants 'thinking styles' (Doosje, Spears & Koomen, 1995). Then the experimenters would assign the three showing a stronger deductive thinking tendency to a 'deductive group,' and, conversely, the three showing a stronger inductive thinking tendency to an 'inductive group.' But, in actual fact, all of the participants were assigned to the 'inductive group,' 'I 2.'

In the second session, the manipulation of procedural fairness was carried out. The experimenter told the participants that they would have the leader of the group with the strongest inductive tendency (I leader) wrote her or his opinion about an educational reformation which the university was to implement. Subsequently, the experimenter told participants in the voice condition that the leader wanted to take account of the opinions of other participants, and so he or she had expressed a wish to know their opinions. The participants were thus also given the opportunity to write their views. On the other hand, there was no such request from the leader to participants in the no voice condition.

The third session consisted of all participants observing another two participants distributing ten lottery tickets. Allocation was conducted as follows: in the in-group condition, out-group members were the allocators and in-group members were the recipients. Conversely, in the out-group condition, both the allocators and the recipients were out-group members. All participants observed the distributors taking seven lottery tickets themselves, and handing three to the recipients. After observing the distribution, participants evaluated the fairness of the distribution carried out by the distributors (out-group members). The experimenter instructed the participants to click on one of the nine buttons corresponded to unpleasant noises with different levels of loudness, and that noise at the level chosen by each participant would be played to a distributor for six seconds.

The results were that, firstly, the presence or absence of voice – in other words, procedural fairness – intensified acceptance and group identification. And after having observed in-group members receiving unequal distribution, participants who were given voice by group leader subjected allocators to more intense noise than did participants who were not granted voice. Such a disparity, moreover, was not seen in cases where it was out-group members who received the unfair treatment. This outcome shows that group identification that had been enhanced by procedural fairness strengthened aggression by third parties, as retaliation for injury to in-group members.

In this study, I have examined the process by which intra-group procedural fairness strengthens group identification, and that, in turn, intensifies intergroup aggression. In relation to the group-identification process, this study has been one which, from among the group identification models I posed, focused upon the process group identification. It also elucidated intergroup aggression, in which people are motivated, through emphasized psychological border intensified in the above way, to take aggressive action towards those who have harmed their in-group, in spite of themselves not having been harmed.

Group identification moderates intergroup conflict. In my study, mere categorization or building psychological "border" was not sufficient for engendering third party

---

aggression. It is needed fair allocation by fellow ingroup members. This may seem somewhat ironic because, as mentioned above, fairness is generally seen as socially positive and valuable. Nevertheless, this ironic finding may contribute to our better understanding of tragedies in our society, that is, understanding why peaceful neighbors who lives in fair societies can kill each other in the ethnic conflicts or in civil wars (e.g., the conflict in former-Yugoslavia or Rwanda). Future research needs to explore how to persuade people overcome this form of ignorance and to find ways of conflict resolution.

### **References:**

1. Doosje, B., Branscombe, N. R., Spears, R., & Manstead, A. S. R. (1998), Guilty by association: When one's group has a negative history, *Journal of Personality and Social Psychology*, 75, 872–886.
2. Doosje, B., Spears, R., & Koomen, W. (1995), When bad isn't all bad: Strategic use of sample information in generalization and stereotyping, *Journal of Personality and Social Psychology*, 69, 642–655.
3. Kumagai, T., & Ohbuchi, K. (2009), The effects of group identification and the unfairness of harm on third party aggression, *Japanese Journal of Social Psychology*, 24, 200–207.
4. Lind, E. A., & Tyler, T. R. (1988), *The social psychology of procedural justice*, New York: Plenum.
5. Sherif, M., Hervey, O. J., White, B. J., Hood, W. R. & Sherif, C. W. (1961), Intergroup conflict and cooperation: The Robber's Cave experiment, Norman: University of Oklahoma Book Exchange.
6. Tajfel, H., Billig, M. G. Bundy, R. F., & Flament, C. (1971), Social categorization and intergroup behaviour. *European Journal of Social Psychology*, 1, 149–178.
7. Yzerbyt, V., Dumont, M., Wigboldus, D., & Gordijn, E. (2003), I feel for us: The impact of categorization and identification on emotions and action tendencies, *British Journal of Social Psychology*, 42, 533–549.

---

Vladimir AJZENHAMER<sup>1</sup>

## SANDŽAK/RAŠKA AS BORDER AREA<sup>2</sup>

### ABSTRACT

This paper deals with the issue of Sandžak/Raška. The aim of the paper is to provide a brief overview of the history and current situation in Sandžak/Raška, primarily in the Serbian part of this border area. In the region of Raška once stood a strong medieval Serbian state, but after the Turkish conquest, this region was attached to the Bosnian *pašaluk* as an administrative unit. Today, this area is administratively divided between Serbia and Montenegro. After Bosnia, the biggest Bosniak community (Slavic Muslim religion community) in the Balkans lives in Raška. Municipalities with the majority Bosniak population are located on both sides of the border between Serbia and Montenegro. Difficult economic situation, political and religious tensions often lead to the demands for unification of municipalities with the majority Bosniak population, their autonomy and even secession.

*Key words:* Sandžak/Raška, Bosniaks, minority, state border, political tensions.

### Introduction

For centuries, part of the Serbia, known as Raška or Sandžak (named after the Turkish term for the administrative-management area<sup>3</sup>) was of the vital strategic importance for the functioning of the Ottoman authorities in the region. Situated at the crossroads of today's Serbia, Montenegro, Kosovo and Bosnia and Herzegovina, this area has been subject of constant conflicts of Austria (later Austria-Hungary) and Turkey.

---

<sup>1</sup> PhD candidate at the Faculty of Political Science, Belgrade University and associate of the Center for Asian and Far Eastern studies (CAFES).

<sup>2</sup> This paper is done within the project “The Meaning of Borders in the Age of Globalization: Europe and Asia”, through the Japan Foundation’s Grant Program for Intellectual Exchange Conferences 2011 in which the Centre for Asian and Far Eastern Studies (CAFES) and the Faculty of Political Science, Belgrade University, participated.

<sup>3</sup> For more information see entry “*Sancak*” in Selcuk Aksin Somels, *Historical Dictionary of the Ottoman Empire*, Ancient Civilizations and Historical Eras No.7, Scarecrow Press, 2003.

---

With the beginning of the Serbian national revolution, Sandžak got an important role for the Serbian and Montenegrin national liberation movement, especially in linking the territory of Serbia and Montenegro, but also in symbolic terms, as a place where, before the Turkish conquest, a strong Serbian medieval state-Raška was situated. After the Berlin congress in 1878, in which Serbia and Montenegro gained formal independence, Serbia and Montenegro are increasingly trying to “recover” Sandžak in order to link their territories and strengthen their alliance. During the Balkan wars, (1912–1913) Sandžak is completely liberated from the Turkish government, and its territory was divided between Serbia and Montenegro.

Today, after the dissolution of Yugoslavia, this area is again administratively divided between Serbia and Montenegro. The biggest Bosniak community (Slavic Muslim religion community) in the Balkans, after Bosnia, is living in Raška. Municipalities with majority Bosniak population are located on both sides of the border. Sandžak Muslims are poorly integrated into the Serbian and Montenegrin society. Many of them went to live and work in Turkey which is still considered a “homeland” or the Promised Land, and tensions between Muslims and Christians make up the basic determinants of reality in this part of the Balkans. Difficult economic situation, political and religious tensions often lead to the demands for unification of municipalities with the majority Bosniak population, their autonomy and even secession. On the other hand, during the last decade Sandžak Bosniaks became more involved in the political life of Serbia, and political dialogue between the Sandžak and Belgrade, although burdened by a number of issues, opens the possibility of improving the situation in that part of the Serbia.<sup>4</sup>

## Historical framework

Raška region is the recent name for the area located in the south western part of Serbia, which is considered the cradle of Serbian national idea and area where the first Serbian state organization under Prince Vlastimir (9th century) was established. Until the beginning of the twentieth century, and much later, this medieval state in European literature was known as “Raška “or” Old Raška”. In Ras, the Serbian capital, on which lay the foundations of today city Novi Pazar, was the center of the rule of Grand Župan Stefan Nemanja. Ras was also the birthplace of his youngest son Rastko, who later became famous Serbian educator and saint – St. Sava. Serbian state spread with time and eventually received a new capital, but the Serbian cultural and spiritual strength came to its full expression during the 12th and 13 century, exactly in the area of today’s Raška region. As Ferdinand Schevil said, “That was the Serb nucleus, the old principality of *Rascia*; only its center of gravity had in recent generations been slightly moved to

---

<sup>4</sup> For example, political leaders of Sandžak Bosniacs, Rasim Ljajić and Sulejman Ugljanin, are currently holding ministerial positions in the Government of Serbia.

---

the north...”<sup>5</sup> Today, this area remains a treasury of the Serbian cultural, historical and spiritual heritage. Many medieval churches, monasteries and other witnesses of the glory and power of the Serbian medieval state are located in this area.

With the arrival of the Turkish conquerors began the Islamization of Raška. Many of the local population has embraced new Islamic religion, and life in this area was getting, slowly but surely, completely new and different physiognomy, marked by the spirit of Islam.

After the Ottoman conquest of the Serbian medieval state, the central part of the territory of medieval Raška, entered (in 1455.) in the composition of *Skopsko krajište*, the first organized Turkish area in the Balkans. With the fall of Bosnia under Turkish rule, in 1463, *Skopsko krajište* ceased to exist. Instead, the Turks formed a new administrative unit – *Bosnian Sandžak*. The broader territory of the city of Ras, which under the Turks got a new name – Novi Pazar, then entered into Bosnian Sandžak. With its center in Bosnia, Bosnian Sandžak became one of the seven *sandžak* of which was composed higher governing unit – *Bosnian pašaluk*. Later this area became a separate administrative unit – *the Sandžak of Novi Pazar*, but it was still the part of *Bosnian pašaluk*. After the First Balkan War, in October 1912, the Montenegrin and Serbian army liberated the Sandžak and then the line of demarcation between the two armies became the border between the states of Serbia and Montenegro. The term “Sandžak” in this period officially cease to be used as administrative determinant, but the Serbs, Montenegrins and Bosniaks are still used it informally to indicate municipalities with a significant Muslim population in the region. It is important to note that, in the decades that followed this region has never had a special status, or any form of autonomy, even in the former Yugoslavia, or in the territorial division of Serbia and Montenegro.

## **The Current Situation**

During the former Yugoslavia, Sandžak was administratively divided between the two Yugoslav republics - Serbia and Montenegro. After the break-up of Yugoslavia and then the termination of the joint state of Serbia and Montenegro, Sandžak /Raška was again divided between the two newly formed states – Serbia and Montenegro. And that is the current situation. Out of 11 municipalities of the Raška region, the five municipalities (Bijelo Polje, Rožaje, Plav, Pljevlja, and Berane) are located on the territory of the Republic of Montenegro, and six municipalities (Novi Pazar, Sjenica, Tutin, Nova Varoš, Prijepolje and Priboj) are on the territory Republic of Serbia.

---

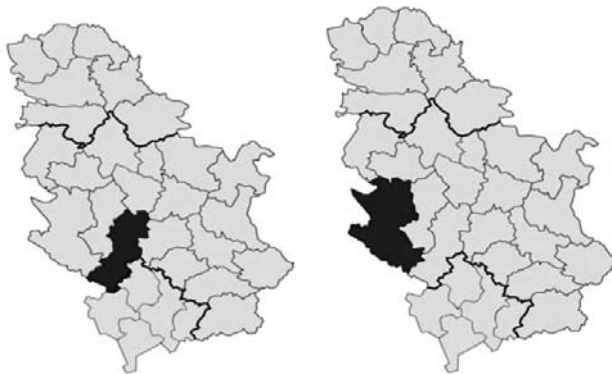
<sup>5</sup> Ferdinand Schevil, *History of the Balkans: From the Earliest Times to the Present Day*, Dorset Press, New York, 1991, p. 310.



At present, the Serbian part of Sandžak or the area of “Old Raška” is administratively divided into two districts, the District of Raška and the Zlatibor district, and in this way the municipalities with a majority Muslim population are administratively associated with municipalities where the Serbs are predominant.

Today, in the Sandžak/Raška region the largest Muslim (Bosniaks) community lives in the Balkans after Bosnia. Numerically they are the

third ethnic group in Serbia, with 1.82% of its total population, after the Serbs (82.86%) and Hungarians (3.91%),<sup>6</sup> with the exception of the Albanians from Kosovo and Metohija. According to the list carried out in 2002, six municipalities in the Serbian part of the Raška region had 235,567 inhabitants, from which 142,350 of them (60%) declared themselves as Bosniaks.<sup>7</sup> Of the remaining number, 90,314 were Serbs and Montenegrins (38%), and the remaining 2% belong to other ethnic groups. In three eastern municipalities, Bosniaks are the majority: 78% of Novi Pazar, Tutin 94.9%, and Sjenica 75%, while the Bosnians in the west are in the minority: 7% Nova Varoš, Priboj 23%, and Prijepolje 41%.<sup>8</sup>



*(Raška district and Zlatibor district)*

<sup>6</sup> According to: “The final census results from 2002.” Table 1, Statistical Office of the Republic of Serbia, Statement No. 295, Belgrade, 24.12.2002.

<sup>7</sup> “Serbia’s Sandžak: Still Forgotten”, International Crisis Group Report No.162, Belgrade/Brussels, 08.04.2005, p. 1.

<sup>8</sup> Ibid.

---

Novi Pazar is the largest urban area in the Raška region with 85,996 inhabitants according to the data from 2002. According results of the 2011 census which are still incomplete, town's population grew to 92,776 inhabitants during the last decade.<sup>9</sup> Bosniaks are trying to present this town as a political, economic and cultural center of the region. In 2002, it was inhabited by Muslim ethnic group with an absolute majority of the 67,192 inhabitants, followed by the Serbian population of 17,599 inhabitants.<sup>10</sup>

### **Sandžak/Raška as an unsolved issue**

The first idea of the secession of Sandžak territory from Serbia and Montenegro had been born immediately after the Balkan wars. After the end of Turkish rule, in 1912, the Austro-Hungarian diplomacy has tried to take advantage of the Sandžak Muslims in order achieve political and military destabilization of the Serbia and Montenegro, and prevent unification of this two states into a single state. During World War I, Austro-Hungary occupied the territory of Serbia. Austro-Hungarian occupation authorities organized, in 1917, the conference of Muslim mayors, in order to reach resolution that will express the desire of the people of Sandžak to be separated from Serbia and Montenegro, and merge again with Bosnia and Herzegovina. But, after victory of the Entente Powers in World War I (Serbia was a member of the Entente) and the fall of the Austro-Hungarian monarchy, Sandžak remained an integral part of Serbia and Montenegro, and as such was included, together with Bosnia and Herzegovina, in the composition of the newly created state – The Kingdom of Yugoslavia.

The next attempt of secession is connected with radical political changes and conflicts in the former Yugoslavia, the begging of its collapse and civil war in this highly multi confessional and multinational state, at the end of XX century. Secessionist activities of Muslim in Sandžak started with the process of disintegration of Yugoslavia and were greatly assisted by the Muslims in Bosnia and Herzegovina and other Islamic countries. Encouraged by the Muslim political elite from Bosnia and Herzegovina Sandžak politicians openly calls for secession of Sandžak in 1991. That same year, illegal referendum on political autonomy of Sandžak was held. Supporters of the leading Muslim parties in Sandžak – the SDA voted at referendum for autonomy, which could be later be connected to the one from the republics. For that option voted 98.90% of voters who participated in the referendum,<sup>11</sup> and the results were published in the form of request, but only when it became clear that the disintegration of Yugoslavia was

---

<sup>9</sup> “2011. Census of Population, Households and Dwellings in the Republic of Serbia- FIRST RESULTS.”, Table 1, Statistical Office of the Republic of Serbia, Bulletin No 540, Belgrade, November 2011.

<sup>10</sup> According to 2002. Census.

<sup>11</sup> *Chronology for Sandzak Muslims in Yugoslavia*, Minorities at Risk Project, 2004, available at: <http://www.unhcr.org/refworld/docid/469f38f61e.html> ,25/01/2012.

---

inevitable. The failure of this initiative was followed by several declarations and memos with the same or similar demands. The latest such attempt is request for allocation of the six municipalities of the Zlatibor and Raška region and their integration in a regional territory as a separate “area of Sandžak”, and formation of a new region which would be ethnically predominantly Muslim. But separation of Sjenica, Nova Varoš, Prijepolje and Priboj from the Zlatibor region without the consent of the Serbian population, which is the majority in three municipalities, is unrealistic and potentially very dangerous, because it could then lead to demands for autonomy and later secession of Sandžak municipalities of Serbia and Montenegro.

Numerous factors that cause instability in this part of Serbia and they are as follows:

1. Poverty and the difficult economic situation;
2. Religious tensions between Serbs and Bosniaks;
3. Political interests of local Muslim parties;
4. Political influence of political elite from Bosnia and Herzegovina;
5. Religious divisions among the local Muslims.

Poverty and the difficult economic situation is one of the biggest problems. Local economy is underdeveloped, and the regional infrastructure is at very low level. According to some estimates, even 30 % of young people are unemployed. Bad economic and social situation makes local population very vulnerable to political and religious manipulation.

Religious tension between Serbs and Bosniaks is also key source of instability. Among the Bosniak population of Sandžak is a very strong sense of regional, religious and ethnic affiliation with the Muslims in Bosnia. This increases the sense of alienation and disables stronger connections with the Orthodox Christian Serbian population. The burden of the recent Balkan wars and a long history of wars between Muslims and Christians in this region further exacerbate mistrust between the two communities. Sandžak Muslims are poorly integrated into the Serbian and Montenegrin society. As we said, many of them went to live and work in Bosnia, or Turkey, which is considered a “homeland”, or the “Promised Land”. At the same time, the Serbian population that lives in municipalities with majority Bosniak population feels threatened as a minority. Part of the problem is also the fact that local Bosniak parties often abuse this difficult situation in pursuit of their short-term political interests. The same goes for the Bosniak parties from Bosnia-Herzegovina and their leaders.

At the end, we must not forget about religious divisions among the local Muslims. Muslim community in Serbia is divided into two communities, *Islamic Community of Serbia* and *the Islamic community in Serbia*. The latter considers Bosnia its spiritual center, and as such tends to bring Sandžak closer to its spiritual homeland. Tensions between the two Islamic communities are a serious source of instability, not only for Sandžak area, but also for the entire Muslim population in Serbia.

---

## Conclusion

Today, Sandžak/Raška is a place of both connection and separation, just as it was many times in its history. It divides Serbia and Montenegro, but it also divides two ethnic groups and two faiths. At the same time, it is a strong link that connects these two countries and the meeting point of Bosniaks and Serbs, Muslims and Christians.

The historical legacy is the present-day burden of Sandžak. The people who live here, both the Serbs and the Bosniaks, are still fighting the battles of the past. Vivid memories of the Balkan wars and the long-standing conflict between the Muslims and Christians create mistrust among neighbors. Division of Sandžak into two administrative districts was, among other things, an attempt of stronger integration of Bosniaks in Serbian society and the state. Effort for stronger integration has been so far only fruitful when it comes to the Bosniak political elite, which operates within the structure of the Serbian political system. The common people, the Serbs and the Bosniaks, remains at the margin, drained by poverty and economic problems. Economic development of this area should be the first constructive step in solving the many accumulated problems of the past. One thing is certain-people think and act smarter when their bellies are full, when their homes are warm, and when they have comfortable beds. Sandžak/Raška is no exception to this rule.

## References:

1. "Chronology for Sandzak Muslims in Yugoslavia" Minorities at Risk Project, 2004, available at: <http://www.unhcr.org/refworld/docid/469f38f61e.html> ,25/01/2012
2. "Autonomy and multi-ethnic society", Collection of articles, The Open University, Subotica, 2000.
3. Fichtner S. Paula, *Terror and Toleration: the Habsburg Empire Confronts Islam, 1526–1850*, Reaktion Books, 2008.
4. Somels A. Selcuk, *Historical Dictionary of the Ottoman Empire*, Ancient Civilizations and Historical Eras No.7, Scarecrow Press, 2003.
5. Schevil Ferdinand, *History of the Balkans: From the Earliest Times to the Present Day*, Dorset Press, New York, 1991.

## Documents

1. "Serbia's Sandžaks: Still forgotten", International Crisis Group Report No.162, Belgrade/Brussels, 2005.
2. "The final census results from 2002." Table 1, Statistical Office of the Republic of Serbia, Statement No.295, Belgrade, 2002.
3. "2011. Census of Population, Households and Dwellings in the Republic of Serbia- FIRST RESULTS.", Table 1, Statistical Office of the Republic of Serbia, Bulletin No 540, Belgrade, November 2011.

---

*Slobodan JANKOVIĆ*<sup>1</sup>

## **ISRAELI BORDERS AMID GLOBALISATION AND REGIONAL TENSIONS<sup>2</sup>**

### ABSTRACT

Green revolutions/Arab spring 2010/2011 in the North Africa and in the Middle East (MENA region) caused upheavals, changes of autocrats (Egypt and Tunisia), civil war with foreign intervention (Libya), civil unrest and military crackdown of unrest (Syria, Bahrain, Yemen). Globalisation opposes sovereignty and importance of borders as an expression of national authority and delimitation of power. It goes against sectarian, either religious or ethnic. Do these two processes influence the Peace process between Israel and the Arabs? If yes, do they have any repercussions on the issue of the Israeli borders? Delimitation between Israel, Palestinian Authority and Arab states is an issue that has existed since the emergence of the Middle East crisis (1948). It is an unalienable part of the peace process because the definition of the state borders is part of the durable peace between the neighbouring countries. Yet, the Israeli borders are an open issue as long as the process of searching for the status of the Palestinian autonomy and its territorial extension lasts.

*Key words:* border, globalisation, Israeli/Arab Peace process, Palestine, security, regional reorder.

Changes in international order for the past two centuries (at least) were followed by reorder in the Middle East. After the fall of the Berlin Wall, more than probably with the hint of the Americans, Iraq invaded Kuwait and the stage for the placement of new military bases, soldiers and confirmation of the regional domination of the USA was set.<sup>3</sup> Invasions

---

<sup>1</sup> Slobodan Janković, M.A., Research Associate, Institute of International Politics and Economics, Belgrade.

<sup>2</sup> This paper was done within the project “Serbia in contemporary international relations: Strategic directions of development and strengthening of the position of Serbia in international integration processes – foreign policy, international economic, legal and security aspects”, Ministry of Education and Science of the Republic of Serbia, number 179029, for the period from 2011–2014.

<sup>3</sup> Recently, Wikileaks has published a cable that should diminish the prospect of USA suggesting Saddam that aggression against Kuwait would pass without American intervention. Yet, transcripts published in August 1990, and the timeline of the statements of US officials regarding the future non involvement of

---

of Afghanistan and Iraq (2001 and 2003) came after economic growth of China and the beginning of the Russian upheaval recovery. These events came as a broader strategy that embraces a narrower Israeli one. Broader is a strategy for the *Greater* later renamed as *New Middle East* (democratisation and liberalisation of MENA region –Middle East and North Africa). Israeli strategy precedes American, supported by G8 in 2004.<sup>4</sup> *A Clean Break: A New Strategy for Securing the Realm* is Israeli strategy announced in 1996. It was made for the Benjamin Netanyahu liberal cabinet (1996-1999) by American neo-conservatives such as *Prince of Darkness*–Richard Perle, proposed internal reforms and called for aggressive approach toward Syria after the negotiations between two countries came in impasse in the same year. Internal reforms consisting mainly of the liberalisation of economy were undertaken by first and today by the second Netanyahu government (2009-present) which resulted in series of general strikes and largest ever gathering of up to 400.000 Israelis protesting against government policies. The same document calls upon the total ouster of Saddam Hussein that sees it as part of “foiling Syria’s regional ambitions.”<sup>5</sup> Same document defines regional anti-Syria coalition as “the prelude to a redrawing of the map of the Middle East which would threaten Syria’s territorial integrity.” Subsequent withdrawal of Syrian army from Lebanon in 2005, after 29 years and a military aggression of Israel against Hezbollah dominated territories in Lebanon, year after seemed to follow the previously mentioned blueprint.

Further existence of Iraq, after various proposed divisive lines by USA officials, today is being discussed by think-thanks not to speak of big media.<sup>6</sup>

In 2006, the American *Armed Forces Journal* published the map of a region with changed borders.<sup>7</sup> Author of the map states that “The most arbitrary and distorted borders

---

the USA if Iraq is to invade Kuwait, show a clear indication that Saddam may proceed with his military plan. See for comparison: <http://wikileaks.nl/cable/1990/07/90BAGHDAD4237.html> and „Is the US State Department still keeping April Glaspie under wraps?”, *Information Clearing House* 12/25/05, Internet, <http://www.informationclearinghouse.info/article11376.htm>. retrieved on 30/01/2012.

<sup>4</sup> “Fact Sheet: Broader Middle East and North Africa Initiative”, *U.S. State Department, The White House Office of the Press Secretary*, Georgia June 9, 2004, Internet, <http://www.state.gov/e/eb/rls/fs/33380.htm>, 20/09/2006.

<sup>5</sup> “A Clean Break: A New Strategy for Securing the Realm”, Internet, *The Institute of Advanced Strategic and Political Studies* 1996, Internet, <http://www.iasps.org/strat1.htm>, retrieved on 27/11/2011.

<sup>6</sup> See for example how U.S. senator Lindsey Graham proposed a loose confederation for Iraq: “What’s best for the Kurds in the north? To live in a confederation where your children can be prosperous and you never have to worry about Turkey invading you. It’s in all of their interest to live together in a loose confederation.”, in: Ümit Enginsoy, “US senator urges Kurds to stay in Iraq to avoid Turk invasion.”, TDN, March 6, 2007, Internet, <http://www.turkishdailynews.com.tr/article.php?enewsid=67556>, retrieved on 06/03/2007. Nowadays there are debates on the eventual split of Iraq, like in Turkish think-thank ORSAM: “ORSAM Report 102: How and under what circumstances could Iraq be split up? Being ready for the worst”, 31 January 2012, Internet, <http://www.orsam.org.tr/en/showArticle.aspx?ID=1561>.

<sup>7</sup> Ralph Peters, “Blood borders: How a better Middle East would look”, *Armed Forces Journal* – June 2006.

---

in the world are in Africa and the Middle East.” Retired colonel from the *U.S. National War Academy* called for the changes in order to bring more justices and stop the bloodshed. He just briefly mentions Israel asserting that “it will have to return to its pre-1967 borders — with essential local adjustments for legitimate security concerns.”<sup>8</sup> Saying that in particular the conflict over territories surrounding Jerusalem (he should have included Jerusalem proper) „may prove intractable beyond our lifetimes”... and conflicts here “have tenacity unrivalled by mere greed for oil wealth or ethnic squabbles...” emphasizes tension in and over the Holy Land.

Recent Arab revolutions may prove to be a trigger for the new map of the Middle East including North African countries. Yet, at the crossroads of the revolution map is Israel and its Arab–Israeli and Israeli–Palestinian conflict.

Indeed, unlike Iraq, the conflicts in Israel/Palestine are not even discussed as related to oil, or mostly not. Borders of African and Middle Eastern countries are the results of the decolonisation but borders of Israel bare only partial influence of the great power divisions of mandate territories. They are actually results of political and armed struggle pressure, wars, and battles, negotiations, meddling of third parties, just as borders in Europe or in Far East.

Globalisation and current regional reordering do affect not only the type, authority and the structure of the state government but they challenge the post-Second World War importance and legal protection of the international borders. In this text, we will try to respond partially to the question whether regional tensions impact the borders of the State of Israel.

### **Post-modern order**

In the post-modern era relativity of the borders is one of the components of the globalisation and supranational integrations and governance. This is in particular a peculiarity of the Western civilisation to which Israel ascribes its belonging. Recent calls for the establishment of the world wide (global) financial regulatory mechanism that would overview financial policies of the nation-states, namely to strip the nations further of their financial sovereignty, as well as western promoted carbon emission trade, downsizes the importance not only of borders but also of the principle of self-determination, free will to establish rules for the society we live in, be it one way or another.<sup>9</sup>

---

<sup>8</sup> Ibidem.

<sup>9</sup> Vatican called upon establishment of “global public authority” and a “central world bank” to rule over financial institutions, in October 2011, French Nicolas Sarkozy called for the same in Davos 2010, businessmen like Deloitte **Jack Ribeiro already see it coming, in** “The ‘devil is in the detail’ of global financial regulatory reform”, 27 January 2011, <http://globalblogs.deloitte.com/deloitteperspectives/2011/01/the-devil-is-in-the-detail.html>, retrieved on 01/02/2011.

---

Yet, Israeli policy over territorial integrity and staunch defence of its sovereignty not only in resolving disputes with Arab minority in the West Bank and until recently in the Gaza Strip make Israel pretty modern (as predating post-modernity) or someone would like conservative.

“It is quite clear that the state borders do not delimitate or usually not, the area inhabited with one nation (in ethnic sense). But they do ascribe to the principle of sovereignty and are one of the testimonies of it and of the territoriality – of territorial integrity of the state.”<sup>10</sup> In that sense, very notion of a state border represents the challenge and resists the globalisation of authority, defies the concept of the world citizenship, and the claim that universal human rights are higher principle than sovereignty (as is promoted by UN and NATO in *Responsibility to protect* policy).<sup>11</sup>

Since the takeover and subsequent decolonisation of the Ottoman Asian territories, the Israeli-Arab conflict erupted and has not yet been solved. Middle East is now passing through probably the most turbulent period since the 1940s. Western grip for the control of North Africa and the Middle East (Broader Middle East) that tends to include Afghanistan and Somalia (growth of the region?!) results in siding away of overused clients, that started to show signs of too autonomous policy. That was the case with Zinedin Ben Ali in Tunisia and with Mubarak in Egypt. Back in 2008, these two leaders have opted for slower or frozen privatisation, thus opposing unconditional liberalisation of economy. Both have tightened control of local civil society organisations funded by western governments or ‘philanthropists’ such as George Soros.<sup>12</sup> Mubarak was also resisting division of Sudan that was split after Egyptian revolution. Western grip for power resulted also in Libyan war to help the rebels and strip Libya of its sovereign policy, of its unprecedented profit from oil and gas (Gaddafi had introduced EPSA-4 contracts for the oil exploitation and production that guaranteed 90 percent or more of the oil profit to Libya) and its non alliance with Western security arrangements (NATO).<sup>13</sup> Violent overthrow, torture and killing of the Libyan revolutionary leader Gaddafi just as in Tunisia, Egypt and Morocco will probably result in the political affirmation of the Islamist representation. Even before the end of the Libyan war,

---

<sup>10</sup> Slobodan Janković, “National, Cultural and Civilisation Borders in the Balkans”, in: *On Borders: Comparative Analyses from Southeastern Europe and East Asia*, Lingua-Culture Contextual Studies in Ethnic Conflicts of the World (LICCOSEC), Vol. 17, Osaka 2011, Proceedings of Round Table Conference, Belgrade, September 17–18, pp. 34.

<sup>11</sup> On R2P see: Slobodan Janković, Libijska kriza i njene posledice, *Međunarodna politika*, God. LXII, br. 1142, april–jun 2011, IMPP, Beograd 2011, pp. 30–51.

<sup>12</sup> More about the reasons of the Western role in Twitter revolution in Egypt and Tunisia see in: Слободан Јанковић, „Промене на Блиском истоку и у Северној Африци — Ка постсувереном светском поретку”, (Changes in the Middle East and in North Africa – Towards post-sovereignty order), *Национални интерес* бр. 2/2011, Година VII vol. 11, Београд, pp. 261–315.

<sup>13</sup> See for more: Slobodan Janković, Libijska kriza i njene posledice, op., cit.

---

differences among different factions opposing the government were stark and they result in occasional exchange of gunfire and different armed and political clashes.

Western governments and their regional allies (Turkey, Persian Gulf states) foment civil and armed unrest in Syria and protests elsewhere. Where the protests do not comply with the Western agenda they are being suffocated, as was the case with Bahrain, Saudi Arabia and as is the case with Yemen.

All these MENA (Middle East and North Africa) *Islamic awakening* or *Arab Spring* events disclose traits of a master plan to include all countries in the belt that stretches from Casablanca to Karachi in NATO and USA security arrangements. Neil Smith in an article in 2006 noted that behind grand anti-terrorist strategy is a careful project: “More than any obsession with terrorism, this larger ambition concerning global geo-economic power underlies the war in Iraq and the continued sabre-rattling in the Middle East, *aimed especially at Syria and Iran*. Spearheaded by one branch of the US ruling class, and not at all popular with others, *US elites are driving an attempt to complete a project of global economic and political power* that has not only long dominated its sense of its own destiny, but also coincides with its material interests around the globe. Peaking in two prior moments, that longstanding ambition has been revived since the 1980s under the rubric of ‘globalization.’ *It is a project that combines the domination and suppression of real or potential rivals abroad with the necessity of heightened social control at home* (Fox-Piven, 2004; Harvey, 2003). *Its proposed ‘endgame’ is the victory of a global power which, for all the fact that it is surely centered in Washington and New York, really is a global project spanning elites the world over, not just in Europe and Japan, but in the capitals of some of the world’s poorest countries as well. Globalization in its present guise is a class project as much as a national one.*”<sup>14</sup> (Italic by S.J.)

Indeed, at the beginning of the 21<sup>st</sup> century five countries were disrupting the chain of NATO friendly countries from Atlantic Ocean to China. Those were Libya (regime destroyed by NATO military intervention and local opposition forces), Saddam’s Iraq, Syria, Iran and Afghanistan. In the meantime, Afghanistan and Iraq were occupied with lucrative oil and mineral exploitation contracts for primarily Anglo-American corporations, same is expected for Libya. Of the countries on the Arabian peninsula (Saudi Arabia and minor Persian Gulf countries) that already had U.S. Military bases, four will subsequently join the *Istanbul Cooperation Initiative* (NATO program that involves Kuwait, Bahrain, Qatar and UAE), while Oman, Saudi Arabia and Yemen are still out of the formal cooperation with NATO. Yet, neither Oman nor troubled Yemen show proclivity toward anti-USA policies, not to speak of Saudi ruled Arabia – ever-faithful to Washington and London.

Regarding the global vision behind these policies, we may quote former British Prime Minister Tony Blair: “The war on terrorism is not just about security or military

---

<sup>14</sup> Neil Smith, “The endgame of globalization”, *Political Geography* 25 (2006) 1–14, p. 3.

---

tactics. It is a battle of values, and one that can only be won by the triumph of tolerance and liberty. Afghanistan and Iraq have been the necessary starting points of this battle. Success there, however, must be coupled with a bolder, more consistent, and more thorough application of global values, with Washington leading the way.”<sup>15</sup>

But, before resulting in (dreamed) universal values, revolutions, violent demonstrations and chaos may destabilize borders in the region heading with Iraq that would trigger reactions from both Turkey and Iran. Israel has been public enemy number one in the region for many decades. It came again in the focus with the Freedom Flotilla management to be less visible with the latest revolutions. However, electoral results brought about domination of political forces less inclined to peace dialogue with Israel or the perception of Islamic voters is such.

What is going on with Israel? What is the nature of its borders and are they subject to changes?

### **Modern Israel without borders**

Not only are the legal sanctity of the borders and delimitation between authorities claims upon which Israelis make case for the Israel territory, but also upon history, cultural and religious tradition. One might argue that Israel was founded in 1948, which is historically right. But, it is also the product of a much older religious, political and state tradition that refers to the ancient history.

Israel is formally in conflict with some of the Arab and Muslim dominated countries (Lebanon, Syria, Saudi Arabia, and Iran). It is occupying part of the territories of two other countries Lebanon and Syria and is controlling or occupying also the West Bank, territory mostly inhabited with Palestinian Arab Muslims. Since neighbouring countries were not willing to recognise the state of Israel there was no possibility for the delimitation of the borders. After 1967, when Israel occupied parts of territories of all its neighbours, except for the Saudi Arabia, this was utterly complicated. Peace agreements with Egypt (1979) and with the Hashemite Kingdom of Jordan (1994) defined precisely borders, where the division between two authorities among Transjordan (Jordan) and Cisjordan (West Bank–Judea, Samaria and part of Galilee) is defined as follows “This line is the administrative boundary between Jordan and the territory which came under Israeli military government control in 1967. Any treatment of this line shall be without prejudice to the status of that territory.”<sup>16</sup>

---

<sup>15</sup> Tony Blair, “A Battle for Global Values”, *Foreign Affairs*, January/February 2007, Интернет, <http://www.foreignaffairs.org/20070101faessay86106/tony-blair/a-battle-for-global-values.html?mode=print>, скинуто: 30/01/2007.

<sup>16</sup> “Treaty of Peace Between The Hashemite Kingdom of Jordan And The State of Israel, October 26, 1994, Annex I (a) International Boundary, art. 2 (G).

---

Referring to the issue of peace and therefore of the definition of the borders and not of the armistice boundary lines, literature of post modern authors of liberal leaning tries to present borders as a problem, “just as nations are 'imagined' (Anderson, 1991), borders are imagined.”<sup>17</sup> Proponents of global governance (government) use this sort of argumentation. Going this line, we can say that art, industry, economy, democracy and so many things are imagined so we can simply discharge them. Post modern intellectuals tend to imagine complex or simplistic models and theories without any possibility of application, where they can opine on this and that and present it as a scholar research. Theoretical models such as those of a democratic peace waste much of the forests for paper to prove something that is at best better known and understood with a common sense. Same is with literature on contiguity and the “likelihood of war in dyads.”<sup>18</sup> Is there a need to prove with tons of papers that territorial issue among neighbouring states is more likely cause of war than among countries without shared border? Of course not. Therefore, we do not try to beat the elusive and misleading literature on borders and territoriality, but we emphasize historical meaning and current treatment of border. Douglas M. Gibler, from Alabama University, argues that democracy is possible outcome of border stability. While this may be partially right, it is not complete since he did not treat democracy as a product of a certain culture and tradition but merely as a possible result of some mathematical model.<sup>19</sup>

On the other hand Barzilai and Peleg (1994) show that ethnic imperative (to distance itself from other ethnicities) in the definition of Israeli border prevails over territorial (imperative to expand). They cite Cohen (1986) who back in 1980s envisaged two directions of Jewish *state-idea*: “the goal of coexistence with the Palestinian Arabs and the Jordanians through territorial compromise and mutual national recognition.”<sup>20</sup> Or on the other hand, it can pursue the ideal of Eretz Yisrael HaShlema (the Whole Land of Israel, S.J.) through creeping or outright territorial annexation.”<sup>21</sup> Politics of pursuing either of two state-ideas belong to modern state policies of national interest and these coupled with Israeli internal policies on citizenship, political freedoms, respect of private property belong to the nature of modern (19<sup>th</sup> and mainly the first half of 20<sup>th</sup> century) policies of Western democracies. Despite Israel is one of the rare examples of democracies in the Middle East it differs from European or North American democracies due to its religious or ethnic peculiarity (religious or ethnic depends on whether Jew is a primary religious or ethnically based identity) – it is ethnic democracy. This peculiarity goes with the fact that it has

---

<sup>17</sup> In: Gad Barzilai and Ilan Peleg, “Israel and Future Borders: Assessment of a Dynamic Process”, *Journal of Peace Research*, vol. 31, no. 1, 1994, pp. 59-73, p. 59.

<sup>18</sup> See: Douglas M. Gibler, “Bordering on Peace: Democracy, Territorial Issues, and Conflict”, *International Studies Quarterly* (2007) Volume 51, Issue 3, pp. 509-532.

<sup>19</sup> Douglas M. Gibler, “Bordering on Peace: Democracy, Territorial Issues, and Conflict”, op., cit.

<sup>20</sup> They wrote the article prior to the announcement of Jordan that it repudiates claim for Cisjordan and their recognition of Israel in 1994.

<sup>21</sup> Gad Barzilai and Ilan Peleg, “Israel and Future Borders: Assessment of a Dynamic Process”, op., cit, p. 61, 62.

---

military and partly civilian authority over the territory that is not explicitly part of the Israel and of the population that has no right to Jewish citizenship.

### **Any spring in Israel and Palestine?**

Changes of presidents and rulers, popular and less popular uprisings, protests and demonstrations that started as bread revolutions turned to political protests in a large part of the Middle East represent the latest, but not yet finished regional reconfiguration. This regional turmoil interpreted in mass media (on the global and local scale) as push for democracy and (political) freedom seems to give new impetus for the stalled peace process. Arab Spring as a first visible result brought about electoral victories of Islamic parties (those who call upon society based on Quran teachings and Sharia–Islamic law) in Morocco, Tunisia and Egypt. Although announced by Assad Palestinian Spring did not yield any since paradoxically, it was invoked by a holder of power. If Arab revolution brings about more of Islamisation than all we could expect in Palestinian Autonomy is further strengthening of Hamas and other radical religious paramilitary and terrorist organisations. They are paramilitary because in Palestine these organisations advocate ‘freedom from Zionist (Israeli) occupation’ with clearly military means. Even though there is no mathematical formula, or such established rule that says Arab Revolution equals to more of Islam in society, strong oppositions in all Arab countries are not secular or radical leftist groups but those who advocate for Islamic society. Up to now, only elections organised for the constituency of Palestinian Arabs resulted with the victory of Hamas in January 2006. This may seem as a pattern according to which subsequent elections in Arab world proceeded. On the one hand one might argue that radicalisation of Palestinians will eventually pressure Israel more and bring about some concession, but short history might prove this either wrong (outcome of terrorist attacks and pressure was West Bank Security fence and operations inside Gaza and Lebanon) or right (withdrawal from South Lebanon in 2000 and from Gaza in 2005).

Coloured revolutions across region have coincided with unprecedented social unrest in Israel over rising prices that affect ordinary Israelis and with more and more often conflicts between Jewish settlers and army. Jewish settlers and the army are clashing over another set of problems — evacuation of some of the not authorised outposts. Street protesters are mostly secular or just religious Jews that procreate much less than Orthodox and Ultra–Orthodox. Segregation between sexes, segregation between Jewish communities alienates secular and Ultra–Orthodox Jewry in Israel that for the moment sparks only occasional frictions. Segregation becomes more and more geographical in Israel as seculars are moving toward Cost, while haredi are becoming more and more dominant in Jerusalem and in West Bank settlements.<sup>22</sup>

---

<sup>22</sup> Nicolas Pelham, “Israel’s Religious Right and the Peace Process”, *MERIP* October 12, 2009, Internet, <http://www.merip.org/mero/mero101209>, retrieved on 06/02/2012.

---

Israeli Jewish society sees fast growth of ultra-orthodox and orthodox population that mostly refuses to meddle in politics and refuse to serve the army. In 2011, 1,282 haredi men enlisted in the army, which is largest number in history. Still, tens of thousands avoid joining the army, what creates tensions with the rest of the Israeli Jews.<sup>23</sup> Since they claim the protection of Israeli army and police from Arabs, as they take more and more significant portion of the Israeli population, they will necessarily have to step in more into security apparatus since they are mostly reluctant to the Palestinian state.<sup>24</sup> Position of radical Shas party and United Torah Judaism best reflects the existing Israeli political parties' position of this part of population (currently around 10 percent) on the two state solution.

The Israeli-Palestinian and broader Arab-Israeli peace process, as a dialogue aimed at achieving solution that would make sort of compromise acceptable to all interested parties, is stalled since Annapolis (2007).

Having in mind Islamisation of Arab political elite in countries that either have recognised (Egypt) Israel or are not inimical toward it (Tunisia and Morocco) we will witness more support for the Palestinian state and more aggression if Israel do not accepts revival of peace talks.

What is more interesting for the subject is that two main Palestinian-Arab political factions have come to the terms (May 2011) over common strategy in UN devised at seeking the recognition of the State of Palestine in UN. Although reconciliation deal was signed in Cairo in May 2011, two sides are still exchanging accusations over why it is not functioning.<sup>25</sup>

State of Palestine was proclaimed in 1988, by the PLO in Algiers. It is recognised by 129 countries. Still, it does not possess even basic traits of a sovereign country: territory and independent judicial authority. When it comes to the criterion of a permanent population, one might argue that it is fulfilled. Palestinians do not even have financial autonomy, what is not among the essential prerogatives of the state, since non-state public entities may also have it. Many budget revenues of the Palestinian Authority are provided from the taxes and customs collected by Israelis.<sup>26</sup> Israel actually governs

---

<sup>23</sup> Internet, [http://www.jewishtimes.com/index.php/jewishtimes/news/jt/israel\\_news/pressure\\_building\\_on\\_haredi\\_army\\_exemption\\_law/29724](http://www.jewishtimes.com/index.php/jewishtimes/news/jt/israel_news/pressure_building_on_haredi_army_exemption_law/29724).

