



# **Good Neighbourly Relations in the Western Balkans: Bilateral Disputes and State-Level Politics That Perpetuate Them**

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*This report is produced by the Center for Democratic Transition (CDT) in the framework of the IGNITA initiative, funded by Open Society Foundations—Western Balkans. The views and opinions expressed are those of the author(s) only and do not necessarily reflect those of the Open Society Foundations - Western Balkans.*

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# 1. Introduction

Good neighbourly relations occupy a central place in the European Union's enlargement policy and constitute a criterion that is not merely procedural but also essential, as they relate directly to stability, trust, and sustainable peace between states. In the Western Balkans, however, this principle functions both as an instrument of European integration and as a field of intense politicisation. While the EU promotes good neighbourly relations as a normative ideal of post-war reconciliation, in practice this concept has often become a source of tension, blockages, and deep mistrust, both among the states of the region and between the region and the Union itself.

This publication seeks to address this paradox: why a principle intended to encourage cooperation frequently produces the opposite effect; why bilateral disputes in the Western Balkans remain a persistent source of tension and occasional escalation; and how the European ideal of good neighbourliness collides with a political reality marked by unresolved border issues, the legacy of war, identity-based tensions, and weak institutions. Of particular importance is the fact that many political actors in the region continue to rely on power structures or narratives established during the 1990s, using disputes with neighbouring states as a tool of domestic politics rather than as problems to be resolved.

Although the European Union's role in shaping regional dynamics is often emphasised, it is important to note that the greater share of responsibility lies with the Western Balkan states themselves. Nationalist mobilisation, selective interpretations of history, the instrumentalization of minority and identity issues, and the avoidance of confronting the legacy of war all contribute to the maintenance and deepening of bilateral disputes, even where realistic and legally achievable models for their resolution exist.

At the same time, the European Union is not without responsibility. The veto power vested in individual member states, the absence of a predictable dispute-settlement mechanism, and a series of contradictory precedents have weakened confidence in the enlargement policy and created the perception that the pace of integration depends not only on reforms, but also on the political will of neighbouring states.

This situation produces a double asymmetry: regional actors are often insufficiently committed to constructive dispute resolution, while the EU fails to provide a consistent framework that would render the process predictable and fair.

In this context, the aim of this publication is not only to map bilateral disputes but also to understand their political function and the mechanisms that sustain them for decades. The analysis is therefore structured around three interconnected sections. First, it provides an overview of the relations between each Western Balkan country and its neighbours, identifying key disputes. Second, it identifies patterns of political instrumentalization, both within the region and within the EU enlargement process. Finally, through a critical review, it assesses the extent to which the existing European approach contributes to the resolution of disputes, and the extent to which it facilitates their reproduction or normalisation.

This publication was produced as part of a project supported by the Open Society Foundations – Western Balkans (OSF WB). Their support enabled the conduct of detailed research and the development of the analytical approach; however, all views, conclusions, and recommendations presented in this document are the sole responsibility of the authors.

We remain open to comments, criticism, and constructive suggestions, in the belief that only through dialogue and expert discussion can analyses of this kind contribute to a deeper understanding of regional relations and to their improvement.

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## 2. Conceptual Framework: Good neighbourly relations in the European context

Good neighbourly relations (GNR) within the European Union have evolved from a general principle of foreign policy into a firm political condition for membership. In the context of enlargement to the Western Balkans, the GNR requirement has become a key “gateway” whose fulfilment directly shapes the dynamics of integration. To fully understand this principle, it is necessary to examine its legal foundations within the EU and trace its evolution through the enlargement policy.

### Concept and normative basis

The principle of good neighbourly relations (GNR) is a fundamental element of the European Union’s foreign policy framework and is enshrined in its founding treaties. Its primary legal basis is Article 8 of the Treaty on European Union (TEU), which stipulates that the Union “shall develop special relations with its neighbouring countries, with the aim of establishing an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.”<sup>1</sup>

Although Article 8 of the TEU primarily serves as the legal foundation for the European Neighbourhood Policy (ENP), which targets countries outside the formal accession process, its application to candidate countries represents an important conceptual extension. For the Western Balkan states that aspire to full EU membership, this principle acquires additional significance, becoming a concrete political condition for accession.