<sup>24</sup> Ultra-orthodox families contributed to rising over-all fertility of Jews with families having usually 5-6 children, many of them even more. See, for example: "Population Forecast: More Hareidim by 2059", Internet, [http://www.israelnationalnews.com/News/News.aspx/150670#.Ty\\_TzTVAYQF](http://www.israelnationalnews.com/News/News.aspx/150670#.Ty_TzTVAYQF), retrieved on 02/02/2012; and Jewish Birth Rate in Israel at Record High, Internet, [http://www.israelnationalnews.com/News/News.aspx/139547#.Ty\\_SrDWAYQF](http://www.israelnationalnews.com/News/News.aspx/139547#.Ty_SrDWAYQF), retrieved on 02/02/2012.

<sup>25</sup> Internet, <http://www.maannews.net/eng/ViewDetails.aspx?ID=454101>, retrieved on 30/01/2012.

<sup>26</sup> "Palestinian Authority faces financial collapse", September 21, 2011, Internet, <http://www.ft.com/intl/cms/s/0/def11be0-e46c-11e0-844d-00144feabdc0.html#axzz1kf6b7Rhn>, retrieved on 27/01/2012.

---

territory of the proper State of Israel and Occupied territories with the exception of Gaza Strip and parts of the West Bank where Israeli permitted Palestinians to be responsible entirely for the security such as Hebron, Tulqarem and Ramallah. Therefore, although community of countries recognising Palestine is increasing it actually do not exist.

### **Land for peace**

Israel has no fully defined borders. Its representatives have proclaimed the State of Israel “*within frontiers approved by the General Assembly of the United Nations in its Resolution of November 29, 1947*”.<sup>27</sup> It is also true that The Jewish Agency for Palestine in the name of the proclaimed State of Israel had mentioned on May 22nd 1948 which territories it control, beside those mentioned in UN SC Resolution 181.<sup>28</sup> Still, the Israeli authorities have not defined or demarcated the border with (all of) their neighbours. That is why its borders fall into category of frontiers — open to expansion (or withdrawal).

First peace agreement was based on principle, still one of the most prominent in the negotiations – *land for peace*. Last big conference that marked the Israeli-Arab peace process significantly was held in Annapolis, USA in November 2007. It turned out to be a failure and the past four years produced almost nothing in terms of further appeasement, fruitful dialogue having direct impact on the ground. All that happened afterward was continuation of the construction of Jewish settlements in the West bank and in Eastern Jerusalem, continued isolation of Hamas and protraction of the inner Palestinian conflict among Western and Israeli backed Fattah on the one side and supported by Syria and Tehran, Hamas on the other. There were two major set of obstacles: a) two confronted Palestinian governments (of Hamas in Gaza strip and of Fattah in the Palestinian governed territories of West Bank – Jericho, Ramallah...), and b) unimpeded construction of Jewish houses in the West Bank and in the East Jerusalem. Both issues are strictly tied to the control of territory and thus to the delimitation of authorities. Hamas criticised PLO of negotiating only freeze of the building while they should insist on end of the (Israeli) constructions. Demographic growth of 6 percent among ultra-orthodox Jewry and constant building of new housing units are typical examples of territorial conquest by procreation and military takeover of previously Arab owned land, strategy partly (procreation) pursued by Arabs. Meanwhile Hamas and Fattah managed to find at least temporary agreement in

---

<sup>27</sup> “Letter From the Agent of the Provisional Government of Israel to the President of the United States”, May 15, 1948, in: *A Decade of American Foreign Policy 1941-1949: Independence of Israel*, Internet, [http://avalon.law.yale.edu/20th\\_century/decad169.asp](http://avalon.law.yale.edu/20th_century/decad169.asp), retrieved on 09/09/2011.

<sup>28</sup> “Letter dated 18 may 1948 From the Assistant Secretary-General for Security Council Affairs addressed to the Jewish Agency for Palestine, and reply dated 22 may 1948 addressed to the Secretary-General Concerning the Questions Submitted by the Security Council”, S/766, 22 May 1948. Answers to the questions a, b and c contain explanation and view over what was at the moment considered as the State of Israel and was part of the Palestine (referring to the mandate territory).

---

order to push more effectively for the independence of Palestine. First significant achievement of this common policy was the acquisition of the membership in UNESCO (October 2011).<sup>29</sup>

Land for peace as an Israeli strategy to win peace prevents it from the definition and clear demarcation of the borders. This is one of the reasons Israel has no fixed borders with all of its neighbours. It is widely known that proponents of the two-state solution on the Jewish side for years argued along ethnic imperative lines, expressing demographic concerns. Therefore, they support land-for-peace approach. Latest example is J Street lobby in USA.<sup>30</sup> They also embrace the swap of territories in order to include the major Jewish settlements in the West Bank without defining the Jerusalem issue and absents any mention of Golan Heights.

Another reason for the lack of the clear borders is the definition of Israel that is perceived by many if not most of the Jews as Promised by God Land as is said in the Bible. Yet Bible only mentions areas and not exact borders.<sup>31</sup> Map on the site of the Ministry of Foreign Affairs of the State of Israel lacks any visible mark of the international boundary with Syria except for the lines of separation of forces in 1974.<sup>32</sup>

Although the information on this MFA site offers data on the size of the Israel (22,145 square kilometres) which includes portion of the territories gained in 1967, every map shows entire territory controlled by Israeli forces since 1967, which covers 27,799 square kilometres.<sup>33</sup> Bible is cited in the introduction about the Land, on this official site, but the

---

<sup>27</sup> "Letter From the Agent of the Provisional Government of Israel to the President of the United States", May 15, 1948, in: *A Decade of American Foreign Policy 1941–1949: Independence of Israel*, Internet, [http://avalon.law.yale.edu/20th\\_century/decad169.asp](http://avalon.law.yale.edu/20th_century/decad169.asp), retrieved on 09/09/2011.

<sup>28</sup> "Letter dated 18 May 1948 From the Assistant Secretary-General for Security Council Affairs addressed to the Jewish Agency for Palestine, and reply dated 22 May 1948 addressed to the Secretary-General Concerning the Questions Submitted by the Security Council", S/766, 22 May 1948. Answers to the questions a, b and c contain explanation and view over what was at the moment considered as the State of Israel and was part of the Palestine (referring to the mandate territory).

<sup>29</sup> Internet, <http://www.aljazeera.com/news/middleeast/2011/10/2011103172551498181.html>, retrieved on 15/11/2011.

<sup>30</sup> See, for example: "The Urgency of a Two-State Solution", *Jstreet*, Internet, <http://jstreet.org/policy/issues/the-urgency-of-a-two-state-solution/>, retrieved on 01/02/2012.

<sup>31</sup> "Why the land of Israel has a border problem", *The Jewish Chronicle*, September 2, 2009, Internet, <http://www.thejc.com/judaism/judaism-features/19245/why-land-israel-has-a-border-problem>, retrieved on 01/02/2012.

<sup>32</sup> © 2006 Copyright Carta, Jerusalem, © 2008 Israel Ministry of Foreign Affairs – The State of Israel; Israel within Boundaries and Ceasefire Lines – 2006, Israel Ministry of Foreign Affairs, Internet, <http://www.mfa.gov.il/MFA/Facts+About+Israel/Israel+in+Maps/Israel+within+Boundaries+and+Ceasefire+Lines+-+200.htm>, retrieved on 01/02/2012.

<sup>33</sup> "THE LAND: Geography and Climate", 29 Nov 2010, Israel Ministry of Foreign Affairs, <http://www.mfa.gov.il/MFA/Facts+About+Israel/Land/THE+LAND-+Geography+and+Climate.htm>, retrieved on 01/02/2012.

---

passage is not one of those referring to territories but to “... a land flowing with milk and honey... (Exodus 3:8).”<sup>34</sup>

In many nations there are fringe groups advocating greater one or another country or having aspirations to establish one own country. What counts mostly is official policy or the one endorsed by the elite. Cartographic representation of Israeli land shows open territorial aspirations but also possibility for the continuation of the principle land for peace with the exclusion of Jerusalem of which we will explain after. Map of the Palestine submitted by the World Zionist Organization soon after the end of WWI represents ‘the Whole Land of Israel’.<sup>35</sup> Of course in that case it was the maximum they asked but except for the Jordan for some periods Israeli army was holding all or much of depicted territories in Egypt (1956, 1967–1982), Lebanon (1978–2000) and in Syria (since 1967).

One of the core components of the principle Land for Peace (beside the question of the legitimacy of Israel to exist – questioned by many or most of Islamic countries in the past and in present time) was the definition of the borders and in particular of the borders of the Jewish state. Problem of the delimitation was and in minor measure still is in different perspective whether you look at it as a Muslim statesman or as an Israeli or outsider. Since most of the Muslim countries still do not recognise Israel, definition of its borders seems not to be the issue. Today, the question of the recognition of the State of Israel by the Muslim states (aside those who have recognised it) are mostly connected to the definition of its borders and its demarcation with Palestinian Autonomy (PA), aspiring to become a state. Israel does not have fixed borders. Not only with Lebanon and Syria, also with Saudi Arabia and in particular the status of the Palestinian autonomy is upholding the issue as subject to further complications. But, the status of Jerusalem is at least regarding to values, culture and tradition, all that makes and constitutes one nation the most important bone of contention. Jerusalem is the most important site for the Jewishness because it is the city of the Temple. Jordanian King, officially the guardian of Jerusalem Al-Aqsa Mosque (third most holy site for the Islam), managed to mature peace agreement with Israel.

Annexation of old city (of Jerusalem in 1981) and ongoing building of Jewish houses and neighbourhoods around it are testing fragile calm between Jordan and Israel not to speak about the prospect of the Arab-Israeli peace. Land for peace is increasingly obstructed with growing ultra-orthodox and orthodox Jewish population now joining anti-peace camp<sup>36</sup> on the one hand and Islamisation of Arab political elites in the region are promising new clashes and shallowness of this principle — when it comes to Jerusalem at least. Because being Haredi Jew who does not want to serve the army but wants to live

---

<sup>34</sup> Internet, <http://www.mfa.gov.il/MFA/Facts+About+Israel/Land/THE+LAND.htm>, retrieved on 01/02/2012.

<sup>35</sup> Internet, <http://www.palestineremembered.com/Acre/Maps/Story1045.html>.

<sup>36</sup> Nicolas Pelham, *Israel’s Religious Right and the Peace Process*, op., cit.

---

in Jerusalem and settlements in Cisjordania do not makes them out of the conflict with Arabs who claim at least old Jerusalem and at least West Bank for themselves.

### **Dire conclusions**

Globalisation as a process of economic, cultural and subsequently even political networking and in final instance of world governance goes beyond and despite borders and sovereignties. Current globalisation as globalisation sees borders as traditional delimitations of authorities and therefore of political systems as limitation. Modern Israeli politics of staunch sovereignty, acquisition of territory through war, open border as frontier (bordering area prone to expansion), and ethnocratic imperative in policy all goes against globalisation and integration of governance, cultures and finances. Not only Israel, but the whole region, with religious and tribal identities resurrecting, belongs more to the modern and even traditional society than to that of Post modern embraced by the West. Not only in this region, delimitation of authorities and bordering will remain topical, but in the short run, they promise to challenge even the globalist West.

Regional turmoil with heavy involvement of Western governments (most visibly in Libya, in Syria and in Iran) that at the same time promote globalisation, fruited with Islamic renaissance. Pressure on Israel to accommodate Palestinian Arab claim for the state will grow now even from neighbouring Egypt. On the other hand, war winds over Syria and Iran distract attention of public opinion from the issue of the peace process and from the settlement of the Israel's borders, giving time and space to current government in Jerusalem to continue seizing land by building new housing units in and around East Jerusalem and in the Samaria and Judea. Border issue remains open, unresolved and given demographic trends, tide of Green revolutions and prospect of border changes in the region, announced with the Sudan division and Iraqi internal political divisions along ethnical and sectarian lines promises new mapping of the region. Land for peace principle is more and more at odds with growing settlements population and importance of East Jerusalem for both sides. Jerusalem and internal Israeli divisions will add new challenges to the possibility of finding peaceful solution for the aspiration of Palestinian Arabs to have a state.

### **References:**

#### Documents

1. "A Clean Break: A New Strategy for Securing the Realm", Internet, *The Institute of Advanced Strategic and Political Studies* 1996, Internet, <http://www.iasps.org/strat1.htm>, retrieved on 27/11/2011.

- 
2. “Fact Sheet: Broader Middle East and North Africa Initiative”, *U.S. State Department, The White House Office of the Press Secretary*, Georgia June 9, 2004, Internet, <http://www.state.gov/e/eb/rls/fs/33380.htm>, 20/09/2006.
  3. “Letter From the Agent of the Provisional Government of Israel to the President of the United States”, May 15, 1948, in: *A Decade of American Foreign Policy 1941-1949: Independence of Israel*, Internet, [http://avalon.law.yale.edu/20th\\_century/decad169.asp](http://avalon.law.yale.edu/20th_century/decad169.asp), retrieved on 09/09/2011.
  4. “Letter dated 18 may 1948 from the Assistant Secretary-General for Security Council Affairs addressed to the Jewish Agency for Palestine, and reply dated 22 may 1948 addressed to the Secretary-General Concerning the Questions Submitted by the Security Council”, S/766, 22 May 1948.
  5. “ORSAM Report 102: How and under what circumstances could Iraq be split up? Being ready for the worst”, 31 January 2012, Internet, <http://www.orsam.org.tr/en/showArticle.aspx?ID=1561>.
  6. “Treaty of Peace Between The Hashemite Kingdom of Jordan And The State of Israel, October 26, 1994.

### **Book and articles**

1. Barzilai, Gad, and Peleg, Ilan, “Israel and Future Borders: Assessment of a Dynamic Process”, *Journal of Peace Research*, vol. 31, no. 1, 1994, pp. 59–73.
2. Blair, Tony, “A Battle for Global Values”, *Foreign Affairs*, January/February 2007, Internet, <http://www.foreignaffairs.org/20070101faessay86106/tony-blair/a-battle-for-global-values.html?mode=print>, скинуто: 30/01/2007.
3. Enginsoy, Ümit, “US senator urges Kurds to stay in Iraq to avoid Turk invasion.”, TDN, March 6, 2007, Internet, <http://www.turkishdailynews.com.tr/article.php?enewsid=67556>, retrieved on 06/03/2007.
4. Gibler, Douglas M, “Bordering on Peace: Democracy, Territorial Issues, and Conflict”, *International Studies Quarterly* (2007) Volume 51, Issue 3, pp. 509–532.
5. “Is the US State Department still keeping April Glaspie under wraps?”, *Information Clearing House* 12/25/05, Internet, <http://www.informationclearinghouse.info/article11376.htm>, retrieved on 30/01/2012.
6. Janković, Slobodan, “National, Cultural and Civilisation Borers in the Balkans”, in: *On Borders: Comparative Analyses from Southeastern Europe and East Asia*, Lingua-Culture Contextual Studies in Ethnic Conflicts of the World (LICCOSEC), Vol. 17, Osaka 2011, Proceedings of Round Table Conference, Belgrade, September 17–18, pp. 34.
7. Janković, Slobodan, „Libijska kriza i njene posledice”, *Međunarodna politika*, God. LXII, br. 1142, april–jun 2011, IMPP, Beograd 2011, pp. 30–51.
8. Јанковић, Слободан, „Промене на Блиском истоку и у Северној Африци — Ка постсувереном светском поретку”, (Changes in the Middle East and in North Africa – Towards post-sovereignty order), *Национални интерес* бр. 2/2011, Година VII vol. 11, Београд, pp. 261–315.

- 
9. "Palestinian Authority faces financial collapse", September 21, 2011, Internet, <http://www.ft.com/intl/cms/s/0/def11be0-e46c-11e0-844d-00144feabdc0.html#axzz1kf6b7Rhn>, retrieved on 27/01/2012.
  10. Peters, Ralph, "Blood borders: How a better Middle East would look", *Armed Forces Journal* – June 2006.
  11. Pelham, Nicolas, "Israel's Religious Right and the Peace Process", *MERIP* October 12, 2009, Internet, <http://www.merip.org/mero/mero101209>, retrieved on 06/02/2012.
  12. Smith, Neil, "The endgame of globalization", *Political Geography* 25 (2006) 1–14.
  13. "The Urgency of a Two-State Solution", *Jstreet*, Internet, <http://jstreet.org/policy/issues/the-urgency-of-a-two-state-solution/>, retrieved on 01/02/2012.
  14. "Why the land of Israel has a border problem", *The Jewish Chronicle*, September 2, 2009, Internet, <http://www.thejc.com/judaism/judaism-features/19245/why-land-israel-has-a-border-problem>, retrieved on 01/02/2012.

---

Ana JOVIĆ-LAZIĆ<sup>1</sup>  
Marko NIKOLIĆ<sup>2</sup>

## THE POSITION OF THE KALININGRAD REGION OF THE RUSSIAN FEDERATION AFTER THE ENLARGEMENT OF THE EUROPEAN UNION<sup>3</sup>

### ABSTRACT

After the enlargement of the European Union in 2004, the Kaliningrad region of the Russian Federation became surrounded by the EU member countries. In order to decrease the danger of creating new barriers and divisions, the Union and Russia seek to remove the obstacles for free movement and transition of people and goods between Kaliningrad and Russia itself, as well as to ensure cross-border cooperation between Kaliningrad region and the EU member countries. For its specific geographic position, Kaliningrad has become mutual responsibility of the Union and Russia, and its status directly depends upon mutual relations between these two parties.

*Key words:* Kaliningrad region, Russian Federation, European Union, border control, cross-border cooperation.

### Introductory Remarks

The Kaliningrad region differs from other Russian regions for its specific historical and geopolitical position. The city of Kaliningrad was once named Königsberg (*Königsberg*), and was the main German seaport in Eastern Prussia. At the Potsdam Conference in 1945, Poland gained the two thirds of the territory on the south, and the

---

<sup>1</sup> Ana Jović-Lazić, M.A., Research Associate, Institute of International Politics and Economics, Belgrade.

<sup>2</sup> Marko Nikolić, Ph.D., Research Fellow, Institute of International Politics and Economics, Belgrade.

<sup>3</sup> This paper was created within the project “Serbia in contemporary international relations: Strategic directions of development and firming the position of Serbia in international integrative processes – foreign affairs, international economic, legal and security aspects”, Ministry of Education and Science of the Republic of Serbia, number 179029, for the period 2011–2014.

---

Soviet Union gained the remaining territory on the north.<sup>4</sup> After its annexation to the Soviet Union, the German population was largely expelled from Kaliningrad region and replaced with Soviet citizens.<sup>5</sup>

During the Cold War, Kaliningrad was important Soviet military base and headquartered the Soviet Baltic Fleet; it was closed for foreigners and completely isolated from the West. During the USSR period Kaliningrad was one of the most militarized zones in Europe. In this region, the 11<sup>th</sup> Guard Army was stationed, which was equipped with offensive weapons, such as artillery, tanks, rockets and planes.<sup>6</sup> With the ending of the Cold War and the dissolution of the Soviet Union, grand military structures in the region were dismantled, while the Russian Baltic Fleet has been seated in Kaliningrad up to day.<sup>7</sup>

Until 1991, Kaliningrad has administratively been part of the Russian Soviet Federative Socialist Republic, and today it belongs to north-west federal subject of the Russian Federation, whose capital is Saint Petersburg. In this region, which covers over 15.100 square kilometres, less than a million residents live today, out of which around 430.000 are concentrated in the very city of Kaliningrad.<sup>8</sup>

After the collapse of the Soviet Union, this Russian region found itself surrounded by Poland, Lithuania and the Baltic Sea, and therefore was about 400.000 kilometres separated from the rest of Russia. Travel to Kaliningrad from north-west Russia implies passing across Latvia or Belarus and then across Lithuania. Thus, the transportation costs were significantly increased, and a sense of separation and isolation was created among the population.<sup>9</sup> In the beginning of the 1990s, the economic situation in Kaliningrad led to increased unemployment, rising poverty and the flourishing of organized crime.

From the moment the entry of Poland and Lithuania into the EU has become certain, Kaliningrad had to face new challenges. Given its geographical position, it was clear that the adoption of European legislation in Poland and Lithuania, especially in terms of border

---

<sup>4</sup> Richard J. Krickus, *The Kaliningrad question*, Rowman & Littlefield, Lanham, 2002, p. 1.

<sup>5</sup> Christian Marten, *The Kaliningrad Region: At the Crossroads Between Russia and the European Union*, GRIN Verlag, 2010, p. 2.

<sup>6</sup> Alexander Sergounin, *The Future of Kaliningrad a Pilot Project or Exclave?*, Nizhny Novgorod Linguistic University, 2003, p. 3.

<sup>7</sup> Adel Grafskiy, "The Kaliningrad Region as a Factor of Cooperation between the EU and the Russian Federation", in: Andreas Langenohl and Kirsten Westphal (eds.), *Comparing and Inter-Relating the European Union and the Russian Federation*, Universität Gießen, Bonn, 2006, p. 26.

<sup>8</sup> Alexander Sergunin, "Kaliningrad: Changing Perceptions", *Acta Slavica Iaponica*, No. 15, Slavic Research Center (SRC), Sapporo, 2008, p. 85.

<sup>9</sup> Guido Müntel, "Assessing institutions and policies in the EU-Russian relations: The case of Kaliningrad", Paper to the 2nd Pan-European Conference on EU Politics – Bologna, 24-26 June 2004, p. 3.

---

control, visas and customs, would directly affect the lives of people in Kaliningrad, freedom of movement, cross-border cooperation, trade and transit.<sup>10</sup> At the same time, it was clear that the Kaliningrad enclave, as a unique case within the EU, requires a more flexible approach. For these reasons, the EU and Russia became particularly interested in comprehensive cooperation, meant to contribute to the development and stability of the Kaliningrad region, and therefore the wider Baltic region.

### **The Impact of the EU Enlargement on Kaliningrad**

Due to the risk that the enlargement of the EU could create a series of new problems, the issue of Kaliningrad gained an important role in almost all the negotiations between the European Union and Russia. It was clear that the unique geographic position of Kaliningrad region shall require special legal, economic and political solutions, different from those in force in other regions of Russia.<sup>11</sup> These solutions had to include special measures in order to respond to the specific issues arising from the enlargement process in terms of movement of goods and people between Kaliningrad and Russia itself.<sup>12</sup> At the same time, the role and status of Kaliningrad, together with the relation of this region with the rest of Russia, neighbouring countries and the European Union as a whole, had to be specified.<sup>13</sup>

Due to a specific geographical position of Kaliningrad, some of the most important issues in relations between the EU and Russia became issues of freedom of movement of Russians between Kaliningrad and the Russia itself, cross-border cooperation and trade/transit facilitations.

Russia was worried that after the EU enlargement, the rights on transit of people and goods will not be preserved, and that the Lithuanian-Kaliningrad border would remain closed like the rest of the EU external borders.<sup>14</sup> In the Medium-Term Strategy for Development of Relations between the Russian Federation and the EU (2000-2010), which was presented at the EU-Russia summit in October 1999, Russia indicated the need for conclusion of a special agreement with the EU in order to protect the interests of Kaliningrad, as a Russian entity, during the European Union enlargement process. The Strategy highlights the need for providing the conditions necessary for the

---

<sup>10</sup> Viktor Romanovsky, Andrei Stepanov and Mikhail Tsikel, "The Perspective of Kaliningrad's Policy Makers and Practitioners", International Institute for Strategic Studies, London, 2008, pp. 1-5.

<sup>11</sup> Bartosz Cichocki, Katarzyna Pelczyńska-Nałęcz, Andrzej Wilk, "The Kaliningrad Oblast in the context of EU enlargement", *CES Studies*, Center for Eastern Studies, Warsaw, 2001, p. 53.

<sup>12</sup> Yuri Borko, Russia and the EU: The Kaliningrad dilemma, *CEPS Policy Brief*, No. 15, Centre for European Policy Studies, Brussels, 2002, p. 1.

<sup>13</sup> Romuald J. Misiunas, "Rootless Russia: Kaliningrad — Status and Identity", *Diplomacy and Statecraft*, Taylor & Francis, 2004, p. 385.



Internet, <http://news.bbc.co.uk/2/hi/europe/4645447.stm>.

functioning and development of Kaliningrad as an integral part of Russia and an active participant in programmes of cross-border and inter-regional cooperation. In addition, given the unique geographic and economic situation of Kaliningrad, the Strategy indicates a need for the development of a reliable transport connection with Russia that would function efficiently under new circumstances, which shall develop after the enlargement of the EU.<sup>15</sup>

In March 2001, the Government of Russia adopted the Concept of Federal Social-Economic Policy towards the Kaliningrad region. Although this concept is more of declarative than operational nature, it contains some important ideas, such as measures to increase economic capacities of Kaliningrad, measures to attract investors and modernization of traffic connections. The Concept refers to the conclusion of an agreement that would provide, under certain circumstances, a regime of freedom of movement to Kaliningrad citizens in Poland and Lithuania. In addition, it advocates the

---

<sup>14</sup> Since 1995, transit of Russian citizens across the territory of Lithuania has been regulated by the temporary agreement on traveling of citizens, which allowed Russian citizens with permanent residence in the Kaliningrad region to travel through Lithuania without visas and stay on its territory up to 30 days. Visas were neither required from any Russian citizens that were traveling by train from Russia to Kaliningrad through Lithuania's territory and back. Equally, Lithuanians were provided with visa-free entry into the Kaliningrad region.

<sup>15</sup> Viktor Romanovsky, Andrei Stepanov and Mikhail Tsikel, "The Perspective of Kaliningrad's Policy Makers and Practitioners", *op. cit.*, pp. 1–5.

---

signing of an agreement that would ensure free transit for Russian citizens across the territory of the EU member countries, as well as agreement that would simplify the issuance of visas for the citizens travelling to Kaliningrad.<sup>16</sup>

That same year, the Union adopted the Communication that set out potential ways on how to reduce the negative consequences that the planned enlargement of the EU could have on Kaliningrad, i.e. the existing rules and practices of Russia and the countries that were expected to become the EU members. The Communication states that the adoption of the *acquis* by Poland and Lithuania will inevitably require changes that will have special implications for Kaliningrad, primarily on the movement of people and goods and energy supply. In addition, the Communication discusses the ways in which the EU and Russia could work together in order to reduce the existing problems Kaliningrad faces in the fields such as the environment, fight against organized crime, health care and economic development.<sup>17</sup>

In a speech held at the EU-Russia Summit in Moscow in May 2002, Vladimir Putin pointed out the importance of Kaliningrad for Russia and stressed that the further development of relations between the EU and Russia will depend upon resolving this issue.<sup>18</sup> The following month, the State Duma of the Federal Assembly of the Russian Federation issued a statement regarding the situation in Kaliningrad within the context of the forthcoming EU enlargement, in which it was referred to the constitutional right of Russian citizens to freedom of movement at the territory of Russia, as well as to the Protocol № 4 of the European Convention on Human Rights, UN International Covenant on Civil and Political Rights and the UN Universal Declaration of Human Rights. The State Duma expressed its confidence that “all plans for the introduction of visas, customs or any other artificial obstacles to the transit between Kaliningrad region and the rest of Russia can be seen as ignoring of Russia’s territorial sovereignty and violation of generally accepted norms and principles of international law by the EU”.<sup>19</sup>

Even though the Union is interested in providing control and security at the border crossing at entrance to and exit from Kaliningrad, it is clearly committed that its borders should not be obstacle to trade, social and cultural cooperation and exchange between Kaliningrad and the rest of Russia, as well as with neighbouring countries. This is very important, because the limitations of the movement of goods and people would harm

---

<sup>16</sup> Simon Petermann et Geoffroy Matagne, “The EU Enlargement and Russia: The Case of Kaliningrad”, Internet, <http://popups.ulg.ac.be/csp/document.php?id=65>.

<sup>17</sup> “The EU and Kaliningrad”, *Communication from the Commission to the Council*, Brussels, 2001, Internet, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0026:FIN:EN:PDF>.

<sup>18</sup> Simon Petermann et Geoffroy Matagne, “The EU Enlargement and Russia: The Case of Kaliningrad”, *op. cit.*

<sup>19</sup> Lara Margret Ragnarsdottir, “The enlargement of the European Union and the Kaliningrad Region”, Report Political Affairs Committee, Doc. 9560, 22 September 2002, Internet, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc 02/EDOC9560.htm>.

---

already weak economy of Kaliningrad. Key factors that should ensure the safety of the Union, without creating unnecessary obstacles to the movement of people and goods, are traffic links and infrastructure, efficient border control and good practices in cooperation with neighbouring countries.<sup>20</sup>

The future of Kaliningrad depends both upon the ability of Moscow to conduct a proper policy towards the westernmost enclave of Russia and on good relations with its neighbours. Good relations with neighbours are very important, since all inland and rail routes to the Kaliningrad region must cross the international borders.<sup>21</sup>

The borders of Kaliningrad region with Poland are 200 km long and with Lithuania nearly 280 km, and border authorities control the passage of people, vehicles and goods at 25 border crossing points (eight sea, two air, and seven rail road border crossing points).<sup>22</sup>

Bearing in mind geographical position of Kaliningrad region, a well-functioning transport system connecting the EU and neighbouring countries is essential for sustainable economic growth and welfare of all citizens in this part of the world.

At the EU-Russia Summit held in November 2002, an agreement was reached on comprehensive package of measures, which will be applied to the Kaliningrad region during the Union's enlargement process. On that occasion, a Joint statement of the EU and Russia on the transit between Kaliningrad region and the rest of the Russian Federation was adopted, in which the two parties recognized a unique situation of Kaliningrad as a part of Russia, which is separated from the rest of the Federation by other countries. Also, the two parties agreed that they should make a special effort in order to respond to concerns about the future transit of persons and goods between Kaliningrad and other parts of Russia and intensify cooperation aimed at encouraging social and economic development of the whole region. In terms of economic and social development of the region, it is envisaged that the EU should continue to support the efforts that Russia makes in order to contribute to the economic development of Kaliningrad and simplify cross-border cooperation.<sup>23</sup> Here especially significant are measures that should contribute to the improvement of border management regime and development of border infrastructure.<sup>24</sup>

---

<sup>20</sup> "EU-Russia Co-operation on Kaliningrad: 2002 and beyond", Internet, [http://kaliningradexpert.org/stuff/docs/2002%20and%20beyond\\_eng.doc](http://kaliningradexpert.org/stuff/docs/2002%20and%20beyond_eng.doc).

<sup>21</sup> Richard J. Krickus, *The Kaliningrad question, op. cit.*, p. 1.

<sup>22</sup> Nikolai Kuznetsov, "Russian-International Collaboration on Kaliningrad's Borders", *Russian Regional Perspectives Journal*, Volume 1, Issue 3, The International Institute for Security Studies, pp. 1–2.

<sup>23</sup> "Joint Statement of the European Union and the Russian Federation on transit between the Kaliningrad Region and the rest of the Russian Federation", 13970/02 (Presse 347), Brussels, 2002, pp. 2–4.

<sup>24</sup> Between 2004 and 2006 the EU budget for support economic and social development of Kaliningrad was 25 million euros. "Russian Federation National Indicative Programme 2004–2006", Internet, [http://ec.europa.eu/external\\_relations/russia/csp/04-06\\_en.pdf](http://ec.europa.eu/external_relations/russia/csp/04-06_en.pdf), p. 3.

---

Given the fact that the EU internal security can be ensured only through joint standards of the member countries in terms of regulations for visa regime and border crossings, Poland and Lithuania have had to meet the requirements of the Schengen *acquis* even before accession to the EU.<sup>25</sup> At the same time, it became necessary for the Union, Lithuania, Poland and Russia to reach an agreement on transit from and to Kaliningrad, which shall preserve the then existing civil rights. A compromise was reached to apply the Schengen provisions on transit between Kaliningrad and Russia in a less strict form, after Lithuania's and Poland's accession to the EU.<sup>26</sup> It was foreseen that from 1<sup>st</sup> July 2003 Russian citizens could travel to and from Kaliningrad across Lithuania's territory with appropriate transit documents (*Facilitated Transit Document*), and that after 1<sup>st</sup> January 2004 all the transit passengers must possess the international passports. Russia has agreed to accept the return of illegal migrants that were entering Lithuania from its territory. On the other hand, Lithuania agreed to allow passage of the fast railways through its territory, which would completely eliminate the need for transit documents. Lithuania was promised that such an arrangement should not prevent its inclusion into the Schengen zone. When it comes to Poland, on 1<sup>st</sup> October 2003 this country imposed a visa requirement for all citizens of Russia, which were free of charge for the residents of the Kaliningrad region.<sup>27</sup>

In April 2004, the European Union and Russia issued the Joint Statement on EU Enlargement and EU-Russia Relations, which contained a provision that should ensure free transit of goods between Kaliningrad and Russia. The Statement confirms the application of the principle of freedom of transit of goods, including energy, between Kaliningrad and the rest of Russia. In particular, it is confirmed that the freedom of transit shall exist and that the goods in such transit would not be subjected to unnecessary delay and would be excluded from customs and transit duties.<sup>28</sup>

To avoid Kaliningrad being isolated from its neighbours, the EU seeks to provide easier travel to its citizens. Based on the EU Local Border Traffic Regulation of 2006, citizens of border areas of Kaliningrad gained facilitations regarding cross-border traffic, which enable exception to the general rules on border checks laid down in the Schengen regulations. Experience has shown that such cross-border traffic regime facilitates life of people living near the external borders, as well as that such a regime is rarely abused. For all of these reasons, in July 2011, the Commission has proposed amendment to the existing Local Border Traffic Regulation, which, bearing in mind the Kaliningrad's

---

<sup>25</sup> Guido Müntel, "Assessing institutions and policies in the EU-Russian relations: The case of Kaliningrad", *op. cit.*, p. 4.

<sup>26</sup> Tobias Etzold and Clive Archer, "Kaliningrad in EU and Northern European perspectives: enclave or exclave?", in: Kaliningrad in Europa: nachbarschaftliche Perspektiven nach dem Ende des Kalten Krieges, Stefan Berger (ed.), Otto Harrassowitz Verlag, 2010, p. 170.

<sup>27</sup> Romuald J. Misiunas, "Rootless Russia: Kaliningrad — Status and Identity", *op. cit.*, p. 386.

<sup>28</sup> "Joint Statement on EU Enlargement and EU-Russia Relations", 27 April 2004, Brussels.

---

specific position, would foresee the entire Kaliningrad region as border area. In this way, the artificial division of Kaliningrad would be avoided, and all its citizens could visit neighbouring countries (Poland and Lithuania) without Schengen visas and with special permits within the 30-50 kilometres zone.<sup>29</sup>

Although the Agreement on Visa Facilitation between the EU and Russia of 2007 has largely improved opportunities for travel, local border traffic regime would provide additional facilitations, especially for regular, even daily travel in local area. For example, persons would not have to prove whether they have sufficient means of subsistence, permits would be issued free of charge, and for local border traffic special border crossing points could be reserved. In addition, all the citizens of Kaliningrad would enjoy these facilitations, while facilitations according to the Agreement on Visa Facilitation between EU and Russia are applied only to specific categories of citizens.<sup>30</sup> It is expected that the adoption of the amendment to the Local Border Traffic Regulation will significantly improve life in Kaliningrad, without the negative impact on the security of the Union.

Also, The European Union has co-funded numerous projects in order to solve the problem of long stay at the border crossing point and enable free transit.

However, issues related to free movement of people and goods were not the only problem that could gain momentum and cause notable problems, even on the international level after the enlargement of the Union.<sup>31</sup> The EU and Russia were also concerned about all the problems in Kaliningrad that, for their potential cross-border impact, may affect the security of the wider region. These are primarily organized crime, health and environmental protection, as well as economic development of Kaliningrad.

The development of Kaliningrad is slower than Lithuania's and Poland's, and the EU and Russia are concerned that this socio-economic gap will grow in time, and thus destabilize the situation in the entire region. Although Kaliningrad, essentially, is Russia's responsibility, socio-economic development of this region is mutual goal of both Russia and the Union. The European Union is interested in Kaliningrad's development, for it is aware that the high level of unemployment and poverty in this region may negatively affect its own member countries. Therefore, the Union shows readiness to actively engage, through financial and technical support, in solving a series of open issues in Kaliningrad. The European Union sees as one of the ways to improve the situation in

---

<sup>29</sup> "Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area", European Commission, Brussels, 27.7.2011, COM(2011) 461 final, 2011/0199 (COD), Internet, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0461:FIN:EN:PDF>.

<sup>30</sup> *Ibidem*.

<sup>31</sup> Hanne-Margret Birckenbach, Christian Wellmann, *The Kaliningrad challenge: options and recommendations*, LIT Verlag, Münster/Hamburg/Berlin/London, 2003, p. 24.

---

Kaliningrad the achievement of the appropriate “economic and social harmonization” of this region with the Union’s standards.<sup>32</sup>

As for economic policy, the Russian federal authorities have been aware since the beginning of 1990s that the specificities of the Kaliningrad region required defining of a special strategy. Same as the other parts of Russia, Kaliningrad depends upon budgetary allocations and trade and economic relations with the rest of the country. For its specific geographical position, Moscow gave Kaliningrad originally the status of free economic zone in 1991, and in 1996 the status of special economic zone. Special economic zone was established in order to provide companies seated in Kaliningrad more favourable conditions through customs and tax exemptions for import and export of local goods. This zone, among other things, foresees that all components imported to Kaliningrad and processed there, are free of customs charges. This led to opening of numerous factories that assembled products from imported parts, and then distributed them in the Russian market.<sup>33</sup> In this way, companies founded in Kaliningrad region gained an advantage compared to similar companies in other parts of Russia, and gradually achieved a foothold on the entire Russian market. In April 2006, the revised Law on Special Economic Zone entered into force, which put greater emphasis on tax relief aimed at attracting new investments, especially in manufacturing industry. The Law also foresees simplified visa regime for entry visas for foreigners involved in investment projects in Kaliningrad.<sup>34</sup>

The European Union estimates that this idea of promoting economic activities and investments through special economic zone is interesting, even though such subventions are not in accordance with the Partnership and Cooperation Agreement between EU and Russia and the World Trade Organization’s rules. However, the EU’s position is that Russian central and local authorities can do much more in order to foster the economic development of Kaliningrad. At the same time, it is especially emphasized that there is a need for a stable and safe legal and institutional environment in Kaliningrad, as well as in other parts of Russia.<sup>35</sup>

Beside weak economic development of Kaliningrad, the EU recognizes degradation of the environment, poor state administration, lack of the rule of law and developed organized crime as a form of security threats to both regional and Union’s stability.<sup>36</sup>

Organized crime is largely present in the Kaliningrad region, and it is estimated to be 20 percent higher than the Russian average. It has a devastating impact on regional

---

<sup>32</sup> “The EU and Kaliningrad”, *Communication from the Commission to the Council, op. cit.*

<sup>33</sup> “Kaliningrad”, Internet, [http://eeas.europa.eu/russia/kaliningrad\\_en.htm](http://eeas.europa.eu/russia/kaliningrad_en.htm).

<sup>34</sup> “EU Support to Kaliningrad”, Internet, [http://ec.europa.eu/external\\_relations/north\\_dim/kalin/index.htm](http://ec.europa.eu/external_relations/north_dim/kalin/index.htm).

<sup>35</sup> “The EU and Kaliningrad”, *Communication from the Commission to the Council, op. cit.*

<sup>36</sup> “Russian Federation National Indicative Programme 2004 – 2006”, *op. cit.*, p. 8.

---

development and the overall investment climate in Kaliningrad, as well as security of neighbouring countries. In addition to illegal migrations, trafficking in humans, drugs and stolen vehicles, smuggling and organized prostitution are also developed in this region.<sup>37</sup> Because of trans-national nature of many illegal activities, international cooperation is the key factor for protection and safety of both Russian and Union's borders. The EU and Russia have shown readiness to, through joint approach and coordinated activities, fight against illegal activities in the Kaliningrad region.<sup>38</sup> Thus, Kaliningrad's border service cooperates on regional level with border services and coast guards of neighbouring countries and other countries in the Baltic region.<sup>39</sup>

The very limitation of movement of people across the territory of the European Union is regarded as a part of the solution for prevention of undesirable exportation of organized crime, as well as illegal migrations from the Kaliningrad region to the EU countries.<sup>40</sup> Given the fact that the danger from the penetration of crime and illegal migrations from Kaliningrad to the Union is completely real, the EU encourages Russia to intensify the fight against crime in Kaliningrad and is ready to provide it with all necessary technical support.

Bearing in mind that the strong commitment of Russian authorities at all levels is of crucial significance for fight against illegal activities, very important is the readiness of Russia to improve its capacities for fight against organized crime in Kaliningrad, as well as to cooperate with police and customs services of the EU member countries.<sup>41</sup>

In addition to the fact that it represents a threat to economic development, crime connected with corruption influence very negatively the development of democratic system based on the rule of law.

As a part of wider efforts to improve the quality of life in Kaliningrad, there is a need to improve the state of the environment, above all, reduce pollution. Given that the whole region will benefit from cleaner Baltic Sea, the Union, Baltic countries and Russia have agreed that it should be one of the priority goals of regional cooperation. The European Union regularly participates in co-funding of projects aimed at improvement of sewage treatment plants in the Kaliningrad region.<sup>42</sup>

---

<sup>37</sup> Alexander Sergounin, *The Future of Kaliningrad a Pilot Project or Exclave?*, *op. cit.*, p. 6.

<sup>38</sup> "Судьба Калининградской области", Институт менеджмента, 2008, Internet, <http://www.ukreferat.com/index.php?referat=12271&lang=ru>, p. 11.

<sup>39</sup> Nikolai Kuznetsov, "Russian-International Collaboration on Kaliningrad's Borders", *op. cit.*, pp. 1–2.

<sup>40</sup> Jonathan Gast, "Political Geography of the Kaliningrad Oblast: Its problems as an. Enclave within the EU and projected outcomes", 2004, Internet, <http://largo.crushhumanity.org/doc/kaliningrad.pdf>, p. 2.

<sup>41</sup> "EU-Russia Co-operation on Kaliningrad: 2002 and beyond", *op. cit.*, p. 7.

<sup>42</sup> "The EU and Kaliningrad", *Communication from the Commission to the Council*, *op. cit.*

---

## The Positions of Moscow and the Union towards the Kaliningrad Region

For its specific geo-strategic position, the Kaliningrad region has an important role in securing Russian national interest in the Baltic region and Europe.<sup>43</sup> Due to the fear from separatism, Russian authorities hardly accept the attempts to observe the Kaliningrad-related issues only in international or regional context.<sup>44</sup>

Russia's fears are considered unsubstantial, given that there are no real grounds for separatism based on ethnic or religious background in Kaliningrad. Over 82 percents of Kaliningrad's citizens are ethnic Russians, and more than 94 percents are Slavs (Russians, Belarusian and Ukrainian). Besides, Russian language is mother tongue for more than 86 percents of population, and the vast majority of citizens are members of the Russian Orthodox Church.<sup>45</sup>

The European Union treats the issues related to the Kaliningrad region mainly in a broader context of relations with Russia. Although the Union understands the Russia's sensibility in relation to Kaliningrad, especially when it comes to visas, the EU wants Russia to understand its legitimate concern for its own security, because of which the Union attempts to find the ways for cooperation that will not jeopardize the security of the entire Schengen zone.<sup>46</sup> For this reason, the Kaliningrad region receives significant support through the EU programmes and projects in the fields such as transportation, supply of energy, visa regime, customs and cross-border cooperation with neighbouring countries Lithuania and Poland.

Moscow's suspicious attitude towards the EU initiatives could bring into question the efficiency of the EU's numerous regional programmes and projects, whose goal is to encourage cross-border contacts and cooperation between civil society and all levels of authorities of participating countries, thus contributing to economic and social development of Kaliningrad. For the period between 2007 and 2013, the Union has allocated funds of 1 billion and 18 million euros for these projects.<sup>47</sup>

---

<sup>43</sup> Hanne-Marget Birckenbach & Christian Wellmann, "Managing asymmetric interdependence: A comparative approach on the Kaliningrad policies of core actors", in: *Kaliningrad 2020: Its future competitiveness and role in the Baltic Sea economic region*, Kari Liuhto (ed.), Turku, 2005, p. 8.

<sup>44</sup> Adel Grafskiy, "The Kaliningrad Region as a Factor of Cooperation between the EU and the Russian Federation", *op. cit.*, p. 26.

<sup>45</sup> Yury Zverev, "Kaliningrad: Problems and Paths of Development", *Problems of Post-Communism*, Vol. 54, No. 2, M.E. Sharpe, New York, 2007, p. 9.

<sup>46</sup> "Press Background note Ninth EU-Russia Summit Moscow", May 2002, Internet, [http://trade.ec.europa.eu/doclib/docs/2003/november/tradoc\\_114151.pdf](http://trade.ec.europa.eu/doclib/docs/2003/november/tradoc_114151.pdf), p. 9.

<sup>47</sup> Adel Grafskiy, "The Kaliningrad Region as a Factor of Cooperation between the EU and the Russian Federation", *op. cit.*, p. 26.

---

Because of specific nature of the Kaliningrad region, Moscow shall have to reconcile the interest for maintaining control over Kaliningrad with the need for its integration into European economic, social, legal and cultural environment. Otherwise, this region could become the main factor of instability in whole region of Baltic Sea.<sup>48</sup>

### **Concluding Remarks**

For legal and practical consequences of the Union's enlargement to the Kaliningrad region, the Union and Russia seek to find the mutually acceptable solutions for all open issues through comprehensive cooperation.

Common goals of the Union's and Russia's policy is achieving sustainable development of the Kaliningrad region, as an integral part of Russia, ensuring free transit of people and goods between Kaliningrad and the rest of Russia and solving practical issues which may occur due to the fact that this region is some sort of enclave in the EU. Besides, both parties are interested in protection of the environment in Kaliningrad and the Baltic Sea region, as well as in fight against all forms of organized crime.<sup>49</sup>

Position of both the EU and Russia is that the Kaliningrad region should become an area of intense cooperation between the Union and Russia, a specific kind of pilot project, that is, a model that should show in which way and to what extent the relations between the Union and its neighbours could develop.<sup>50</sup> In this regard, a significant advancement was achieved, having in mind that Kaliningrad is now open for international cooperation and has one of the most liberal economy, customs and border/visa regimes in Russia. Owing to opening of Europe towards Kaliningrad and Kaliningrad towards Europe, this region got the opportunity to come out from isolation, which was for many years the main reason of its peripheral position.<sup>51</sup>

Given the mutual long-term interests, one could expect that the EU and Russia will continue to dedicate a special attention to Kaliningrad-related issues, which could affect the overall relations and cooperation between the two parties.<sup>52</sup>

---

<sup>48</sup> Alexander Sergounin, *The Future of Kaliningrad a Pilot Project or Exclave?*, *op. cit.*, p. 1.

<sup>49</sup> "Kaliningrad", *op.cit.*

<sup>50</sup> "Medium-term Strategy for Development of Relations between the Russian Federation and the European Union (2000–2010)", Internet, [http://ec.europa.eu/comm/external\\_relations/russia/russian\\_medium\\_term\\_strategy](http://ec.europa.eu/comm/external_relations/russia/russian_medium_term_strategy).

<sup>51</sup> Tadeusz Palmowski, "Problems of cross-border Cooperation between Poland and the Kaliningrad Oblast of the Russian Federation", *Quaestiones Geographicae* 29(4), Poznań, 2010, p. 75.

<sup>52</sup> Katarzyna Pełczyńska-Nałęcz, "The Enlarged European Union and its Eastern Neighbours: Problems and Solutions", *Policy Briefs*, Centre for Eastern Studies, Warsaw, 2003, p. 36.

---

## References:

1. Adel Grafskiy, "The Kaliningrad Region as a Factor of Cooperation between the EU and the Russian Federation", in: Andreas Langenohl and Kirsten Westphal (eds.), *Comparing and Inter-Relating the European Union and the Russian Federation*, Universität Gießen, Bonn, 2006.
2. Alexander Sergounin, *The Future of Kaliningrad a Pilot Project or Exclave?*, Nizhny Novgorod Linguistic University, 2003.
3. Alexander Sergunin, "Kaliningrad: Changing Perceptions", *Acta Slavica Iaponica*, No. 15, Slavic Research Center (SRC), Sapporo, 2008.
4. Bartosz Cichocki, Katarzyna Pełczyńska-Nałęcz, Andrzej Wilk, "The Kaliningrad Oblast in the context of EU enlargement", CES Studies, Center for Eastern Studies, Warsaw, 2001.
5. Christian Marten, *The Kaliningrad Region: At the Crossroads Between Russia and the European Union*, GRIN Verlag, 2010.
6. Guido Müntel, "Assessing institutions and policies in the EU-Russian relations: The case of Kaliningrad", Paper to the 2nd Pan-European Conference on EU Politics – Bologna, 24–26 June 2004.
7. Hanne-Marget Birckenbach & Christian Wellmann, "Managing asymmetric interdependence: A comparative approach on the Kaliningrad policies of core actors", in: *Kaliningrad 2020: Its future competitiveness and role in the Baltic Sea economic region*, Kari Liulto (ed.), Turku, 2005.
8. Hanne-Margret Birckenbach, Christian Wellmann, *The Kaliningrad challenge: options and recommendations*, LIT Verlag, Münster/Hamburg/Berlin/London, 2003.
9. Jonathan Gast, "Political Geography of the Kaliningrad Oblast: Its problems as an. Enclave within the EU and projected outcomes", 2004, Internet, <http://largo.crushhumanity.org/doc/kaliningrad.pdf>.
10. Katarzyna Pełczyńska-Nałęcz, "The Enlarged European Union and its Eastern Neighbours: Problems and Solutions", *Policy Briefs*, Centre for Eastern Studies, Warsaw, 2003.
11. Lara Margret Ragnarsdottir, "The enlargement of the European Union and the Kaliningrad Region", Report Political Affairs Committee, Doc. 9560, 22 September 2002, Internet, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc 02/EDOC9560.htm>.
12. Nikolai Kuznetsov, "Russian-International Collaboration on Kaliningrad's Borders", *Russian Regional Perspectives Journal*, Volume 1, Issue 3, The International Institute for Security Studies, Internet, <http://www.iiss.org/programmes/russia-and-eurasia/russian-regional-perspectives-journal/rpp-volume-1-issue-3/russian-international-collaboration-on-kaliningrads-borders/?locale=en>.
13. Richard J. Krickus, *The Kaliningrad question*, Rowman & Littlefield, Lanham, 2002.
14. Romuald J. Misiunas, "Rootless Russia: Kaliningrad — Status and Identity", *Diplomacy and Statecraft*, Taylor & Francis, 2004.
15. Simon Petermann et Geoffroy Matagne, "The EU Enlargement and Russia: The Case of Kaliningrad", Internet, <http://popups.ulg.ac.be/csp/document.php?id=65>.

- 
16. Tadeusz Palmowski, "Problems of cross-border Cooperation between Poland and the Kaliningrad Oblast of the Russian Federation", *Quaestiones Geographicae* 29(4), Poznań, 2010.
  17. Tobias Etzold and Clive Archer, "Kaliningrad in EU and Northern European perspectives: enclave or exclave?", in: Kaliningrad in Europa: nachbarschaftliche Perspektiven nach dem Ende des Kalten Krieges, Stefan Berger (ed.), Otto Harrassowitz Verlag, 2010.
  18. Viktor Romanovsky, Andrei Stepanov and Mikhail Tsikel, "The Perspective of Kaliningrad's Policy Makers and Practitioners", International Institute for Strategic Studies, London, 2008.
  19. Yuri Borko, Russia and the EU: The Kaliningrad dilemma, *CEPS Policy Brief*, No. 15, Centre for European Policy Studies, Brussels, 2002.
  20. Yury Zverev, "Kaliningrad: Problems and Paths of Development", Problems of Post-Communism, Vol. 54, No. 2, M.E. Sharpe, New York, 2007.
  21. Судьба Калининградской области, Институт менеджмента, 2008, Internet, <http://www.ukrreferat.com/index.php?referat=12271&lang=ru>.
  22. "EU Support to Kaliningrad", Internet, [http://ec.europa.eu/external\\_relations/north\\_dim/kalin/index.htm](http://ec.europa.eu/external_relations/north_dim/kalin/index.htm).
  23. "EU-Russia Co-operation on Kaliningrad: 2002 and beyond", Internet, [http://kaliningradexpert.org/stuff/docs/2002%20and%20beyond\\_eng.doc](http://kaliningradexpert.org/stuff/docs/2002%20and%20beyond_eng.doc).
  24. "Joint Statement on EU Enlargement and EU-Russia Relations", 27 April 2004, Brussels.
  25. "Kaliningrad", Internet, [http://eeas.europa.eu/russia/kaliningrad\\_en.htm](http://eeas.europa.eu/russia/kaliningrad_en.htm).
  26. "Medium-term Strategy for Development of Relations between the Russian Federation and the European Union (2000–2010)", Internet, [http://ec.europa.eu/comm/external\\_relations/russia/russian\\_medium\\_term\\_strategy](http://ec.europa.eu/comm/external_relations/russia/russian_medium_term_strategy).
  27. "Russian Federation National Indicative Programme 2004 – 2006", Internet, [http://eeas.europa.eu/russia/docs/nip\\_2007-2010\\_en.pdf](http://eeas.europa.eu/russia/docs/nip_2007-2010_en.pdf).
  28. "Press Background note Ninth EU-Russia Summit Moscow", May 2002, Internet, [http://trade.ec.europa.eu/doclib/docs/2003/november/tradoc\\_114151.pdf](http://trade.ec.europa.eu/doclib/docs/2003/november/tradoc_114151.pdf).
  29. "Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area", European Commission, Brussels, 27.7.2011, COM(2011) 461 final, 2011/0199 (COD), Internet, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0461:FIN:EN:PDF>.
  30. "The EU and Kaliningrad", Communication from the Commission to the Council, Brussels, 2001, Internet, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0026:FIN:EN:PDF>.
  31. "Joint Statement of the European Union and the Russian Federation on transit between the Kaliningrad Region and the rest of the Russian Federation", 13970/02 (Presse 347), Brussels, 2002.

---

*Dragan TRAILOVIĆ*<sup>1</sup>

## **CASPIAN SEA AND ITS BORDER DISPUTES**<sup>2</sup>

### **ABSTRACT**

The paper deals with the problem of defining the legal status and regime that would be applied to the Caspian Sea. The Caspian Sea is of great importance for all littoral states, primarily because of its great oil and gas reserves. Starting from the international agreements that had previously regulated the legal regime, the work gives an overview of the current state of relations between the littoral countries. Before the dissolution of USSR in 1991, the treaties between Russia and Persia/Iran regulated the legal regime of the Caspian Sea. Thereafter, the number of littoral states has increased to five and today there is no valid multilateral treaty defining the legal status of the Caspian Sea. The paper outlines that the main issue is whether the Caspian is a “sea” or “lake” as well as what rules of public international law would be applicable in the process of its demarcation. Finally, the paper deals with possible ways in which these disputes among littoral states can be solved.

*Key words:* Caspian Sea, legal status, legal regime, demarcation, border disputes, littoral states.

### **Introduction**

The Caspian Sea is the largest landlocked body of salt water in the world. Caspian Sea has no direct connection with open seas but it is linked to the Black and Baltic Seas through the Volga River and a series of canals. Volga River contributes 78% of the annual water input. It occupies an area of 371,000 km<sup>2</sup>. The maximum depth is 1025 m. The Caspian Sea geographically can be divided into three zones – North Caspian, Middle

---

<sup>1</sup> Dragan Trailović, Research Assistant, Institute for Political Studies, Belgrade and Associate of the Center for Asian and Far Eastern Studies, Faculty of Political Science, Belgrade.

<sup>2</sup> This paper was done within the project “The Meaning of Borders in the Age of Globalization: Europe and Asia”, through the Japan Foundation’s Grant Program for Intellectual Exchange Conferences 2011 in which the Centre for Asian and Far Eastern Studies (CAFES) and the Faculty of Political Science, Belgrade University, participated.

---

and South Caspian. The length of the Caspian coastline is approximately 7500 km. Its coastlines are shared by Azerbaijan, Iran, Kazakhstan, Russia and Turkmenistan.<sup>3</sup>

Until the dissolution of the Soviet Union in 1991, the Caspian Sea was treated as an inland sea and its legal status was regulated under bilateral treaties between Russia and Iran. At that time, Caspian Sea was divided into two equal parts between these two states. Due to its military and naval superiority, Russia had a greater share of the Caspian Sea in practice. There are authors who believe that the Caspian Sea has always been an integral part of Iranian waters. Regardless of whether such claims are accurate or not, at the beginning of the 19th century, the circumstances have changed and Russia took over dominance. At present there is no valid multilateral treaty defining the legal status of the Caspian Sea. The key problem is how to classify legally the Caspian Sea, as a sea or as a lake or what should be the legal status of the Caspian Sea from the point of view of international law. The solution to this problem is very important for all coastal states primarily because of large oil and gas reserves located in the Caspian Sea as well as because of its geopolitical importance, especially for Russian Federation and Islamic Republic of Iran. These two states are the most interested in having this issue resolved.

### **Historical background**

International treaties between Russia and Persia/Iran regulated the legal regime of the Caspian Sea before the dissolution of the USSR in 1991. The first of them was the Treaty of Resht signed by these two states in year 1729.<sup>4</sup> This treaty regulated the freedom of commerce and navigation. The second of these treaties, signed in 1813, was the Golestan Treaty. This agreement banned Iran to deploy its naval forces in the Caspian Sea.<sup>5</sup> In 1828, Turkomanchai Treaty was signed, and these limitations on Persian naval forces were reiterated as a result of its defeat in war with Russia.<sup>6</sup> Subsequently, the Caspian Sea was controlled by the Russian Navy. After the Russian Revolution of 1917 circumstances has changed. In the year of 1921, the new treaty was signed between Russian Socialist Federal Soviet Republic and Iran. It was the Treaty of Friendship and according to this agreement, prior treaties were abrogated and Iranian naval rights were restored. According to this agreement, both sides had an equal right of navigation, right to keep a navy and right to fish freely in the Caspian Sea.<sup>7</sup> Next one was the Treaty of

---

<sup>3</sup> Alexey N. Kosarev, Physico-Geographical Conditions of the Caspian Sea in *The Caspian Sea Environment*, ed. A. Kostianoy, A. Kosarev, Springer-Verlag Berlin Heidelberg, 2005, pp. 5–31.

<sup>4</sup> Barbara Janusz, *The Caspian Sea-Legal status and Regime problems*, Chatham House, Russia and Eurasia program, London, 2005, p. 2

<sup>5</sup> Kamyar Mehdiyoun, International law and dispute over ownership of oil and gas resources in the Caspian Sea, *The American Journal of International Law*, Vol.94, No. 1, 2001, pp. 4–5

<sup>6</sup> Ibidem.

<sup>7</sup> Bahman Aghai Diba, *The Caspian Sea in the Twenty-First Century*, Ibex Publishers, Inc., Maryland, 2003, p. 19.

---

Establishment, Commerce and Navigation between Iran and the Union of Soviet Socialist Republics concluded in 1935. Treaty of Commerce and Navigation signed in 1940 reaffirmed the 10 mile national fishing zone established under previous agreement but neither established seabed boundaries or discussed oil and natural gas exploration. Seabed boundaries, oil and natural gas exploration are major issues of disagreement among littoral states today. How the seabed is divided among littoral states will determine which hydrocarbon fields will fall into whose sector. Under these two treaties, military and commercial navigation and fishing rights in the Caspian Sea were reserved only for Soviets and Iranians. With exchange of notes annexed to the 1940 Treaty of Establishment, Commerce and Navigation, Russia and Iran defined the Caspian Sea exclusively as a Soviet and Iranian sea. Still, two states have never determined the boundary line in the Caspian Sea. In the early 1970s, the USSR divided the north of the Astara-Hasankuli line into four sectors – Russia, Kazakhstan, Azerbaijan and Turkmenistan - using the median line principle.<sup>8</sup>

After the dissolution of the Soviet Union, three new independent states emerged in the Caspian region. There are five littoral states now – Russia, Iran, Azerbaijan, Turkmenistan and Kazakhstan. From that point Kazakhstan, Turkmenistan and Azerbaijan have questioned the legitimacy of the Russo-Iranian treaties. In 1992 Caspian littoral states officials met for the first time to start negotiations for a multilateral agreement on the sea's demarcation. During the nineties, there were also the unilateral actions of some coastal states. For example, Turkmenistan passed a law in 1993 unilaterally declaring its jurisdiction over a 12-mile coastal zone on the Caspian. Turkmenistan stated that the law was based on rules of the UN Convention on the Law of the Sea of 1982. In 1994, Azerbaijan began issuing licenses for exploration of hydrocarbons at sites within its proclaimed sector.<sup>9</sup>

The first bilateral agreement on division into national sectors was signed by Azerbaijan and Kazakhstan in year 1996. They declared that this agreement would be valid until a broader multilateral convention is signed. Also, in 1997 Turkmenistan and Kazakhstan declared that they delineated territorial borders. The delineation was done along a line running through the middle of the Caspian Sea. In 1998, Russia signed bilateral contract with Kazakhstan. They delineate their sectors using median line principle.<sup>10</sup> After 2000, coastal states continue the practice of negotiation as shown below.

---

<sup>8</sup> Sohbet Karbuz, The Caspian's Unsettled Legal Framework: Energy Security Implications, *Journal of Energy Security*, 2010, [Online] Available at: [http://ensec.org/index.php?option=com\\_content&view=article&id=244:the-caspian-unsettled-legal-framework-energy-security-implications&catid=106:energysecuritycontent0510&Itemid=361](http://ensec.org/index.php?option=com_content&view=article&id=244:the-caspian-unsettled-legal-framework-energy-security-implications&catid=106:energysecuritycontent0510&Itemid=361)

<sup>9</sup> Ibidem.

<sup>10</sup> Mehrdad Haghayeghi, The Coming of Conflict to the Caspian Sea, *Problems of Post-Communism*, M.E. Sharpe, Int, Armonk NY, no.3, 2003, pp. 35–36.

---

## Maritime Border disputes and legal status of the Caspian Sea – current situation

As previously said, the maritime borders of the Caspian Sea have been in dispute since the break-up of the Soviet Union. Since then, the number of coastal states increased to five and now each of this state is trying to assert his rights. Competing economic and political interests of these countries have led to different definitions of legal status and regime of the Caspian Sea.<sup>11</sup> The main issue is whether the Caspian is a “sea” or “lake”. Therefore, demarcation of the Caspian Sea depends on how it will be legally defined. Accordingly, there are several possible solutions. First, if we accept that the Caspian is a sea, its demarcation will be done in accordance with the United Nations Convention on the Law of the Sea of 1982. Second, if we accept that the Caspian is a ‘lake’ in legal terms, then customary international law concerning border lakes would apply. Third legal solution is that of *condominium*, which means common use of the Caspian Sea by all coastal states.<sup>12</sup>

In order to overcome their differences and to cooperate more effectively, littoral states have organized several working committees and summits. Their work is organized into five committees and they are:

- Committee of Caspian Sea Legal Regime;
- Committee on Caspian Research and Hydrometeorology;
- Transportation Committee;
- Fishing Committee or Committee of Biological Resources;
- Environmental Protection Committee.

Also, there were three Caspian Summits. First was the Caspian Summit in Ashgabat in 2001 and the second one was the Caspian Summit in Teheran in 2007. The important fact is that the both of them failed to define the legal regime on Caspian Sea. The last one was the Caspian Summit in Baku in 2010. The littoral states once again failed to agree on division of the Caspian Sea waters and the sea’s legal status. The only result of this summit is the signing of a joint declaration and an agreement on security cooperation. The littoral states also agreed to continue the meetings on the legal regime of the Caspian Sea.

Each coastal state has its own proposals for the solution to this problem. For example, Russia recommends the use of so-called MML (Modified Median Line) formula. According to this, the seabed of the Caspian Sea will be divided between the littoral states on the basis of a median line principle.<sup>13</sup> However, the MML formula leaves the

---

<sup>11</sup> Barbara Janusz, *The Caspian Sea-Legal status and Regime problems*, Chatham House, Russia and Eurasia program, 2005, London, pp. 3–5.

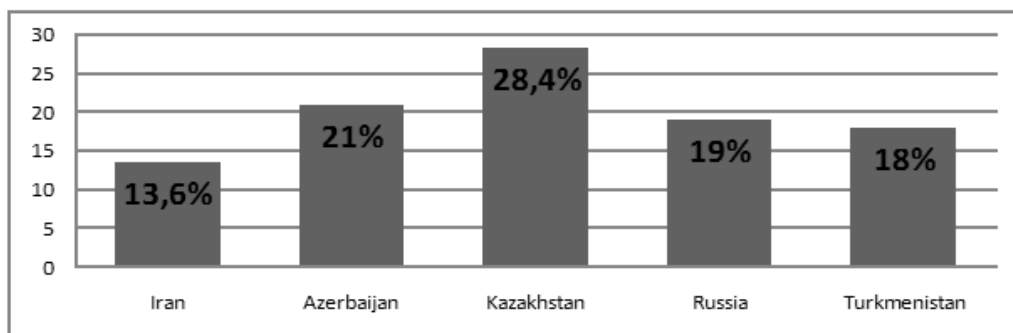
<sup>12</sup> *Ibidem*.

<sup>13</sup> The “median line principle” is an approach to creating boundaries at the mid-point between two places.

waters of the Caspian Sea for common use of all coastal states. On the basis of Modified Median Line formula, agreements have been reached between the Russian Federation and Kazakhstan, Russian Federation and Azerbaijan and Kazakhstan and Azerbaijan. This division of the northern 64% of the Caspian seabed into national sectors gave an 18% share to Azerbaijan, 19% to Russia and 27% to Kazakhstan.<sup>14</sup> However, there are also some problems in applying this formula. The main problem is how to divide those resources that lie directly on the median line between the two countries. A good example how this problem could be solved is the 2002 signed protocol between Russia and Kazakhstan to jointly develop the three fields located on the median line between the two countries. Azerbaijan and Turkmenistan are still working out their differences related to such a problem. If all coastal states accept to apply this formula to the entire Caspian Sea the share of each country would be as shown in the Figure 1.

As it can be seen from Figure 1, Iran is the one who receives the smallest percentage or 13.6%. Bearing in mind the historical circumstances and the geopolitical importance of the Caspian Sea this is unacceptable to Iran. Iran's position is that Soviet-Iranian treaties of 1921 and 1940 will remain legally binding until the new legal status of the Caspian Sea is defined. Therefore, Iran does not recognize bilateral and tripartite agreements between Russian Federation, Azerbaijan and Kazakhstan on delimitation of the seabed in the northern part of the Caspian Sea.<sup>15</sup>

Figure 1. Median Line Formula – littoral states share



Source: Sohbət Karbuz, The Caspian's Unsettled Legal Framework: Energy Security Implications, *Journal of Energy Security*, 2010, [Online] Available at: [http://ensec.org/index.php?option=com\\_content&view=article&id=244:the-caspian-unsettled-legal-framework-energy-security-implications&catid=106:energy\securitycontent0510&Itemid=361](http://ensec.org/index.php?option=com_content&view=article&id=244:the-caspian-unsettled-legal-framework-energy-security-implications&catid=106:energy\securitycontent0510&Itemid=361)

<sup>14</sup> Sohbət Karbuz, The Caspian's Unsettled Legal Framework: Energy Security Implications, *Journal of Energy Security*, 2010, [Online] Available at: [http://ensec.org/index.php?option=com\\_content&view=article&id=244:the-caspian-unsettled-legal-framework-energy-security-implications&catid=106:energysecuritycontent0510&Itemid=361](http://ensec.org/index.php?option=com_content&view=article&id=244:the-caspian-unsettled-legal-framework-energy-security-implications&catid=106:energysecuritycontent0510&Itemid=361)

<sup>15</sup> Bahman Aghai Diba, Baku Summit and New Policy of Iran in the Caspian Sea, *Payvand News*, 2010, [Online] Available at: <http://www.payvand.com/news/10/nov/1211.html>.

---

Iran's position regarding the legal regime of the Caspian Sea has gone through several phases: in the first phase Iran was supporting the common administration of the Caspian Sea, after that Iran started to ask for the 20% for each country and finally Iran is asking for the division on the basis of "equity" – meaning that the whole Caspian Sea should be divided according to justice and the legal principle of equity.<sup>16</sup> According to some views, Iran has always demanded the division of the Caspian Sea into five national sectors. With the division in this way, Iran gets 20% of the Caspian Sea. In contrast, there are views that are based on the activities of the Iranian representative at the last Caspian summit who believe that Iran is actually seeking more than that percentage.

## **Conclusion**

The importance of the Caspian Sea for each country in the region is very high. Accordingly, there are numerous complex problems faced by coastal states. Since the collapse of the Soviet Union, the Caspian states failed to resolve many of these issues, which still remain open and represent an obstacle to normal cooperation between them. So, if they want to reach a lasting agreement that must be done with the consent of all states and by peaceful means.

Some analysts believe that a high degree of disagreement among Caspian states can lead to an armed conflict between them. If we take into account armed forces strength of some coastal states, solution to this problem in this way would be disastrous and would have unforeseeable consequences. However, it is clear that Caspian states are ready to talk to each other and it seems that if they want to make any final agreement each of these countries must abandon their maximalist demands and must turn to a consensus. The practice of negotiation has shown that these states are more willing to bilateral cooperation, which in some instances gave success. However, a more permanent solution cannot be found without the participation and consent of all interested parties. The mechanism for this would certainly be to strengthen multilateral regional cooperation in the fields of economics, politics, environment and more.

## **References:**

1. Alexey N. Kosarev, Physico-Geographical Conditions of the Caspian Sea in *The Caspian Sea Environment*, ed. A. Kostianoy, A. Kosarev, Springer-Verlag Berlin Heidelberg, 2005.
2. Bahman Aghai Diba, Baku Summit and New Policy of Iran in the Caspian Sea, *Payvand News*, 2010, [Online] Available at: <http://www.payvand.com/news/10/nov/1211.html>

---

<sup>16</sup> Ibidem.

- 
3. Barbara Janusz, *The Caspian Sea-Legal status and Regime problems*, Chatham House, Russia and Eurasia program, London, 2005.
  4. Mehrdad Haghayeghi, The Coming of Conflict to the Caspian Sea, *Problems of Post-Communism*, M.E. Sharpe, Int, Armonk NY, no.3, 2003.
  5. Shirin Akiner (ed.), *The Caspian Politics, energy and security*, RoutledgeCurzon, London and New York, 2004.
  6. Sohbet Karbuz, The Caspian's Unsettled Legal Framework: Energy Security Implications, *Journal of Energy Security*, 2010, [Online] Available at: [http://ensec.org/index.php?option=com\\_content&view=article&id=244:the-caspian-unsettled-legal-framework-energy-security%20implications&catid=106:energysecuritycontent0510&Itemid=361](http://ensec.org/index.php?option=com_content&view=article&id=244:the-caspian-unsettled-legal-framework-energy-security%20implications&catid=106:energysecuritycontent0510&Itemid=361).

---

*Edita STOJIĆ KARANOVIĆ*<sup>1</sup>

## **BORDERS - BETWEEN SCYLLA AND CHARYBDIS OF ETHNOCENTRISM AND GLOBALISATION - THE CASE OF YUGOSLAV GEOGRAPHICAL SPACE -<sup>2</sup>**

### ABSTRACT

The world would be more peaceful and prosperous if ethnocentrism and globalisation, the two extreme phenomena strongly supporting each other, were unmasked and properly understood by the peoples who live in unstable regions. So, they would be more resistant to manipulation, stronger to use arguments of human values and true common interests for preserving and bettering life, mutually preserving and enjoying their national and ethnic cultural wealth in regional cooperation with their neighbours. Globalisation - the increasing economic integration of the world - is producing profound effects not only in the economic sphere, but also on the political issues of borders in the world. In that sense, ethnocentrism and globalisation, which are two different phenomena, have stimulated each other in recent border tensions and wars. This proved to be true in the bloody local wars waged in the Yugoslav geographical space, especially in Bosnia-Herzegovina. As a result, the borders in the region are still unsettled. Of course, unmasking and making understandable as well as achieving general awareness requires much more than research efforts. But, that does not mean it is not worth writing about.

*Key words:* ethnocentrism, border tensions, globalisation, good neighbour principle, cross-border cooperation, regional cooperation, Balkans, Yugoslavia, Serbia, Croatia, Bosnia-Herzegovina.

### **Introduction**

As Professor Taro Tsukimura said, “The sovereign state is the basic actor in the European world. A sovereign state has encompassed territory with its borders. The

---

<sup>1</sup> Edita Stojić Karanović, Ph.D., Professorial Fellow at Institute of International Politics and Economics; Founder and President of the International Scientific Forum “Danube – River of Cooperation”.

<sup>2</sup> This paper was done within the project “Serbia in contemporary international relations: Strategic directions of development and strengthening of the position of Serbia in international integration processes – foreign policy, international economic, legal and security aspects”, Ministry of Education and Science of the Republic of Serbia, number 179029, for the period from 2011–2014.

---

territorial dimension should be emphasized in Europe; territorial demarcation was the precondition of state building. But, it was very difficult to draw borders among states. First of all, the territory is limited. Therefore, if territory becomes an issue among states, territorial conflict can easily happen. Besides, the Balkans had its own problem. Various ethnic communities and dynasties in the Balkans built vast kingdoms in each period, and they struggled for maximum territory when they aimed for restoration of their states in the modern period. Needless to say, the territories where they built their own states overlapped. The Balkans states competed and fought with each other immediately after their independence in the 19th century. As a result, the Balkans was called a “powder keg in Europe.” In contrast with the European world, the multi-ethnic state in Asia, the Ottoman Empire, respected the religion of its members.”<sup>3</sup>

The balance on the Balkan Peninsula is most sensitive, and conflicts are easy to stir up – what the great powers often did, starting immediately after the creation of independent nation-states in the 19th century. Geography and history plays significant role in that. First of all, the geo-strategic position of the Balkans: it lies on the land and water routes between three continents.

The history of the Yugoslav state from its birth, in spite of the – than strong – ideology of unification of the Southern Slav nations, is full of struggle, with several basic conflicts. The formation appeared to be based on the principle of the Yugoslav national constituent peoples, with expectations that economic interests can be stronger than the religious differences. But, throughout this whole period, a latent conflict between the different ethnic and religious groups remained clearly evident. The Second World War brought that on surface, with over one million lives lost due to war activities of the occupying forces, fight against the invaders, but in large extent also to local ethnic showdowns. After the Second World War Yugoslavia was reborn in the form of a federal people’s republic. The old-new state formation was composed in six member republics and two autonomous provinces within Serbia.

In the socialist era, re-emerging nationalist aspirations were restrained by President Josip Broz Tito. Repeated conflicts appeared, not only as tensions among the minorities, but also the constituent nations, Serbs with Croats and/or Slovenians. The equal rights of minorities were stated in the Constitution adopted in 1974. The Serbian leadership felt this situation was harmful in terms of Serbia’s sovereignty. So, the regime of Slobodan Milošević abolished it starting a constitutional reform in Serbia in January 1988, which ended on March 28<sup>th</sup>, 1989.

On other side, globalisation – the increasing economic integration of the world - is having profound effects not only in economic sphere, but also on the political issues of

---

<sup>3</sup> Taro Tsukimura, “The Territorial and Membership Dimension of Sovereignty in the Age of Globalization: Lessons from the Case of Bosnia”, In: *Japan and Serbia: Contemporary Issues*, Institute of International Politics and Economics, Beograd 2009, ISBN 978-86-7067-113-3, pp.17 (243).

---

borders in the world. In that sense, ethnocentrism and globalisation, which are two different phenomena, are stimulating each other in recent border tensions and wars. This proved to be accurate in the bloody local wars waged in the Yugoslav geographical space, especially in Bosnia-Herzegovina. As a result, the borders in the region are still unsettled.

Slowly, but steadily mutual understanding, confidence and cooperation among nations came to be accepted as the only right way for strengthening peace and progress, to obtain spiritual richness, tolerance and sustainable economic development for all citizens living in those regions.

### **Ethnocentrism in the Yugoslav geographical space**

The Yugoslav state from its birth, in spite of than strong ideology of unification of the Southern Slav nations, struggled with several basic conflicts. The formation appeared to be based on the principle of the Yugoslav national constituent peoples, with expectations that territorial and economic interests can be stronger than the religious differences. But, different ethnic and religious groups distanced from each other and a latent conflict was evident. The Second World War brought that on surface with over one million people loss that was caused by war activities of the occupying forces, the fight against the invaders, but also largely by the ethnic showdowns. After the Second World War Yugoslavia was reborn in the form of a federal people's republic. The old-new state formation was composed in six member republics and two autonomous provinces within Serbia.

In the socialist era, re-emerging nationalist aspirations were restrained by President Tito. Repeated conflicts appeared, not only as minority tensions, but among the constituent nations, Serbs with Croats and/or Slovenians, as well. The equal rights of minorities was stated in the Constitution adopted 1974. The Serbian leadership of felt this situation was harmful in terms of Serbia's sovereignty.

In the first Yugoslavia, the efforts toward autonomy by the Bosnian Muslims have been not met. The Croats and Serbs considered Bosnia-Herzegovina an area to be divided between them. In addition, that attitude prevailed in the wars in the 1990s, too, which were wars for territory and reshaping of borders.

In the first Yugoslavia, the efforts of the Bosnian Muslims toward autonomy have not been met. The Croats and the Serbs considered Bosnia-Herzegovina an area to be divided between them. In addition, that attitude was prevailing in the wars of the 1990s, too, which, for the political leaders and nationalistic "intelligentsias", were wars for territory and reshaping of borders. At the same time, for the fighters of paramilitary forces the war gave opportunity for robbery and for the great powers and the superpower it was a very good opportunity to ensure steady presence in the region.

---

Ethnocentrism was used to speed up tensions, to get excuses for sending people to wars for territories, to make of them executioners, robbers, war criminals, killed or refugees.

As it was stated in the Appeal for Peace issued by the International Scientific Forum “Danube – River of Cooperation” on May 11, 1992 – “Unfortunately, war is profitable for few factors. Although they hope to avoid their responsibilities, we are positive that the objective scientific analyses will detect them sooner than they may expect. This goes to negative nationalistic, political, military, economic and other factors, whether being domestic or foreign. Unlike them, there is no doubt that history will positively assess only those who performed their best endeavours to stop destroying and secure negotiated solutions at war times and life full of peace for present and future generations in these regions.”<sup>4</sup>

### **Toward regional cooperation in the burdened present age**

Earlier attempts to board the rescue boat of regional cooperation have long history. The aspirations for the establishment of regional cooperation, including the integration of the Balkan countries appeared following the creation of independent nation states in the Balkans in the 19th century. As the cooperation never reached a sufficient level it was too weak to prevent the escalation of latent conflicts, especially when they were encouraged by the great powers. The Yugoslav wars in 1990s were encouraged with skilled background activities mainly from the USA, but Germany, too, by supporting maximal aspirations of Serbian and Croatian nationalists.

During the 20<sup>th</sup> century, all the wars in the Balkans caused a drastic decline, even annulment of the results of earlier cooperation. That was the case with the wars in the 1990s on the Yugoslav geographic space, too.

But, after every Balkan war, and so after the latest too, the peaceful coexistence and regional cooperation appears as the behaviour in the best interest of all peoples and all inhabitants of all the countries in the Balkans. And, that is evident for the contemporary situation, too.

After the war in the 1990s, the Conference on Stability, Security and Cooperation in Southeast Europe, later renamed to South East Europe Cooperation Process (SEECP), represented a continuation of the Ministerial Conference of the Balkan countries from the late 1980s and leaned on the experience of multilateral Balkan cooperation in the period 1975–1991.

The signing of the Dayton Agreement in 1995, established the minimum requirements for the renewal of regional cooperation in the Balkans. There was a number

---

<sup>4</sup> Internet, [http://danubedita.tripod.com/archive/appeal\\_1992.htm](http://danubedita.tripod.com/archive/appeal_1992.htm) (13-11-2011).

---

of new initiatives: Conference on Stability, Security and Cooperation in Southeast Europe (as an indigenous initiative of the Balkan countries); the Royamon Process (initiated by the European Union), SECI (Initiative for Cooperation in Southeastern Europe, initiated by the USA).

They all aimed to build mutual confidence between nations in the former Yugoslavia hoping to reinvigorate the spirit of cooperation, which will make long-term security a much more feasible goal. Therefore, even though for some it may be hard to understand that mutual cooperation is in everybody's interest in the region, it is important to dedicate special attention to all projects that strive to contribute to fostering of mutual trust and cooperation.

Apart from the non-economic elements (such as the preservation of multi-nationality and multi-ethnic diversity in the region, protection of minorities, societal democratization, etc.) these initiatives include a number of economic requirements. Such are the creation of market economies, which would be open for foreign trade and investment by the private sector, efficient and open customs regimes and liberal commercial regulations. Such goals are in line with European integration trends, and their realization ought to be seen as a priority in all so called Western Balkan countries and so in Serbia, too.

They all aimed to build mutual confidence between nations in the former Yugoslavia hoping to reinvigorate the spirit of cooperation, which will make long-term security a much more feasible goal. Therefore, even though for some it may be hard to understand that mutual cooperation is in everybody's interest in the region, it is important to dedicate special attention to all projects that strive to contribute to fostering of mutual trust and cooperation.

Apart from the non-economic elements (such as the preservation of multi-nationality and multi-ethnic diversity in the region, protection of minorities, societal democratization, etc.) these initiatives include a number of economic requirements. Such are the creation of market economies, which would be open for foreign trade and investment by the private sector, efficient and open customs regimes and liberal commercial regulations. Such goals are in line with European integration trends, and their realization ought to be seen as a priority in all so called Western Balkan countries and so in Serbia, too.

In the first decade of the 21<sup>st</sup> century, Serbia's foreign policy was under the heavy legacy of wars.

After the democratic changes in 2000, the priorities of Serbia's foreign policy are focused on overcoming the isolation the country was in during previous years and on reintegrating into the international community. These goals could be achieved through furthering regional cooperation and good neighbourly relations, as well as building balanced relation with the global powers.

---

The successful realization of these priorities is motivated by the determination of the democratic government in Serbia to secure lasting peace and stability in the region, as a vital condition of Serbia's European perspective.

On other hand, in the post-war period two basic questions dominated in the foreign policy of Serbia: the integration into the EU and the future status of Kosovo and Metohija. And, the second one disturbs hinders regional cooperation of Serbia.

During the first decade of the 21<sup>st</sup> century, governments in Serbia declared as their main strategic goal the European Union membership and conducting the necessary reforms in the military-security sector according to the membership in the Partnership for Peace. While reaching for these goals, Serbia faces the serious challenge of protecting its territorial integrity and state sovereignty. The unilateral declaration of independents of Kosovo and Metohija and the recognition of such independence by a number of states represents a sensitive historical moment.

Serbia is open to develop bilateral political dialogue. Apart from the central strategic priority of Serbia, the acceleration of the process of integration into EU – its vital national interest on the bilateral level is the improvements of its relations with other powerful factors of world politics. European aspirations include a balanced relation with the USA and the Russian Federation, in which Serbia should not align herself with either side, but instead fully realize the goals of interstate cooperation based on mutual interest. The stable and perspective position of Serbia in the region and Europe is possible only through fully improving the relations with these two great powers.<sup>5</sup>

Special attention has to be given to improvement of economic relations with Russia, having in mind the already existing level of cooperation, especially in the area of energy, resulting in the signing of the treaty on cooperation in energy sector. Economic cooperation with other regions and countries of which with some of them it has traditionally good relations and a history of interstate dialogue (the Middle East, Central Asia and the Far East, and especially China, India, Japan, etc.) is also of the utmost importance. This orientation needs to get an influential research basis in Serbia.

It is important to improve economic cooperation with the EU members, too, as some of these countries are the most important foreign trade partners of Serbia. Serbia shows a great effort to create good relations with its neighbours in the region, who are either members or candidate for membership in the EU and NATO.

Serbia is currently not recognized as a candidate country, but only as “potential candidate country”. On November 7<sup>th</sup> 2007, Serbia initiated a *Stabilization and Association Agreement* (SAA) with the European Union. The official signing happened on April 29<sup>th</sup>, 2008 when Deputy Prime Minister, Božidar Đelić signed the SAA in

---

<sup>5</sup> Radojković H.E. Ambassador Čedomir, 2008. “Uvod”, in Edita Stojić Karanović & Slobodan Janković, ed., *Elements of Serbia's Foreign Policy Strategy – Political and Economic Aspects*, Institute of international Politics and Economics (in Serbian): 11–14: (411).

---

Luxembourg. Signing the SAA was opposed by the governments of the Netherlands and Belgium while the Government of Spain lobbied on behalf of Serbia.

Opposition to the signing the SAA was present in Serbia, too, as Serbia's government was carrying out its technical term of office during the election campaign. Opposition was expressed by then Prime Minister Vojislav Koštunica who does not recognise SAA and regards its signing as an anti-constitutional act. The SAA was not recognised by the Serbian Radical Party (SRS), Democratic Party of Serbia (DSS), the New Serbia (NS) and the Socialist Party of Serbia (SPS). Namely, SAA refers to Serbia without Kosovo that is a UN protectorate according to UN Resolution 1244 and an independent state since 17 February 2008. Therefore, the central topics of the election campaign were then the EU and the Kosovo issue and they have remained so.

Pushing forward the process of recognition Kosovo's independence still could further aggravate the already split Serbian society. The European perspective and the compromise regarding the future status of Kosovo and Metohija, based on international law, were many times emphasized by the Serbian officials as necessary conditions for securing lasting peace and stability in the region.

There is also another question that is interesting for research and it is as follows: Would Serbia move away from EU membership and form even closer ties with the Russia Federation based on the Kosovo issue.

According to George Friedman “Kosovo’s independence declaration is an important event for two main reasons. First, it potentially creates a precedent that could lead to redrawn borders in Europe and around the world. Second, it puts the United States, the United Kingdom, France and Germany in the position of challenging what Russia has defined as a fundamental national interest — and this at a time when the Russians have been seeking to assert their power and authority. Taken together, each of these makes this a geopolitically significant event.”<sup>6</sup>

Namely, Kosovo historically has been part of Serbia that due to demographic development (the highest birth rate in Europe) has become predominantly Albanian. The Serbian community has become a minority and due to other factors (mainly economic), the migration from Kosovo hit more the non-Albanian nationalities and ethnicities. In the same time a separation movement gradually prevailed, and the quest for Republic of Kosovo instead Autonomous Province status was strengthened. Milošević’s regime oppressed those quests, even withdrawing the existing autonomous status (gained with the 1974’s Constitution of Yugoslavia). Exactly those tensions contribute at most on rising nationalism on both side and in whole then Federation. The short sighted politic of the regime thought to solve the question by repress in the 1990s, that become an excellent excuse for the United States and of NATO for an air campaign

---

<sup>6</sup>Friedman George, 2008, “Kosovar Independence and the Russian Reaction”, [http://www.stratfor.com/weekly/kosovar\\_independence\\_and\\_russian\\_reaction](http://www.stratfor.com/weekly/kosovar_independence_and_russian_reaction) (08.02.2010).

---

against the country in 1999 until it capitulated, allowing the entry of NATO troops into the province of Kosovo. It became a protectorate of NATO countries, but has formally remained a province of Serbia.

The powers believed that the new government after the democratic changes in the country would be far more interested in the benefits of EU membership than they would be in retaining control of Kosovo. A contrary, in the course of almost eleven years nationalism trumped economic interests and the majority of the Serb population (and voters) never accepted secession. We have to wait what would show the new elections next year.

The argument that speaks in favour of secession is that oppression of the late 1990s, which necessitated intervention by outside military forces to protect the Albanian population in Kosovo, made returning Kosovo to Serbian rule impossible. But, some countries, as Russia, China, Spain, Romania, Slovakia and Cyprus, reject this reasoning. They, namely have their own areas dominated by ethnic minorities, which demanded or potentially could demand autonomy, secession or integration with a neighbouring country. In the same time, there is the question whether larger powers have the right of redrawing the boundaries of smaller ones without decision of the United Nations.