As an accession requirement, the principle of good neighbourly relations began to take shape gradually in the late 1990s. In Agenda 2000<sup>2</sup>, the European Commission did not introduce a specific GNR criterion; however, it emphasised that unresolved minority and similar issues could jeopardise democratic stability and provoke disputes with neighbouring states, and that it was in the interest of both the EU and candidate countries to make progress in minority integration prior to accession. Over the following decade, the principle of good neighbourly relations assumed a more concrete form in enlargement practice, particularly during Croatia’s accession process. The 2005 Negotiating Framework for Croatia explicitly stated that progress in negotiations would be conditional upon a “commitment to good neighbourly relations” and “the resolution of border disputes in accordance with the principles of the peaceful settlement of disputes enshrined in the Charter of the United Nations, including, where appropriate, recourse to the jurisdiction of the International Court of Justice.” The border dispute between Slovenia and Croatia thus became the first case in which a bilateral issue directly influenced the course of accession negotiations, with the EU assuming a mediating role. However, the same dispute was not subject to conditionality during Slovenia’s own accession process, demonstrating that the EU did not consistently apply the principle of resolving bilateral disputes during the fifth enlargement.<sup>3</sup> Although the dispute was temporarily addressed through the signing of the Arbitration Agreement in 2009 under EU auspices,

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<sup>1</sup> Consolidated version of the Treaty on European Union, OJ C 326, 26 October 2012

<sup>2</sup> European Commission, *Agenda 2000: For a Stronger and Wider Union*, COM(97) 2000 final, Vol I, 15 July 1997

<sup>3</sup> Elena Bashkeska, EU Enlargement in Disregard of the Rule of Law: A Way Forward Following the Unsuccessful Dispute Settlement Between Croatia and Slovenia and the Name Change of Macedonia, *Hague Journal on the Rule of Law*, 14(2–3), 2022

the case illustrated how bilateral issues can test political will and expose the institutional limits of enlargement policy, raising broader questions about the balance between legal standards and political compromise within the EU.

It was only with the 2018 Strategy for the Western Balkans<sup>4</sup> that good neighbourly relations were clearly and explicitly elevated to the level of a necessary condition for EU membership. In that document, the European Commission identifies regional cooperation, good neighbourly relations, and reconciliation as “prerequisites for accession” and states unequivocally that the EU “cannot and will not import bilateral disputes,” stressing that such issues must be resolved urgently by the countries of the region themselves. The Strategy highlights the need for all actors to address the legacy of the wars of the 1990s, reject inflammatory rhetoric and the glorification of war criminals, and confront unresolved issues of transitional justice. With regard to unresolved border disputes, it recommends that, where bilateral solutions are not possible, such disputes be unconditionally referred to binding international arbitration, the rulings of which must be fully implemented prior to accession and reflected in accession treaties. The Strategy further warns against the misuse of bilateral issues within the enlargement process, emphasises that “frontrunners” have a responsibility to act as advocates rather than blockers of their neighbours’ European paths, and explicitly states that without a comprehensive, legally binding normalisation of relations between Belgrade and Pristina, neither lasting stability nor progress towards EU membership can be achieved.

The importance of good neighbourly relations was reaffirmed in the 2020 revised enlargement methodology.<sup>5</sup> In this document, the European Commission underscores that Western Balkan leaders must make additional efforts to strengthen regional cooperation and good neighbourly relations in order to ensure stability and prosperity for their citizens and to demonstrate that the region is genuinely addressing the legacy of the past. The Commission reiterates that EU support for regional cooperation will remain continuous and stresses that all efforts must be directed towards resolving bilateral disputes, particularly through the EU-facilitated dialogue between Belgrade and Pristina, which should culminate in a comprehensive, legally binding agreement on the normalisation of relations.

Good neighbourly relations have thus evolved from an implicit value into a concrete political criterion that candidate countries are required to meet.<sup>6</sup> For states engaged in the accession process, GNR is no longer a diplomatic formula, but a tangible condition, the failure of which can significantly slow down or even block accession negotiations.

## Development of the concept through enlargement policy

The requirement of good neighbourly relations has not remained static; rather, it has gradually strengthened and evolved over three decades of EU enlargement policy. Although good neighbourliness was not explicitly articulated in early foundational documents, such as the 1993 Copenhagen criteria, it was implicitly embedded in the political criteria for institutional stability, the rule of law, and the protection of minorities. Even at that stage, it was understood that future Member States must demonstrate the capacity to maintain peaceful relations with their neighbours as an integral component of broader political stability.

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<sup>4</sup> European Commission, *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*, COM(2018) 65 final, Strasbourg, 6 February 2018

<sup>5</sup> European Commission, *Enhancing the accession process – A credible EU perspective for the Western Balkans*, COM(2020) 57 final, Brussels, 5 February 2020

<sup>6</sup> Branislav Stanicek, *A new approach to EU enlargement*, European Parliament, European Parliamentary Research Service (EPRS), March 2020

As discussed in greater detail in the previous chapter, the principle of good neighbourly relations first took on a more concrete form with Agenda 2000. From that point onwards, the concept underwent a process of gradual concretisation, with each subsequent enlargement phase introducing more precise, explicit, and politically demanding formulations of the obligation for candidate countries to resolve bilateral disputes prior to accession.

Within the framework of the Stabilisation and Association Process (SAP), which defined the EU's relations with the Western Balkans during the 2000s, good neighbourly relations became an explicit and contractually binding requirement. In this context, the European Union established a new standard: not merely the absence of conflict, but active cooperation in areas of shared interest. This obligation is clearly articulated, for example, in the Stabilisation and Association Agreement between Montenegro and the EU,<sup>7</sup> where multiple provisions emphasise that international and regional peace, stability, and the development of good neighbourly relations are central to the association process. Montenegro thereby commits to strengthening cooperation with neighbouring states, particularly in the areas of border management, combating crime, facilitating the movement of people and goods, and implementing joint regional projects. Through this framework, the principle of good neighbourliness becomes institutionalised as a legal obligation and a measurable criterion for progress towards EU membership.

The political dimension of this principle was further reinforced through the Berlin Process, launched in 2014, which reaffirmed the importance of reconciliation, connectivity, and regional cooperation. Initiated by the German government to sustain enlargement momentum during a period of internal EU fatigue, the Berlin Process placed strong emphasis on reconciliation, infrastructure connectivity, and joint regional initiatives. Western Balkan leaders have repeatedly reaffirmed their "commitment to regional cooperation" and to "resolving bilateral issues in a good-neighbourly spirit." Although lacking binding enforcement mechanisms, the process has consolidated a normative consensus that cooperation among the countries of the region is an integral element of the European agenda, rather than a purely technical complement to economic reforms.

A further qualitative shift occurred in 2018 and was subsequently reinforced by the revised enlargement methodology of 2020, which incorporated the principle of good neighbourly relations into the so-called "fundamentals cluster," progress in which determines the overall pace of accession negotiations.

The most recent European Commission documents confirm that good neighbourly relations have become a structural element of EU enlargement policy. In the Communication on reforms and policies prior to enlargement from June 2024, the Commission emphasises that "the enlarged Union must not bring new challenges in the form of unresolved bilateral disputes" and that the EU "will continue to contribute to their resolution and insist on good neighbourly relations as a key element of the enlargement process."<sup>8</sup> A similar message is reiterated in the Communication on EU enlargement policy for 2025, which affirms that "good neighbourly relations and regional cooperation are key elements of the stabilisation and association process and of enlargement."<sup>9</sup>

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<sup>7</sup> *Stabilisation and Association Agreement between the European Communities and their Member States, on the one hand, and the Republic of Montenegro, on the other hand*, OJ L 108, 29 April 2010

<sup>8</sup> European Commission, *Communication from the Commission to the European Parliament, the European Council and the Council on pre-enlargement reforms and policy reviews*, COM(2024) 146 final, Brussels, 20 March 2024

<sup>9</sup> European Commission, *2025 Communication on EU enlargement policy*, COM(2025) 690 final, Brussels, 4 November 2025



Despite this progressive tightening of requirements, the European Union has not established a single, normatively defined mechanism for resolving bilateral disputes. Instead, monitoring is conducted through a combination of annual country reports, oversight of Stabilisation and Association Agreement implementation, political dialogue, and ad hoc arrangements. The most prominent example of such “tailor-made” institutionalisation is Chapter 35 in Serbia’s accession negotiations, which has been transformed beyond its standard scope into a specific mechanism for monitoring the comprehensive normalisation of relations with Kosovo. While this approach affords the EU considerable political flexibility and allows for case-by-case solutions, it also raises concerns about consistency and predictability – issues examined in greater detail in subsequent chapters.