Apart from political relations, dominated by these two issues, special efforts have to be made to improve international economic cooperation, broaden trade of goods and attracting foreign investors to Serbian economy. Most of these efforts have to be oriented towards the countries in the region, having in mind the existing state of economic relations and the broad trade of goods among the countries of the former Yugoslavia and other Balkan countries. But also, due to the fact that there are numerous problems relating to the absence of adequate institutional capacities needed for the execution of obligations originating from the existing regional initiatives.

### **The rescue boat: The promising future regional cooperation**

The purpose of the international cooperation is to achieve common aims, and that is the basis for the future cooperation in this region, too.<sup>7</sup>

One of the most promising regional cooperation in the Balkans nowadays is the one around the river Danube. A united response to challenges affecting a fifth of the EU territory and over 100 million inhabitants, the EU Strategy for the Danube Region (EUSDR) follows the footsteps of the EU Strategy for the Baltic Sea Region and builds

---

<sup>7</sup>The topic is thoroughly analyzed in: Edita Stojić Karanović, *Regionalna i susedska saradnja za održivi razvoj Srbije u prvoj dekadi 21. veka* (Regional and Neighbourhood Cooperation for Sustainable Development of Serbia in the First Decade of the 21st Century), Institut za međunarodnu politiku i privredu, Beograd 2008, ISBN: 987-86-7067-109-6, pp. 290.

---

on its good practices. Many of the region's problems know no borders: flooding, transport and energy links, environmental protection and challenges to security all demand a united approach. The strategy addresses four main objectives, or "Pillars":

- I Connecting the Region
- II Protecting the environment
- III Building prosperity in the Danube Region
- IV Strengthening the Danube Region

Almost all Balkan countries are involved in it. The Danube basin is a very rich region, considering its natural resources, human made facilities or cultural heritage. However, the basic value of the region, what especially applies to the Central and Lower Danube basin, is its geo-strategic and economic position. The basic resource of the complex and many-sided wealth is the Danube River, being a traffic link that connects not only North-Western with South-Eastern Europe, but the whole Europe with Asia, Africa and the whole world. That connection is made on the land as well as along the river waterway. Both are of exceptional significance for economic development of the region, creating at the same time opportunities (and commitments) for establishment of international cooperation among the Danube-basin countries.<sup>8</sup>

Because the areas of Central and South-East Europe (the Balkans) are dominated by the importance of their main natural resource, the river Danube there was before the recent EUSDR other programs of regional cooperation around it. The Danube has not always been only a waterway for transportation and a bordering river between states, but also a waterway which connects regions and the base of economic and cultural communication. A rather large number of varied forms of inter-regional and intra-regional cooperation are based on the importance of the river Danube. Aside from the old regional organization, the Danube Commission, whose reform has also started,<sup>9</sup> several newer initiatives have been proposed.

According to the concept of cooperation in the regions, new forms should harmonize the economic policy of rural development plans, the environment, tourism and other policies, and not only at the state level, but more often at local and county level as well. They should enable a considerably wider range of activities and more possibilities for developing the smaller, cross-border, regions as well as the whole Danube region.

---

<sup>8</sup> The first book devoted to the EU Strategy for the Danube Region in Serbian was written by Edita Stojić-Karanović and Dragan Petrović, *Danube Strategy –From vision to realization*, Beograd 2010: Institut za međunarodnu politiku i privredu & Međunarodni naučni forum "Dunav – reka saradnje", ISBN 978-86-7067-144-7 (IMPP), pp. 269.

<sup>9</sup> The Danube Commission was established at the Belgrade conference in 1948 with the aim of achieving international regulation of the river transport. Since the international relations have changed a lot in the meantime, it is natural to make changes in the organization of the Danube Commission, seated in Budapest.

---

Following the example of the Working Community of the Alpe-Adria, which emerged immediately after abolishing the block division in Europe, the Danube Working Community was initiated at the end of the 1980s and established in 1990.<sup>10</sup> The Community gathered 16 regions of the six states and among them Serbia and Croatia as regions from the SFRY. The first presiding region was Lower Austria. Serbia presided the following year.<sup>11</sup>

The cooperation initiatives that were created in the aftermath of the latest wars – the SECI, the Royamount Initiative, the Stability Pact for South East Europe and others – all have at least one program for cooperation concerning the river Danube and its tributaries, some of them particularly oriented towards the Danube cooperation.

A constructive approach to resolving of the existing problems is the first step towards opening a bright perspective for development of the countries of the Danube-basin region, and in general, international cooperation on the Danube. After the war conflicts were over the prospects have been opened for carrying out the old and new initiatives for cooperation. One of the initiatives seems to be the immediate predecessor to the actual EU Strategy for Danube Region, was “The Process of the Danube-basin Cooperation” that has for its aim “to offer new political impetus for development of multilateral relations among Danube-basin countries without establishment of new institutions”. It dealt with economic, navigational, environmental, tourist and cultural dimensions of cooperation. As provided for, ministerial conferences should be held every other year and business conferences in the period between them. They should be an organizational form for turning into reality some dimensions of the process. “The Process of the Danube-basin Cooperation” was a good step forward in joining together all initiatives made until then, since due to the political circumstances the materialization of former could not even started.

The “Danube Cooperation Process” (DCP) was initiated in June 2001 by Austria and Romania and supported by the European Commission and the Stability Pact for South-East Europe. It was officially established at the first Ministerial Conference of the DCP on May 27, 2002 in Vienna. The aim of DCP is to give a new political support to the development of all forms of cross-border and regional cooperation among the countries along the Danube and its tributaries. The main document of the Process consists of the Common Declaration and Principles and working methods for its functioning.

Six “dimensions” are chosen in the Declaration in which the future cooperation in the framework of the DCP will be organized. These are:

---

<sup>10</sup> Established on May 17, 1990.

<sup>11</sup> Therefore, the project “Danube – River of Cooperation” was initiated by Institute of International Politics and Economics and was started in 1989.

- 
- The dimension of economy, with special emphasis on the issues of transportation, taking in to account the already existing forms of cooperation in the Pan European corridors VII, IV, V, and X;
  - The dimension of navigation, in cooperation with the Danube Commission, including the reform of the Belgrade Convention from 1948, in accordance with new relations in Europe and the Danube region;
  - The dimension of environmental protection including the already existing efforts in this field, like the cooperation in the framework of the International Commission for the Protection of the Danube (ICPDR);
  - The dimension of tourism, with an aim to develop potential for tourism in the whole Danube region in all forms, including rural tourism and eco-tourism;
  - The dimension of culture, aiming to further promote the cultural heritage of all countries in the region and the common multicultural heritage of the whole region;
  - The dimension of sub-regional cooperation for supporting all sub-regional initiatives and projects oriented towards the development of already existing projects and initiating new Euro-regions on the Danube, as well as other forms of cross-border and regional cooperation.

After the launching of the DCP, some projects were initiated under the auspices of the Process. For example, there was a revision of the 1948 Belgrade Convention on the Legal Regime of Navigation on the Danube. Two sessions of the Preparatory Committee and a meeting of the Working Group on navigation issues started at the end of 2003.

In the economic dimension, the most important project has been the Danube Region Business Conference (DRBC). It was organized three times in Vienna; the fourth took place in Bucharest on 8th-9th of October 2003. DRBC IV had more than 600 participants, among whom 160 from countries other than Romania. The International Scientific Forum “Danube – River of Cooperation” was one of the NGOs with projects promoted at the DRBC IV.

The greatest opportunities for sustainable exploitation of natural and cultural resources, whether they come from its geographic position or from the wealthy and still well preserved nature and cultural heritage, are offered for development of tourism as a complex economic branch. Development of tourism would help instigate development of all other economic branches tourism is connected with, as are the agriculture, food processing industry, traffic, etc. By revitalizing the activities at the corridors going through the Western Balkans not only citizens of these countries, but the whole Europe has regained this great opportunity for the achievement of economic and overall development. The European Union as well as the non-European economic powers have their interests to be more present in the Danube basin and to exploit the natural resources and the Danube for growing of their capital. It would be fair if all the countries of the Danube basin could make some profit from this. However, profit is not given as a

---

present. Instead it is made by using one's own wisdom to ensure economic progress for oneself by establishing cooperation with the foreign countries that invest their capital here, all the while not allowing degradation of natural resources and taking good care of natural and cultural wealth.

Some of the open questions in the field of cooperation among the Danube-basin countries are urgent, but also possible to resolve, leaving the irretrievable losses as a warning for the future. The most pressing problem in bilateral relations is the question of borders on the Danube, while in multilateral relations it is the problem of navigation on the Danube. The dispute over the border between Serbia and Croatia on the Danube emerged with the acceptance of the boundaries between the former federal republics as the borders between the newly created countries, and the hydrological phenomenon of changes in the river bed. Croatia claims the territory of 7,000 hectares that according to the cadastral survey of the former Yugoslavia belonged to her, while Serbia proposes that a natural border on the Danube River should be established.

Another open question after the war is related to indemnification of the victims of war, in as much as this is possible, since many people are not alive any more. The necessity to indemnify the victims of war results from the fact that any crime committed in the name of “national” interests is an abuse. If it remains non-clarified then the crime is ascribed to the whole nation and is a seed planted for new crimes. Thus, the chain of victims of crimes committed at the national, ethnic and religious basis is very long in the whole Danube-river basin. The starting point in clarification of crimes and indemnification of victims should be the World War II, since it is a period vivid in the memory of generations that are still alive.

The problems in navigation on the Danube through Serbia emerged during the period of war and NATO bombardment in 1999. First steps in resolving them have been made as late as in mid-2002. A more complete resolution of the problem is still waiting, but they are included in the EUSDR Action Plan of Serbia. Such task demands the establishment of intense international cooperation of all Danube-basin countries along with the cooperation of other economically powerful European and non-European countries.

It is important to mention that there are also some initiatives which fit well into the official programs of regional cooperation in the Danube cooperation of the Balkans. These are those that have been elaborated in the form of a large number of projects that open prospects for development of the Danube and international cooperation in the Danube basin based on the 22 year long research and acting of the association of researchers who deal with the Danube and its problems as it is the International Scientific Forum “Danube – River of cooperation”. The engagement of this organizations of civil society involve projects of great volume proposed a long time ago, some of them can only be carried out in the distant future, others can be realizes sooner. Thus, they involve the projects such as the Morava-Vardar canal whose aim is to connect the Danube with

---

the Aegean Sea, as well as the projects on building of tourist ports and other facilities in the Serbian part of the Danube.

## **Conclusion**

The basic problem in the field of cooperation among the Balkan countries is the insufficiency of mutual economic relations between them. In addition, the break-up of SFRY and the war have opened some new questions which take roots in the previous period of time. The insufficiency of cooperation is especially characteristic for the Central and Lower Danube basin, what encompasses the so-called former socialist countries or transition countries. In the future, the international cooperation of the Danube-basin countries, together with the inflow of world capital, should ensure vigorous economic development, ensuring that the principles of sustainable exploitation of natural resources are respected. Probably this claim seems again too optimistic, like the Appeal for Peace was, while the war was raging. But, if one has the wish to wait for it to be achieved, the claims based on research will be carried out, sooner or later.

The hope that problems will be solved is based on the fact that despite all doubts, it is more and more accepted in Serbia that transitional changes could open the road to new forms of regional cooperation. Namely, structural changes affect the foreign trade exchange, which, along with the changes in the world industry, open a possibility for new forms of cooperation. At the same time, this new situation in the region, which has followed after the political atomization, demands a reverse process in the sphere of economy - new forms of cooperation, trade and industrial unions of these countries, tax-free zones, organization forums for improvement in cooperation, bodies of experts in the governments of these countries, joint chambers of commerce, cooperation and mutual help, trade and customs unions.

These new forms will open new possibilities in the Balkans for stronger development of full cooperation in this region, particularly in tourism and transport. However, the realization and development of new forms of cooperation is still ahead of us – of those in which countries and their parts participate, as well as those informal, in which non-governmental organizations, concerned with international cooperation, participate. The importance of informal aspects of regional cooperation will rise in the future.

Mutual understanding, trust and cooperation among nations came to be the only right way for strengthening peace and progress. This is to say, to obtain spiritual richness, tolerance and sustainable economic development for all citizens living in the Western Balkans, whole Balkans and so, for Serbia.

It is necessary to encourage creation of bilateral and multilateral forms of cooperation among the Danube-basin countries and establishment of their common approach to the other regions of the world. As for the Balkans, this is even more strongly recommended,

---

because this part of the Danube region needs more attention and support directed towards the achievement of more accelerated economic development, attaining growth in labour productivity, increasing employment rate and the standard of living, achieving development of national cultures and their mutual interweaving, and thus ensuring growth of material and cultural wealth of any defined community and the region as a whole.

A great responsibility of organizations of civil society of the Balkan countries is to ensure special attention of the EUSDR to its economically less developed sub-region – the countries of the middle and lower Danube.

### **References:**

1. Friedman George, 2008, “Kosovar Independence and the Russian Reaction”, Internet, [http://www.stratfor.com/weekly/kosovar\\_independence\\_and\\_russian\\_reaction](http://www.stratfor.com/weekly/kosovar_independence_and_russian_reaction), 08/02/2010.
2. Radojković H.E. Ambassador Čedomir, 2008. “Uvod”, in Edita Stojić Karanović & Slobodan Janković, ed., *Elements of Serbia’s Foreign Policy Strategy – Political and Economic Aspects*, Institute of International Politics and Economics, Belgrade, 2008.
3. Stojić-Karanović Edita, *Regionalna i susedska saradnja za održivi razvoj Srbije u prvoj dekadi 21. veka* (Regional and Neighbourhood Cooperation for Sustainable Development of Serbia in the First Decade of the 21st Century), Institut za međunarodnu politiku i privredu, Beograd, 2008.
4. Tsukimura Taro, “The Territorial and Membership Dimension of Sovereignty in the Age of Globalization: Lessons from the Case of Bosnia”, In: *Japan and Serbia: Contemporary Issues*, Institute of International Politics and Economics, Belgrade, 2009.



## II

---

# BORDERS IN THE AGE OF GLOBALIZATION



---

Mamoru SADAKATA<sup>1</sup>

## REGIONALISM AND BORDER PROBLEMS IN SOUTHEAST EUROPE AND EAST ASIA<sup>2</sup>

### ABSTRACT

Since the end of Cold War, what we call ‘new regionalisms’ have flourished in the world. In Europe, the process of the EU enlargement advanced including the former socialist countries of Eastern Europe. In the East Asia, there emerged significant region – wide organizations: ASEAN enlarged into ten member states. In addition, there established Asia Pacific Economic Cooperation (APEC), the ASEAN Regional Forum (ARF), ASEAN+3, and EAS (East Asia Summit) and so on. However, it is often said that the institutionalization of political cooperation in East Asia has been much slow, compared with that of Western Europe. In this paper, the author examines the characteristics of regionalism in Southeast Europe and East Asia. In addition to this, he refers to the meaning of the border problems in both regions.

*Key words:* regionalism, border study, Southeast Europe, East Asia

### **Border problems in the contemporary age**

In the contemporary globalization age, it is often said that borders had generally become more porous and weaker, but paradoxically more interesting and central to popular and elite concerns, including those of policy-makers and academics.<sup>3</sup> The study of borders has moved beyond the limited confines of the political geography discourse, crossing its own disciplinary boundaries, to include sociologists, political scientists, historians, international lawyers and scholars of international relations.<sup>4</sup> So far many

---

<sup>1</sup> Professor Mamoru Sadakata, Nagoya University, Japan.

<sup>2</sup> This paper was done within the project “The Meaning of Borders in the Age of Globalization: Europe and Asia”, through the Japan Foundation’s Grant Program for Intellectual Exchange Conferences 2011 in which the Centre for Asian and Far Eastern Studies (CAFES) and the Faculty of Political Science, Belgrade University, participated.

<sup>3</sup> J. Anderson, “Border after 11 September 2001”, *Space & Polity*, Vol. 6, No. 2, 2002, p. 230.

<sup>4</sup> D. Newman, “The Lines that Constitute to Separate Us: Borders in our ‘Borderless’ World, *Progress in Human Geography*, Vol. 30, No. 2, 2006, p. 143.

---

political scientists have examined the relationships between the main paradigms of international relations and the functions of state boundaries. The 1990s have witnessed a renewed interest in boundaries and frontiers within diverse academic fields. Territorial transformations at a global scale and the deinstitutionalization of territories in Eastern Europe and elsewhere have, once again, raised questions relating to boundaries and territorial identities.<sup>5</sup>

V. Kolossov summarizes the former three frameworks of border studies in the field of political science as follows. In the ‘realistic’ paradigm, the states are perceived as the most important actors on the international scene, and boundaries between them are interpreted as strict dividing lines protecting state sovereignty and national security. According to ‘liberal’ views, states are not the only and sometimes not even the major political actors, and the principal function of state boundaries is to connect neighbours and to enable various international interactions. Finally, the ‘global’ paradigm pays special attention to international networks connecting all kinds of economic and political actors – state and non-state. In this paradigm, state boundaries are being gradually transformed into virtual lines and are being replaced by economic, cultural and other boundaries.<sup>6</sup>

From these three positivist approaches, border is analysed as an independent object. However, the so-called linguistic turn in the social and cultural sciences has stirred and led to new ideas in European study of borders. From classical geopolitical and functionalist approaches scholars have turned towards a constructivist understanding of borders as constant definition and redefinition of identities and political space.<sup>7</sup> Here, boundaries should not therefore be taken for granted, as if they were elements with one essence, function and trajectory. Neither should boundaries be understood as having some universal, independent causal power. Instead they are social and political constructs that are established by human beings for human purposes and manifestations of power relations and social division of labour.<sup>8</sup>

I. Liikanen notes that the study of borders has been transformed from a province of political geographers concerned with the bounding of political space to a highly differentiated research field that investigates borders as social constructions.<sup>9</sup> According to N. Paasi, this critical reflection on existing spatial categories is of crucial importance, since researchers have been stuck for a long time with the modernist language that views

---

<sup>5</sup> D. Newman and N. Paasi, “Fences and Neighbours in the Postmodern World: Boundary Narratives in Political Geography”, *Progress in Human Geography*, Vol. 22, No. 2, 1998, p. 186.

<sup>6</sup> V. Kolossov, “Theorizing Borders Border Studies: Changing Perspective and Theoretical Approaches”, *Geopolitics*, Vol. 10, No.4, 2005, p. 612.

<sup>7</sup> I. Liikanen, “From Post-Modern Vision to Multi-Scale Study of Bordering: Recent Trends in European Study of Borders and Border Areas”, *Eurasian Border Review*, Vol. 1, No. 1, 2010, p. 18.

<sup>8</sup> E. Soja, “Borders Unbound: Globalization, Regionalism, and the Postmetropolitan Transition”, in H. Houtum, O. Kramsch and W. Zierhofer, eds., *B/ordering Space*, Ashgate, Aldershot, 2005, p. 27.

<sup>9</sup> *Ibid.*, p. 21.

---

boundaries as dividing lines rather than as dynamic sets of discourses and practices that exist everywhere in societies.<sup>10</sup> Territorial and political borders or boundaries are not fixed. As human constructs, they emerge, exist for some time and disappear.<sup>11</sup> Crucial to our understanding of borders in the post-Cold war age is that we could see de-bordering and re-bordering as dynamic practices and discourses and not as objects. More important is that processes of de-bordering and re-bordering are mutually constitutive and cannot be separated or fixed. On this point D. Newman and N. Paasi describe that state boundaries are equally social, political and discursive constructs, not just static naturalized categories located between states. Boundaries and their meanings are historically contingent, and they are part of the production and institutionalization of territories and territoriality.<sup>12</sup>

### **Characteristics of regionalism in South East Europe**

According to D. Bechev, from the constructivist understanding, regions are invented by political actors as a political programme; they are not simply waiting to be discovered'. Regional identity, therefore, is what people, politicians states make out of it; it is what meaning they inject into history and culture. What we learn from constructivists, therefore, is that geopolitical identities change over time and that defining others and drawing borders between 'us' and 'them' is a key step in the articulation of identities, be they national or regional. The Balkans has proved a fertile ground for those arguing about the critical role imagination and 'othering'.<sup>13</sup>

There is no generally agreed definition of Southeast Europe. Moreover, numerous alternative names have been given to various parts of Southeast Europe; the Near East, the Balkans, and Turkish Europe and so on. According to Bechev, the Southeast European project has been an attempt to overcome the area's marginalisation *vis-à-vis* the West, but the emergence of a coherent regional identity was inhibited by the impossibility to draw clear-cut borders in order to demarcate Southeast Europe.

M. Todorova examines the terminology of the Balkans in her work of *Imagining the Balkans*. As in the case of the Orient, the Balkans have served as a repository of negative characteristics against which a positive and self-congratulatory image of the "European" and the "West" has been constructed. With the reemergence of East and

---

<sup>10</sup> A. Paasi, "Regional Transformation in the European Context: Notes on Regions, Boundaries and Identity", *Space & Polity*, Vol. 6, No. 2, 2002, pp. 197–198.

<sup>11</sup> D. Newman and N. Paasi, *op. cit.*, p. 201.

<sup>12</sup> *Ibid.*, p. 187.

<sup>13</sup> D. Bechev, "Contested Borders, Contested Identity: The Case of Regionalism in Southeast Europe", *Southeast European and Black Sea Studies*, Vol. 4, No. 1, 2004, p. 84.

---

orientalism as independent semantic values, the Balkans is left Europe's thrall, anticivilization, alter ego, the dark side within.<sup>14</sup>

In the wake of the resolution of Kosovo crisis of 1999, the Stability Pact was a turning-point in terms of defining and naming the region, rendering the use of the term 'South East Europe' central to its operations.<sup>15</sup> Although SEE (South East Europe) was only at 'arms length' from EU member and the candidate states from east-central Europe, EU had hastened to fix its external border with SEE as early as the early 1990s, in order to insulate itself from zone of 'disorder, war and backward area'. From the EU perspectives subregional cooperation in SEE must be understood in a new geographical environment. It should be acknowledged that the EU has started to focus in a new way on what happens beyond its borders.<sup>16</sup>

Difficulties concerning regional cooperation in southeast Europe are in general linked to conflicting definitions of such concepts as region and regionalism. Institutionalizing regional cooperation is a process of region-building. How to define southeast Europe or the Balkans is a massive issue. Moreover the major dilemma in regional cooperation is the conflicting or contradictory understanding of the goals or significations of such a project. On the one hand, regional cooperation can be understood as part of the larger European integration process; on the other, fears have been raised that the magnitude of regional integration thus brought about might even hamper the plans of those countries in the region who wish for relatively quick integration into the Euro-Atlantic structures and which could lead to increasing isolation of the Balkan region.<sup>17</sup>

### **The characteristics of regionalism in East Asia**

Viewing from the advancement of regionalism and integration processes, the most obvious comparative point about Europe and Asia is that the institutionalization of political cooperation (or regionalism) in East Asia has been much slower than in Western Europe. True, the Association of Southeast Asian Nations (ASEAN), which was established in 1967, is the most durable forum to emerge in the 'developing world', and has proved a to be an important vehicle with which the countries of Southeast Asia can manage and promote specific interests. But the development of a wider East Asian regional grouping which, in addition to the Southeast Asians, included the major

---

<sup>14</sup> M. Todorova, *Imagining the Balkans*, Oxford UP., New York, 1997, p. 188.

<sup>15</sup> C. Solioz and P. Stubb, "Emerging regional co-operation in South East Europe: towards 'open regionalism'", *Southeast Europe and Black Sea Studies*, Vol.9, No. 1–2, 2009, p. 6.

<sup>16</sup> *Ibid.*, p. 10.

<sup>17</sup> T. Tamminen, "Cross-border Cooperation in the Southern Balkans: Local, National or European Identity Politics?", *Southeast European and Black Sea Studies*, Vol. 4, No. 3, 2004, p. 405–406.

---

economies of Northeast Asia – China, Japan, and South Korea – did not gain any real momentum until the late 1990s.<sup>18</sup>

Here I would like to point out some characteristics of East Asian regionalism compared with European. Europeans seek political union based on pooled sovereignty, whereas Asians reject that goal. The desire to create a single market is a driving force behind European integration, whereas most Asian governments see the complete elimination of economic barriers as more of a threat than an opportunity. In East Asia, national resistance to shifting sovereignty to a regional level is stronger. ‘This may partly explain why in East Asia the building of a security cooperation structure has so far been less than productive’. The sensitive concern with national sovereignty, the state monopoly on foreign policy, and popular nationalism in East Asia have long impeded the formation of transnational linkages that could facilitate the development of a regional identity transcending national borders.<sup>19</sup>

According to B. He, the key to understanding Asian regionalism lies in nation-states. The core element of Asian regionalism is the centrality of the nation-states. While regionalism is an application instrument to national building, nationalism is always of the essence.<sup>20</sup> In contrast to the projects for building nation-states and national economies after the Second World War, the project for region building lacks a clear objective, a shared vision, and strong political support. Political leaders in East Asia express an awareness of regional developments and frequently float proposals for various kinds of joint projects and regional institutions. But they extend very little energy persuading domestic constituencies about the importance of these ideas and devote very few resources to their implementation.<sup>21</sup>

In addition to this, unlike the earlier European experience, American power has primarily had a *constraining* rather than an enabling impact on processes of regionalism in East Asia. Not only did American policy effectively fracture the putative region along ideological lines for around fifty years.<sup>22</sup> In Europe, the exigencies of war-time reconstruction and the emerging bi-polar confrontation with the Soviet Union gave a critical spur to regional cooperation. In these political and economic situations, American material assistance and political leverage played a key role in directing the course of regionalism in Western Europe.

---

<sup>18</sup> Mark Beeson, “Rethinking Regionalism: Europe and Asia in Comparative Historical Perspective” (paper presented at the Oceanic Conference on International Studies, Canberra July 14–16, 2004, p. 12.)

<sup>19</sup> E. Frost, *Asia’s New Regionalism*, Lynne Rienner, Boulder, 2008, p. 11.

<sup>20</sup> B. He, “East Asian ideas of regionalism: a normative critique”, *Australian Journal of International Affairs*, Vol. 58, No. 1, 2004, p. 120.

<sup>21</sup> P. Evans, “Between Regionalism and Regionalization: Policy Networks and the Nascent East Asian Institutional Identity” in T. Pempel, *Remapping East Asia: The Construction of a Region*, Cornell University Press, Ithaca, 2005, p. 196.

<sup>22</sup> M. Beeson, *op. cit.*, p. 14.

---

Things could hardly have been more different in East Asia. Not only was the Cold War a powerfully centrifugal rather than centripetal force in Asia, but even when the region was eventually freed from its paralysing influence, East Asian regionalism has gathered pace despite rather than because of American wishes. American power in such circumstances facilitated and encouraged European regional initiatives. In East Asia, American power has either made regionalism difficult because of the essentially bilateral strategic architecture it has created or actively opposed regional initiatives that threaten to undercut its influence.<sup>23</sup>

U.S. foreign policy in East Asia for the past half-century has been based on the concept known as hub and spokes, with the United States as the hub projecting its power into the region by means of bilateral alliances and arrangements with countries such as Japan, Korea, the Philippines, and others.<sup>24</sup> However, since the end of the Cold War, U.S. strategy in East Asia has been rooted in three new assumptions. The first is that retaining bilateral alliances with Japan and Korea is of critical importance not in order to contain any nation but to prevent a power vacuum from arising and to facilitate the rapid deployment of U.S. military forces to meet contingencies as needed. The second is that East Asian regionalism, like Western European regionalism, is not necessarily inimical to U.S. national interests. The United States needs to avoid a kind of knee-jerk reaction to proposals for regional institutions of which it would not be a part. East Asian nations have a vital interest in having the United States maintain a political, economic, and security presence in the region. The third assumption underwriting U.S. policy in East Asia should be that U.S. interests are served by the development of new multilateral approaches to regional security.<sup>25</sup>

### **Changes of the boundary of East Asia**

‘East Asia’ is more a functional concept than a geographical one. The expansion of economic, political, and security interdependence is constantly changing the scope of East Asia. If we follow this definition of the region, its geographical scope may be expanded or narrowed, depending upon the intensity of interactions in a specific issue area. Therefore, in this functionalist approach, the boundary of East Asia changes according to the issue areas.

Recently, scholars have turned towards a constructivist understanding of region as constant definition and redefinition. Regions are not longer being understood merely in terms of boundary lines and institutional practices. Instead, the focus has shifted to the

---

<sup>23</sup> *Ibid.*, p. 17.

<sup>24</sup> G. Curtis, “East Asia, Regionalism, and U.S. National Interests: How Much Change”, *American Foreign Policy Interests*, Vol. 26, No. 3, 2004, p. 206.

<sup>25</sup> *Ibid.*, p. 207.

---

political, economic, and military processes that construct the region. Regions are not static neither permanent structures. As human constructs, they emerge, exist for some time and disappear.

From this constructivist perspective, it may be said that Japan's mapping of East Asia has changed and fluctuated since the end of the Second World War; the Far East, the Northeast Asia, the Pacific Rim, Asia Pacific, and East Asia. In this sense, the boundary of East Asia has been modified since then. However, in the constructivist approach, the important is to ask who invented these regions for what purposes and interests. Beyond the functional approach to the regionalism, we must ask who needed these regional frameworks and whose interests they served.

In 1950s and 60s, 'the Far East' was in general use in its security issues. Article 6 of US- Japan security treaty says as follows; for the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States uses its land, air and naval forces of facilities in Japan. In 1970s, 'the Northeast Asia' was widely used in the context of US military strategy, then in 1980s 'the Pacific Basin' or 'the Pacific Rim' in the development of economic interdependence between ASEAN and developed countries in this region, the United States, Canada, Japan, Korea, and Australia. After the end of Cold War, Asia Pacific as in APEC (Asia Pacific Economic Cooperation) and East Asia as in East Asia Summit became commonplace expressions. As mentioned above, the boundary and range of East Asia has been changed and invented.

Regarding the member states or the boundary of East Asia Summit, there is no satisfactory consensus among member states.<sup>26</sup> China insisted that ASEAN+3 should be the official members of East Asia Summit, but Japan pressed that India, Australia, and New Zealand should be invited besides ASEAN+3 accepting the proposal from the United States to counterbalance the influence of China in this region. After all, in the first East Asian Summit, ASEAN+3 and India, Australia, and New Zealand (ASEAN+3+3) participated in the Summit. In the 6<sup>th</sup> East Asia Summit held in Indonesia in 2011, Russia and the United States have got the official members of the Summit (ASEAN+3+3+2). The United States is concerned about the rising Chinese power and comes to affect and intervene in this Asian regional framework.

---

<sup>26</sup> T. Terada, "Forming an East Asian Community: A Site for Japan-China Power Struggles", *Japanese Studies*, Vol. 26, No. 1, 2006, pp. 8-9.

---

*Dejan GAJIĆ*<sup>1</sup>  
*Mina ZIROJEVIĆ FATIĆ*<sup>2</sup>  
*Dragan ĐUKANOVIĆ*<sup>3</sup>

## THE NEW EUROPEAN FRONTIERS<sup>4</sup>

### ABSTRACT

In this article, the authors have attempted to explain different meanings of the term *frontier*, especially in context of the process of European integration and enlargement towards the East. Understanding its complex nature — geographic, political, legal and cultural — is essential for any serious analysis of contemporary international relations and border issues understanding. Employing a multidisciplinary approach, this article discusses several central issues, including changes in political identities within the EU, the extent to which the internal frontiers have become different in kind from the external frontiers.

*Key words:* Europe, European Union, frontiers, borders, regions

The term Frontier can be seen from different perspectives. On one side, it is a geographical, and on the other, it is a political term referring to regions near or beyond a boundary. Frontiers are places where confrontations occur due to all kinds of differences for example differences in worldview, religion, customs, wealth etc. These are the very locations where one finds unresolved political problems. In the first place, Europe's borders can be interpreted in the geographic sense. One can think here of the outer borders of Europe and all the controversies surrounding so-called *Fortress Europe* with regards to security, migration, disparity in wealth and opportunities and so on. Resolution of these issues should not be left to an *ad hoc*, emergency management, but

---

<sup>1</sup> Dejan Gajić, M.A., Research Associate, Institute of International Politics and Economics, Belgrade.

<sup>2</sup> Mina Zirojević Fatić, Ph.D., Research Associate, Institute of International Politics and Economics, Belgrade.

<sup>3</sup> Dragan Đukanović, Ph.D., Research Fellow, Institute of International Politics and Economics, Belgrade.

<sup>4</sup> This paper was done within the project “Serbia in contemporary international relations: Strategic directions of development and strengthening of the position of Serbia in international integration processes – foreign policy, international economic, legal and security aspects”, Ministry of Education and Science of the Republic of Serbia, number 179029, for the period from 2011–2014.

---

should instead form the centre of the political debates on the fundamental identity and politics of Europe.

In the European Union, the term frontier describes the region beyond the expanding borders of the European Union itself. The countries surrounding EU are part of the European Neighbourhood Policy (ENP). This is a foreign relations instrument of the European Union (EU), which seeks to tie primarily developing countries, into the EU. The EU offers financial assistance to countries within the European Neighbourhood, so long as they meet the strict conditions of government reform, economic reform and other issues surrounding positive transformation. An Action Plan, as agreed by both Brussels and the target country, normally underpins this process. The ENP does not cover countries, which are in the current EU enlargement agenda, the European Free Trade Association or the western European microstates.

Also, the inner borders of Europe constitute sites of unresolved tensions and differences and are thus important frontlines in the construction of a European Commons. Albeit perhaps somewhat less intense and spectacular, important differences still exist between the different European member states, ranging from dissimilar political or corporate cultures, social rights, health care and public transport to prostitution and drugs policy. These differences cause many problems and conflicts, especially in Europe's internal border regions, also called "Euroregions". Again, the point here is not to see these problems as the last remnants of the 'old Europe' or as the petty differences between the diverse nation-states that will fade away slowly over time. Rather, they can be considered as constituting the basis of, and a challenge to, rethinking some of Europe's basic choices *vis-à-vis* its politics, its economic, foreign or asylum policies and other issues.

The political geography of Europe and the issues confronting the European Union have changed radically since 1989. Understanding the complex nature — legal, political, linguistic and cultural — of international frontiers in Europe is essential to any serious analysis of contemporary politics and government.

The frontiers of Europe became at the end of the last century one of the essential political questions as the European countries, European Union member states in the first instance, took steps towards closer cooperation and as radical transformation followed the collapse of Communism in Central and Eastern Europe. Process of European integrations gained impulse through the 1986 Single European Act, creating the Single European Market by 1 January 1993, while a borderless Europe was envisaged in the 1985 Schengen Agreement, which entered into force on 1<sup>st</sup> September 1993. Economic and political integration caused a blurring of the distinction between international and sub-state boundaries within the EU, particularly within Schengen zone. This raised the possibility that, as international frontiers lost the visible trappings of police, border check points and barriers, their importance, as markers of identity would become more important.

---

The fall of Eastern block resulted in the drawing of roughly 20 000 kilometres of new international frontiers — a reconfiguration of the political map only witnessed before in Europe after major wars. Collapse of the Eastern block also allowed opening of the borders to East and Central Europe in 1989–90 and created the presumption of EU and NATO enlargement towards the East. This cataclysm therefore created both new international frontiers as new states were established, and it altered the nature of these frontiers. The end of Communism and the opening of frontiers help to heal the ‘wound’ of the Iron Curtain and abolish the ‘unnatural’ division of the continent. The practices of the EU, including its mode of frontier management, have been extended to the East. EU programmes, INTERREG and PHARE, have supported the creation of Euroregions along the former Cold War border. But, there is contradiction between the project for EU enlargement and the Schengen practices which require hardened external frontiers. One of the most closed frontiers in recent history had been dismantled, but the EU countries still perceive threats coming from the east and their response has been to delay EU enlargement and engage in relative closure of frontiers. The response from the EU’s eastern neighbours is a question why invest in improved border controls at a frontier, which would become, in the relatively near future, part of the borderless Europe.

Here stands the question who is European? The answer has two aspects. First is what Europe is more important, “more-European”, then the other. And, the second aspect is what organizations are “truly European”, to whom the International Organization recommendation is mainly addressed? Is the difference between East and West still relevant?

The answers to these questions can be sought both in science and politics. The statement made by Charles de Gaulle that Europe is “de l’Atlantique à l’Oural” (From Atlantic till Ural) is characteristic for the time when United Europe was created. The most well-known scientific theory is the one of Huntington who claims that after the ideological division of Europe had been abolished there was created a new cultural division between the Western world on one side, and the Orthodox and Islamic ones on the other.<sup>5</sup> It is assumed that the most characteristic demarcation line is the South-North vertical, cutting the Western part of the Euro-Asian space and the Balkans.<sup>6</sup> William Wallace describes this

---

<sup>5</sup> Samuel Huntington, “The Clash of Civilizations”, *Foreign Affairs*, Summer 1993, p. 21.

<sup>6</sup> Since the Enlightenment, when the West European imagination gradually abandoned the polarity “North vs South” in favour of the “West vs East” divide, the Balkans found itself in a geographical no-man’s land: to be sure, the region was placed in the “East”, but in a rather restrained way: it belonged to the “Near East”, part of the “less known”, and “barbarous lands”, which were, nevertheless, neither truly “Oriental” (for which read: Arab and Muslim) nor truly “Asiatic” (for which read: “Turkish”).

Throughout the XVIII Century, European maps described the peninsula as “Turkey in Europe”, a term which competed with “Near East” up until the early XX century, when “Near East” died an unceremonious death with the rising of the real article: the “Middle East”. Hence a “paradox”, to use Wolff’s term: the Balkans, at least geographically, belonged to “Europe” despite its “otherness”. Travellers and writers continued to describe the area as “Savage Europe”, or “Oriental Europe”, but despite these adjectives, its admission to Europe remained a cartographic convention. Larry Wolff,

---

in his book “Transformation of Western Europe” who also indicated that it was drawn in the 16th century. The answer to the question was also sought by Tubi, who opposed Europe (Indo-German and Greek-Roman aggression) and the Middle East. The same was true for Prof. Duroselle who divided Europe by religion, as well.<sup>7</sup>

“The First Europe” (Brzezinski) or “The European Fortress” (Mann) was created with the adoption of the so-called Schengen Border, while the enlargement of the EU and NATO is meant to guarantee Europe a security belt, i.e., a periphery and, in that way, a “soft” contact with the East. In this sense, we have “two Europe’s” again.<sup>8</sup>

The US Secretary of Defence, Donald Rumsfeld, provoked his European audience when, at a press conference in early 2003, he suggested that there was now a political divide between Western Europe (“Old” Europe, signifying essentially France and Germany) and Central and Eastern Europe (“New” Europe, Poland being its main representative). Whereas “Old” Europe was becoming increasingly lethargic, “New” Europe was ready to assume its responsibility in the global struggle against terrorism and rogue states.<sup>9</sup>

Notwithstanding the fact that a large proportion of the supposedly “Old” Europe is arguably “New” (i.e. Italy, the Netherlands, the United Kingdom, Denmark, and Spain) Rumsfeld’s distinction did have some political resonance. The countries of Central and Eastern Europe are still in the midst of a massive process of political and economic transition. They are highly dependent upon the goodwill of Western governments and are thus essentially demanders in the present international system. They have to accept whatever is on offer and are not really in a position to challenge the decisions made by Western governments, especially the US government.

On the other side, we have a question: Who are the parties to European security integration? The Organization on Security and Co-operation in Europe (OSCE) may reasonably be considered all-inclusive, in that people not represented there in one way

---

*Inventing Eastern Europe*, Stanford University Press, Stanford, 1994, pp. 144–194; Maria Todorova, *Imagining the Balkans*, Oxford Press, Oxford, 1997, pp. 62–88. See also the Introduction in: Malcom E. Yapp, *The Making of the Modern Near East, 1792–1923*, Longman Pub Group, London, 1989.

<sup>7</sup> Opposite allegations can be found in a special number of *Foreign Affairs*, September–October 1993. See also, Zbigniew Brzezinski, *Velika šahovska tabla*, CID, Romanov, Podgorica, 2001, Henry Kissinger, *Diplomacy*, Simon Schuster Adult Publishing Group, New York, 1994, etc.

<sup>8</sup> Michael Mann, “Nation-states in Europe and other continents: diversifying, developing, not dying”, *Journal of American Academy of Arts and Sciences*, Summer, Vol 122, 1993, No. 3, pp. 115–140.

<sup>9</sup> The statement came on January 22nd 2003 at a high point of the Iraq crisis in a dialogue with the media. A journalist had asked the Defence Secretary about the opposition of France and Germany to the war, to which Rumsfeld replied: “Now you are thinking of Europe as Germany and France. I don’t. I think that’s old Europe. If you look at the entire NATO Europe today, the center of gravity is shifting to the east and there are a lot of new members. And if you just take the list of all the members of NATO and all of those who are invited in recently — what is it, 26, something like that? [But] you are right. Germany has been a problem, and France has been a problem”.

---

or another could make a plausible case for being European. The OSCE, however, cannot be the exclusive, or even the predominant locus of European security integration. Least of all, can the OSCE carry the torch for European unity?

Yet while the OSCE cannot be the primary forum for security integration, all its members have legitimate interests in European security, and no smaller, more homogeneous and exclusive grouping dare embark on a process of security integration without carefully considering the need to involve other European or semi-European actors. Consequently, European security integration tends to proceed in a plurality of four, groups of overlapping membership developing different facets of integration in pursuit of distinct but complementary goals.

The present configuration is unstable and in some danger of partial collapse. The previous Cold War configuration was economical to a fault, consisting essentially of two mutually exclusive organizations, NATO and the Warsaw Pact, each designed primarily to achieve security against the other. But, the end of this potentially lethal system of rival blocs has led to structural chaos.

First, there are non-EU NATO states in Europe — Turkey, Norway, and Iceland. Of these, Iceland play only a small role, while Norway is showing increasing signs of reconsidering its negative attitude to EU membership, which would automatically add it to the core. Turkey is of great importance to European security, and their ambiguous relationship to the core makes it difficult to develop European security integration either within NATO (because Turkey is not part of the Union) or within the Union.

Second, there are non-WEU EU states — Denmark, and Ireland (but both Observers in WEU). These states have severely hampered progress in European security integration within the EU, Ireland because of its neutrality, and Denmark because of its equivocal attitude towards defence in general and defence in the Community in particular.

Third, there are the countries of ex-Yugoslavia (except Slovenia), and Albania. These counties are still big security problems and they still are under a revolutionary euphoria or what President Havel and others have called a “security vacuum”, and they are all in varying degrees too anxious to attach themselves somehow to the centre.<sup>10</sup>

Finally, there is the Soviet Union. The Soviet Union has disintegrated into its constituent European, semi-European, and non-European republics, and the process is likely to cloud the picture of European integration, and create security concerns, for some time to come. Even without the overarching threat, European security integration is still profoundly influenced by events within the ex-USSR.

The existing configuration of European security, then, is a core of ten — the WEU states — surrounded by five peripheral groups: non-EU NATO, non-WEU EU, Central and East Europeans, and the Soviet Republics. This complex configuration does not

---

<sup>10</sup> Vaclav Havel, *Statement at NATO Headquarters*, 21 March 1991. See: Theo von den Doel, *Central Europe: The New Allies? The Road from Visegrad to Brussels*, Westview Press, USA, 1994, p. 19.

---

make security integration easy. Who is to be included and who excluded? How can any institution make significant progress in an integrative project without running up against from within or objections from without?

The line is more diminished with the fact that some of the countries from the ex-communists block were accepted in EU, NATO and other international organizations. In spite of this, the difference between “old” and “new” Europe still exists in the contention of the organizations, and the different historical course they passed.

Despite these remarkable changes regarding European frontiers during last 50 years, they nevertheless remain the focus of anxieties. Some of these anxieties are linked to the future of the EU after enlargement and whether it will be able to maintain its present frontiers policy, while others are provoked by globalization. These transformations encouraged political changes and, in particular, the development of global and European institutions. European institutions have progressed far beyond the status of international meetings in which no authority was capable of holding states to the agreements made. Neither in its international dimension — states were not bound by any superior authority — nor in its internal dimension — states had absolute control over activities on their territory — is the doctrine of sovereignty reflected in contemporary European political practice.

Nonetheless, frontiers and territorial control remain of basic political importance. The international frontier remains the limit of criminal and civil law jurisdictions, police authorities, state administrations, educational systems, tax regimes, social security systems, as well as of many non-governmental organizations. In all these areas, tendencies towards transnationalisation are developing, which involve regular and systematic transfrontier co-operative relationships. If present trends continue in Europe, a slow integration of public institutions, characteristic of federal systems, and a more rapid integration of some social and economic organizations will take place. The degree of social integration will remain constrained by the important role of frontiers as the limit of official languages and the languages of everyday communication.