## **The regional dimension and the significance of GNR in the Western Balkans**

The principle of good neighbourly relations carries considerably greater weight in the Western Balkans than in any previous round of EU enlargement. Unlike the Central European countries that acceded during a period of stabilised borders and consolidated democratic institutions, the Western Balkan states continue to bear the consequences of the dissolution of Yugoslavia and the wars of the 1990s. The enduring legacy of ethnic conflict, “frozen” disputes, identity-based tensions, unresolved border issues, and minority-related questions renders the region one in which good neighbourly relations constitute not merely a political criterion, but a prerequisite for the sustainability of statehood and long-term stability.

In this context, bilateral disputes are not simply technical matters of demarcation; they directly affect the foundations of identity, sovereignty, and state legitimacy. The relationship between Serbia and Kosovo, for instance, is not a border dispute but a question of recognition of statehood. In Bosnia and Herzegovina, relations with neighbouring states and questions of entity status are closely intertwined with internal cohesion. Meanwhile, North Macedonia’s disputes with Greece and Bulgaria have been largely rooted in symbolic and historical interpretations of identity. In such circumstances, the principle of good neighbourly relations assumes a dual role: it functions as a foreign policy instrument of stabilisation, while simultaneously serving as an internal test of societies’ capacity to overcome the legacy of conflict and embrace reconciliation, compromise, and pluralism.

For this reason, the European Union has positioned good neighbourliness as a key indicator of political maturity and European orientation among governments in the region. Delays in resolving bilateral disputes are interpreted as signs of democratic deficit and an inability of political elites to transcend narrow national interests. In this sense, failure to achieve good neighbourly relations represents not only a foreign policy shortcoming, but also a manifestation of internal structural weaknesses, including unresolved reconciliation processes, institutional capture, and the persistent instrumentalization of identity issues for political mobilisation. Governments in the region frequently use bilateral tensions as tools of domestic politics, diverting public attention from economic and social challenges, while compromises are framed as betrayals of national interests. Political leaders who attempt to take risks in favour of reconciliation – such as Zoran Zaev in the context of the Prespa Agreement<sup>10</sup> – often face political marginalisation and electoral loss, as the GNR agenda directly undermines the ethno-nationalist narratives on which many ruling elites base their legitimacy.

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<sup>10</sup> Jovan Gjorgovski, “Can North Macedonia survive another painful sacrifice?”, *New Eastern Europe*, 4 July 2023



At the same time, the region has demonstrated its capacity for functional cooperation in less politically sensitive domains. Initiatives such as the Regional Cooperation Council (RCC), the CEFTA free trade agreement, the Regional Common Market (CRM) under the Berlin Process, and institutions like the Regional Youth Cooperation Office (RYCO) have established an operational framework for economic and technical integration. However, such cooperation cannot substitute for the political will required to resolve deeply rooted disputes. While it creates networks of practical interests, it does not generate consensus on values. As a result, a clear divide has emerged: economic integration continues to advance, whereas political reconciliation remains largely stagnant.

From the European Union's perspective, the importance of good neighbourly relations also lies in preventing the "import" of instability. The EU seeks to ensure that new members do not bring unresolved bilateral disputes that could undermine internal cohesion. In the Strategy for the Western Balkans (2018) and subsequent policy documents (2020–2025), the European Commission stresses that the region must address outstanding issues with renewed commitment, that there is no place within the EU for inflammatory rhetoric, denial of crimes, or glorification of war criminals, and that unresolved border disputes must be settled either bilaterally or through international arbitration. The normalisation of relations between Belgrade and Pristina is explicitly identified as a *sine qua non* for regional stability and progress towards EU membership; without a legally binding agreement, neither side will be able to conclude accession negotiations.

Ultimately, good neighbourly relations in the Western Balkans perform a dual function: they serve both as an internal benchmark for democratisation and reconciliation, and as an external condition for European integration. For the EU, GNR is not merely an administrative criterion, but a mechanism for transforming political culture – from identity-based confrontation to cooperation grounded in responsibility and accountability. Although armed conflict has ended, the region continues to operate in a state of "controlled instability": without open warfare, yet also without profound reconciliation. It is for this reason that the EU increasingly insists that Western Balkan countries not only formally accept, but substantively internalise a culture of good neighbourliness – acting as partners rather than obstacles, and as advocates rather than blockers of one another's European paths. In this sense, the principle of good neighbourly relations represents a bridge between reconciliation and integration: a framework that links the resolution of the past with preparation for a shared European future, and remains a fundamental political filter of each country's readiness for membership in the European Union.