Whether further erosion of frontiers, and the end of the hypersensitivity about territorial questions, which characterized the high tide of the sovereign state, are close in Europe, depends on a continuing sense of military security and a relatively even spread of economic development. But, it crucially depends on how large populations feel about homelands and their boundaries. Apart from a modest growth of a European identity and the strengthening of certain regional/minority national identities, the creation of new identities is not happening on any large scale. Sub-state frontiers have assumed greater importance, particularly in Belgium, Spain and the United Kingdom. Globalization has created anxieties based on ill-defined threats to societies and their interests. But, as yet, there is no sign in the EU of the violent upheavals, which, in the past, have been necessary to create new identities.

---

There are four basic conceptions of frontiers and territory held by European elites, and these have deep historical roots.<sup>11</sup> The first is that territory is an attribute of a culture or a national group in the sense that it belongs to a people and the culture of that people is embedded in the land and in the landscape. When territory is regarded in this way, frontiers are inviolable.

The second attitude is territory as a frame within which differences and conflicts can be controlled and managed. Arbitrary division of territory is often the most important factor in the creation of identities (rather than that frontiers represent the limits of pre-existing identities).

The third conception is that territory is a tool of a political project. In this conception, when a new power centre emerges, a redefinition of territory is certain. An obvious example is the case of EU in which territorial limits are relocated or their functions redefined to correspond with the development of the Union. According to this view, an ascendant political movement can conquer, symbolically or in practice, territory; Territory is embodied to demonstrate the new distribution of power.

Fourth, territory is conceived as a constraint on political action. The policy of governments, whether at the local, regional, national or European level is shaped by the nature of the territory and resources which they control. This geopolitical vision assumes that the configuration of territory and frontiers are factors, which influence or determine the form which political changes take.

Despite the official rhetoric by politicians on the withering away of the last social, economic, political or cultural borders in Europe and, consequently, the near realization of the European utopia, the reality of life in a united Europe offers a bleaker picture, especially after crises with Euro. It is not just that the consequences of Europe's ever tightening outer borders — earning it the nickname 'Fortress Europe' — are washing up along the shores of its Mediterranean member states on an almost daily basis; inside the Union, too, new borders relating to job opportunities, income security, access to housing or voting rights are constantly being erected between different population groups, like, for instance, old and new member states, the young and old, employers and employees, working people and the unemployed, illegal and legal residents.

Europe's borders can pop up wherever and whenever economic, political or cultural differences manifest themselves and cause confrontations between different individuals or groups. Migrant workers from the new Eastern European member states, due to grave disparities in social rights and wages are resettled to the big Western European cities.

Four concepts of territory are background to countless political arguments taking place in modern Europe, especially on the ongoing debate on the openness of internal frontiers and the degree of closure of the external frontier of the EU. Almost sacred four

---

<sup>11</sup> Malcolm Andersen, Eberhard Bort, *The Frontiers of the European Union*, Palgrave, New York, 2001, p. 9.

---

freedoms — free movement of goods, labour, capital and services — from the 1957 Rome Treaty did not abolish frontiers during 1990s because many areas of public policy, especially physical force, remain under the control of states.

### **References:**

1. Brzezinski Zbigniew, *Velika šahovska tabla*, CID, Romanov, Podgorica, 2001.
2. Doel Theo von den, *Central Europe: The New Allies? The Road from Visegrad to Brussels*, Westview Press, USA, 1994.
3. Havel Vaclav, *Statement at NATO Headquarters*, 21 March 1991.
4. Huntington, Samuel, “The Clash of Civilizations”, *Foreign Affairs*, Summer 1993.
5. Kissinger Henry, *Diplomacy*, Simon Schuster Adult Publishing Group, New York, 1994.
6. Mann Michael, “Nation-states in Europe and other continents: diversifying, developing, not dying”, *Journal of American Academy of Arts and Sciences*, Summer, Vol 122, 1993, No. 3, pp. 115–140.
7. Todorova Maria, *Imagining the Balkans*, Oxford Press, Oxford, 1997.
8. Wolff Larry, *Inventing Eastern Europe*, Stanford University Press, Stanford, 1994.
9. Yapp Malcom E., *The Making of the Modern Near East, 1792–1923*, Longman Pub Group, London, 1989.

---

*Marko TMUŠIĆ*<sup>1</sup>

## **THE IMPORTANCE OF BORDERS IN CONTEMPORARY CONTEXT OF GLOBAL ECONOMY<sup>2</sup>**

### **ABSTRACT**

The paper is an analysis of contemporary process of globalization observing its success through economy and modern economic trends. The central issue is the role and importance of borders. We talk about the parallel existence of these two theoretical concepts - globalization, on the one hand, and borders, on the other. We have concluded that in each of the possible interpretations (identity, culture, tradition, etc.) the appreciation of the concept of borders is one of the grounds on which the contemporary process of globalization must rely. The acceptance and implementation of border issues in the contemporary theoretical concept of globalization would help to overcome most of the dilemmas that accompany the issue. We have discussed the process of regionalization as one of the main aspects of globalization in order to show that because of the non-acceptance of the border issue, globalization has reached its maximum only in regional cooperation (primarily economic).

*Key words:* globalization, borders, regionalization, global economy, national economy

### **Introduction**

Characteristic of evolutionary civilization development proves in their disappearance and appearance. A lot of societies, exactly on the top of their power, have experienced crash and disappeared, they have been lost in new identity. We can ask why? A lot of people will attribute that to certain historical facts, such as wars, emigrations and certain forced assimilations. However, it is very important to emphasize that, in spite undoubted

---

<sup>1</sup> Marko Tmušić, M.A., Teaching Assistant in the Department of Political Economy and Finance, Faculty of Political Science, University of Belgrade.

<sup>2</sup> This paper was done within the project “The Meaning of Borders in the Age of Globalization: Europe and Asia”, through the Japan Foundation’s Grant Program for Intellectual Exchange Conferences 2011 in which the Centre for Asian and Far Eastern Studies (CAFES) and the Faculty of Political Science, Belgrade University, participated.

---

consequences that arise from regency of stronger one, the leading role in civilization disappear and appearance of new civilizations play social - economic conditions which create progression of these changes. In the centre of these historical turbulences, borders had a crucial place. They represented “abutment” between societies (civilizations) in every sense: territorial, historical, political, cultural, traditional, etc. Borders were epicentre of world wars, conflicts on every world meridians, and everything that with central question about rights of conflicted sides. The nature of this question (question of borders) during the history was very often the subject of different political manipulations, as well as different controversies. Exactly because of its nature, they represented (and they still represent) the most sensitive question for consideration, as in professional, so in laical audience. Sensitivity of analysis is based on the fact that exposition of notes about this question is on the “board” between emotions and reason (lat. *ratio*). Depending on that what factor will overcome, depends and authentic and validity of brought conclusions.

Evolutional development of world civilizations has become more and more complex with time. In the past, borders were subject of imperialistic tendencies that culminate in war conflicts. With time the aggression has been losing, that followed this question, but only at one glance. Evidently, contemporarily abounds with this tendencies, but it is harder to hide them, because that is the past thing, so to speak. However, it would be naive to believe that intensity of interest about this question becomes weak, as in theory and practical. On the contrary, complexity of this question arises from the change of method with which people want to accomplish goals that, in spite of all changes remain the same – expansionist. Modern methods are consequence of nature concordance of social political – economic relations. Social relations are vested in new “suit”, wherein realization of certain politic – economic interests fight moves from past battlefield to “table for negotiations”, with politic – economic vocabulary, as main weapon. In spite of all evolutional changes, the central question remains the same – the question of borders.

Foundation of modern social relations is based on economy, on consideration of modern economic circulations and tendencies. Success of implementation of these trends in certain society determines their place on world development scale. However, eternal follower of economic circulations is also policy – with all its goals, ambitions and subjects. *Modus operandi*, which connects these two most important social spheres, is globalization.

In this paper, we will try to make an analysis of the role and importance of borders in modern globalization processes, but observing primarily through the prism of economy and modern economic relations.

### **Concept and essence of globalization (global economy)**

Globalization is today the term that pervades all processes, as well as analysis that arose from them. In scientific (and laic) discussions, globalization is the main theme.

---

Contemporarily of political – economic relations is analyzed only from the side of globalization. We can observe how certain society; certain political – economic community has made to adopt global trends and to incorporate them in its own system. Depending on that fact, we can speak about development level of certain social community.

Process of globalization we must observe from two aspects: politic and economic. We stand that economic aspect has priority over politic aspect, but we highlight that these two spheres of globalization cannot be separated from each other, because that would lead at least to wrong conclusions. The importance of economy and economic processes in transformation of certain society has noticed Karl Marx. He brilliantly concluded that in foundation of every society were productive forces and productive relations. Every society reaches its top, when old productive forces and relations are replaced with the new one. In a picturesque way, he represented that with a “nurse” who helped that “from old society gives birth to new one”. Therefore, economy is crucial strength, foundation of all social transformations, and a globalization. However, the importance of policy is reflected in that that it shapes and direct that changes. Policy provides normative – institutional frame in which will these changes proceed. Just for these reasons, we cannot separate these two spheres of globalization in analysis.

Globalization is process that is followed by a lot of doubts, dilemmas. However, in analysis, we must come from definition of this term that we want to explore.

We had difficulties at the beginning, since there is no generally accepted definition of globalization<sup>3</sup>. Difficulties in defining globalization arise from its multidimensionality, so it can be subject of political, economic, philosophic ant other researches. By this, outputting marks, attitudes, and definitions of this phenomenon is product, primarily, of different politic, economic, but also self-proclaiming goals. Furthermore, with slight subjectivity, that results with outputting of superficial definitions. Anyway, we must emphasize that globalization is necessary and unavoidable process that shapes the most of modern politic – economic systems.

Process of globalization is based on several “bollards”, and stand out especially: production, management, identity and knowledge.<sup>4</sup> We can emphasize that none of this bearers of globalizations should be observed separately, since those are processes closely connected and conditioned by each other.

In an attempt to define the globalization term, some of theoretic concepts became clear, and among them, idealistic and materialistic approach arose especially. In idealistic

---

<sup>3</sup> However, on this place we consider that we should instance the following definition: “...globalization defines as objective and opposite process of versatile and accelerated changes in the world, that leads to transformation of existing in new world shape of reproduction and to creating interdependent world society.” Petar Mitic, *Globalization and national identity*, Serbian Political Taught, Institute for Political Studies, nr. 1–2, year 13, vol. 16, Belgrade, 2006, page 103.

<sup>4</sup> Vučina Vasović, “Introduction” in J.A. Scholte, *Globalization – critical introduction*, CID, Podgorica, 2009, page 11.

---

theoretic concept main are, so to speak, abstract categories such as imagination category, invention, identity and ideology that are characteristic for theoretic directions, which include social constructivism, postmodernism and post colonialism. Contrary to idealistic viewpoint, materialistic approach views analysis of globalization by using real categories, such as nature, production, technology, laws and institutions. Theoretic directions that incline to this concept of globalization include liberalism, politic realism, Marxism and social ecology.<sup>5</sup> Listed author, by detailed research about phenomenon of globalization, emphasizes and four wide directions of policy that accord to modern globalization. On the one hand, *new liberalistic* view of globalization as the trip to market where public domain only help and under no circumstances they don't come in conflict to dynamic of offer and demand. On the other hand, opponents advocate "*re-globalization*" and they return on pre – global status quo ante (previous condition). Third approach, *reformism*, claims that globalization needs to be deliberate directed in accordance to state politics, including essential increased global controlling. Finally, *transforming strategies* (cursive, M.T.), pretty diverse, move up to anarchistic, socialistic, post modernistic and other radical attitudes in defence of revolutionary globalization that overcomes social structures such as capitalism and rationalism.<sup>6</sup> Based on listed theoretic views, we think that people should approach to globalization from aspect of certain, primarily, national interests. Accordingly, we are the closest to reformist attitude of globalization, that dictate that we should validate the state policy first and criterions of globalization adjust to national interests. On that way, according as picturesquely pointed out Nobel Prize Winner Joseph Stiglitz, we direct the globalization, and we don't allow that globalization manage with us.

We can nowadays understand globalization in many ways, such as we could see. It has been indicated that globalization considers deterritorialization, one world culture, consumerism mentality, mass media Americanism and English language (Scholte, 2009). As any other process, globalization has its own followers, but also loud opponents. We especially emphasize that, when we speak about opposition to this process, we are not opponents to the process of globalization, but primarily, the way it happens. One of the most prominent modern thinker and the loudest opponent the way of globalization implementation is also Nobel Prize Winner Joseph Stiglitz.

One of the most prominent indicators, in other words globalization characteristics, is connection, in real meaning of that word. Indeed, if we would want to define globalization in one word, that would be – CONNECTION. It includes connection on all levels of territorial organization of modern society, modern state – starting from the local level (fraternization of municipality) to different regions in different countries and to the alliance of certain states in different regional associations. Connection has been broadened in all

---

<sup>5</sup> More detail: Jan Aart Scholte, *Globalization – critical introduction*, CID, Podgorica, 2009, page 20–21.

<sup>6</sup> Same, page 37.

---

social spheres and includes all aspects of the life of its actors. We cannot or do we want to neglect benefits that are brought to us by connection, but we have a question then – for what prize? Is it the loss of national identity (cultural, political, traditional), even though it sounds rough? We dare to say that globalization, as trend, initiated from the most developed countries, with United States of America in front, whose national history reach back in 300 years. It is clear that a lot of authors write about this phenomenon, and they are from this climate, they can't realize that there are societies (primarily, in east) whose history reach back and more than 3000 years and for them are tradition, culture, language, customs, in one word – identity essential and existential category of their being. Preservation of this also represents purpose of their existence. Identity, viewed in that way, is ontological category, connective tissue of their social – political – economic community<sup>7</sup>. Surely, economic progress is condition of being those communities (and any other), in other words, societies, but not the most important – in sense of denial, in other words acceptance of contemporary economic achievements at the expense of “transformation” of its own identity. Let us remind you that we owe cultural, scientific, economic, and other progress just to these societies (Arabic, Asian, east – European, etc.) in world of medicine, mathematics, physics, economy, philosophy (later science about politics), etc. The question that arises is why are the most of states that represent those societies in the group of undeveloped? The answer that has been alleged more often is that that is because that societies are not excepting (or not excepting enough) contemporary economic (but also other) trends. Although, as an opposite instance we can adduce PR China that, so to speak, was very wise to this phenomenon and it accepts trends very successfully and economic very efficiently. But, we will speak about that later. In this changes, transformations, transition – and also in overall social transformation, the foundation is exactly economy.

Here, we will add that, as Professor Vasović noticed, it is important to make the difference between globalization and internationalization.<sup>8</sup> This diversification of terms, which are often overlapping, is very interesting and important. However, we wouldn't agree with state that regionalization is higher level of uncooperative and fragmentations,

---

<sup>7</sup> As we wanted to avoid the possibility that this statement is comprehended in a wrong way, it is very important to note a theoretic difference of these two elementary forms, i.e. two types of national identity: primordial, in other words traditional (first and older), that is based on common culture, tradition, as well as on the origin of certain people, in other words nations, and the other type of national identity it has been named liberal (civil, universal) that is very based on state recognition, in other words on public formation (legal norms), which stands above cultural, traditional, religious, etc. forms of different social groups which are agreed to exist in the same social community, i.e. in the state of equal citizens. The most prominent representative is, exactly the United States of America. See: Petar Matić, listed paper, page 107.

<sup>8</sup> “Internationalization is cooperation in which states stay unchangeable, and by globalization they erase rigid differences.” He adds also: “Regionalization is, actually, agreement between several states. But it is far from that that it is cooperative, but it can generate powerful sources of tensions and fragmentations.” Vučina Vasović, Introduction, listed paper, page 19.

---

but, primarily, as agreement it must rest on some common agreement of members that have motivated entered in that way of cooperation, leading only by certain politic – economic goals and interests. Regionalization is, as we will see later, very important part of contemporary flows of global economy.

### **Globalization and regionalization – role of borders**

As it has already been mentioned, we can watch the globalization from different points of view theoretic – empiric: politic, economic, social, philosophic, safety, etc. Subject of our interest is the economic aspect of globalization. In that view, the fundamental goal of globalization, roughly said, is to minimize the difference between rich and poor, between highly developed countries, developing countries and undeveloped countries. It turns out that it isn't an easy assignment. Also, we are paying attention to the relation of the globalization and regionalization, and again we are watching it from economic aspect and aspect of economic relations.

Basic characteristic of contemporary globalization processes is their “universality”, in other words “uniformity”. In that concept, of course, it can't be fit into the concept of national state and its economy, with its own specific and specialties. It is obvious, that goal of every state is to integrate successful in modern global economic flows. Successful outcome of these national tendencies means economical development, prosperity, progress. However, that way carries a lot of problems. It comes to confrontation of tendencies, wishes and ambitions, on one side, and objective possibilities, on the other. Possibilities of national economy represent combination of factors, which, by economic specificness (that are dominative), represent bound with politic, as with cultural specificness. Very often mentality of certain social community, as well as its culture, have great impact on relation of community members to work, to property, but also to state (the most important subject of economic politics), as the most important economic factors. From that, largely, come out objective possibilities and givens of certain social community and its economy. A way out from this hopeless situation as it seems, is in adopting new social forms of behaviour, new cultural specificnesses, and everything with goal of increase of economic effectiveness, and benediction of that social community. Anyway, process of globalization represents unstoppable “wave” of new social norms, forms of behaviour, in economy, and in all other social spheres. The thing that is in addition to effectiveness of implementation of these forms in most of contemporary social communities is the most effective way of spreading global forms, and that is through internet. Unstoppable avalanche of information spreads in the whole world and on that way influences on transformation of certain social communities. Slowly they have been accepting new customs, habits, new social, politics, economical and cultural norms and principles that change the old ones. The old attitudes have been overcoming slowly and forgetting, disappearing. With them disappears and that social community. It occurs some new, maybe impersonal. A lot of critics of globalization speak

---

that it is one of its biggest weakness. Development of multiculturalism is one of the important preconditions of globalization. However, with its own acting globalization is becoming contrary to itself. It appears some new mono-cultural civilization, if we could say so. This dilemma has been grabbing, and it grabs still, the attention of a lot of contemporary theorists who are doing this phenomenon. Their attitudes are polarized in two groups: one is based on attitudes of Samuel Huntington and his thesis about confrontation of civilizations (Huntington, 1993), that comes out of cultural differences. Those differences are centuries and they can't be so easily overcome; the other group is bound to Francis Fukuyama, who was for thesis about "world" civilization and certain "uniform" culture. This direction has been often named "mondialism". His point of view he circled in a study "The end of history and the last men"(Fukuyama, 1998). So, we see that cultural specificness are basis where contemporary communities rest, so, they can't be neglected.

Although from stated we have the impression that we speak about one, very simple process of transformation of contemporary social communities, still it is not like that. In the first place, there are societies of the identity (national, cultural, linguistic, etc.), so in accordance to its social principles and norms they search compliance with process of globalization. One of the most prominent example and, of course, the most successful, is PR of China. As civilization, whose history has been measured for millenniums, China successfully resists "impacts" of contemporary globalization trends, in politics and in economy. Moreover, it incorporates those trends very successful in its system of values. As that, it can serve as an excellent example to other countries (especially those in transition, among other and Serbia) how can be preserved national identity and very successful integrate in global flows.

According to some opinions, China was, before beginning of reforms, one of the countries that have resisted globalization the most.<sup>9</sup> That fact shouldn't be strange, because China, and all other socialistic countries, is in front of great reforming challenges that were based on neoliberal principles of globalization. That has been considered comprehensive transformation of society in China. Success of these reforms reflected in, due to notes that come from the outside, speed of their realization. The foundation on which reforms should be based on is both minimizing of state influence in economy (role of minimal state) and change of property structural shapes. China decided for a move that will lead to that that it is the second economy in the world.<sup>10</sup>

State still has an important role, primarily, stabilizing, in economy, and in view of property structure shape changing, China chose so called gradualist access, i.e. gradually

---

<sup>9</sup> See: William H. Overholt, *China and globalization*, Serbian political thought, nr. 1–2, year. 14., vol. 18, Belgrade, 2007, page 89–104.

<sup>10</sup> We are indicating only few of the most important indicators: annual GDP growth 10.3%, inflation on annual level of 5.8%. China is, certain, the most successful country in the world in fight against poorness. Although the most populated country, in last three decades China successfully reduced percent of poverty. In period from 1981 until 2007, China reduced poorness from 65% to about 4%. <http://data.worldbank.org/country/china>, 22. 08. 2011.

---

privatization.<sup>11</sup> And by obvious success with reforms, there are opinions that consider that China can't be country with developed market system.<sup>12</sup> The thing, of course, which needs to be accent is that China succeeds to incorporate some of the basis of market economy, but with more important state role, than that is case in other developed countries economy today, so it developed, its own, mixed economic system. On that way, China preserved its identity inside its borders from "onrush" of global trends. In frame of different regional shapes of cooperation, China took over the leading role.

For our consideration, it is important Shanghai Cooperation Organization (SCO), where in developing of economic shapes of cooperation, cultural identity takes an important place.<sup>13</sup> We see, therefore, that identity, in this case cultural, is one of the basic values on which rest this as well as many other regional shapes of cooperation in Asia. Consequently, the question is as follows: Can one talk about success of globalization in this (Asiatic) area to the extent to which the so-called western theorists have been striving? In our point of view, probably not. However, regionalization, as one of the basic aspects of globalization<sup>14</sup>, is actually its maximum. Anyway, according to the

---

<sup>11</sup> In view of privatization process, dominate two concepts: one is concept of "shock therapy" where success of privatization measures with speed of realization (the most prominent was in Russia, with very bad results), while other, so called "gradualist" concept of gradual privatization, which was conducted in China. Picturesquely said, it is "Transition of river with hopping from stone to stone".

<sup>12</sup> "China, despite of its progress to market dominion, still treats as unmarked dominion." Joseph E. Stiglitz, *"Success of globalization—new steps to world of justice"*, Algoritam, Zagreb, 2009, page 113. "Chinese debtors sometimes tease its American colleagues with simple syllogism: Americans trust that they are the most successful dominions (or the only ones) market dominions. China is obviously successful. It must be that China is market dominion." The same, remark 55, page 343.

<sup>13</sup> "The important part of connection state members is cultural cooperation and exchanging between them, which for now lag behind the economic – safety cooperation. From the other side members of Organization showed big openness for cultural conversation, since *all carriers of old cultures and civilizations, that overlapped for centuries or at least touched. On organizational level there is consciousness that cultural influence is equally effective as well as economic, and very often stronger from politic or military, and that all cultures, forms and values that exist in state members as part of their indigenous cultural identity are already admitted as equally valuable. Through cultural exchange it is stronger understanding between them, but also it affects development of their special national cultures.* (italic, M.T.) On cultural cooperation has been seen as on, from point of investment, modest, and from taking into account profit as a very fruitful area." Prof. dr Dragana Mitrovic, *Shanghai Cooperation Organization—formation, goals and domain of new safety – economic structure (of central Asia (2))*, Serbian political thought, nr. 3–4., year 14, vol. 19, Belgrade, 2007, page 120.

<sup>14</sup> It would be good to add here also few basic aspects on which rest globalization process, in other words global economy: 1. Business and behavior of global multinational companies, 2. Financial globalization, 3. Regionalization of economy, 4. Liberalization of world trade – functioning of World trade organization, 5. World computerization, 6. World exchange of scientific information, 7. Formation of global technical, scientific, financial and other strategy, 8. Expanding of activity and strengthening of influence international organizations, and other regional aspects and new globalization processes. Sreten Sokic, *Economy of Serbia*, C-print, Belgrade, 2011, page 165.

---

aforementioned, globalization intensifies cultural differentiation, instead of leading to its homogenization. That phenomenon reflects also on economy and economic relations<sup>15</sup>, especially in Asia. Having in mind the importance of this area for global economy, the leaders of globalization which includes homogenization (in every way) must, while designing their global policy, consider the importance of this region (as well as others) for identity (cultural, national, etc.). It should be admitted that the whole thing is not going in the right direction. Just as the Stiglitz noticed, in order for the globalization to be successful, the perception itself should be modified – i.e. from local to the global level. That is the point at which globalization will achieve success.<sup>16</sup> Although Stiglitz approached this problem in a wonderful way and came to good conclusions regarding the failure of globalization, we would add that inability to implement globalization can be observed from the view opposite to the one that Stiglitz refers to when he speaks about separation of politics – we would add the view that considers the disregard of local politics and its problems by world politics (exemplified in action of international political and economic institutions). We think that that is the reason why local (and not global) thinking prevails. As a consequence, we have strengthening of cooperation of countries with common interests, common problems, but also countries which are very often culturally, traditionally (historically) etc. linked, and on that level (level of regionalization) globalization reaches its top. Can one achieve more than that? We claim that it is possible, under the condition that the contemporary trends of leading countries' politics (globalization leaders) change, and these trends are, at the moment, “local” as well. Accordingly, the ways of globalization management must change. Until then, borders will have a significant, and perhaps a definite role in national identity and national economy preservation, through different types of regional cooperation.

When we speak about globalization management, we refer to, primarily, international institutions that lead this process. Numerous studies have been written about the way in which these institutions affect globalization process, as well as whose interests they represent. It is widely known that the main goal of globalization is to (in economic sense) reduce the difference between rich and poor, but with the expansion of globalization, the

---

<sup>15</sup> “If ‘globalization’ implies an increased local cultural differentiation rather than increased its homogenization, which is a perfectly reasonable implication to be drawn for the debate, than paradoxically this differentiation could act to undermine the very economic globalization, than helped to stimulate it in the first place.” Grahame Thompson, *The Limits to ‘Globalization’: Taking Economic Borders Seriously*, <http://www2.ucsc.edu/globalinterns/cpapers/grahame.pdf>, 23. 08. 2011.

<sup>16</sup> “In order to achieve action of globalization it should come to the change in the way of thinking: we have to think and act cosmopolitan. Today too many people have that feeling of cosmopolitan identity. There is an old aphorism about that that all politics is local and, while most people live “local”, they don’t wonder that people access to globalization inside of very little frame of local politic. Local thinking subsists only in time when the world is becoming economic interdependent. That separation of local politics and world problems is source of a lot of dissatisfaction with globalization.” Joseph E. Stiglitz, stated paper, page 300.

---

side effect of it becomes dominant: number of poor people grows worldwide.<sup>17</sup> The mechanisms of globalization control contribute to that fact, with the help of the previously mentioned institutions. As we have already mentioned at the beginning, a wide range of illogicalities and irregularities follows the globalization process. The aspect that, of course, should be pointed out is the evident fact that globalization makes rich people even richer and poor people even poorer.<sup>18</sup> The question of borders, in this way, plays a more important role, especially for undeveloped countries and developing countries. There are numerous countries whose income (accomplished through customs) is one of the most important factors for their own economic development. It is in customs that globalization search for trade “without limits”, in other words, the absence of any barriers for global trade (at least the absence of barriers when we speak about strict custom politics), the only thing left for developing countries is to protect their economies through borders, and in that way try to prevent the of lack competitiveness imposed by globalization, and further contribute to the increase of their own competitiveness and its establishment on a higher level on the global market. Considering that their possibilities are negligible with regard to leading economies of today, these (developing countries) rely upon various kinds of regional cooperation. Thus, a certain fragmentation of global market occurs. Only the most developed economies can offer their products on the entire global market. Multinational companies significantly contribute to their efforts, and it is by relying on these companies that the economies effectively accomplish their market ambitions. However, less developed countries and developing countries turn to each other and there, on that “little” market space they try to find their developing chance.<sup>19</sup> Is that the goal of the globalization?

---

<sup>17</sup> The causes of poverty include poor people’s lack of resources, an extremely unequal income distribution in the world and within specific countries, conflict and hunger. As of 2008 (2005 statistics), the World Bank has estimated that there were an estimated 1,345 million poor people in developing countries who live on \$1.25 a day or less. This compares to the later FAO estimate of 1.02 billion undernourished people. Extreme poverty remains an alarming problem in the world’s developing regions, despite some progress that reduced “dollar –now \$1.25– a day” poverty from (an estimated) 1900 million people in 1981, a reduction of 29 percent over the period. Progress in poverty reduction has been concentrated in Asia, and especially, East Asia, with the major improvement occurring in China. In Sub-Saharan Africa, the number of people in extreme poverty has increased. <http://www.worldhunger.org/articles/Learn/world%20hunger%20facts%202002.htm>, 21. 08. 2011.

<sup>18</sup> “Globalization critics accuse west countries of hypocrisy, and the critics are right. West countries made a pressure on poor countries to eliminate trading barriers, but they kept their own, and in that way they prevented poor countries to export their own agricultural products, and so depriving them of export income, they needed... and not only developed countries continued to subsidize agriculture, making hard developing countries to be competitive in that area– but they also insisted for developing countries to cancel their export subsidize for industrial products.” Joseph E. Stiglitz, *Globalization and its discontents*, SBM-x, Belgrade, 2004, page 20–21.

<sup>19</sup> Maybe the most indicative example for our analysis is CEFTA (Central European Free Trade Agreement). With entering of Roumania and Bulgaria into EU, CEFTA was reformulated into CEFTA 2006 and includes following countries-members: Albania, Bosnia and Hercegovina, Croatia, FYR of

---

Certainly not, but it is evident that the regional way of cooperation today represents a kind of antipode to modern apprehension of globalization.

### **Concluding remarks**

As we can conclude from the previous analysis, question of borders gives rise to the problem of relation between the national economy and globalization. Besides the fact, it can be related to developing resources and potentials of a certain society, national economy cannot be observed separately from identity, culture, and tradition of that social community. These values dictate tendencies and intensity of reformation processes inside that economy, but of globalization process as well. Creators of global changes and of global economy must value these diversities. System of basic social values is different from one social community to another. Preservation of elementary traditional, cultural values is a characteristic of eastern societies, and accordingly, by analysing these societies, one can notice the existence of different understanding of work, belongings, state (authority) from one community to another, also as relation to the same. In Western societies, we have almost reversed situation. For east societies, term of state is something grandly, something that stands above lifestyle of an individual, and they conditionally speaking, “serve” to that. This is observed from the angle of the West European civilization that is characteristic for authoritarian political systems, where individuality has been suffocated. State, instead to serve its citizens, it represents mechanism of suffocating personal rights and freedoms, suffocating of individual creativity in all social spheres – politic, economy, culture,... Of course, these conclusions are wrong. We gain the impression that mistake in analysis of this societies, as in later unsuccessful attempts of implementation of west – European system of values into system of values of this (east) societies, comes from wrong foundation. Namely, in analysis of these societies, west – European creators of changes perform from their own system of values, not wanting at any moment to ask themselves about fairness of their acting. As the result, we have wrong conclusions and unsuccessful reform captures.<sup>20</sup> However, we must

---

Macedonia, Moldova, Serbia, Montenegro and UNMIK/Kosovo. On this market, that represents duty-free zone, these countries attempt to, among their equals, develop their export potential. If we look only at the data referring to the foreign store trade of Serbia (July 2011.) we will see that Serbia accomplished the biggest foreign exchange with countries with which it has signed contracts about free trade, between them especially the contract CEFTA, with whose countries-members Serbia records surplus in exchanging in amount of 851.7 million dollars, and that is the result most from export of agricultural products. <http://webzrzs.stat.gov.rs/WebSite/public/PublicationView.aspx?pKey=41&pLevel=1&pubType=2&pubKey=699>, 23. 08. 2011.

<sup>20</sup> In interview with Lynn Paine, professor from Harvard published in New York Times (Managing globalization: Crossing borders? Than expect culture clashes), it was discussed also about different system of values in business organizations in United States of America and China. She explained that on a very

---

especially highlight the fact that neither the exaggerated tightness of certain societies does lead to rise of their productivity. And that, we can call them traditional societies, must be open for innovations, for adopting some new forms of behaviour, new social norms, but only within the non-violation of its elementary, essential principles on which rest that society.<sup>21</sup> On that way, these societies will have more possibilities (and chances) for successful and effective integration into the global processes.

In this paper, we analyzed essence of globalization process and global economy. We saw that globalization is process that has “a lot of sides”, in other words, its influence is present in all social spheres of contemporary civilizations. That kind of influence opened also a question of borders. On that way, globalization comes in the confrontation with national state. Globalization puts in front of national state an array of requests, on one side, to expedite their efficiency, and on the other hand, it leads to capacity reduction of that states to try to solve that requests. States are, on one side, pressed with the forces of global economy, and on the other hand, they are pressing to requests for devolution of power. In this place, we must mention Stiglitz who says that globalization process proceeds today, but without global institutions. We have system of global managing (power), without global government (regency of institutions).<sup>22</sup> And because of that reason, national states turn, insomuch, to their self and in frame of their border they try to develop, to the end that increase possibilities for progress, their own comparative advantages.

---

picturesque way: “There is no set formula for exporting a style of management from one country to another, Paine said. Every case is different. Often the problem has to do with how hierarchies are traditionally structured.” One American company had a very egalitarian culture, a very flat structure - no more than four or five levels in the organization in the U.S.,” she said. “Going into China, and trying to replicate the same egalitarian organization, it just wouldn’t take. Groups of people would organize themselves into hierarchies almost spontaneously.” The gaps are so wide, Paine said, that what seems egalitarian in one country may appear authoritarian in the next. “What people from that background think is empowerment – going from 20 layers to 12 – is not empowerment in other countries, like in the U.S.”<sup>23</sup> <http://www.nytimes.com/2006/06/27/business/worldbusiness/27iht-glob28.2066620.html>, 23. 08. 2011.

<sup>21</sup> “... a lot of forms of primordial national identification need in century of rising technological modernization, act as certain cultural counterbalance to market element, overdose utility, destroying of natural environment, unreasonable exhausting of natural resources and inconsiderate exploration of workforce and elementary cells of society and on this way they contribute preserving of national independence and specificity of reciprocity, solidarity and chances for everything. Without that “feedback” of positive traditional valuables and centuries experiences of people, with controlling material development and modern civilization progress, we can’t speak about balanced models of technological rise and material wealth, with preserving and growing people and their social communities. Consequently is necessary balance of material and spiritual, cultural development of humanity, crucial question about future of world and humanity, because necessary containing of corporative globalization, represents crucial precondition of rational and controlled material and spiritual progress and at the same time of democratic stability of international relations from the world as a whole.” Petar Matic, listed paper, page 111.

<sup>22</sup> Joseph Stiglitz, *Globalization and the economic role of the state in the new millennium*, Industrial and Corporate Change, Volume 12, Number 1, pp. 3–26.

---

Based on listed, we can conclude that it is necessary to have balance between globalization, on one side, and ambitions, goals and wishes (but also objective possibilities) of national state, on the other side. It is obvious that it is going to be a long and hard process. In that way, there are a lot of passing, dilemmas, and diversities. However, isn't it one of the basic crucial postulates of globalization attendance of diversity (in all shapes)? In that fact also lies the beauty of this phenomenon. In these diversities, creators of global changes must search dynamic energy of globalization. On that way, of course, we must recognize and existence of borders.

### **References:**

1. Matić Petar, *Globalization and national identity*, Serbian political thought, Institute for political studies, no. 1–2, year 13, vol. 16, Belgrade, 2006.
2. Mitrović Dragana, *Shanghai organisation for cooperation – formation, goals and domains of new safety – economic structure of (central) Asia (2)*, Serbian political thought, nr. 3 – 4., year 14, vol 19, Belgrade, 2007.
3. Overholt H. William, *China and globalization*, Serbian political thought, nr. 1-2, year 14, vol. 18, Belgrade, 2007.
4. Scholte Jan Art, *Globalisation – critical introduction*, CID, Podgorica, 2009.
5. Sokić Sreten, *Economy of Serbia*, C-print, Belgrade, 2011.
6. Stiglitz E. Joseph, *Success of globalisation – new steps to justly world*, Algoritam, Zagreb, 2009.
7. Stiglitz E. Joseph, *Globalization and its discontents*, SBM-x, Belgrade, 2004.
8. Stiglitz E. Joseph, *Globalization and the economic role of the state in the new millennium*, Industrial and Corporate Change, Volume 12, Number 1.
9. Thompson Grahame, *The Limits to 'Globalization': Taking Economic Borders Seriously*, <http://www2.ucsc.edu/globalinterns/cpapers/grahame.pdf>

---

Mihajlo VUČIĆ<sup>1</sup>

## TRANSBOUNDARY HYDROPOLITICS IN EUROPE AND SOUTHERN ASIA – COMPARATIVE ANALYSIS<sup>2</sup>

### ABSTRACT

Transboundary hydropolitics are concerned with the question of collective utilisation of shared freshwater resources from the international watersheds. These type of international relations have grown in importance with the growing significance of water resources for the socio-economic development of industrial states. In the course of this essay, I will analyse two distinctly different systems of hydropolitics that have evolved in relation to the water usage in Europe and Southern Asia. The differences between them are a consequence of differing underpinning values, political realities and particular interests that form the basis of respective perspectives on resource management. While, on one hand, European experiences are based largely on the international legal regulation and development approach is biased in favour of centralization suitable for industrialized societies, with the backup of a regional organization personalized in the EU, Asia, on the other, has a different cultural orientation toward law, which clashes with the pure reception of European standards. Therefore, a transformation of existing structures in the direction of inclusion of the agrarian communities in the decision-making process, or the further integration which would encompass the main political powers in the region in the institutional framework is needed, for the sake of better resource management.

*Key words:* hydropolitics, Transboundary, Rhine, Ganges, Mekong

### I Introduction

Despite Asia's large share of global water resources<sup>3</sup>, and the importance of its water for sustaining one of the largest agrarian populations in the world, Asia's transboundary

---

<sup>1</sup> Mihajlo Vučić, Research Assistant at Institute of International Politics and Economics.

<sup>2</sup> This paper was done within the project "Serbia in contemporary international relations: Strategic directions of development and strengthening of the position of Serbia in international integration processes – foreign policy, international economic, legal and security aspects", Ministry of Education and Science of the Republic of Serbia, number 179029, for the period from 2011–2014.

<sup>3</sup> The world contains a total volume of 1.4 billion km<sup>3</sup> of water. Of this, more than 97.3 % is the ocean; the remaining 2.7 % is freshwater that can be productively used for agriculture, domestic and industrial water supply and other applications. Of the total runoff of more than 47,000 km<sup>3</sup>, Asia's share is the

---

water resource management regimes are poorly developed. The utilization of water resources for development activities are undertaken, ostensibly, to meet short-term demands arising from over-population, urbanization and industrialization in an effort to overcome poverty. These activities, however, are rarely sustainably planned and executed. Even for watercourses such as the Mekong, which has an international management regime, adoption of principles of international watercourse law does not ensure that the resources of the watercourse will be used in a way that is not harmful to the environment, to the user communities, or to the interests of future generations.

The international law relating to the non-navigational uses of international watercourses is a product of Western industrialization. It is centralized in its approach. Under its normative and procedural constraints, industrialized states evolved cooperative user arrangements suited to their juridical, socio-economic and cultural contexts. The private ownership concept of their common and civil law traditions became embedded in the law. Thus, the normative and procedural standards of the law also reflect the preference for a territorial values system when it is applied to the use and management of watercourses. In particular, territoriality ensures excessive bias towards national sovereignty.

In the face of widespread environmental degradation, this Western value-based management model has acknowledged the need for a sustainable approach to watercourse management. Accordingly, it now includes the principles of sustainable development. However, the model has not subsequently been restructured in terms of its centralized power structures and, furthermore, it provides little legal and procedural guidance for the user communities to participate in decision-making or in the actual management of the watercourses.

The classical system of management came to Asia through colonisation. Since then, it has been operative at the state level, and continues to be maintained internationally through treaties among user nations and at the state level through national laws, departmental rules and regulations. Generally, it does not take into account the religious precepts, socio-cultural beliefs, or value systems of the user communities at the local level, ignoring that the normative core of these beliefs and values actually provide a juridical force for these people in their local use and management of the water resources. Although the classical system seems to bring efficient and equitable results among Western industrialized countries, its principles, namely, equitable utilization, good neighbourliness, optimum utilization and the duty to co-operate, do not produce the same or similar results in the agrarian Asian societies. Indeed the principles contain normative standards that, by giving power to centralized governments, may actually alienate the user communities from

---

highest, at 14,000 km<sup>3</sup>, compared to the combined volume of Africa, Europe and North America, which is less than 40% of the global runoff. Asian countries also have extensive inland freshwater resources, most of which are shared internationally. (For more information see Kazi F. Jalal, "Regional Water Resources Situation: Quantitative and Qualitative Aspects", in: *Water Resources Policy in Asia*, editors M. Ali et al, Rotterdam/Boston, A. A. Balkema, 1987, page 14.

---

local resource management. Thus, for the classical international law of watercourses to be useful in providing truly effective normative and procedural guidelines for international watercourse management in Asia's agrarian societies, it must include all of the actors, namely the users, especially the local users. The law must incorporate socio-cultural values that guide the local communities juridically.

We will see now, on the case of the river Rhine in Europe, and rivers Ganges and Mekong in Asia, how these different systems of transboundary hydrogeopolitics operate in practice.

## **II Hydrogeopolitics In Europe - The River Rhine Pollution Controversy**

The Rhine is Western Europe's longest river, spanning some 1360 km<sup>4</sup> from its source in the glaciers of the Swiss Alps to its mouth at the North Sea. It passes through or forms the borders of Switzerland, Liechtenstein, Austria, Germany, France and Netherlands. The Rhine's catchment encompasses 224,000 square km, including portions of Italy, Luxembourg and Belgium.<sup>5</sup> The basin is home to some sixty million people and the river provides drinking water to approximately twenty million.

The Rhine is used for variety of purposes, including navigational, industrial and municipal uses. It had had the status of an international waterway since the Congress of Vienna in 1815, and shipping remains a prominent use of the river.<sup>6</sup> At its mouth lies Rotterdam, one of the world's largest sea ports, and in 1992 the Rhine-Main-Danube canal in Bavaria opened for operation, linking the North and Black seas for the first time. Many of Europe's most important industries lie along its banks, including large petrochemical and pharmaceutical plants, steel industries and potassium mines.

Along with industry came the problem of pollution, including sodium and potassium chloride wastes. This pollution usually referred to as "salt" was particularly prevalent in Germany and France, with the French Mines de Potasse d'Alsace (MDPA) responsible for 54 per cent of total chloride levels.<sup>7</sup>

---

<sup>4</sup> Carel H.V De Villeneuve, *Western Europe's Artery: The Rhine*, 36 Nat Res. J. 441, 1996, page 171.

<sup>5</sup> For factual information see the website of the International Commission for the Protection of the Rhine (ICPR), [www.iksr.org](http://www.iksr.org), 20.1.2012.

<sup>6</sup> The Encyclopedia Britannica describes the Rhine as "the greatest European artery of waterborne traffic", *Encyclopedia Britannica*, 15<sup>th</sup> edition, Chicago, 1987, page 835.

<sup>7</sup> Ordinary salt mixed with potassium was stored in underground tunnels in the mines until, following an extraction process modification, this became impossible. The residue was then placed in heaps on the soil, because commercial sale would be detrimental to salt producers elsewhere. However, rainwater washed the salt underground, polluting the exceptionally pure underground water of the Alsatian plain. In 1932, it was decided to dissolve a part of the residual salt in water and discharge it into Rhine. For more information see Alexandre Kiss and Dinah Shelton, *International Environmental Law*, Transnational Publishers, Inc., Ardsley-on-Hudson, New York, Graham & Trotman Ltd., London, 1994, page 222.

---

The International Commission for the Protection of the Rhine against Pollution (ICPR) was initially established in 1950 by an exchange of notes between France, Germany, Luxembourg, Netherlands and Switzerland and was later formalized in the Berne Convention of 1963.<sup>8</sup> One of the first ICPR's tasks was to find a way to remedy the ever increasing chloride pollution. Several alternatives, including dumping the chloride at sea or injecting it into ground, were studied over many decades.<sup>9</sup>

In 1972 at the First Conference of Ministers of the Member States of the Rhine Commission, it was decided (in the form of "gentlemen's agreements") to create a formula for sharing the cost of stacking the waste salts from MDPA: France and Germany were to pay 30 per cent each, Switzerland 6 per cent and Netherlands 34 per cent. The higher Dutch share may be explained by the fact that they were the prime beneficiary, but while it stated that the payment was not to be regarded as a precedent, it is striking that, contrary to the "polluter pays" principle, the victim is to pay the largest share. Switzerland was apparently motivated primarily by considerations of solidarity with its co-riparians.<sup>10</sup>

However, implementation of the storage requirement, additionally provided for France, proved to be problematic. Especially troublesome was finding a place to store the salt, particularly because of strong popular opposition in Alsace to the stacking method. But, after lengthy negotiations with the Rhine Commission, the member states managed to arrive at the agreement in 1976 on the Chlorides Convention.<sup>11</sup> While hardly a complete solution<sup>12</sup>, the agreement at least represented a first step toward resolution of the Rhine salt controversy.

Once again, however, the plans of the Commission failed. This time the cause was the decision of the French government not to submit the agreement to the parliament for fear it would not be approved. Its fear was not unfounded, for environmental groups and others in Alsace had raised strong objections to the injection of the waste salts into

---

<sup>8</sup> Convention on the International Commission for the Protection of the Rhine against Pollution, Berne, 29 April 1963, 994 UNTS 3. The treaty is commonly known as the Berne Convention. On 22 January 1998, at the 12<sup>th</sup> ministerial conference of the ICPR, the contracting parties approved the text of a new Convention on the Protection of the Rhine. The new convention was signed by the Berne Convention contracting parties and the European Community in Berne on 12 April 1999. Information available at [www.europa.eu.int/eur-lex/](http://www.europa.eu.int/eur-lex/), 20. 1. 2012.

<sup>9</sup> Johan Lammers, *Pollution of International Watercourses*, Martinus Nijhoff, Boston/The Hague/Dordrecht/Lancaster, 1984, page 168.

<sup>10</sup> *Ibid*, page 176.

<sup>11</sup> Convention on the Protection of the Rhine Against Pollution by Chlorides, Bonn, 3 December 1976, 16 ILM 265, 1977.

<sup>12</sup> It would have reduced the total chloride load by less than 20 per cent, Johan Lammers, *Pollution of International Watercourses*, Martinus Nijhoff, Boston/The Hague/Dordrecht/Lancaster, 1984, page 181–3.

---

the subsoil, as the Convention provided for, on the ground that it would contaminate groundwater. The Dutch government nonetheless responded to the French decision by recalling its ambassador for consultations, an unusual and extraordinarily strong measure for one western European country to take against another, and one that demonstrates the importance Netherlands attached to the reduction of Rhine chloride levels.<sup>13</sup>

Meanwhile, an action was filed in the Rotterdam court of first instance against MDPA by a nursery gardening business (G.J. Bier B.V.) and the Reinwater (literally “clean water”) Foundation. Bier alleged that the high salinity of the Rhine water it used to irrigate its seed beds caused damage to the beds that Bier had to take expensive measures to mitigate. Reinwater, which was evidently established specifically to seek redress from MDPA, as McCaffrey correctly notes<sup>14</sup>, was an NGO whose purpose was the promotion of the improvement of the water quality of the Rhine. The plaintiffs requested that the court find MDPA’s discharges of salt into the Rhine unlawful and award compensation for the damage sustained by Bier. The trial court held it lacked jurisdiction under the 1968 Brussels Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters.<sup>15</sup> That EU Treaty provides in Article 5(3) that jurisdiction in tort cases lies “in the courts for the place where the harmful event occurred”. The court found that since the event that had caused the damage was the discharge of the residuary salts into the Rhine in France, the French court for the area in which the discharge took place had the jurisdiction under the Convention. Plaintiffs appealed and the appellate court referred to the Court of Justice of the European Communities (ECJ) the question of the interpretation of the phrase “place where the harmful event occurred”. In an important decision under the Brussels Convention, the ECJ held that this language “must be understood as being intended to cover both the place where the damage occurred and the place of the event giving rise to it”<sup>16</sup> The plaintiff would have option of suing the defendant at either the place of the act (in this case the discharge) or the place of the injury.

The proceeding in the Dutch courts thereafter ultimately resulted in a 1988 judgement of the Supreme Court of the Netherlands, holding MDPA liable for damages in proportion to its share of the total chloride load of the Rhine.<sup>17</sup> On the basis of this

---

<sup>13</sup> Stephen McCaffrey, *The Law of International Watercourses*, Oxford University Press, second edition, Oxford, 2010, page 301.

<sup>14</sup> *Ibid.*

<sup>15</sup> This Convention is now replaced by the Brussels I Regulation of 22 December 2000, Council Regulation (EC) No 44/2001.

<sup>16</sup> *Handelskwekerij G.J. Bier BV and Stichting “Reinwater” v Mines Domaniales de Potasse d’Alsace SA*, ECJ, Judgement of 30<sup>th</sup> November 1976, Case 21/76.

<sup>17</sup> Judgement of 23<sup>rd</sup> September 1988, HR, 13, 303 Rechtspraak van de Week 1988 150, cited by Johan Lammers, *Pollution of International Watercourses*, Martinus Nijhoff, Boston/The Hague/Dordrecht/Lancaster, 1984, pages 196–205.

---

judgement parties reached a settlement. However, no reduction in the salinity of the Rhine resulted, since the plaintiffs had only requested compensation.

In addition to this lawsuit at the place where the injury was suffered ten Dutch parties brought proceedings at the place of the allegedly harmful act, specifically, before the *Tribunal Administratif* of Strasbourg in February, 1981, challenging decrees extending licences for the discharge by MDPA of waste salts into the Rhine. In a decision of 27 July 1983, the Tribunal annulled the decrees on the ground that the French administration had failed to comply with its duty under public international law not to permit the operation of activities that could have adverse effects outside French territory.<sup>18</sup>

In 1983, France and Netherlands finally reached agreement on the resolution of the dispute, on the basis of a study by a team of scientific experts. In July 1985 the French Parliament ratified the Chlorides Convention and it entered into force. In 1986, the ICPR agreed that the Convention's objectives might be met by means other than the injection of the waste salts into the ground. In 1991, the parties agreed in an additional protocol to cease using injection as a disposal method.<sup>19</sup> Instead, it was agreed that France may discharge waste salts into the Rhine, but only until the chloride level reaches 200 mg/l. Amounts above that level may be stored or stockpiled, temporarily on land, but France is permitted to increase its discharges at high river flows, allowing disposal of the stored salts. The costs of the temporary storage are shared among the parties by a 1972 formula<sup>20</sup>.

The problem was still not entirely solved for Netherlands, however. One of its principal sources of drinking water, Lake IJssel, is fed largely by one of the Rhine's branches but also receives brackish seepage water from a nearby polder. When a chloride concentration of 200 mg/l from the Rhine is combined with this brackish water, the resulting salt level is too high to meet water drinking standards. It was therefore agreed in a 1991 Additional Protocol<sup>21</sup> that the cost of Dutch works to divert the brackish polder water to the sea are to be shared according to the 1972 formula.

Unfortunately, even the 1991 Protocol did not end the matter. A dispute arose between the Netherlands and France over the calculation of the amount that France was obligated to return to the Netherlands under the Protocol. The Netherlands contended that a flat unit rate of the cost of France's storage and disposal operations should be used as a basis of calculating the settlement of accounts, while France's view was that the actual costs incurred should be used as a basis. The two countries submitted the dispute

---

<sup>18</sup> *La Province de la Hollande septentrionale et autres v L'État-Ministre (Commissaire de la République du Haut-Rhin)* decision TA 227/81 to 232/81, 700/81 and 1197/81 of 27 July 1983.

<sup>19</sup> Carel H.V De Villeneuve, *Western Europe's Artery: The Rhine*, 36 Nat Res. J. 441, 1996, page 447.

<sup>20</sup> *Ibid*, page 448.

<sup>21</sup> Chloride Agreement of 25 September 1991, Additional Protocol, 1992 Tractatenblad van het Koninkrijk der Nederlanden No. 3 (Neth).

---

to arbitration in accordance with Article 13 of the 1976 Chlorides Convention.<sup>22</sup> In its award of March 12, 2004, the tribunal found in favour of the formula preferred by the Netherlands. Interestingly, in the course of its opinion the tribunal rejected the contention by the Netherlands that the “polluter-pays” principle had the bearing on the dispute, stating that it does not believe that the principle forms part of general international law.<sup>23</sup>

The case of the river Rhine salt pollution dispute illustrates both the difficulties that may be caused by conflicting uses of a shared water resource and the different avenues through which solutions to those problems may be approached, including payment by the affected state for preventive measures in the state of origin. It also gives us a nice example of the framework in which the hydro-politics in Europe operate. Under the common institutional structures, whether they are of specific technical nature and tied to the regulation of the watercourse itself, as is the case with the Rhine Commission, or more political and broader in scope as are the institutions of the European communities, solutions are searched for through the established processes of negotiation, mediation and litigation. On this path, they tend to always follow the interests of states which are parties to the instruments that create the avenues for the achievement of solutions. They rarely include actors which are more to the ground with the implications stemming from the decisions concerning the watercourses, such as user communities from local resource management. However, the cohesiveness of the European riparians, their approximately similar stage of economic development, which precipitates a high level of cooperation, and equivalent future development plans, being designed in the centralized way through the institutional structure of the European Union, are the factors that enable the system to function. Even if disputes arise, they are settled through the procedures created for the purpose, and that is why the model of Rhine has been copied upon in other large European watercourse systems, to mention only the Danube. As we will see in the next part, these factors are exactly the weak points in Asian watercourse communities that I will purport to analyse.

### **III Hydro-politics In Asia – Between Indigenous Practice and Inter-State Law**

The indigenous water resource management practices at the local level in South and Southeast Asia were primarily community based. This changed with the change in property system from common to private and with the centralization of the sources of production from the communities to the centralized administrative structure of commercial markets.

---

<sup>22</sup> The award can be found in French language at the Permanent Court of Arbitration website [www.pca-cpa.org/ENGLISH/\\_RPC/PBF/Sentence%20I.pdf](http://www.pca-cpa.org/ENGLISH/_RPC/PBF/Sentence%20I.pdf) and the second part [www.pca-cpa.org/ENGLISH/\\_RPC/PBF/Sentence%20II.pdf](http://www.pca-cpa.org/ENGLISH/_RPC/PBF/Sentence%20II.pdf), 20. 1. 2012.

<sup>23</sup> Award of the Tribunal, paragraph 103.

---

In the process, the community organizations became weak and powerless to manage their own local resources. Thus, community-based resource management became, over time, government-based.<sup>24</sup>

However, the indigenous practices have proved to be resilient in the face of all these changes and continue to be practised in an isolated manner in some regions of the Ganges and Mekong basins. Recent attempts of some governments in these regions to encourage participation of the user groups in the development process and in some cases actually to undertake such programmes indicate the search for alternative approaches to development.<sup>25</sup> The activities of non-governmental organizations have contributed significantly in raising consciousness as to the need for alternative approaches to resource management.

I will show now, on the examples of rivers Mekong and Ganges, how the wrong choice of hydropolitics, based on discrepancies between the workings of indigenous practices on one hand and inter-state created law, on the other, prevent the optimal utilisation of shared water resources.

#### *A. The case of the Mekong*

The Mekong rises high in the Tibetan Himalayas and flows for some 4,500 km through China's Yunnan Province, Myanmar, Thailand, Cambodia, the Lao Peoples' Democratic Republic (Lao PDR) and Vietnam, emptying into the South China sea through a vast delta in the latter country. Until recently there have been few major works constructed on the Mekong, the population of its basin relying on the river chiefly for fishing, agriculture and transportation.<sup>26</sup>

The four states of the Lower Basin, the Lao PDR, Thailand, Cambodia and Vietnam, have a history of cooperation with regard to the river going back to the 1950s. Their well-known "Mekong spirit" has prevailed and inspired them to continue meeting with each other, despite numerous conflicts in the region. Yet until 1995 they lacked a comprehensive agreement for the use, management and sustainable development of the river. In that year the four countries concluded the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin.<sup>27</sup> The treaty set forth general principles governing the use and development of the river and established the Mekong River Commission (MRC).

---

<sup>24</sup> Nahid Islam, *The Law of Non-Navigational Uses of International Watercourses-Options for Regime Building in Asia*, Kluwer Law International BV, Netherlands, 2010, page 62.

<sup>25</sup> This, however, is still at an experimental level, and most of the time the organizational bases of such communities do not possess legal recognition.

<sup>26</sup> Factual information can be found on The International Rivers Network website [www.irn.org/programs/mekong](http://www.irn.org/programs/mekong), 20. 1. 2012.

<sup>27</sup> Signed at Chiang Rai, Thailand, on 5<sup>th</sup> of April 1995, 34 ILM 864, 1995.

---

The MRC is a robust institution but relies largely upon external funding from the international donor community (principally bilateral donors) for its support.<sup>28</sup> An unusual feature of the body is that a national of one of the donor countries rather than a citizen one of the basin states serves as “Chief Executive Officer” of the Commission.<sup>29</sup>

The fact that the Upper Basin states, China and Myanmar, are not parties to the treaty<sup>30</sup>, has been a source of concern. Indeed, China’s rapidly growing need for electrical power has led it to plan a series of eight hydroelectric dams on the Upper Mekong. Since these are hydro-power projects, once their reservoirs have been filled to necessary levels, they should not substantially restrict water flows available in the Lower Basin. China and Myanmar have both been invited as observers in the MRC and China has been a “regular dialogue partner with the Mekong River Commission at yearly meetings since 1996”.<sup>31</sup> On April 1, 2002, China signed an agreement with the MRC to provide hydrological data and information to the Lower Basin countries.

The legal arrangements that preceded the 1995 Agreement<sup>32</sup> required the concurrence of all riparian countries for any national projects that involved the Mekong River. The 1995 Agreement requires only notification but not consent for projects on tributaries<sup>33</sup>, which may give rise to problems in future. Already, hydroelectric projects on Mekong tributaries in the Lao PDR, intended principally to generate revenue by selling power to Thailand, are giving rise to concerns.<sup>34</sup>

The case of Mekong is an interesting one because it presents a combination of a modern treaty and a well funded joint mechanism, on the one hand, and a regime of which the uppermost basin state and regional hegemon is not a member, on the other. So, at the regional level, an institutional framework already exists, giving the Mekong countries a

---

<sup>28</sup> According to the 2005 Annual Report of the MRC, donors provided 92.6 per cent of the Commission’s budget while riparian governments made up the balance (7.3 per cent). On the basis of amounts pledged in 2005, Germany and Denmark are the largest donors. The Report is available on the MRC’s website [www.mrcmekong.org/annual report/2005/tab content.htm](http://www.mrcmekong.org/annual%20report/2005/tab%20content.htm), 20. 1. 2012.

<sup>29</sup> 1995 Mekong Agreement, article 31.

<sup>30</sup> Article 39 of the Agreement, provides that the other riparian states may become parties only with the consent of the four existing parties. Further, that article also requires new parties to accept the rights and obligations under the Agreement, which may be unlikely, at least in the case of China, unless the Agreement is amended.

<sup>31</sup> Mekong News, Newsletter of the MRC, April-June 2002/2 page 1.

<sup>32</sup> Article 36 provides that it “Replaces the Statute of the Committee for Coordination of Investigations of the Lower Mekong Basin of 1957 as amended, the Joint Declaration of Principles for Utilization of the Waters of the Lower Mekong Basin of 1975, the Declaration concerning the Interim Committee for Coordination of Investigations of the Lower Mekong Basin of 1978 and all Rules and Procedures adopted under such agreements.

<sup>33</sup> Mekong Agreement, article 5(A).

<sup>34</sup> Further information on these projects is available at the International Rivers Network website [www.irn.org/programs/mekong](http://www.irn.org/programs/mekong), 20. 1. 2012.

---

head start towards basin-wide sustainable development. However, the regional regime will also have to undertake reforms in its legal and institutional structures so that the commitment to attain sustainable development can be realized. At present, the legal and institutional structures are full of contradictions. Political will is also important to reorient the present mentality of the regional regime of treating the Mekong as an “untapped economic resource” to one of respect for a unique socio-ecosystem. A true eco-systemic approach to watercourse management requires, among others the inclusion of China and Myanmar within the regime. All that is needed is the political will to realize this.

### *B. The Case of Ganges*

The Ganges, or Ganga, rises in the Himalayas and flows through India to Bangladesh, where it joins Brahmaputra to form the Padma, which empties into the Bay of Bengal through a vast delta. While its flow during the monsoon season between June and October is sufficiently high to cause flooding in Bangladesh, it is low during the remainder of the year. Between 1961 and 1975, India constructed a barrage, or dam, on the Ganges at Farakka, some 11 miles upstream from the border with Bangladesh. The dam diverts water through a canal into a distributary of the Ganges which flows to Calcutta, the Bhagirathi-Hooghly River, in order to flush silt from that river and Calcutta harbour and possibly as a means of dealing with sewage discharged into the river and harbour. According to Bangladesh, this water is needed especially in the dry months of November to May for irrigation, to prevent siltation and resulting flooding of the Bangladesh portion of the Ganges and to hold back saltwater intrusion from the Bay of Bengal.

Bangladesh brought the matter before the United Nations General Assembly where the discussions between 1968 and 1976 elucidated the positions of the parties. India stated that “each riparian state is entitled to a reasonable and equitable share of the waters of an international river”<sup>35</sup>. But, according to India, the downstream country had not only failed to provide sufficient technical data to permit assessment of the effects of the barrage, but also continuously increased the quantities of water it maintained that it required. Bangladesh, for its part, stated that at least in the dry season, it was “entitled to the natural flow...in order to satisfy existing human and ecological needs that could not be met in any other way”.<sup>36</sup> It had further contended that its increasing demands were not related to the needs of the development, and that no water-sharing formula that fixed the rights of one side at a static figure would be equitable.<sup>37</sup>

---

<sup>35</sup> UN GAOR 23<sup>rd</sup> Session, Plenary Meetings, paragraph 9, cited from Stephen McCaffrey, *The Law of International Watercourses*, Oxford University Press, second edition, Oxford, 2010, page 292.

<sup>36</sup> UN GAOR, 31<sup>st</sup> Session, Special Political Committee, 20<sup>th</sup> meeting, pages 3–4, cited from Stephen McCaffrey, *The Law of International Watercourses*, Oxford University Press, second edition, Oxford, 2010, page 293.

<sup>37</sup> On the details of the ensuing discussion see Johan Lammers, *Pollution of International Watercourses*, Martinus Nijhoff, Boston/The Hague/Dordrecht/Lancaster, 1984, pages 314–316.

---

The controversy was resolved, for the time being at least, by the 1977 Agreement on Sharing of the Ganges Waters.<sup>38</sup> The Agreement resulted from a ministerial level meeting between the two states in Dacca that was held pursuant to a joint statement adopted by the UN General Assembly. It provided for the allocation of Ganges waters in accordance with the annexed schedule during the annual dry period. The terms of the Agreement limited its duration to five years, but the parties continued to follow it until 1996 on the basis of a “gentleman’s agreement” that it would remain in force on a yearly basis unless terminated by one of them. A Joint Committee of the previously established Joint Rivers Commission oversaw the implementation of the Agreement.<sup>39</sup>

On December 12, 1996, India and Bangladesh concluded a new agreement at Farakka, which is to remain in force for thirty years.<sup>40</sup> The Treaty’s preamble refers to the parties’ desire to find a “fair and just solution without affecting the rights and entitlements of either country other than those covered by this Treaty, or establishing any general principles of law or precedent”. According to the water-sharing formula, if during the dry season, the flow of the Ganges at Farakka is 70,000 cubic feet per second (“cusecs”) or less, it is to be shared equally by the two countries; if the flow is between 70,000 and 75,000 cusecs, Bangladesh is allocated 35,000 with the balance going to India; and when the flow is over 75,000 India is to receive 40,000 and Bangladesh the remainder.<sup>41</sup> A reduction in Ganges flow below 50,000 cusecs would trigger immediate consultations for the purpose of making necessary adjustments on the basis of equity and no harm.

The Treaty establishes a “Joint Committee” consisting of an equal number of members nominated by the two governments.<sup>42</sup> The Committee is generally responsible for implementing the water-sharing agreements under the treaty and is specifically mandated to examine “any difficulty arising out of the implementation of the above arrangements and of the operation of the Farakka Barrage”.<sup>43</sup>

A massive new water project that is being considered by India has caused alarm in Bangladesh. This project, which will “redraw the hydrological map of India” according to one report<sup>44</sup>, would pump flood waters from fourteen tributaries of the Ganges and

---

<sup>38</sup> 17 ILM 103, 1978.

<sup>39</sup> The Joint Rivers Commission was established in March 1972 to advise the governments of India and Bangladesh on the development and allocation of shared water resources. The Commission consists of four members from each country, at least two of whom are to be engineers.

<sup>40</sup> Treaty on Sharing of the Ganga/Ganges Waters at Farakka, New Delhi, 12 December 1996, 36 ILM 519, 1997.

<sup>41</sup> *Ibid*, article II and annexure I.

<sup>42</sup> *Ibid*, article IV.

<sup>43</sup> *Ibid*, article VII.

<sup>44</sup> Fred Pearce, “Conflict Looms Over India’s River Plan; The World’s Largest Water Project is Designed to Relieve Drought in India. But Could it Bring Disaster Elsewhere”, *New Scientist*, 1 March 2003, page 4.

---

Brahmaputra Rivers in northern India across the Vindhya mountains to seventeen rivers in southern India. The project, whose estimated cost is between 70 billion and 200 billion dollars would reportedly be the “largest single project of its kind attempted anywhere in the world”.<sup>45</sup> It would pump up to 1500 cusecs of water to the southern rivers. According to news reports the project would require the construction of some 300 reservoirs and 1000 km of canals and would flood around 8000 square km of land, displacing three million people.<sup>46</sup> Since both the Ganges and the Brahmaputra flow through Bangladesh on their way to the sea, that country would be affected significantly by India’s project. Most of Bangladesh’s small farmers, over 80 per cent, are said to depend on water that flows from India into Bangladesh for their rice crops.<sup>47</sup> At the time of this writing, the project has not yet been put under way, but it is only a matter of political will of India to go through even against the opposition that Bangladesh might try to rally by instituting some form of proceedings in the United Nations.

As we can see, resource use in the Ganges basin is dependent upon the availability of rain and land, the nature of economic activities and political perceptions and each government’s domestic prerogatives. Political mistrust between basin states has largely contributed to fragmentation. The negative consequences of fragmented use of the basin are felt by all countries in varying degrees and the unilateral or bilateral approach adopted to solve or tackle the associated problems has largely failed. The existing regional and bilateral legal and institutional framework on the river basin shows a narrow approach to water management, an approach that can hardly allow these countries to achieve a sustainable level of development for the basin. Because of the agrarian structure of the economy of all these countries, sustainable development in the Ganges region, in the true sense, depends on the adoption of a development strategy that is participatory and ecosystemic. Although such a strategy would have to be adopted at the national level, it would also have to be followed at the regional one. At the inter-state level, regime building for the Ganges will have to start from a point of recognition of the river as a shared resource and development of an atmosphere of trust and confidence conducive to basin-wide cooperation. Regime building needs to include all of the partners of the basin, including China, which controls the headwaters of the Ganges. There is recent academic opinion that the three basins- the Ganges, Brahmaputra and Meghna, should be incorporated into one management regime.<sup>48</sup> This possibility is worthy of exploring, but needs to be approached on a pragmatic basis considering the infrastructural and

---

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> John Vidal, “Water Wars Loom as India Presses on with Plan to Divert Rivers Vital to Bangladesh: UN Urged to Act Amid Warnings of Social and Ecological Disaster”, *The Guardian*, (London), 24 July 2003, page 15.

<sup>48</sup> Nahid Islam, *The Law of Non-Navigational Uses of International Watercourses-Options for Regime Building in Asia*, Kluwer Law International BV, Netherlands, 2010, page 367.

---

institutional capabilities of the countries concerned in achieving such a gigantic management regime.

### *C. Remarks to be Drawn*

In both cases I have presented the analysis of a current political regime on the management of an international watercourse. I have given a historical perspective as well with the aim to facilitate for the reader the comprehension of the workings of the system in practice. As one can see from all the above mentioned, these two huge riverine ecosystems fail to be managed, protected and preserved in the same accord with their European counterpart. The foremost reason for this unfortunate situation is the lack of political will on the part of their riparians. In both situations we have the exclusion of the biggest political power in the region, China, from the legal regime of management. In both situations we further have constant conflicts that are, more often than not, on the verge of inciting inter-state wars. Finally, in both situations, we have a predominantly agrarian structure of riparians economies with the total exclusion of the farmers, as the biggest stakeholders, from the political processes that shape the water management.

## **IV Conclusion**

Transboundary hydropolitics revolve around the questions of the mutual share, management, protection and conservation of water resources that belong to one or more states. It is a well established notion in the international legal theory that these type of resources can benefit not only the riparian states, but also states that belong to the whole region of a watercourse basin. Therefore, it is impossible to regulate their usage on the basis of theories that promote exclusive territorial sovereignty. However, states are willing, for reasons of political and economic power, but also because of selfish pursuit of domestic social interests, to pursue policies which conflict with principles of ecosystemic approach in management of shared water resources, which is undoubtedly the only principle in accord with the supreme notion of sustainable development.

In Europe, these selfish interests are put aside by the common structures that operate the management of the largest international watercourses. These structures rest not only on the values which form the basis of the international legal order, but also on the more closely-knitted regional integration, which in combination with the diplomatic and legal procedures that are at hand for the parties in dispute, at the end can solve any misunderstandings that might arise among the users. I have illustrated on the example of the Rhine River pollution case, how an acute environmental problem has been dealt with, although in a rather prolonged manner. It is doubtful whether the solution could have been reached if France and the Netherlands had not been members of the same

---

regional hub, the European Union, notwithstanding the existence and activities of the Rhine Commission and the rules of the treaty that established it.

In Asia, on the other hand, although similar systems of basin wide regulation have been instituted, disputes that have arisen in the past, and those that loom just over the horizon with the never ending menace, tend to paint a picture in much darker tones. The lack of any organization parallel to the EU, with the continuing frenzied economical development of a regional hegemon, China, which, to make things even worse, is not a part of any currently existing formal structure, tells us that unilateral projects that might endanger other riparians' right to water and damage badly the ecosystem of these watercourses are a clear possibility. What can be done to prevent this is either to transform the existing institutional framework, as some authors propose, and to give the decisional powers to the direct stakeholders, agrarian communities in the basin region, which is a rather utopian scenario at the moment, or to try to integrate China in common structure, to use a popular to expression connected with management of one of the rivers analysed, to enlighten it in the ideals of the Mekong spirit.

## References:

### BOOKS AND ARTICLES

1. De Villeneuve Carel H.V, *Western Europe's Artery: The Rhine*, 36 Nat. Res. J. 441, 1996
2. *Encyclopedia Britannica*, 15<sup>th</sup> edition, Chicago, 1987.
3. Nahid Islam, *The Law of Non-Navigational Uses of International Watercourses-Options for Regime Building in Asia*, Kluwer Law International BV, Netherlands, 2010.
4. Jalal Kazi F, "Regional Water Resources Situation: Quantitative and Qualitative Aspects", in *Water Resources Policy in Asia*, editors M. Ali et al, Rotterdam/Boston, A. A. Balkema, 1987.
5. Kiss Alexandre and Shelton Dinah, *International Environmental Law*, Transnational Publishers, Inc., Ardsley-on-Hudson, New York, Graham & Trotman Ltd., London, 1994.
6. Lammers Johan, *Pollution of International Watercourses*, Martinus Nijhoff, Boston/The Hague/Dordrecht/Lancaster, 1984.
7. McCaffrey Stephen, *The Law of International Watercourses*, Oxford University Press, second edition, Oxford, 2010.
8. Pearce Fred, "Conflict Looms Over India's River Plan; The World's Largest Water Project is Designed to Relieve Drought in India. But Could it Bring Disaster Elsewhere", *New Scientist*, 1 March 2003.
9. Vidal John, "Water Wars Loom as India Presses on with Plan to Divert Rivers Vital to Bangladesh: UN Urged to Act Amid Warnings of Social and Ecological Disaster", *The Guardian*, (London), 24 July 2003.

### CASES AND STATUTES

1. Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin, signed at Chiang Rai, Thailand, on 5<sup>th</sup> of April 1995, 34 ILM 864, 1995.

- 
2. Agreement on Sharing of the Ganges Waters 17 ILM 103, 1978.
  3. Brussels I Regulation of 22 December 2000, Council Regulation (EC) No 44/2001.
  4. Convention on the International Commission for the Protection of the Rhine against Pollution, Berne, 29 April 1963, 994 UNTS 3.
  5. Chloride Agreement of 25 September 1991, Additional Protocol, 1992 Tractatenblad van het Koninkrijk der Nederlanden No. 3 (Neth).
  6. Convention on the Protection of the Rhine Against Pollution by Chlorides, Bonn, 3 December 1976, 16 ILM 265, 1977.
  7. Treaty on Sharing of the Ganga/Ganges Waters at Farakka, New Delhi, 12 December 1996, 36 ILM 519, 1997.
  8. *Handelskwekerij G.J. Bier BV and Stichting "Reinwater" v Mines Domaniales de Potasse d'Alsace SA*, ECJ, Judgement of 30<sup>th</sup> November 1976, Case 21/76.
  9. *La Province de la Hollande septentrionale et autres v L'État-Ministre (Commissaire de la République du Haut-Rhin)* decision TA 227/81 to 232/81, 700/81 and 1197/81 of 27 July 1983.

#### WEB SOURCES

1. [www.iksr.org](http://www.iksr.org), 20. 1. 2012.
2. [ww.pca-cpa.org/ENGLISH/RPC/PBF/Sentence%20I.pdf](http://ww.pca-cpa.org/ENGLISH/RPC/PBF/Sentence%20I.pdf), 20. 1. 2012.
3. [www.pca-cpa.org/ENGLISH/RPC/PBF/Sentence%20II.pdf](http://www.pca-cpa.org/ENGLISH/RPC/PBF/Sentence%20II.pdf), 20. 1. 2012.
4. [www.irn.org/programs/mekong](http://www.irn.org/programs/mekong), 20.1.2012.
5. [www.mrcmekong.org/annual report/2005/tab content.htm](http://www.mrcmekong.org/annual%20report/2005/tab%20content.htm), 20. 1. 2012.

---

*Dorđe KALUĐEROVIĆ*<sup>1</sup>

## **BORDER ISSUES AND ITS REGIONAL ASPECTS – THE CASE OF JAPAN AND SOUTH KOREA**<sup>2</sup>

### ABSTRACT

The modern relationship between Japan and its East Asian neighbour South Korea can be best described as “dualistic”. The increase of the economic cooperation between these countries was followed by greater cultural exchange. In addition to the growing interdependence, their relationship is burdened with territorial disputes from the past. The Takeshima/Dokdo Island and Japanese/East Sea issues are two key territorial problems that will be explained in this paper. This paper also seeks to explain the key facts on which both sides base the correctness of their views as well as the substance of the issues and the regional initiatives for tensions resolving.

*Key words:* Japan, South Korea, disputes, Takeshima/Dokdo, Japanese/East Sea

The modern relationship between Japan and its East Asian neighbor South Korea can be best described as “dualistic”. Along with the growth of regional economic integration, interdependence of the two economies becomes greater. The example of China shows us that two countries with turbulent episodes in history can improve significantly their level of cooperation. Today China is the first Japanese export and import partner ahead of USA and European Union. Since the 2007 Japan has been the

---

<sup>1</sup> Dorđe Kaluđerović, M. A, researcher at the Centre for Asian and Far Eastern Studies, Faculty of Political Science, University of Belgrade.

He graduated from the Faculty of Political Science, University of Belgrade. Kaluđerović continued his education by finishing Master’s course *Globalization, International Business and Emerging Markets* at the University of Barcelona. Currently he is enrolled at the postgraduate studies *Regional studies of Asia* at the Faculty of Political Science, UB.

<sup>2</sup> This paper was done within the project “The Meaning of Borders in the Age of Globalization: Europe and Asia”, through the Japan Foundation’s Grant Program for Intellectual Exchange Conferences 2011 in which the Centre for Asian and Far Eastern Studies (CAFES) and the Faculty of Political Science, Belgrade University, participated.

---

second largest partner of Korea in the trade volume, while Japan has been Korea's third (Source: Korea Trade Association). The level of cultural exchange is also growing substantially. Joint organization of the football World Cup 2002nd greatly contributed to the massive socio-cultural exchange, so in due to that the number of mutual visits on an annual basis has reached five million. The so-called "J-Wave" in Korea has expanded in equal measure as the "K-Wave" in Japan<sup>3</sup>. However, in contrast to the positive changes in socio-economic cooperation, political and diplomatic relations, burdened with many open questions, do not follow this trend. The historical issues along with territorial disputes are the main reasons for the periodic increase in nationalist sentiment among the citizens of both countries. These mean visits of Japanese leaders to Yasukuni temple (which includes the remains of about 2.5 million Japanese soldiers and 14 convicted class A war criminals), justifying Japan's colonial rule in school textbooks and the denial of the existence of "comfort women", as well as the issue of naming "Japan / East Sea." Whenever these issues and the question of the territorial dispute over the Dokdo islands / Takeshima surfaced, diplomatic tensions would rise and weakness of these relations between the two countries would become visible.

The remainder of this paper particularly pays attention to two key issues that cause the most tension in diplomatic relations between two countries and that attract most attention, not only stakeholders, but also foreign entities. To the question of the territorial dispute over the Dokdo / Takeshima islands. Although this dispute draw attention to the regional level and regional initiatives to resolve the problem are not rare, because of the sensitivity of issues the space is left up to bilateral talks the two administrations.

Of course, as in most international territorial disputes, there is no place for and basing these problems only on national enthusiasm and struggle for sovereignty over the territory, but another, economic dimension should be added.

In addition to that, possession of these islets significantly increases the territories for free trading, the surrounding seat belt provides considerable capacity for catching fish, as well as non-negligible gas deposits.

For more objective consideration of territorial disputes that have a negative impact on Japanese-Korean political relations, this paper will primarily present separate arguments and positions of both parties regarding the Dokdo islets / Takeshima and attention will be paid to the individual regional framework to solve these territorial disputes.

### **Takeshima/ Dokdo/ Liancourt rocks facts**

There are three names for two rocky islands and 32 rocks-islets located in the East / Japan Sea, with a total area of 187,554 square meters.

---

<sup>3</sup> The Journal of EAST ASIAN AFFAIRS, Volume 22 Number 1, Spring/Summer 2008.

---

Islands are located about 87 kilometers from the nearest island Uleung do, located near the coast of South Korea and from whose surface is visible when the weather is clear. Distance from the nearest Japanese island, Oki Islands is 158 km (86 nautical miles)<sup>4</sup>. According to the Korean sources, Dokdo was first mentioned in 512, and the name is a compound of words “do” which means island and the word “Seom” meaning rock. On the other hand the Japanese called the island Matsushima, and later introduced name Takeshima which means “bamboo island”. The third name Liancourt rocks, most commonly used by the international community, was given after the French ship that came across to these islands on their route. Triple name for the island testifies about their turbulent history and the importance for the interested parties, and also represents a great obstacle for establishing effective political relations between the two countries.

### **Dokdo is our land – Korean stance**

The dispute, which reaches its climax in the postcolonial era, has long been the subject of the political, diplomatic, economic, and military maneuvers between the Republic of Korea and Japan. Deeply ingrained in the national emotions, the mere mention of the islands and surrounding islets causes strong emotional reactions of the Korean public and resolute attitude about his status. Dokdo is a part of Korea, clearly and with quite a number of arguments is pointing out the state administration of the country. How important are these islands and the how big is the attention paid to the problem that surrounds them, tells us a special section – “Dokdo Special” which is regularly published in one of the most popular Korean daily Korea Times newspaper that is also the sponsor of the competition in writing essays on Dokdo issue, its origin, history, and even future developments. Precisely this open invitation to scientists and researchers from around the world to engage in analysis of the problem is one of the measures how Korea seeks to solve this unpleasant situation. The depth of this issue is defined by the history of the colonial past of these two economic giants and exploring it is certainly the only way to clarify their relationship. Separating the period of Japanese colonialism, annexation of Korea and war damages from the heart of this problem would lead us to the cardinal error, because this period has important consequences on today’s bilateral relations of these countries. The strong sensitivity of the Koreans in the relationship with Japan is based precisely on the military defeat, large-scale destruction and cruelties committed by the Japanese Imperial Army in the early 20<sup>th</sup> century, and practically until the end of World War II. Korea does not allow forgetting these events, so even curing these wounds go slower, but this very fact makes it much more sensitive not only to every Japanese foreign policy moves, but also moves inside the Japanese

---

<sup>4</sup> Jon M. Van Dyke, “Legal Issues Related to Sovereignty over Dokdo and Its Maritime Boundary”, *Ocean Development & International Law*, 38:157–224, 2007.

---

administration. Referring to the attempt to restore Japan's imperialist aspirations, and fear represents the context in which Korea is striving to present to the world Japanese claims of the islands. Japanese beautifying of their own past and closing the eyes in front of her darkest pages is the key obstacle to relations between the two countries. This tendency towards the achievement of collective amnesia of the Japanese public can be a double obstacle to Japan; by preventing on one hand real dealing with its past, while on the other does not give peace in the relationship with its neighbors.

Tokdo, Usando, Sambongdo, Kadiro are just some of the names that have historically carried these islands. To find a unique name for them, at least at the international level, is still not easy task. Next to the name used by the Republic of Korea and Japan, Liancourt Rocks is the name often used on maps. The islands are named after the French ship in mid-19th century, although even 1300 years ago were known as Dokdo, by Korean sources. In 2008, Council for Geographic Names of the United States changed the Dokdo tag from the territory under the rule of Korea in the area of undetermined sovereignty. Although this move was shortly afterwards annulled by the administration of President Bush Jr. and the name was returned to its original state, but the damage to the struggle for Korean goals was already done. Such a compromise of cartographers, Korea see as another form of blurring of historical facts and evidence of susceptibility of international factors to the effect of Japanese diplomacy. Despite efforts to persuade key players in the international politics, Korea has problems that creates a influential media factors, such as National Geographic magazine which prints dual name of the island on its maps, with the excuse that they want to be fair to both countries. In order to properly understand the sentiment that Korea has for Dokdo, it is inevitable to turn to historical data and facts which represent the base and are making clearer Korean struggle for sovereignty over the islands.

According to Korean sources, in 512 former Korean Kingdom Silla conquered the island and incorporates former "terra nullius" in its territory, long before Japan was even aware of their existence. Proof that the Dokdo till Korean victory was no man's land, tells us the fact that from then until 1905 and the Japanese takeover, no other country except Korea had pretensions or claims over the island<sup>5</sup>. The name Dokdo Japanese public for the first time was mentioned in 1667 as a part of a literary work<sup>6</sup> and was referred to as a Korean territory.

Until 1905 Dokdo was "living" under Korean rule, when the Japanese imperial forces annexed the territory taking over the rule over the islands. Due to all the committed during history and Japanese attitude that Dokdo was historically their territory, many Korean intellectuals are questioning, what could force Japan to annex "their" land? The collapse of Japan's imperialist aspirations has caused the return of the islands under

---

<sup>5</sup> Kim Pil-kyu, "Dokdo Issue May Affect Stability in Northeast Asia", Korea Times, 11. 08. 2008.

<sup>6</sup> Onshu shicho goki (Observations from Oki region).

---

Korea's sovereignty. Shortly after the Japanese surrender, USA Gen. Douglas MacArthur, supreme commander of Allied forces in the Pacific signed a directive no. 677 which has returned Dokdo to Korea's hands<sup>7</sup>.

There are a number of previous analysis of the South Korean administration's foreign policy moves that are aimed at finding the right model for achieving the desired results. Among the conclusions of this analysis stands out one as dominant, that Korea's current policy towards the issue was not sufficiently active or effective enough, allowing the South Korean politicians that under the pretext of good neighbor relations, provided opportunities for Japan, to present in the more explicit way its intentions. It is interesting to point out proposals or suggestions shaped by Korean intellectuals, aimed to resolve the referred dispute. First and crucial for many researchers is launching new negotiations concerning the Treaty on the Fish Hunt in 1999, which is thought to be extremely bad for South Korea and that gave new life to Japanese demands. The following proposal relates to the increase of Dokdo population with the settlement of few new families on island<sup>8</sup>, as well as the introduction of police or military personnel. These suggestions should be rounded with the end of "naive and quiet" diplomacy, and much more active Korean role internationally.

### **Takeshima from Japanese perspective**

"An island developed by our ancestors. It's foolish to let Korea stay on there. Takeshima is an irreplaceable property for the fishermen of Oki Island."<sup>9</sup> This statement reflects in the best way the attitude of the Japanese people regarding the territorial dispute between South Korea and Japan over sovereignty of the islands, Takeshima.

First name of the island used by Japanese side was Matsushima, while the adjacent, larger Korean island Utsurjo (Ulleung-do) was named Takeshima. Present name of the island, Takeshima used by Japanese side was finally assigned to in 1905 when the islands are added to Japan Shimane prefecture.

The position and arguments of the Japanese Government regarding the origin of the island Takeshima are expressed in the pamphlet "10 Issues of Takeshima", that the Ministry of Foreign Affairs of Japan (MOFA) has issued in 2008. This document contains four basic propositions that are supported by with ten arguments that some of them will be further presented in this paper. According to the first argument, "Takeshima is an inseparable part of Japanese territory based on historical facts and international law. "The first of the arguments used by the Japanese Government to support their claims is the statement saying that Japan

---

<sup>7</sup> Michael Ha, "History Backs Korea's Dokdo Sovereignty", Korea Times, 31. 07. 2008.

<sup>8</sup> One two-member family is living currently on the island.

<sup>9</sup> Cited from *Asahi Shimbun*, Japanese daily newspaper.

---

has long ago recognized the existence of Takeshima, that is clearly observable in the map developed by Sekisui Nagakubo in 1779, (Revised Complete Map of Japanese Lands and Roads), which is considered the most significant cartographic projection of Japan in that period. Also, at the beginning of the Edo period (1603–1867) merchant families Murakava and Oja with the permission of the Shogunate used the island as a station on the way to the island Utsuryo and as a place for fishing, which means that the sovereignty over the island is placed no later than the in the 17 century.

In the early 20th century, Jozaburo Nakai, a resident of Oki Island in Shimane Prefecture, sent the request to 3 Japanese ministries to put the islands under the jurisdiction of the prefecture, which has confirmed that there are no obstacles to as Nakai asked. That was when Takeshima has for the first time received an official name. So Japan in the 1905 has re-affirmed their rights to rule the island. An important period for the process of dealing with the issue of sovereignty is the period of the Second World War and the signing of the peace agreement with Korea. During the writing of the agreement, Korea has demanded that Takeshima is added to the the agreement as an area that must be returned by Japan the Korean republic. This request has not met with the approval of the United States that in his reply to the Ambassador of Korea stated that to their data, Takeshima has never been considered as the territory of the Republic of Korea, and that since 1905 this area is under the jurisdiction of the Oki Islands in Shimane Prefecture. Also, in the administrative agreement signed under the security agreement between Japan and the United States, in 1952, Takeshima is designated as a place for military exercises for the U.S. Army, from which can be concluded that Takeshima was considered a Japanese territory.

According to another thesis represented by MOFA, Korea must prove that it had effective control over Takeshima before that control was established by Japan. Claims by Koreans based on An Yong Bok's documents, who said that the he owns paper received from Edo Shogunate according to which it can be concluded that the shogunate viewed the Utsuryo and Takeshima islands as Korean territory, which Japan rejected as a story that contains many data that are inconsistent with the facts. The Japanese side stated that these claims were coming from the individual who travelled abroad violating the prohibition of leaving the country, thus bringing into question the credibility of the man on whose statements Korea based it's view.

The third thesis that MOFA is mentioning is that its documents say that Takeshima is illegally occupied territory by Koreans and that Japan regularly protests. Specifically, in January 1952 former President of the Republic of Korea, Syngman Rhee published a declaration in relation to the sea sovereignty on which basis he has created so-called "Syngman Rhee line." The creation of this "line", which puts Takeshima sea borders in the framework of Korea, is a unilateral act which is contrary to international law. In the next two years happened a few incidents between the coastal guards of Korea and Japan. In 1954 The Ministry of Internal Affairs announced that Korea's coast guard battalion

---

was immediately sent to the Takeshima island and stationed there. Since then, the Korean army is based on the island as well as its monitoring devices, a lighthouse and harbor. Japan argues that no measures taken by Korea during the illegal occupation of Takeshima has no basis in law. Because of that Japan regularly and vigorously protests against any individual measures implemented by Korea, demanding the withdrawal of the same.