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<sup>10</sup> Jovan Gjorgovski, "Can North Macedonia survive another painful sacrifice?", *New Eastern Europe*, 4.7.2023.

### 3. Mapping bilateral disputes in the region

Bilateral disputes in the Western Balkans constitute a key test of the region's actual capacity to operationalise the principle of good neighbourly relations. They function simultaneously as both a symptom and a driver of political tensions that have hindered regional stability and European integration for decades. Although many of these disputes are formally categorised as technical issues – such as border demarcation or property claims – in practice they penetrate deeply into questions of identity, statehood, and collective memory. For this reason, mapping bilateral disputes is not merely a descriptive inventory of unresolved issues, but also an analytical framework for understanding how national elites, institutions, and external actors manage the legacy of the 1990s.

This chapter provides an overview of the principal bilateral disputes in the region – border-related, identity-based, and those arising from the legacy of war – and demonstrates that, despite the existence of technical cooperation mechanisms and sustained European mediation efforts, many disputes continue to be addressed through the logic of political instrumentalization rather than through reconciliation and European values. The aim is not only to identify points of contention but also to highlight recurring patterns: selective interpretations of history, instrumentalization of victims, politicization of borders, and a persistent lack of institutional trust. This analysis lays the groundwork for a subsequent examination of the relationship between the European principle of good neighbourly relations and the realities of its implementation in the regional context.

## Albania

### Border disputes

Albania has defined land borders, but maritime demarcation has not been fully completed.

Albania concluded an agreement on the continental shelf with Italy in 1992.<sup>11</sup> However, some uncertainty remains regarding the full delineation of the exclusive economic zone between Albania and Italy, which continues to leave this issue partially open in expert analyses of maritime boundaries.<sup>12</sup>

The issue of maritime demarcation between Montenegro and Albania has not been presented as controversial in public statements or official documents of either side. The border between Albania and Montenegro was established at the beginning of the twentieth century and confirmed through agreements concluded during the Yugoslav period, and later through the 2009 Agreement between the Government of Montenegro and the Council of Ministers of the Republic of Albania on the Restoration, Repair and Maintenance of Pyramids, Inter-Pyramids and Other Border Markings along the Montenegrin–Albanian State Border.<sup>13</sup> Article 1 of this Agreement states

<sup>11</sup> *Agreement between Albania and Italy for the determination of the continental shelf of each of the two countries*, 18 December 1992, United Nations, DOALOS/OLA, *Delimitation Treaties Infobase*, 25 January 2002

<sup>12</sup> Tullio Scovazzi, *The Italian exclusive economic zone*, QIL-QDI.org, 31 January 2022

<sup>13</sup> *Law on the Approval of the Agreement between the Government of Montenegro and the Council of Ministers of the Republic of Albania on the Restoration, Repair, and Maintenance of Pyramids, Inter-Pyramids and Other Boundary Marks along the Montenegro–Albania State Border*, Official Gazette of Montenegro – International Treaties, 3/2013

that the state border between Montenegro and the Republic of Albania was determined between 1922 and 1925, confirmed by the Florence Protocol of 26 July 1926, and visibly marked in 1954–1955 by border pyramids, intermediate pyramids, navigational and luminous marks, and other border markers, in accordance with the Agreement between the Federal People's Republic of Yugoslavia and the People's Republic of Albania of 11 December 1953. The Montenegrin authorities maintain that this Agreement fully confirms the land, maritime, and river borders between Montenegro and Albania, as well as the border on Lake Skadar. Nevertheless, the European Commission noted in its 2021 reports that maritime demarcation remains unresolved. At that time, Montenegro's Ministry of Foreign Affairs stated that the necessary documentation for signing the Agreement on the State Border between Montenegro and Albania had been prepared, but that a response from the authorities in Tirana was still pending.<sup>14</sup> Joint expert commissions meet regularly and address technical issues.