According to the final thesis, Japan has twice proposed peaceful resolution of the territorial dispute over Takeshima islands, by opening this issue in front of the International Court of Justice of the United Nations. For the first time, Japan's proposal, through verbal diplomatic notes was sent in 1954, but it was rejected by Korea. In 1962, during the ministerial talks, Japanese Foreign Minister again has proposed settlement of the dispute in front of the court, but this proposal also was rejected. Japan's proposal has also enjoyed the support of the United States, after U.S. Ambassador Van Fleet visit to Korea in 1954 who concluded that Takeshima belongs to Japan and that the dispute should be resolved peacefully, at the International Court of Justice. Numerous incidents that have occurred in recent years are just pointing to the necessity of peaceful resolving of this territorial dispute. As an example of mutual intolerance, we may cite an incident in April 2006, which occurred when the Japanese side in order to investigate the disputed waters around Takeshima, found themselves in direct conflict with the Korean forces and the conflict hasn't escalated only due to bad weather. However, at the end Japan and Korea have jointly conducted a study in which participants are scientific researchers from both countries.

In the last decade, there has been noticeable effort of the Japanese government in trying to raise awareness of its citizens about the facts related to Takeshima island and its importance for the Japanese nation. It can be seen in several examples. Shimane prefecture designated holiday " Takeshim Day " that celebrate each year. Then, the government of Japan urges to its citizens not to enter the Takeshima island from the territory of Korea because it would thus implicitly recognized its jurisdiction over it. Also, the Ministry of Education strives to make closer the attitude of the Japanese government to the future generations regarding the territorial dispute with Korea and deepen their knowledge about Japanese territories. School textbooks written in 2008 for that purpose, have received great disapproval by Korea. On the other hand, the Japanese authorities assure that when creating the book it is taken into account the feelings of the Korean people to whom the memories of Japanese occupation and the crimes are still very much present.

### **Regional aspects of territorial conflicts**

As stated in the introduction, in addition to regional initiatives that are sure to date, most of the space is left diplomacies directly interested parties on these issues. With that in mind, the two sides are forced to strengthen the capacity and diplomatic initiatives,

---

not only in their relations, but also in relations with regional actors. Gain favor with regional powers and their allied help, can be crucial for both sides in a future resolution of these disputes.

In this section we provide an overview of some regional diplomatic initiatives and activities in an attempt to resolve the burning issues, as well as the views of influential regional and world countries. In the recent history of relations, very important is the episode in 1999 and the signing of the exclusive economic zones of Japan / East Sea<sup>10</sup>. Under the agreement, the Japanese zone extends up to Uleung (Utsuryo) Islands, Dokdo / Takeshima remains in Japan, which gives the opportunity to raise the old question about political authority over the islands. Such initiatives of the Japanese foreign ministry and the announcement that in Japanese textbooks the islands Takeshima will be considered Japanese were to cause a reaction by the Korean party in 2008 with withdrawing its ambassador from Tokyo. Korea is trying through contact with the great powers, such as the US-Korean summit to improve its position, which in this case did not bring results, given the attitude of America not to interfere in bilateral problems of its two important Asian allies. Contrary to the position of the United States, China believes that the role of the United States is the key to solve this dispute in view of the fact that its military forces are stationed in both countries. The Korean army is still under the control of American forces which would prevent, in case of war, mobilization of the army without its consent, which puts the U.S. in a decisive position in a potential conflict. Also, China believes that Japan is more important partner than the United States to Korea. As far as the third important regional player - Russia, its preference regarding the origin of the island is on the side of Korea. This position is logical bearing in mind that Russia itself is involved in the dispute with Japan over Kuril Islands. Regional mechanisms that provide the opportunity for convergence of positions of South Korea and Japan are ASEAN meetings (ASEAN +3) within whose regional forum talks on disputed issues were initiated by Japan. However, this initiative did not meet with positive response from Korea, which considers that part of its territory is not subject of discussion with Japan. Also, the initiative to discuss these issues was launched in the framework of the tripartite conference of China-Japan-South Korea, but so far with no concrete results.

### **References:**

1. LIM Tai Wei, "Japan-Korea Relations: The Takeshima Issue from Japanese Perspective", *EAI Background Brief No. 409*, October 2006.
2. KANG David, "Japan-Korea Relations: In a Holding Pattern with Hope on the Horizon", *Comparative Connections*, January 2009.

---

<sup>10</sup> Agreement on Fishing between Japan and South Korea.

- 
3. KOO Min Gyo, “Liberal Peace and the Scramble for the Rocks: The Dokdo/Takeshima, Senkaku/Diaoyu, and Paracel and Spratly Islands Disputes”, *Annual Meeting of the American Political Science Association*, Washington, D.C., September 3, 2005.
  4. LEE Ki-Suk, “Updating the issue of the Geographical Sea Name: East Sea or Sea of Japan”, *WORLD LIBRARY AND INFORMATION CONGRESS: 72ND IFLA GENERAL CONFERENCE AND COUNCIL*, Seoul, Korea, 20-24 August 2006.
  5. Pamphlet “10 Issues of Takeshima”, *Ministry of Foreign Affairs of Japan*, February 2008.

---

Ivona LAĐEVAC<sup>1</sup>  
Žaklina NOVIČIĆ<sup>2</sup>

## GLOBALIZATION AND BORDER SECURITY<sup>3</sup>

### ABSTRACT

Globalization is one of the main characteristics of contemporary international relations. In this article, the authors underline the fact that globalization is a complex phenomenon with many faces which affects international actors in different ways. It also affects the entire world. Globalization has turned the world into a global village by compressing space. The role of the state in the international arena has also changed. Different security threats have arisen making states all over the world face with new challenges. In such a climate even the meaning and importance of border lines has come into the question.

*Key words:* globalization, international relations, actors of the international relations, information revolution, border security

### Introduction

Globalization is one of the main characteristics of contemporary international relations. Although it would not be completely incorrect to consider globalization as an ideological doctrine<sup>4</sup>, the authors of this paper accept the approach that treats globalization as an objective process and phenomenon which can not be neglected. Impetus of globalization was given by technological development, particularly in the areas of communication and information infrastructure. Globalization has made the

---

<sup>1</sup> Ivona Lađevac, M.A., Research Associate, Institute of International Politics and Economics, Belgrade.

<sup>2</sup> Žaklina Novičić, M.A., Research Associate, Institute of International Politics and Economics, Belgrade.

<sup>3</sup> This paper was done within the project “Serbia in contemporary international relations: Strategic directions of development and strengthening of the position of Serbia in international integration processes – foreign policy, international economic, legal and security aspects”, Ministry of Education and Science of the Republic of Serbia, number 179029, for the period from 2011–2014.

<sup>4</sup> See more in: Kursar Tonči, “Smrt “globalizacijske teorije” ili kraj još jedne revolucije?”, *Politička misao*, Vol. XLV, 2008, br. 1, Fakultet političkih znanosti, Zagreb, str. 4.

---

“world shrinking” and finally turns it into a “global village”.<sup>5</sup> All barriers and obstacles got removed and the free flow of people, capital, ideas etc. was encouraged. Eastern culture start influencing Western, products from North shortly after producing became available at every local store in the South and *vice versa*.



Source: Internet, <http://killtheboredomp6.blogspot.com/2010/09/globalization-what-would-world-be-like.html>, 15/10/2011.

Very often globalization is considered equal with the spread of liberalization of global financial markets, global production and global investment. For Immanuel Wallerstein “globalization represents the triumph of a capitalist world economy tied together by a global division of labour”.<sup>6</sup> Economic position holds also Robert Cox who claims that “the characteristics of the globalization trend include the internationalizing of production, the new international division of labor, new migratory movements from South to North,

---

<sup>5</sup> Herbert Marshall McLuhan created the term “global village”. See more in: Facchina Laureano Ralon, *Sir George R. Parkin & Herbert Marshall McLuhan Making Sense of Shrinking World*, in: *International Journal of Canadian Studies/Revue Internationale d’études canadiennes*, no. 39–40, 2009, pp. 333–341, Internet, <http://www.erudit.org/revue/ijcs/2009/v/n39-40/040836ar.pdf>, 15/10/2011.

<sup>6</sup> Wallerstein Immanuel, *The Modern World System: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*, New York: Academic Press, 1974, as cited in: Nayef R.F. Al-Rodhan, “Definitions of Globalization: A Comprehensive Overview and a Proposed Definition”, Geneva Centre for Security Policy, 2006, p. 9, Internet, <http://www.sustainablehistory.com/articles/definitions-of-globalization.pdf>, 15/10/2011.

---

the new competitive environment that generates these processes, and the internationalizing of the state ... making states into agencies of the globalizing world.”<sup>7</sup> In the similar manner, Mark Ritchie defines “globalization as the process of corporations moving their money, factories and products around the planet at ever more rapid rates of speed in search of cheaper labor and raw materials and governments willing to ignore or abandon consumer, labor and environmental protection laws. As an ideology, it is largely unfettered by ethical or moral considerations.”<sup>8</sup>

Defining of globalization was not just the occupation of the scholars; some of definitions of globalization are created within the international organizations. Thus, for the International Monetary Fund (IMF) “globalization refers to the growing economic interdependence of countries worldwide through the increasing volume and variety of cross-border transactions in goods and services and of international capital flows, and also through the more rapid and widespread diffusion of technology.”<sup>9</sup> Similar within the Organization for Economic Cooperation and Development (OECD) globalization is defined “as the phenomenon by which markets and production in different countries are becoming increasingly interdependent due to the dynamics of trade in goods and services and the flows of capital and technology.”<sup>10</sup>

From the other side, sociologists consider that globalization should not be viewed as strictly economic category. Accelerating transformation of modern life led to the emerging of numerous changes in almost each aspect of everyday life. World seems to be compressed, it is much easier and quicker to travel from one place on the Earth to another, almost at the same second while something is happening, for instance, under the Equator, people above it can watch it over cable or satellite television or Internet. Being aware of that, Anthony Giddens, famous sociologist, defines globalization as an

---

<sup>7</sup> Robert Cox, “Multilateralism and the Democratization of World Order”, paper for the International Symposium on Sources of Innovation in Multilateralism, Lausanne, May 26-28, 1994, as cited in J. A. Scholte, “The Globalization of World Politics”, in J. Baylis and S. Smith (eds.), *The Globalization of World Politics, An Introduction to International Relations* (New York: Oxford University Press, 1999), p. 15

<sup>8</sup> Mark Ritchie, “Globalization vs. Globalism”, International Forum on Globalization, 1996, as cited in: Nayef R.F. Al-Rodhan, “Definitions of Globalization: A Comprehensive Overview and a Proposed Definition”, Geneva Centre for Security Policy, 2006, p. 12, Internet, <http://www.sustainablehistory.com/articles/definitions-of-globalization.pdf>, 15/10/2011.

<sup>9</sup> International Monetary Fund, “World Economic Outlook, A Survey by the Staff of the International Monetary Fund”, “Meeting the Challenges of Globalization in the Advanced Economies”, in the *World Economic and Financial Surveys 1997*, p. 45, see: Internet, <http://www.imf.org/external/pubs/WEOMAY/Weocon.htm> (Chapter 3), 15/10/2011.

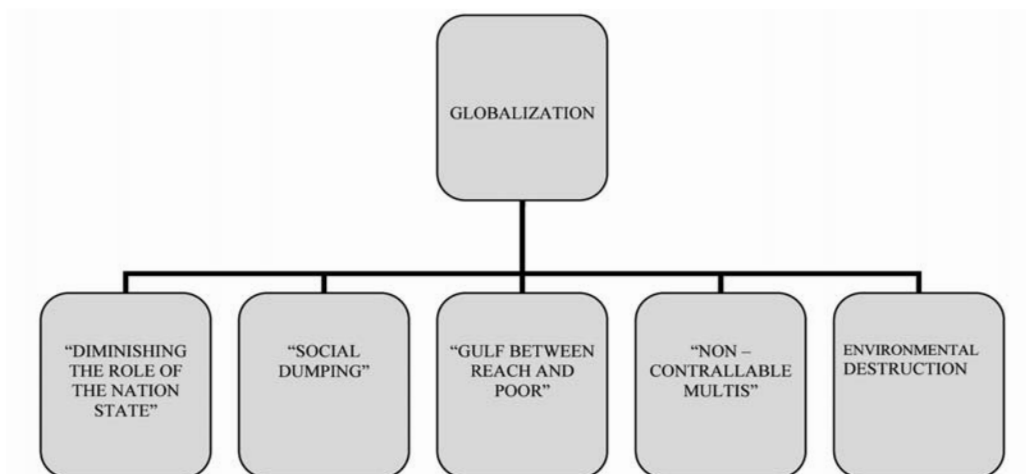
<sup>10</sup> OECD, *Intra-Firm Trade* (Paris: OECD, 1993), p. 7, as cited in: Nayef R.F. Al-Rodhan, “Definitions of Globalization: A Comprehensive Overview and a Proposed Definition”, Geneva Centre for Security Policy, 2006, p. 9, Internet, <http://www.sustainablehistory.com/articles/definitions-of-globalization.pdf>, 15/10/2011.

---

“intensification of societal relations on global level which connects far away places in a manner that local events are caused by events which happened many kilometers away and *vice versa*.”<sup>11</sup>

Close to Giddens is Malcolm Waters who describes globalization as “a social process in which the constraints of geography on social and cultural arrangements recede and in which people become increasingly aware that they are receding.”<sup>12</sup>

From the optimistic point of view, this phenomenon “pertains to the increasing ease with which somebody on one side of the world can interact, to mutual benefit, with somebody on the other side of the world”.<sup>13</sup> Free flow of ideas (looking from the global perspective), norms and values more than ever affects (d)evolution of the local communities. Consequences of globalization, as one can expect, are not equal. Globalization is like Janus, it has two faces.



Source: Internet, [http://www.dadalos.org/globalisierung\\_bih/grundkurs\\_4.htm](http://www.dadalos.org/globalisierung_bih/grundkurs_4.htm), 15/10/2011.

Giddens is right when claiming that “globalization is not a single set of processes and does not lead in a single direction. It produces solidarities in some places and destroys them in others. It has quite different consequences on one side of the world

---

<sup>11</sup> Gidens Entoni, *Posledice modernosti*, Filip Višnjić, Beograd, 1998, str. 69.

<sup>12</sup> Malcolm Waters, *Globalization*, London: Routledge, 1995, p. 3, as cited in I. Clark, *Globalization and International Relations Theory*, New York: Oxford University Press, 1999, p. 48.

<sup>13</sup> Thomas Larsson, *The Race to the Top: The Real Story of Globalization*, as cited in: Nayef R.F. Al-Rodhan, “Definitions of Globalization: A Comprehensive Overview and a Proposed Definition”, Geneva Centre for Security Policy, 2006, p. 3, Internet, <http://www.sustainablehistory.com/articles/definitions-of-globalization.pdf>, 15/10/2011.

---

from the other. In other words, it is a wholly contradictory process. It is not just about fragmentation: I see it more as a shake-out of institutions in which new forms of unity go along with new forms of fragmentation.”<sup>14</sup>

### **State borders and globalization**

There is no doubt that globalization affected all actors at the arena of world politics. It seems that it affects the most the entity for centuries known as the basic constituent of the international order and the international law – a sovereign state.<sup>15</sup>

During the twentieth century, substantial changes occurred in the international relations and the international law. In both areas new actors emerged and they, due to the objective and undeniable circumstances, became interrelated and interdependent parts of the unique world system. Their relations are complex and intertwined. Nature of those relations is not pure economic, political, cultural or ecological. Even more, the state has no more a crucial or a core role in international relations. Even the fundamentals of the state came into a question.

According to the classical realistic approach to sovereignty, sovereignty is observed as distinctive feature of states.<sup>16</sup> Fundamentals of the sovereign state system can be summarized in territory, population and control, although some scholars add also mutual recognition and autonomy.<sup>17</sup> For realists, state is the highest authority in the international scene and its major concern is how to maximize its security status having on mind that anarchy rules out of state borders.<sup>18</sup>

---

<sup>14</sup> Anthony Giddens on Globalization: Excerpts from a Keynote Address at the UNRISD Conference on Globalization and Citizenship”, UNRISD (United Nations Research Institute for Social Development) News, Vol. 15, Bulletin No. 15, 1996/7, pp. 4–5, p. 5, as cited in: Mark Findlay, *The Globalization of Crime, Understanding Transitional Relationships in Context*, Cambridge: Cambridge University Press, 2000, p. 169.

<sup>15</sup> The foundations of international law with regard to state sovereignty were shaped by the agreements made by European states as part of the Treaties of Westphalia in 1648. The sovereign authority of the state was established within a system of independent and equal units, as a way of securing peace and order in Europe after nearly thirty years of war.

<sup>16</sup> See more in: Frankowski Pawel, *Liquid sovereignty in the post-modern world order*. Paper presented at the Sixth Pan-European Conference Standing Group on International Relations, Torino, September 12-15, 2007, p. 3, Internet, [http://turin.sgir.eu/uploads/FRANKOWSKI-Liquid%20Sovereignty\\_Frankowski.pdf](http://turin.sgir.eu/uploads/FRANKOWSKI-Liquid%20Sovereignty_Frankowski.pdf), 15/10/2011.

<sup>17</sup> Stephen D. Krasner, *Rethinking the sovereign state model*, Review of International Studies, Volume 27, Issue 05, pp. 17–42, Internet, <http://journals.cambridge.org/action/displayFulltext?type=1&pdfType=1&fid=163528&jid=RIS&volumeId=27&issueId=05&aid=163527>, 15/10/2011.

<sup>18</sup> See: Hans Morgenthau, *Politics among Nations*, different editions, Hedley Bull, *Anarchical Society*, different editions and other representatives of the realism.

---

But, what happened with that concept in globalized world, world ruled by mutual interdependence?<sup>19</sup> What happened with power and ability of state to secure its borders, to control not just the movement of goods, people, capital, but ideas, information, electronic money, etc. across its borders?

For Kenichi Ohmae “globalization means the onset of the borderless world”.<sup>20</sup> Or, in other words, “national borders become porous also for passing of ideas, culture and images, not just the capital”.<sup>21</sup> Their conclusions are based on observing that history is changing and that, influenced by new technologies, borders became open and its “control is more complicated, blurred and it is a question of degree”.<sup>22</sup> Such situation is direct consequence of the fact that information technologies introduced new forms of security undermining putting in other plan security in spatial and geographical term. Defending the state sovereignty is now more complicated because of the threats “dislocated from the physical realm”.<sup>23</sup> It seems that “borders are lost in the ever-expanding realm of cyberspace. Cyberspace has no front-line and potential battlefields can materialize anywhere networked systems permit entry”.<sup>24</sup>

Globalization challenged the state’s territorial dominion. At that point of view stand some scholars who argue that the new environment is one in which “decisions and outcomes do not correspond with the choices of sovereign wills and are not contained by the boundaries within which they operate.”<sup>25</sup> Similar to this is the opinion that “states may no longer be the neat containers of political community that international relations and political geography have for so long assumed” and that there is an urgent need for new political cartographies.<sup>26</sup> This is because of the evidently “need for multiple and overlapping maps...which pay less attention to the boundaries of states and more to the

---

<sup>19</sup> See more in: Keohane Robert and Nye Joseph, “Globalization: What’s new? What’s not? (And so what?)”, *Foreign Policy*, no. 118, Spring 2000, pp. 104-119.

<sup>20</sup> Kenichi Ohmae, *The Borderless World: Power and Strategy in the Global Marketplace*, London, HarperCollins, 1992, as cited in: Nayef R.F. Al-Rodhan, “Definitions of Globalization: A Comprehensive Overview and a Proposed Definition”, Geneva Centre for Security Policy, 2006, p. 4, Internet, <http://www.sustainablehistory.com/articles/definitions-of-globalization.pdf>, 15/10/2011.

<sup>21</sup> Francis Fukuyama as cited according in: *Kako nazvati naše doba u: Globalni svet, Osam ogleđa o globalizaciji*, 2003, (priredili Olja Nušić, Dušan Veličković), Beograd: Aleksandrija Press, Nova srpska politička misao, str. 29.

<sup>22</sup> Joseph Nye, as cited in: Frankowski Paweł, *Liquid sovereignty in the post-modern world order*, Paper presented at the Sixth Pan-European Conference Standing Group on International Relations, Torino, September 12-15, 2007, Internet, [http://turin.sgir.eu/uploads/FRANKOWSKI-Liquid%20Sovereignty\\_Frankowski.pdf](http://turin.sgir.eu/uploads/FRANKOWSKI-Liquid%20Sovereignty_Frankowski.pdf), 15/10/2011, p. 3.

<sup>23</sup> Fisher Uri, *Information Age State Security: New Threats to Old Boundaries*, Journal of Homeland Security, December, 2001, Internet, <http://isanet.ccit.arizona.edu/noarchive/urifisher.html>, 15/10/2011, p. 1.

<sup>24</sup> Ibidem, p. 2.

<sup>25</sup> Ibidem.

<sup>26</sup> Ibidem, p. 8.

---

flows and fractures that run across these boundaries.”<sup>27</sup> In the other words, “as the blurring of “here” and “there,” domestic and foreign, continues, the topography of the world’s security landscape will involve actual landscapes less and less”.<sup>28</sup>

It is already mentioned that, in the age of globalization, the flow of people, money, ideas, images, etc. is fostered. Parallel with that process, states are facing with an important task: they have to design and conduct sophisticated methods in order to follow their flow. That task is urgent because of tendency of increasing the irregular paths. Having that in mind, it is inevitable to conclude that, in this era of globalization, modern states has to foresee different threats and situations in order to preserve its stability and to cope with numerous security challenges. As one can expect, very often acquisitions of technological development are misused by different criminal structures. With inconsiderable effort, they rein the cyberspace and benefit by handling the illicit trafficking of people, drugs, guns, money, etc. States are aware of this kind of the “information superhighway”.<sup>29</sup> From that awareness arisen a new approach to securing borders. Far from traditional approach, states now have to consider a territoriality from different, less important perspective. The reason for that attitude is issued in a fact that modern technologies practically are ignoring existence of geographically divided spaces, meridians, parallels or, simply, borders. The nature of new technologies is different, it is not much, if any, material or physical, it is non-material, non-physical. Cyberspace can not be measured in length, or situated somewhere at the surface of the Earth. We are speaking of non-material space which is impossible to connect with geography. In that non-material space rein the information, but even more, it is very likely that soon it will rein the material world, as well.

Developments of technology made people live easier. People start getting different information, deepening its knowledge, communicating with more people, getting new skills, paying their bills without leaving the house, etc. At the same time, there was no spatial limitation. From the other side, governments now got a problem; they were not able to follow these activities. At the beginning, these technologies were reserved for the military, and now they are using by each state, each non-state actor even terrorist organization, and, at the end, by the ordinary people. States now are urged to react very quickly in order to adjust its security policy to new circumstances. There is no doubt, new security strategy is necessary. And that new strategy should be designed irrespectively of geographical reality. Reason for that is fact that the premise of territorially fixed states is disintegrating. It is apparent that state’s central authority over a certain geographical area continues to diminish. In that sense, state is unable to preserve its top secret from the rest of the world. There are no fences able to keep that particular

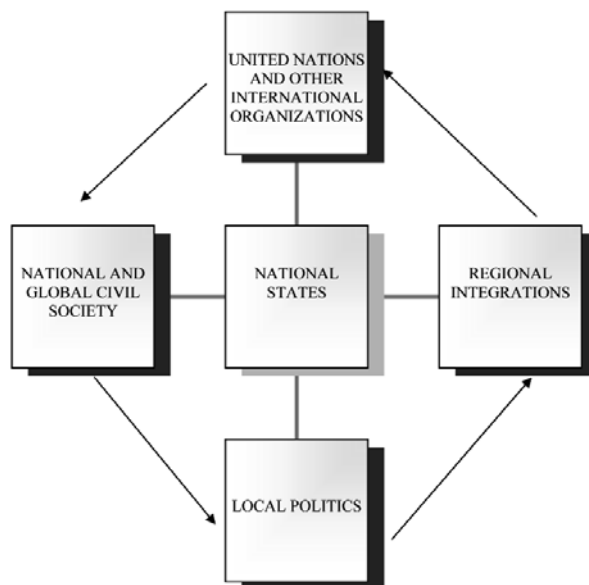
---

<sup>27</sup> Ibidem, p. 10.

<sup>28</sup> Ibidem, p.11.

<sup>29</sup> Ibidem, p. 6.

state cut off and safe from the rest of the world. This is why security strategies in the era of globalization must take into account, apart from traditional threats, numerous non-traditional threats from the realm of cyberspace. Non-traditional threats can cause serious damages by, for example, the disruption of communication services, destruction of data or the theft of digital information. And that is the main reason why states should consider the possibility of global organizing themselves in order to struggle with the plague. All actors of the international relations, without any distinction, will become key players in any nation's efforts to make self more secure of possible cyber attacks. It would be easier to tackle these issues within the international forums or through the work of the international organizations. Lot of traditional threats states managed to minimize gathering and pursuing joint actions under the auspices of the international organizations. That is the case of migrants and immigrants<sup>30</sup>, human trafficking, trafficking of illicit substances, guns, etc. Also stands for the ecological threats, effects of climate change, natural disasters. Facing with these challenges each state needs an ally, the best ally would be the international community as a whole.



Architecture of Global Governance. Source: Internet, [http://www.dadalos.org/globalisierung\\_bih/grundkurs\\_5.htm](http://www.dadalos.org/globalisierung_bih/grundkurs_5.htm), 15/10/2011.

<sup>30</sup> On migrant issues see more in: Ivona Lađevac, Dragan Đukanović, “Republika Srbija i Međunarodna organizacija rada”, u: *Srbija i međunarodne organizacije*, Dragan Đukanović, Ivona Lađevac (priređivači), Institut za međunarodnu politiku i privredu, Beograd, 2011, str. 284–295 and in: Јанковић Слободан, “Савремени миграциони трендови: последице по Србију”, *Национални интерес*, 2/2010, год. VI, vol. 8, стр. 229–254.

---

## Conclusion

In the XX century, technological revolution reached the very high level and influenced each segment of human life. Not even the national states remain immune to its influence. Some certainties came into the question and the issue of security became priority. Globalization shows us how relative is the importance of human agency on borders. It shows us that borders are porous and that new strategic policy that might strengthen border security objectives is urgently needed. By overcoming geographical categories, institutional arrangements of governments to establish and recognize formal borders, and then regulate flows and other activities across them, became irrelevant. Nowadays, threats are coming from the cyberspace and in most of the cases are connected with theft of information and their misuse. In that sense, states should cooperate with each other as well as with the international organizations in order to cope with these challenges. It is not a question of security of one particular state, but the entire world.

## References:

1. Baylis John and Smith Steve (eds.), *The Globalization of World Politics, An Introduction to International Relations*, New York: Oxford University Press, 1999.
2. Clark Ian, *Globalization and International Relations Theory*, New York: Oxford University Press, 1999.
3. Facchina Laureano Ralon, *Sir George R. Parkin & Herbert Marshall McLuhan Making Sense of Shrinking World*, in: *International Journal of Canadian Studies/Revue Internationale d'études canadiennes*, no. 39–40, 2009, pp. 333–341, Internet, <http://www.erudit.org/revue/ijcs/2009/v/n39-40/040836ar.pdf>, 15/10/2011.
4. Findlay Mark, *The Globalization of Crime, Understanding Transitional Relationships in Context*, Cambridge: Cambridge University Press, 2000.
5. Fisher Uri, *Information Age State Security: New Threats to Old Boundaries*, *Journal of Homeland Security*, December, 2001, Internet, <http://isanet.ccit.arizona.edu/noarchive/urifisher.html>, 15/10/2011.
6. Frankowski Paweł, *Liquid sovereignty in the post-modern world order*, Paper presented at the Sixth Pan-European Conference Standing Group on International Relations, Torino, September 12-15, 2007, Internet, [http://turin.sgir.eu/uploads/FRANKOWSKI-Liquid%20Sovereignty\\_Frankowski.pdf](http://turin.sgir.eu/uploads/FRANKOWSKI-Liquid%20Sovereignty_Frankowski.pdf), 15/10/2011.
7. Gidens Entoni, *Posledice modernosti*, Filip Višnjić, Beograd, 1998.
8. Griffiths Martin (ed.), *International Relations Theory for the Twenty-First Century: An introduction*, Routledge, 2007.
9. Hare Forrest, *Borders in Cyberspace: Can Sovereignty Adapt to the Challenges of Cyber Security?*, Internet, [http://www.cdcoe.org/publications/virtualbattlefield/06\\_HARE\\_Borders%20in%20Cyberspace.pdf](http://www.cdcoe.org/publications/virtualbattlefield/06_HARE_Borders%20in%20Cyberspace.pdf), 15/10/2011.

- 
10. Keohane Robert and Nye Joseph, "Globalization: What's new? What's not? (And so what?)", *Foreign Policy*, no. 118, Spring 2000, pp. 104–119.
  11. Kursar Tonči, "Smrt "globalizacijske teorije" ili kraj još jedne revolucije?", *Politička misao*, Vol. XLV, 2008, br. 1, Fakultet političkih znanosti, Zagreb, str. 3–28.
  12. Krasner Stephen D., *Rethinking the sovereign state model*, *Review of International Studies*, Volume 27, Issue 05, pp. 17–42, Internet, <http://journals.cambridge.org/action/displayFulltext?type=1&pdfType=1&fid=163528&jid=RIS&volumeId=27&issueId=05&aid=16352,15/10/2011>.
  13. Lankowski Carl (ed.), *Governing beyond the Nation-State: Global Public Policy, Regionalism or Going Local?*, AICGS Research Report No. 11, American Institute for Contemporary German Studies, The Johns Hopkins University, 1999.
  14. Masters Jonathan, *The Pentagon's Cyberstrategy*, July 21, 2011, Internet, [http://www.cfr.org/cybersecurity/pentagons-cyberstrategy/p25527?cid=rss-fullfeed-the\\_pentagon\\_s\\_cyberstrategy-072111&utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+cfr\\_main+%28CFR.org+-+Main+Site+Feed%29&utm\\_content=Google+Feedfetcher,15/10/2011](http://www.cfr.org/cybersecurity/pentagons-cyberstrategy/p25527?cid=rss-fullfeed-the_pentagon_s_cyberstrategy-072111&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+cfr_main+%28CFR.org+-+Main+Site+Feed%29&utm_content=Google+Feedfetcher,15/10/2011).
  15. Nayef R.F. Al-Rodhan, "Definitions of Globalization: A Comprehensive Overview and a Proposed Definition", Geneva Centre for Security Policy, 2006, Internet, <http://www.sustainablehistory.com/articles/definitions-of-globalization.pdf,15/10/2011>.
  16. Stupar Milorad, "Svetski poredak, globalizacija i pitanje suvereniteta", *Filozofija i društvo* br. 21, Beograd, str. 273–294
  17. Turek Franjo, *Globalizacija i globalna sigurnost*, Hrvatska udruga za međunarodne studije i Interland d.o.o. Varaždin, 1999.
  18. Wallerstein Immanuel, *U.S. Weakness and the Struggle for Hegemony*, Volume 55, Number 3, May 2003–April 2004, Internet, <http://www.monthlyreview.org/0703wallerstein.htm,15/10/2011>.

---

*Dragana MITROVIĆ*<sup>1</sup>

## **GEOPOLITICS OF ENERGY AS BORDER ISSUE<sup>2</sup>**

### ABSTRACT

In the age of Globalization and global dissatisfaction with the existing manners and scopes of multilateral, regional and national actions towards ending of the current global economic turmoil, rising insecurities and replacing the challenged values and ideologies, perceiving of certain topics – such as borders and border issues – seems to be undisturbed. They have proved to be of continuous importance to nation states, regional integrations and the multilateral system of global governance such as OUN, but also within nation states – among political parties, ethnic groups, and the general public.

In Asia, the expansion of China and new technologies that have made the exploitation of gas and oil under sea-bed possible, have been raising new issues regarding national borders on the sea, for example in the South China Sea and the East China Sea, Arctic under sea continental shelves, etc.

*Key words:* border issues, globalization, energy security, Asia, Far East

### **Importance and meaning of border issues**

In the age of Globalization and global dissatisfaction with the existing manners and scopes of multilateral, regional and national actions towards ending of the current global economic turmoil, rising insecurities and replacing challenged values and ideologies, perception of certain topics – such as borders and border issues – seem to be undisturbed. They proved to be of constant importance to the nation states, regional integrations and multilateral system of global governance, such as OUN, but also within the nation states – among the political parties, ethnic groups, and the general public. The high value of

---

<sup>1</sup> Prof. Dragana Mitrović, Director of the Centre for Asian and Far Eastern Studies, Faculty of Political Science, University of Belgrade.

<sup>2</sup> This paper was done within the project “The Meaning of Borders in the Age of Globalization: Europe and Asia”, through the Japan Foundation’s Grant Program for Intellectual Exchange Conferences 2011 in which the Centre for Asian and Far Eastern Studies (CAFES) and the Faculty of Political Science, Belgrade University, participated.

---

borders seems to be unchanged and remained untouchable as they proved to be of constant importance to the nation states, regional integrations and OUN, also within the nation states – among the political parties, ethnic groups, and the general public.

In Europe, the EU is lowering the importance of national borders among the member states, but, on the other hand, it is seen as fortress by many outside of it. Then again, the borders have still its importance, especially shown in the case of Kosovo, Ukraine, Georgia, and Armenia. Also, in Asia, the expansion of China and new technologies that has made exploitation of gas and oil under sea-bed possible, have been raising new issues regarding the national borders on sea, for example in the South China Sea and the East China Sea, Arctic undersea continental shelves, etc. Beyond that, there are numerous issues, such as Tibet, Xingjian, Kashmir, Kunashiri Islands, etc. that contributes to the high importance of the issue on the agenda of the concerned governments, regional and global mechanisms, military alliances, non-governmental organizations, and common citizens.

These issues involves bilateral and multilateral relations of many European and Asian states, including Serbia, Japan, China, South Korea, India, Russia, South-east Asian countries, EU and many others. Besides, Japan has other problems on the national sovereignty – that is the US bases – Marine Corps Air Station Futenma in Okinawa. Beyond that, there are disputed islands between Russia and Japan, South Korea and Japan and China and Japan. Serbia, on the other hand has UN mission on part of its territory – Autonomous Province of Kosovo and Metohija – that during the UNMIK mandate unilaterally declared the independence, which was not recognized by Serbia. Additionally, Serbia has not sorted border issues with none of the former Yugoslav republics. Many of these issues emerged from the far away history; others were created during and after World Wars, and others were consequences of the conflicts in the late XX century.

On the other hand, regional integrations, economic and wider cooperation among the interested states and globalization processes tend to soften border issues, but only to the certain level. Beyond that, borders remain one of the boldest issues in domestic politics of all modern national states, but also in international relations, emerging geopolitics and in the prevailing interpretation of the international law – with the exception of the cases in which power overshadows the law.

The great significance of this issue was also recognized by the Japan Foundation that supported the realization of the common Serbian-Japanese project: “The Meaning of Borders and Border Issues in the Age of Globalization: Europe and Asia” that was organized by the Centre for Asian and Far Eastern Studies of the Faculty of the Political Sciences, University of Belgrade. The research conducted within the Project was pursued by the group of the distinguished Serbian and Japanese scholars and its conclusions were discussed during the seminar in Kelebija (border place between Serbian and Hungary) in September 11–13 2011, and later publicly presented at the conferences in the City House of Subotica on September 14th 2011 and in Belgrade, at the Institute for International Politics and Economics, on September 15<sup>th</sup> 2011.

---

## Geopolitics of border issues

In spite of occasional tides of different ideas and practises grounded on them (“humanitarian interventionism”, export of democracy through “coloured revolutions” or “War on terror(ism)”, etc.), our era could be defined as an era of state sovereignty. That leads to the outcome that territorial disputes and maritime sovereignty disputes – are a leading source of conflict and violence in the international system.

In international relations, a territorial dispute is defined as a conflict between two or more states over the control of a piece of land that defines their land borders or islands and other maritime features. On the other side, a maritime sovereignty dispute is a conflict over exclusive rights to bodies of water, with special focus on exclusive economic zones as defined by the UNCLOS<sup>3</sup>. Although maritime sovereignty is more soften than territorial sovereignty as states are obliged to give vessels from other countries freedom of passage and transit, they still poses a high capacity of conflict breakage. This especially comes to be true in the XX and XXI century as we pay attention to tanker routes – from the Persian Gulf, Straits of Hormuz, over the Indian Ocean through Straits of Malacca to South China Sea and East China Sea, where some of the biggest oil consumers are – China and Japan.

Territorial disputes tend to dominate or influence bilateral and multilateral relations of many European and Asian states, including those on the Far East. They are also high on the agenda of regional mechanisms – political, economic or security ones as threaten to spoil the main theme of the mentioned – cooperation, that needs to be based on trust. Typically, they create bilateral conflict between two states, but it is not rare case that several states, either directly or indirectly are involved parties. Territorial dispute between China and Japan over the sovereignty of the Senkaku (Diaoyu) islands in spite of its bilateral core, inevitable involves the USA in it.

Also, and more directly, contest and disputes in South China Sea directly involves six interested parties. The South China Sea covers an area of more than 1.7 million sq km, as containing more than 200 mostly uninhabitable small islands, rocks and reefs. It borders China and Taiwan to the north, Vietnam to the west, Malaysia, Brunei, Indonesia, and Singapore to the south and southwest, and the Philippines to the east. But, its strategic importance is much bigger; as it is the shortest route between the Pacific and Indian Ocean, it has some of the world’s busiest shipping lanes. Over half the globe’s oil tanker traffic passes through it. Most shipping is of raw materials, such as crude oil from the Gulf to East Asian countries. The sea holds valuable fishing grounds, and as-

---

<sup>3</sup> The 1982 United Nations Convention on the Law of the Sea allows coastal states to establish sovereignty over two areas: 1. Territorial seas – adjacent waters spanning a maximum of 12 nautical-miles from their coastlines, including the coastline of offshore islands, and 2. Exclusive Economic Zones (EEZ) – extending 200 nautical miles from the coast. UNCLOS says overlapping claims should be resolved through ad hoc arbitration or submission to international courts.

---

yet largely unexploited oil and natural gas fields. Six parties are involved in a complex set of historically based territorial disputes in the sea – Brunei, China, Malaysia, the Philippines, Taiwan and Vietnam. China’s claims, the broadest, cover all of the Spratly and Paracel Islands and most of the South China Sea<sup>4</sup>.

Additionally, maritime sovereignty part of this issue inevitably includes the USA in it, plus its regional security allies. The U.S. has not ratified UNCLOS, objecting to a clause on seabed mineral exploration. But, when accused by China of illegal trespass, U.S. has referred to its provision for states to conduct intelligence-gathering activities in EEZs. U.S. surveillance aircraft and ships have long conducted surveys in the South China Sea. The U.S. main security concern in the area is keeping open the sea routes that are vital for commercial shipping and warships.

As issues that relatively easily could lead to conflicts and violence, as it happened few times in disputed spots in South China Sea<sup>5</sup>, border disputes lead also to an arm raising between the nations in dispute<sup>6</sup>. Territorial disputes are also an obstacle to deepening cooperation among states in many aspects of economic field, and in some cases even a barrier to its realization due to embargos, bans and other official restrictions or distrust and lack of trust necessary for the long time cooperation. Accordingly, they could block foreign investment inflow as such investment could unintentionally support one side’s position in the dispute, as happened also in case of gas and oil exploration along the Vietnamese coast in the South China Sea<sup>7</sup>. Also, as territorial disputes are about the most vital of national interests—sovereignty—they are believed to reveal a state’s true intentions and ambitions<sup>8</sup>. That is an additional reason that they attract careful

---

<sup>4</sup> China’s military occupies all of the Paracel Islands and nine reefs in the Spratly Islands including Johnson South Reef, Hughes Reef and Subi Reef. Vietnam occupies dozens of Spratly atolls and reefs and has military bases on several more. Taiwan holds Itu Aba Island and Ban Than Reef in the Spratlys. Its former president Chen Shui-bian visited Itu Aba in 2008, with a naval flotilla. Taiwan has built an airport there. Malaysia has built an air strip and diving resort on Layang Layang, also known as Swallow’s Reef. The Malaysian navy maintains a base here too. The other atolls it occupies are Ardasier Reef, Marivales Reef, Erica Reef and Investigator Shoal. The Philippines occupies several Spratly islands, most significantly Thitu island, which it renamed Pagasa (Hope). Brunei occupies none of the islands. *ABS-CBN News, Latest Philippine Headlines, Breaking News, Video, Analysis, Features* Available at: <http://www.abs-cbnnews.com/global-filipino/world/07/28/10/factbox-south-china-seas-disputed-maritime-borders>

<sup>5</sup> The biggest military clash occurred in 1974, when China attacked and captured the western Paracels from Vietnam, and in 1988, when China and Vietnam fought a brief naval battle near the Spratly reefs, in which more than 70 Vietnamese sailors died.

<sup>6</sup> Regarding the mentioned case, this was obvious in 2008 when Vietnam ordered six Kilo-class diesel submarines from Russia as part of a major arms purchase that analysts see as an attempt to counterbalance China’s growing naval strength.

<sup>7</sup> In 2007, BP postponed plans to conduct exploration work off the southern Vietnamese coast due to the territorial dispute between Hanoi and Beijing.

<sup>8</sup> Fravel, M. Taylor, “Explaining Stability in the Senkaku (Diaoyu) Islands Dispute.

---

attention of the interested parties and that attention could also be a global one, if the engaged country is a rising or a global power.

Borders and border issues influence the every day's life and future of local people and local communities as such issues are great contributors to (in)security, economic development, especially one based on cross border trade and transport, mobility, cultural exchanges, environmental protection, etc. It's a natural phenomenon that wind and water don't respect national boundaries and that is why one country's pollution easily and rapidly can and often become another country's environmental and economic crisis. In the age of rapid industrialization and urbanization in Asia, especially in big economies, such as Chinese, Indian, Indonesian, etc., and rapid economic development in South-Eastern Asia, this is much more the case than before. The consequence is the fact that cross-border pollution is a growing international problem in this part of the world, too.

Often inhabited by minority ethnic groups that originated from the neighbouring states, border issues could trigger separatist movements, sometimes even terrorism and disloyalty towards the central government or repression by the later towards those groups<sup>9</sup>. Unsettled borders put additional pressure on the state budgets for garrison and weaponry stations there and send potential investors and population away from those unstable areas, which so tend to remain underdeveloped.

### **Energy security as a border issue in the Far East**

We find it important to stress that feasible economic gains and geopolitical positioning – are also important causes of border disputes. As regular and affordable energy supply is condition for survival and economic development of any state, it also became crucial ingredient in global geopolitics. Any country that does not provide flowing supply of energy, risks its economic and political chaos, often accompanied with clashes with its competitors on the global market. As energy security is an inseparable part of every country's survival it is *par-excellence* national security issue.

Economists and historians agree that throughout the history the access to important resources has been a factor in warfare and in diplomacy, while oil imperialism theories stress that the control of petroleum reserves has played an overriding role in international politics since World War I. No doubt, it became an increasingly important aspect of diplomacy since the discovery of oil in the Middle East in the early 1900s. Fossil fuels are increasingly scarce<sup>10</sup>, unevenly dispersed but vital resources, as oil provides 40% of

---

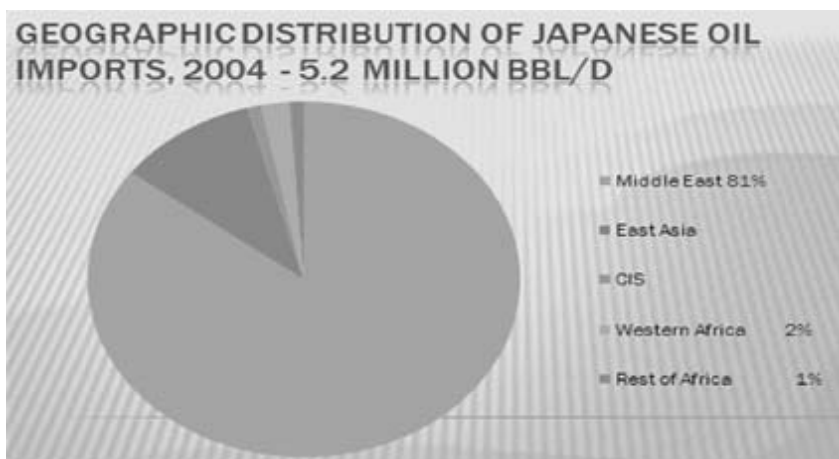
<sup>9</sup> Alibekov, I., "Uighur Issues May Become Factor in China-Kazakhstan Relations", January 1, 2003, Web site of Eurasianet.org.

<sup>10</sup> Before production begun there were 3,021 barrels of oil in the world; over 1,000 billion barrels used so far (The US Geological Survey).

---

the world's energy, and we use 80 million barrels per day<sup>11</sup>. According to some theories, the access to oil defined the XX century empires and was the key to the ascendance of the United States as the world's sole superpower. They also explain why USSR was able to sustain itself as a super power for so long despite its unproductive economic system as well as the rise of Russia at the begging of the second decade of the XXI century. Some critics of Iraq War 2003, as well as bombardment of Libya 2011 call it oil imperialism acts. No surprise that Middle Eastern countries, that posses more than 60% of the proven world reserves of oil, have proved to be of the special interest to the world powers. On the other had, their borders confirmed to posses that extra – “oil” dimension layer – as confirmed in their “oil” wars – Iran-Iraq, Iraq-Kuwait.

Since the beginning of the XXI century, East Asia has become a major driver in world energy markets largely due to China's significant growth in demand from 2003 and on<sup>12</sup>. As the gap between consumption and production levels expands both in China and Japan, they appear to be increasingly anxious about their energy security<sup>13</sup>. China now depends on imports for more than 40% of its reserve and the dependence ratio is continuously rising. Some 37% of its import comes from the Middle East. Japan relies on imports for most all of its oil, of which nearly 81% comes from the Middle East (Graphics1 & 2). Japan's energy strategy and security was severely hit by the Great Eastern Earthquake and Tsunami strike afterwards on March 11, 2011.



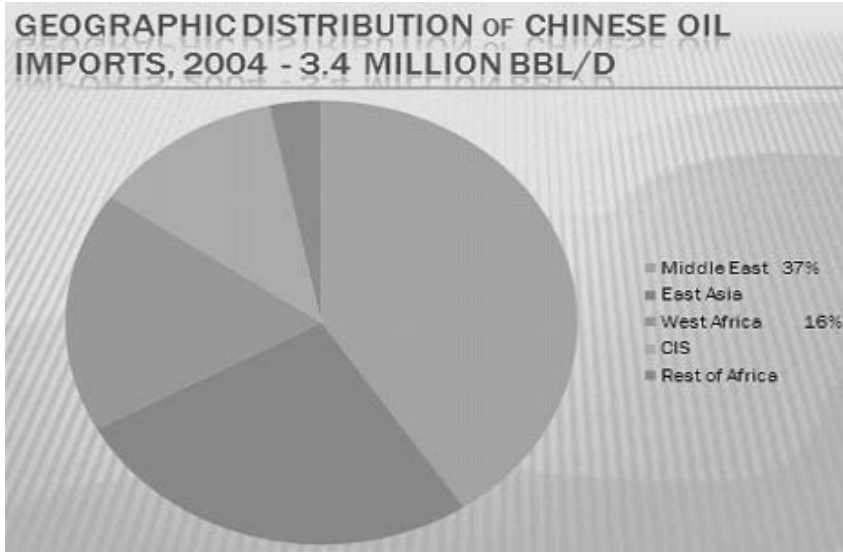
Graphic 1. Source: BP (2008).

---

<sup>11</sup> BP analysts predict that world's rising consumption will reach 140 million barrels in 30 years, as half-way point at present consumption rate will be targeted in 2036.

<sup>12</sup> Suisheng Zhao, "China's Global Search for Energy Security: cooperation and competition in Asia-Pacific," *Journal of Contemporary China*, 17: 55, p. 207–227.

<sup>13</sup> U.S. Department of Energy, *Country Analysis Brief*, Available at: <http://www.eai.doe.gov/emeu.cabs/china.html>.



Graphic 2. Source: BP (2008).

That is why both countries as well as Republic of Korea are deeply concerned about the safety of sea lanes of communication from the Persian Gulf, through Indian Ocean, Straits of Malacca to their ports in South China Sea and East China Sea.

In the past decade, we could witness a strong energy competition between Chinese and Japanese sides. Following their competition over the route of the Russian oil pipelines from the Angarsk oil field in Siberia, both countries have entered into a further serious dispute over gas exploration of the Chunxiao gas fields in the East China Sea. Though a series of bilateral diplomatic negotiations since 2004 has been held, no concrete solutions have been reached. This issue was “accompanied” with the Diayu/Senkaku islands territorial dispute, maybe even more complicated one as it involves strong political elements and was unlikely to be settled soon. Though both countries showed their willingness to solve this dispute through dialogues, too, the talks have made little progress so far, due to the sensitivity of sovereignty issues.

## Conclusions

Dominant conclusions of the Project outcomes come close to the viewpoint that constructive, restrained and patient approach to the border issues’ settlement could change the climate that adds positive impact on those nation states’, regional and wider economic prosperity of the concerned areas. To support such positive attitude and provide necessary time for settling such issues it is of essential importance to motivate,

---

educate and encourage general public and political elites to concentrate on cross-border common interests and put such time-demanding issues aside, while creating climate of tolerance, patience and self-restraint towards hot issues of border settlement. Such behaviour and creation of similar culture of patience and tolerance should be spread and inspired by academic circles, too as they possess power to create peace-building climate in one society and beyond, if carefully nurtured and disseminated. Under such umbrella, legal and other expert teams should do their part of work on preparing political negotiations, backed by future-oriented political climate at home.

We believe that obvious and great significance of our Project would make an important contribution to different researches that have covered border issues, particularly in Japan and in the Balkans. Publications, interviews, two conferences, with media coverage that we organized last September in Serbia, raised public awareness of such approach to these issues and peace oriented and tolerant political culture that we want to invigorate by this project. One of our major objectives is to spread influence and motivation towards peaceful and conciliatory approach towards the resolution of the border issues that put real life of local communities and people first, and hot political and ideological slogans behind. We want to encourage the local communities, students and other academic audience, the general public and political elites to move forward towards or at least consider such an approach as a more valuable and less costly.

### **References:**

1. *ABS-CBN News, Latest Philippine Headlines, Breaking News, Video, Analysis, Features* Available at: <http://www.abs-cbnnews.com/global-filipino/world/07/28/10/factbox-south-china-seas-disputed-maritime-borders>
2. M. Taylor Fravel, *Strong Borders, Secure Nation: Cooperation and Conflict in China's Territorial Disputes* (Princeton: Princeton University, 2008).
3. Alibekov, I., "Uighur Issues May Become Factor in China-Kazakhstan Relations", January 1, 2003, Web site of Eurasianet.org.
4. Suisheng Zhao, "China's Global Search for Energy Security: cooperation and competition in Asia-Pacific," *Journal of Contemporary China*, 17: 55, p. 207-227.
5. U.S. Department of Energy, *Country Analysis Brief*, Available at: <http://www.eai.doe.gov/emeu.cabs/china.html>.
6. Calder, Kent E. "Sino-Japanese Energy Relations: Prospects For Deepening Strategic Competition, 2007. Available: <http://eastasianstudies.research.yale.edu/japanworld/calder.pdf>.
7. Mitrović, Dragana "Aims and Scope of New Asian Security and economic structures", *INTERNATIONAL ISSUES*, FLU, Beijing, Spring Issue, 2008.
8. BP Annual Report, 2010. Available at: <http://www.bp.com/sectiongenericarticle.do?categoryId=9008801&contentId=7068194>.

---

*Duško DIMITRIJEVIĆ*<sup>1</sup>

## PRINCIPLE OF UTI POSSIDETIS AND DELIMITATION ON THE DANUBE RIVER<sup>2</sup>

### ABSTRACT

The border problem concerns drawing of inter-state borders between Croatia and Serbia – it had been institutionalised during the succession processes in the territory of the former SFR Yugoslavia when the international community accepted the opinion of the Arbitration Commission that inter-republic boundaries were international borders unless the parties concerned did not find some other solution. In this way, the Danube River became a border between Croatia and Serbia.<sup>3</sup> Since the boundary line had been drawn between Baranja and Bačka in 1945 the Danube successively meandered, its riverbed changed while it increasingly retreated from the east to the west. In this way, big areas of arable land became a part of Vojvodina. When the Yugoslav crisis broke out Croatia demanded that the area of about 7,000 hectares, which became a part of Serbia due to the movement of the Danube, should be returned to Croatia in accordance with the Austrian-Hungarian cadastre land surveying from the 19th century. The cadastre border had been mainly drawn along a part of the main course of the Danube, while a part of it had been drawn along the so-called Dunavci, what actually included its tributaries. In the 1990s, Serbia adopted the Law on Territorial Organisation and Local Self-Government that followed the earlier solutions from the Law on Establishment and Organisation of the Autonomous Province (AP) of Vojvodina that had been passed in 1945. According to the Law, a part of the cadastre communes from the Danube left bank became a part of the Republic of Serbia – Sombor, Beli Manastir (a part of Batina, Draž, Zmajevac, Kneževi Vinograd), Apatin, Bačka Palanka and a part of<sup>4</sup> Vukovar (a

---

<sup>1</sup> Duško Dimitrijević, Ph D., Senior Research Fellow, Institute of International Politics and Economics, Belgrade.

<sup>2</sup> This paper was done within the project “The Meaning of Borders in the Age of Globalization: Europe and Asia”, through the Japan Foundation’s Grant Program for Intellectual Exchange Conferences 2011 in which the Centre for Asian and Far Eastern Studies (CAFES) and the Faculty of Political Science, Belgrade University, participated.

<sup>3</sup> According to the law mentioned above the Croatia-Serbia border was drawn along the temporary route of the Danube River from the Hungarian border all the way up to Ilok. See: *Službeni glasnik NR Srbije*, broj 28/1945.

<sup>4</sup> *Službeni glasnik Republike Srbije*, broj 47/1991.

---

part of Mohovo and Šarengrad). The Law followed the changes of the Danube course, but *per se*, it was not of a crucial factor for the international legal border demarcation between the two states. With the aim of implementing the process of border demarcation, the International Diplomatic Commission for Identification and Establishment of the Border Line and Preparation of the Treaty on the State Border was established. The Commission adopted the Protocol for Identification and Establishment of the Border Line. However, up to the present days the Inter-State Diplomatic Commission has not published the information on the results of the border demarcation on the Danube. It should be necessary to consider all relevant law argumentation that goes in favour of the Serbian part until the Treaty on the Border is concluded with Croatia.

*Key words:* Serbia, Croatia, Danube River, border line, principle *uti possidetis*

### **International law of succession of states and borders**

By applying the rule resulting from the international practice, the entry into force of succession of states does not itself bring into question the internationally recognised borders.<sup>5</sup> Moreover, it is a general international rule that as for the international borders of the predecessor state new states are obliged to respect them on the basis of continuity in exercising authorities within the territorially recognised borders and not on the basis of succession of treaty relationships.<sup>6</sup> It is through the process of border delimitation that international law establishes an objective situation, which imposes an imperative obligation to successor states in case of succession. Exceptions to the rule are possible only if a consensus is reached.<sup>7</sup>

Rising of the question of borders can be significant for functioning of successor states in case they have been drawn according to the administrative and territorial divisions of the former state. For such cases traditional international law declines to apply the general rule regarding them as internal boundaries that up to the succession were subject to the regime of the public law of the former state. With cessation of the internal legal order and its effectiveness on the territory affected by succession, its administrative boundaries also cease to exist. The contemporary development of international law and the law of succession of states that regulates legal consequences of transition of states in space and time have brought about substantial changes to such a conception.

---

<sup>5</sup> Daniel P. O'Connell, *State Succession in Municipal and International Law*, Cambridge University Press, 1967, vol. II, p. 273.

<sup>6</sup> *The Effect of Independence on treaties*, International Law Association, London, 1965, p. 352. Albert G. Pereira, *La succession d'Etats en matière de traité*, Paris, A. Pédone, 1969, p. 110.

<sup>7</sup> As provided by Article 62, paragraph 2, item a of 1969 Vienna Convention on the Law of Treaties a fundamental change of circumstances which has occurred with regard to those existing at the time of the conclusion of a treaty, and which was not foreseen by the parties, may not be invoked as a ground for terminating or withdrawing from the treaty. See more in: Shabtai Rossene, *The Law of Treaties, Guide to Legislative History of the Vienna Convention*, A.W. Sijthoff, Leyden, 1970, pp. 326–327.

---

Previously encouraged by the examples of decolonisation of Latin American countries, “border innovations” reached its climax in Africa in the second half of the 20th century. The famous principle of the territory that remains with its possessor at the end of the conflict – *uti possidetis, ita possideatis* originating in Roman private law was *per analogiam* transferred to international legal relations.<sup>8</sup> The concept confirmed the territorial divisions done by the colonial powers on these continents. Unchangeability of borders had been formerly formulated as the respect for successive rights resulting from the famous bull *Inter Caefera* issued by the Roman Pope Alexander VI in 1493 granting all lands in South America to Spain and Portugal. In time, the historical principle *sensu politico* gained legal meaning since it had served as means for delimitation and afterwards for actual demarcation of borders because the legal basis was incomplete. Since these were big administrative entities where states were still in their infancy, peoples were regrouping, while some areas were often unsettled, disputable situations were unavoidable. The *uti possidetis* principle was formally legally and officially proclaimed by the National Congress in 1848 in Lima in the Treaty of Confederation signed by New Granada, Ecuador, Peru, Bolivia, and Chile. As the “*uti possidetis 1810*” or “*uti possidetis 1821*”, the principle was accepted by the arbitrary courts since those dates were the ones when states in South and Central America gained their independence. The first recognised case that was in international jurisprudence was the territorial dispute between Columbia and Venezuela in 1891.<sup>9</sup> In 1922, the Federal Council of Switzerland concluded that the *uti possidetis* principle enabled to establish a general rule not allowing occupation of “the land belonging to no one” (*terra nullius*). Basically, the principle was later adopted by the United States in the Monroe doctrine, while its validity was confirmed in the law of South American states.<sup>10</sup>

Although South American states anticipated the principle of inviolability of borders that existed at the moment when they gained independence there was a substantial

---

<sup>8</sup> In Roman law praetor issues the so-called interdictum in the procedure of protection of real estate possession (*interdictum uti possidetis*). The objective of interdictum was to keep the *status quo* of possession leaving *onus probandi* to the party that possessed no land. This is the origin of the term *uti possidetis, ita possideatis*. See. S. Ratner, “Drawing a Better Line: *Uti Possidetis* and the Borders of New States”, *American Journal of International Law*, 1996, vol. 90, pp. 592, etc.

<sup>9</sup> Referring to the principle was practised as early as in the disputes between Bolivia and Peru in 1909 and Guatemala and Honduras in 1933, respectively. About 25 border lines were drawn in South America by applying this principle. See: Woolsley, L. H., *Boundary Disputes in Latin America*, *American Journal of International Law*, 1931, n°25, p. 324; Albert Guani, *La solidarité internationale dans l’Amérique Latine*, *Recueil des Cours, Académie de Droit International*, 1925, vol. 3, p. 296. As regards the inherited borders with Brazil, what was followed by lack of a proper legal basis the “*uti possidetis*” principle was primarily a direction towards drawing an effective border – “*uti possidetis de facto*”. See, for example: John Bassett Moore, *Brazil and Peru, Boundary Question*, The Knickerbocker Press, New York, 1904, p. 32; *The History and Digest of International Arbitrations to which the United States has been a Party*, Washington, 1898, vol. II. p. 1991.

<sup>10</sup> United Nations, *Reports of International Arbitral Awards (RIAA)*, 2008, pp. 231, etc.

---

difference between former Spanish and Portuguese colonies. In the case of countries that were under Spanish domination the legal basis for possession was confirmed through the application of the *uti possidetis juris* principle, while in the case of Portuguese colonial areas, and above all in the case of Brazil, the *uti possidetis de facto* principle was applied. It was based on the effective power exercised on the territory at the moment when the country gained its independence.

While for Spanish America the principle was applied “on historically based rights” or on the basis of establishing “constructive sovereignty”, for the areas that were under the Portuguese control the principle that was applied was facticity (*ex facto, jus oritur*). On the other hand, for the legally heterogeneous areas of Africa the principle implied the adoption of a formal request for effective occupation.<sup>11</sup> At the All-African People’s Conference in 1958 in Accra African peoples appealed for abolishment of the artificial borders that had been drawn by the colonial powers. At the summit in Addis Ababa in 1963 in its Charter (Article 3, paragraph 3), the Organisation of African Unity accepted that the *uti possidetis* principle was of primary significance for the purpose of maintaining integrity of new states. Within the context of settling territorial and border disputes by adopting the Cairo Resolution of 1964 member states of the Organisation of African Unity solemnly committed themselves to respect of the existing borders after gaining of independence. By the adoption of the principle mentioned above the Organisation of African Unity prevented some future conflicts over territories on the African continent. The principle also prevented liberation aspirations of ethnic communities also making impossible secession of territories by force. However, although the *uti possidetis* principle played a historical role in carrying out the process of decolonisation first by legitimising the anti-colonial struggle for independence and then by stabilising new independent states in their internal and foreign policies the principle was not generally accepted but was applied only in South American, African and Asian regions.<sup>12</sup> By all this, the nature of the principle was dispositive, since new

---

<sup>11</sup> Anthony Allot, *Boundaries and the Law in Africa*, in: “African Boundary Problems”, The Scandinavian Institute of African Studies, Uppsala, 1969, pp. 9-21. Francca Dias F.J. Van Dunem, *Les frontieres Africaines*, thes , Marseilles-aix, 1969; Romain Yakemtchouk, *L’Afrique en droit international*, Libraire g n rale de droit et de jurisprudence, Paris, 1971, pp. 83–85; Ian Brownlie, *African Boundaries*, in *Legal and Diplomatic Encyclopedia*, Oxford, 1979, p. 9. etc. *Encyclopedia of Public International Law*, Max Planck Institute for Comparative and International Law, Elsevier Science B.V., Amsterdam, 2000, vol. IV, p. 1260.

<sup>12</sup> *International Court of Justice Reports*, The Hague, 1986, pp. 469-565. However, it should be pointed out that in spite of the fact that various decisions were made by the court that took this principle as a starting point in delimitation, it is considered a transition mechanism in the period of change of territorial sovereignty. Basically, it cannot be regarded as an absolute value in time but possibly as a supporting instrument that helps overcome undesirable situations, what *ipso de jure* does not prejudice the final decision on borders. See more in: Malcolm N. Shaw, *Peoples, Territorialism and Boundaries*, *European Journal of International Law*, 1997, vol. 8, p. 478; See, for example, the cases: *Guatemala v. Honduras* (Boundary Arbitration), Opinion and Award of the Special Boundary Tribunal, *UN Reports of*

---

independent states were free to apply other principles for the settlement of territorial disputes by making agreements with other parties.

The jurisprudence of The Hague International Court of Justice was of key legal significance for the affirmation of the *uti possidetis* principle. In the case *Burkina Faso v. Mali* (Frontier Dispute) it pointed out that that principle was logically connected to the phenomenon of emancipation of states disregarding where the process of gaining independence itself took place. According to the Court's opinion its purpose was to prevent independence and stability of new independent states be jeopardised by possible civil wars that would be brought about by mutual border disputes after the withdrawal of the predecessor state – former capital. Taking into account such constellations the Court concluded that the range of the *uti possidetis* principle was general, or actually, that it was a general principle applied to new independent states with no retroactive effect date of gaining of their independence. In other words, it observed the situation in the field at the time of gaining of independence, thus “freezing” the basis for territory possession by “stopping the clock, but not turning it backward”. Stressing that the principle overwhelmingly covers the legal void until the establishment of effective power as a basis of sovereignty the International Court of Justice points out that its primary goal is to secure territorial borders that existed at the moment when the state gained its independence. When borders were delimited by the same ruler between the colonies or various administrative entities the application of the principle was reflected in turning the administrative boundaries into international borders. This occurred in the case of the above mentioned French colonies in Western Africa. Regarding its role in ensuring stability (and when it conflicts with the right to self-determination) as the Court points out the *uti possidetis* principle will be the wisest course that will show the rationality of African states to maintain the territorial *status quo*.<sup>13</sup> By issuing this opinion, the International Court of Justice limited the application of the *uti possidetis* principle to decolonisation. However, in its interpretation it has substantially extended its application by implementing the *infra legem* principle of equity. In this way, the principle of unchangeability of borders has been extended to all situations that could be similar to those of gaining of independence as mentioned above. This makes this principle “universal” and it was transposed into a legal rule, which became obliging for new states that were not created in the process of decolonisation. This brought about far-reaching and complex legal consequences in the late 20th century.

---

*International Arbitral Awards*, vol II, pp. 1308, 1322. See the following case before the Permanent Arbitral Court: *Eritrea v. Yemen* (Territorial Sovereignty and Scope of the Dispute), Award of the Arbitral Tribunal in the First Stage of the 9 October 1998. On the Internet: <http://www.pca-cpa.org/Er/YeawardTOC.htm> 20/12/2001.

<sup>13</sup> *Burkina Faso v. Mali* (Frontier Dispute), *International Court of Justice Reports*, Judgment of December 22, 1986, pp. 564, 568 etc. See: Malcolm N. Shaw, *The Heritage of States: “The Principle of Uti Possidetis Juris Today”*, *British Year Book of International Law*, n°6, 1997, p. 75.

---

With disintegration processes that took place in Eastern Europe and the Soviet Union a dispositive regional customary rule was principally turned into a legal standard concerning delimitation between constituent parts of former complex states.<sup>14</sup> For political reasons internal boundaries were proclaimed to be international. In this way, the territorial *status quo* of new states was practically legally put in frames, while the existing state of affairs was actually “frozen” after the dissolution of the predecessor state. The legal foundedness of internal lines between the new states automatically became irrelevant. Up to that time, the *uti posseditis* principle had not been universally applied. It was neither followed by the consciousness that its application should be obligatory (*opinio juris*), but due to security reasons, for the collision of interests of different national communities in the achievement of the right to self-determination and overcoming crises that could follow after gaining of independence it was accepted as a “general” principle. In this way, in some cases it caused flagrant violation of the right to self-determination of peoples.

In the Yugoslav case, it is important to note that the creation of new states in the territory of the former Yugoslavia raised the question of justification of the republic boundaries – *de novo*.<sup>15</sup> As for the regulation of lines between the republics, the Arbitrary Commission of the European Community adopted relevant opinions.

Acting within the framework of rules and principles of international law the Arbitrary Commission defined in a new way the real situation concerning the territorial position and status of the borders between the republics of the former SFR Yugoslavia.<sup>16</sup> Taking

---

<sup>14</sup> Rein Mullerson, Law and Politics of States: “International Law on Succession of States”, in *Dissolution, Continuation and Succession in Eastern Europe*, The Hague, 1998, pp. 19–21; Jiri Malenovsky, *Problemes juridiques liés a la partition de la Tchecoslovaquie, y compris tracé de la frontiere*, *Annuaire francais de droit international*, 1993, n° 39, p. 305.

<sup>15</sup> Milan Šahović, *Raspad SFRJ i stvaranje novih država*, in the proceedings: “Međunarodno pravo i jugoslovenska kriza, Institut za međunarodnu politiku i privredu u Beogradu, Beograd, 1996, str. 35. The author says: “Iako je danas praktično generalno prihvaćeno da princip *uti posseditis* juris predstavlja pravilo opšteg međunarodnog prava, nije dato detaljnije objašnjenje, nije razrađena pravna argumentacija kojom bi se objasnilo od čega se pošlo prihvatanjem teze o transformaciji administrativnih granica u međudržavne”.

<sup>16</sup> In the Opinion No. 1 of the Arbitrary Commission of 29. 11. 1990 it was said that SFR Yugoslavia is „...in the process of dissolution...”. Consequently, in the Opinion No. 3 it was pointed out that as soon as the process in SFRY led to the creation of one of more independent states the problems of borders, this especially including republic ones, should be settled in accordance with the set criteria (they were defined in the Opinion). In the Opinion No. 8 of 04. 07. 1992 it was said: “The process of dissolution had been completed and the SFRY no longer existed”. The conclusion resulted from the recognition of Slovenia, Croatia, BH and the fact that Serbia and Montenegro passed the Constitution of FR Yugoslavia on 27. 04. 1992 as well as from a number of UN resolutions (resolutions No. 752, 757, 777 and 47/1). See: Matthew Craven, “The EC Arbitration Commission on Yugoslavia”, *British Year Book of International Law*, 1995, p. 333; Alain Pellet, “La Commission d’Arbitrage de la Conférence Européene pour la Paix en Yugoslavié”, *Annuaire francais de droit international*, 1991, p. 329, *ibid.*, 1992, p. 220, *ibid.*, 1993, p. 286.

---

as a starting point the protection of territorial integrity of the new states and acknowledging the existing state of affairs in the Opinion No. 2 the Commission strictly limited the range of the right to self-determination within “the context of the unclear and unstable situation” pointing out the significance of the rules on maintaining the borders that existed at the moment when the new states acquired their independence (*uti possidetis juris*).<sup>17</sup> In accordance with this view, in the Opinion No. 3 the Arbitrary Commission insisted on accepting the administrative or actually internal boundaries as inter-state borders. Their dispositivity resulted from the fact that they represented “the demarcation lines that could be changed by free and mutual agreement” becoming international borders *a contrario*, “which are protected by international law”. In one word, the *uti possidetis* principle works in the way that it freezes the legal basis for possession of territories at the moment of independence. This is supported by the principle of respect for territorial integrity resulting from the last Constitution adopted in 1974 (paragraphs 4 and 5 of the Constitution) that ensured unchangeability of the republic boundaries unless an otherwise agreement was freely made. In this way, the principle of delimitation of new states after the decolonisation in America and Africa *uti possidetis juris qui* that had been adopted earlier has in time turned into a universal legal principle for territorial delimitation that could be also applied to SFR Yugoslavia.<sup>18</sup> Accepting the *de facto* situation the Arbitrary Commission pointed out to the security function of this rule under the conditions that could lead to “fratricidal fights and endanger the independence and stability that has just been acquired by the new states”.<sup>19</sup>

---

<sup>17</sup> The Opinion No. 2 of the Arbitrary Commission followed after Lord Carrington, President of the Conference for Implementation of Peace in Yugoslavia, considered the question of the right of the Serbs in Croatia and BH to self-determination. See: *International Legal Materials*, vol. 92, p. 168.

<sup>18</sup> In its decision of 22 December 1986 on “Case Concerning the Frontier Dispute” (Burkina Faso v. Republic of Mali) the International Court of Justice said that on the basis of the Special Agreement of 16 September 1983 the principle of unchangeability of borders inherited from the colonisation period was exclusively applied on the border dispute between Burkina Faso (former Upper Volta) and the Republic of Mali. It relied on the principle set in the Cairo Resolution of the Organisation of African Unity adopted in 1964. Considering that the range of the *uti possidetis* principle was general, the International Court of Justice emphasised that it predominantly covered the legal void until the establishment of effective power as a basis of sovereignty. The primary goal of the principle was to secure the territorial borders at the moment of independence. When they were delimited on the part of the same sovereign between the colonies or various administrative entities the application of the principle was reflected in turning the administrative boundaries into international borders. This occurred in the specific case concerning the above mentioned French territories in West Africa. As the Court pointed out, bearing in mind its role in ensuring stability (and when it collides with the right to self-determination), the *uti possidetis* principle would be the wisest course that would show the rationality of African states to maintain the territorial *status quo*. Apart from the arguments mentioned above, it seems that the Court’s decision was more based on the interpretations having a basis in the *infra legen* principle of equity. See: Judgement of 22 December 1986. *International Court of Justice Reports*, p. 565. (Case Summaries, para 1–15; 20–26).

<sup>19</sup> Opinion n°3 of Arbitration Commission, *International Legal Materials*, vol. 92, op. cit., p. 172.

---

As for the international borders of the former Yugoslavia, now being external borders of the new states, in the opinion of the Arbitrary Commission they should remain protected under international law in accordance with the principle reminded by the UN Charter, the Declaration relating to the principles of international law concerning friendship and co-operation of states in accordance with the UN Charter (Resolution No. 2625/XXV of the UN General Assembly) and in accordance with the Helsinki Final Act inspiring the Article 11 of the Vienna Convention on Succession of States in Respect of Treaties of 23 August 1978.<sup>20</sup> The analysis of this part of the opinion points to the specific exploration of the international legislation the Arbitrary Commission relied upon concerning unchangeability of international borders of SFRY after the succession. Actually, the international rule that succession of states does not encroach upon the issue of borders defined by the treaty, or upon rights and obligations concerning the border regime defined by the states confirmed the rule of international law that was codified in the Vienna Convention on Succession of States in Respect of Treaties.<sup>21</sup> As it has been derived from the legal practice and international legal doctrine it essentially relies upon the principle of sovereign equality of states, which are obliged to refrain from threats and use of force in their mutual relations (the rule is included in the Article 2 of the UN Charter). Unchangeability of borders is a principle that is confirmed by the Final Act and 1975 CESC Helsinki Declaration. As the international community rests upon the prohibition of interventionism that is directed against territorial integrity of states, it is the rule that the internationally recognised borders can be changed only by peaceful means and by agreement. The same view is assumed by the *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States* of 24 October 1970 concerning “demarcation lines”.<sup>22</sup> The rule on inviolability was confirmed in the Paris Charter for a New Europe adopted in 1990. Moreover, it coincided with the collective consensus on the recognition of new states in the territory of SFR Yugoslavia. By adopting the Directives on Criteria for the Recognition of New States in Eastern Europe and the Soviet Union and the Declaration on Yugoslavia on 16 December 1991 the EC stipulated recognition of states by adoption of international legal standards, which incorporate the obligation of respect for territorial integrity and inviolability of borders of states.<sup>23</sup>

As for present international law that in the case of Yugoslavia passed a sort of political test, it comes out that by gaining independence that was recognised by foreign countries all former republics of the second Yugoslavia also acquired international recognition of their borders. The administrative borders were *via facti* “transformed” into international ones, while the international borders remained preserved by the rules of international law

---

<sup>20</sup> Opinion n°3 of Arbitration Commission, *ibid.*, p.172.

<sup>21</sup> *Službeni list SFRJ*, br. 1/1980, dodatak Međunarodni ugovori.

<sup>22</sup> UN General Assembly Resolution n°2625 (XXV).

<sup>23</sup> UN Document n° S23293 of 17 December 1991.

---

on their unchangeability. As for the former one, however, this is actually a legal presumption that is generally applicable under the factual conditions at the moment of independence. However, it does not produce an absolute effect *ratione temporis* since, by the nature of things, it functionally suspends the effects that are legally based until it is convalidated. The change of the situation always depends on what the parties to a dispute can specifically do in order to prove the legal validity of the facts to which they refer.<sup>24</sup>

In the case of Serbia-Croatia delimitation on the Danube the approach mentioned above should be accepted as an initial step towards the creation of a legal title regardless of the existing basis that has already been established – effective power at the moment when the succession of states takes place.<sup>25</sup> Finding satisfying solutions commits one to make an extensive analysis of the legal materials on drawing of internal borders in the predecessor state while applying general international legal rules on delimitation on the so-called border waters.

### **Drawing borders on boundary waters**

If one wants a secure border, the rule is to make it legal. The security specifically results from the legal basis that enables the state to refer to it in case of disputing its territorial right. For international law, the process of defining borders is a constitutive one.<sup>26</sup> Taking into account the historical arguments in favour of peaceful delimitation between Croatia and Serbia it should be reminded on the fact that international law has made a clear rule on drawing borders on the so-called boundary waters, this including the Danube in the part of the course that flows through these two states. Since it is undisputable that the state has a full control over its internal and national waters (*Fr. d'eaux interieures ou nationales; Ger. Eigengewasser; Eng. national waters*) giving rights to other states to use national waters should be based on the state will.<sup>27</sup> Drawing of borders on national waters that are a part of the territory that borders with other states implies the respects of general rules that have been established during a long-duration practice.

At first sight, it seems that it would be easy to draw a border along the Danube, since as a river it makes a natural border. However, in practice there are numerous and often

---

<sup>24</sup> Vesna Knežević Predić, „Princip *uti possidetis juris* u praksi međunarodnih sudova”, *Međunarodni problemi*, Beograd, 2001, br. 4, str. 441.

<sup>25</sup> Gerald Fitzmaurice, “The General Principles of International Law”, *Recueil des Cours Académie de Droit International* 1957. vol. 92, p. 148.

<sup>26</sup> Stephen B. Jones, *Boundary Making*, Washington, 1945, p. 5.

<sup>27</sup> As a part of the national territory, national waters are managed by the legal order of the state. There is a difference between national and international waters on which the right of free navigation of trade ships of all countries is stipulated by agreements. The right of navigation is officialism imposed on one hand by the geographic position of the water area being a border between countries and, on the other hand, by a need to develop traffic and trade.

---

very complex questions. For drawing borders on the rivers flowing through two or more states or on those that are the very borders between states the principle was set to divide unnavigable rivers in the middle of their riverbeds (*midium filium aquae*). Navigable rivers are divided by applying the principle of mid-channel (*Ger. Thalweg, Fr. fil de l'eau, Eng. mid-channel*). The first principle is based on the median that joins all points of the water course that are at equal distance from one and the other river bank. On the other hand, the mid-channel principle or *Thalweg* has been applied since the Middle Ages. It had been elaborated at the Rastatt Congress in 1797. It was accepted as an international legal standard in the Treaty of Luneville of 9 February 1801 where it served as a means for the division of the Rhine between Germany and France. *Thalweg* has proved to be the best criterion concerning downstream traffic when the water level of a navigable river is at its lowest point. Guided by the international treaty practice Max Huber, famous internationalist, noticed that in case no other agreement had been reached over drawing of borders on rivers, the median or mid-channel rule should be applied. The reasons for adopting median or the line of equal distance from the bank lie in their long use, which has quite possibly created a custom rule.<sup>28</sup> It would be, however, coherent to apply median as a general legal solution since it would imply deviation from the international practice. Actually, at some places a border line could leave the whole navigable part of a river to one state only, what would disable or limit navigation for other riparian states. For this reason mid-channel is today usually applied as a border line in navigable rivers. For two reasons there are exceptions to this rule. First of all, mid-channel is defined in different ways in the doctrine and in practice. Usually, it is defined as a continuous line joining the deepest points in the riverbed. The second reason is that courses of many rivers are unsteady, what makes changes in the position of their mid-channels. For this reason, periodical measurements are constantly made in order to establish exactly the position of the mid-channel.<sup>29</sup>

Drawing of borders on rivers also includes some specific questions. In practice, the following one is always posed: How should one draw borders on boundary rivers that change their courses? A custom rule on the change of the border is applied for gradual changes in the riverbed that have been caused by the evolutionary performance of the nature. In international law, accession (*accessio*) is the phenomenon that characterises the cases mentioned above.<sup>30</sup> Accession implies territorial changes that occur by gradual

---

<sup>28</sup> Max Huber, "Ein Beitrag zur von der Gebietshoheit an Grenzflüssen", *Zeitschrift für Völkerrecht*, 1907, p. 32. etc.

<sup>29</sup> Milan Bartoš, *Međunarodno javno pravo*, 1956, knj. II, op. cit., str. 25–26.

<sup>30</sup> Accession comes from Roman private law and it was embodied in international practice by Grotius. By the principle that the land that was naturally added to the bank belongs to the owner of the bank (*accessio cedit principali*) in the case of confiscation of the Spanish ship *Anna* in 1805 during the war between Great Britain and Spain judge Lord Stowell said before the British Prize Court that the ship had been confiscated in the area that belonged to the American territory. He accepted the request since the ship had been confiscated 3 miles beyond the continent's coast, but less than 3 miles from the coast

---

performance of natural powers or by man. In the former case, by gradual rolling down of a bank and accumulation of the material on the other side of the border river the territory increases over a longer period of time, thus extending the border. An abrupt rolling off a part of the bank and its incorporation in the other bank (*appulsio*) produces a similar effect. Overflowing (*aluvio*) can also bring about alteration of borders. The artificially made accession makes one part have an advantage over the other one. For example, drainage or lifting of the embankment makes the level of the water raised, what inevitably requires reaching an agreement on the change of borders since customs rules have not been built. On the other hand, in most case avulsions do not bring about the change of borders (*avulsio*). States can deviate from the principle mentioned above for the reasons of equity in using of water flows of border rivers stipulating a treaty clause on unchangeability of borders. Natural accessions can result from the creation of estuaries (*aestuarium*) or actually, forking what creates swampy bays and causes narrowing. River narrowing increases the land on the account of seas and lakes into which rivers empty. After the accession is made by the creation of estuaries the question of the border of the main course can be raised – *Thalweg*.<sup>31</sup> If a river has several branches, it is by the rule that the border is drawn along the branch with the mid-channel. Observing from the line of separation all side branches remain within the territory of the state on whose part they flow. A similar approach is applied on delta branches, what implies small triangle islands that are created by depositing large quantities of river materials (sand and pebble). By the rule, those island will belong to the state to which the river mouth belongs. As for river islands on the rivers where the border has been drawn by applying the mid-channel rule, they should remain within the territory of the state that was first granted the islands, regardless of the fact that the mid-channel has changed. The exceptions are only made in the cases when the islands are located on the very mid-channel line. In that case, the island is divided among riparian states. With the change of the mid-channel, it is assumed that the island will not change its legal status.

---

of the island that was located near the mouth of the Mississippi. See: “The Case Anna”, C. Robinson’s Admiralty Reports, 1805, vol. 5, p. 373. Later in practice referring to the classic rules of accession was made for example in the dispute over the change of the Rio Grande river course between Mexico and the United States of America as well as in the border dispute between Honduras and Salvador. See: “The Chamizal Arbitration”, American Journal of International Law, 1911, vol. 5, p. 782; Land, Island and Maritime “Frontier Dispute” (El Salvador v. Honduras), *International Court of Justice Reports*, 1992, pp. 351, 546.

<sup>31</sup> The main channel of the forking river was the subject of dispute over the Encuentro River (Argentina-Chile) in 1881. In that case, the length of the flow, size of the drained area, quantity of the water flow and other factors were taken into account.

---

## Possible application of international legal rules on delimitation on the Danube

As borders are above all, a social phenomenon subject to social laws they are relative from the aspect of the so-called historical rights and international law has no adequate standards to be applied here.<sup>32</sup> In case of lack of form the law takes into account the factual situation that is produced by some state practice based on the genuine and unobstructed execution of effective power (*ex facto jus oritur*).<sup>33</sup> Prescription of the territorial title on the state borders is an agreement with the factual situation that is neither obstructed nor disputed by the other party.<sup>34</sup> The Serbia-Croatia border on the Danube is certainly not the case since there lacks a subjective element – legal consciousness on the obligation to respect it (*opinio juris sive necessitatis*).<sup>35</sup> For this reason, it is necessary to approach delimitation of the Danube on the basis of the general rules resulting from the long international practice of delimitation on navigable rivers. It seems that the mid-channel approach (*Thalweg*) would be the most appropriate for delimitation on the Danube.<sup>36</sup> The change of the Danube course westward or actually towards Croatia has occurred during a long historical period. In that sense, Croatia could not bring into question the application of the international rule mentioned above. As for delimitation of river islands and river branches of the Danube, the border should be defined in accordance with their position to the mid-channel. Gradual changes of the mid-channel do not bring into question the border line. As for new river islands that have been created in the meantime, delimitation should be carried out according to their position to the mid-channel as well as according to the fact whether they have been created gradually or abruptly. If the mid-channel principle could not be applied in all cases then the principle of equity should be implemented, these above all referring to the use of the Danube water flow and resources by applying the rules of neighbourhood law. In this sense, the arguments in favour of the earlier ownership of the land along the river bank should be of subsidiary and by no means of primordial legal importance in the final delimitation.

One should keep in mind that versatile regional co-operation and good neighbourly relations are priorities of Serbia's and Croatia's foreign as well as European Union integration policies. Occasional incidents between the parties do not deny the thesis on

---

<sup>32</sup> Yehuda Blum, *Historic Titles in International Law*, The Hague, 1965, p. 55.

<sup>33</sup> See: *United States v. Netherlands*, (Island of Palmas Case), A.J. I.L. 1928, vol. 32, p. 867.

<sup>34</sup> *El Salvador v. Honduras* (Land, Island and maritime Frontier Case), I.C.J. Reports, 1992, p. 351.

<sup>35</sup> Charles de Visscher, *Les effectivites du droit international public*, Paris, 1967, p. 111. The author concludes that for recognition, it is not sufficient to give a statement on effectivity of the governmental authority concerning the border line, but it also requires an agreement of the other part.

<sup>36</sup> J. W. Garner, "The Doctrine of Thalweg", *British Year Book of International Law*, 1935, n° 16, p. 177; Ruiz Fabri, "Regles cotumieres generales et droit international fluvial", *Annuaire Français de Droit International*, 1990, p. 818.

---

their *bona fide* acting. However, this makes impossible for each of them to be precluded in their territorial claims by taking unilateral opposite positions on the current territorial situation in a possible judicial case on the dispute (*Non licet venire, contra factum proprium*).<sup>37</sup> Integrated border management on the Danube presumes the conclusion of an international treaty on delimitation or the adoption of a collective declaration on the recognition of the existing “demarcation line of separation”. Since no appropriate agreement has been reached, the two states should search solutions in *ad hoc* arbitrations or with the International Court of Justice.<sup>38</sup>

---

<sup>37</sup> Hersch Lauterpacht, *Private Law Sources and Analogies of International Law*, London, 1927, p. 280; “Cambodia v. Thailand (Temple of Preah Vihear Case)”, *International Court of Justice Reports*, 1962, p. 696.

<sup>38</sup> As for the legal validity of unilateral acts defining borders, in the case of dispute between Great Britain and Norway over fishing the International Court of Justice established that sea delimitation always had its international legal aspect and it could not depend only on the will of the riparian state and its internal law. It is the fact that the act of delimitation is a unilateral one because a riparian state is entitled to take them but their validity is assessed according to their conformity with international law. See: “United Kingdom v. Norway (Fisheries Case)”, Judgement of December 18, 1951, *International Court of Justice Reports*, 1951, p. 116.

CIP - Каталогizacija u publikaciji  
Narodna biblioteka Srbije, Beograd

341.222(4)(082)  
341.222(5)(082)  
316.4:316.32(082)

The MEANING of Borders and Border Issues  
in the Age of Globalization: Europe and Asia  
(2011 ; Belgrade)

Proceedings of the Round Table Conference  
: the meaning of borders and border issues  
in the age of globalization : Europe and Asia  
/ edited by Duško Dimitrijević, Dragana  
Mitrović and Ivona Lađevac. - Belgrade :  
Institute of International Politics and  
Economics, 2012 (Belgrade : Želnid). - 159  
str. : ilustr. ; 25 cm

"This book summarizes the conference  
proceedings presented by the scholars from  
Japan and Serbia at the round table  
conference 'The Meaning of Borders and Border  
Issues in the Age of Globalization: Europe  
and Asia' held at Institute of International  
Politics and Economics on 15 September 2011."  
--> Preface. - Tiraž 300. - Str. 9: Preface /  
editors [Duško Dimitrijević, Dragana Mitrović  
and Ivona Lađevac]. - Napomene i  
bibliografske reference uz tekst. -  
Bibliografija uz svaki rad.

ISBN 978-86-7067-166-9

Tomohiro KUMAGAI  
Vladimir AJZENHAMER  
Slobodan JANKOVIĆ  
Ana JOVIĆ LAZIĆ  
Marko NIKOLIĆ  
Dragan TRAILOVIĆ  
Edita STOJIĆ KARANOVIC  
Mamoru SADAKATA  
Dejan GAJIĆ  
Mina ZIROJEVIĆ FATIĆ  
Dragan ĐUKANOVIĆ  
Marko TMUŠIĆ  
Mihajlo VUČIĆ  
Đorđe KALUĐEROVIĆ  
Ivona LAĐEVAC  
Žaklina NOVIČIĆ  
Dragana MITROVIĆ  
Duško DIMITRIJEVIĆ

ISBN 978-86-7067-166-9