Maritime demarcation between Albania and Greece represents one of the most sensitive issues in their bilateral relations, with significant political and strategic implications. The dispute over the delimitation of the Ionian Sea affects domestic political dynamics in both countries and attracts sustained attention from experts and the wider public.<sup>15</sup> Although no official territorial claims are advanced, historical legacies and nationalist narratives – such as Greek references to Northern Epirus or Albanian initiatives related to the Chameria region – periodically further complicate the political environment in which negotiations take place.<sup>16</sup>

The resolution of this issue extends beyond the bilateral framework, given its relevance to regional security, energy interests, and the broader dynamics of Greek–Turkish relations. The motivations of the two parties differ: Albania seeks to avoid a potential Greek veto in the EU accession process, while Greece, facing geopolitical tensions in the Eastern Mediterranean, aims to strengthen its position through precise maritime border demarcation.<sup>17</sup>

An initial agreement on the delimitation of the continental shelf and the exclusive economic zone was signed in 2009, but was declared null and void by the Albanian Constitutional Court in 2010. This decision generated long-term distrust between Athens and Tirana and stalled negotiations for more than a decade. A new impetus emerged in 2020, when the Prime Minister of Albania and the Greek Minister of Foreign Affairs formally agreed to refer the delimitation of the continental shelf and exclusive economic zone to the International Court of Justice (ICJ). Although concrete procedural progress has yet to be achieved, the decision to submit the dispute to the ICJ signals political willingness to resolve this long-standing issue in accordance with international law and in a manner conducive to regional stability.

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<sup>14</sup> "Crna Gora i Albanija nemaju spora a ni dogovora oko granice na moru" (*Montenegro and Albania have neither a dispute nor an agreement regarding their maritime border*), Radio Slobodna Evropa, 19 July 2021

<sup>15</sup> Ditmir Bushati, *Albania – Greece: Opportunity to unleash positive energies*, Foundation Friedrich Ebert, 2023

<sup>16</sup> Bledar Feta, *Territorial and Border Issues: One of the Main Sources of Tension in the Greek–Albanian Relations*, South East Europe Program, ELIAMEP

<sup>17</sup> Ferenc Nemeth, *Waves Larger than Bilateral Relations. The Albanian Greek Maritime Border Dispute*, Foreign Policy Review, 2022

## Identity disputes and minority rights

The complexity of relations between Albania and Greece extends beyond maritime boundaries. Despite the signing of the Treaty of Friendship, Cooperation, Good Neighbourliness and Security in 1996, as well as the Strategic Partnership Document in 2018, the two NATO member states remain formally at war. Greece declared Albania an enemy state in October 1940, following the attack by fascist Italy launched from occupied Albanian territory.<sup>18</sup> This decision has never been formally repealed. Although the Greek government announced its repeal in 1987, and the Greek administrative court (Council of State) concluded in judgment SE 2327/76 that “Albania ceases to be an enemy state,” no subsequent formal act by the Greek parliament or president has annulled the declaration.<sup>19</sup>

Another major source of tension concerns the Cham community – an Albanian minority that lived in the Epirus region of Greece until the end of the Second World War. Following the war, most members of this community were expelled on accusations of collaboration with the occupying forces, and their property was confiscated. Today, descendants of the Cham population in Albania demand recognition of historical injustices, the right of return, and restitution or compensation for confiscated property. Greece, however, rejects the existence of a “Cham question” as a political issue, maintaining that any property claims must be addressed exclusively through individual court proceedings. This position continues to render the issue a sensitive and unresolved element of bilateral relations.<sup>20</sup>

A further point of contention relates to the rights of the Greek minority in southern Albania. Disputes concern education, language use, property rights, and political representation, with particularly complex issues surrounding religious rights and the status of the Orthodox Church. Although notable progress has been made since the end of communism, periodic tensions persist. A recent example is the case of Freddy Belleri, a representative of the Greek minority who was elected mayor of Himara but later arrested and convicted of vote-buying. The case prompted a strong reaction from the Greek government and renewed strain in bilateral relations. While serving his sentence, Belleri was elected to the European Parliament in June 2024 on the list of Greece’s ruling New Democracy party and was released on parole in September 2024 after serving two-thirds of his two-year sentence.

## Legacy of wars

Unlike the successor states of former Yugoslavia, whose bilateral relations remain heavily burdened by the wars of the 1990s, Albania is often perceived as lacking comparable unresolved wartime legacies with its neighbours. Nevertheless, relations between Albania and Greece also contain an inherited wartime dimension, particularly concerning the exhumation and marking of graves of Greek soldiers killed on Albanian territory during the Second World War. Although the exhumation process formally began in 2018<sup>21</sup>, identification and proper burial have progressed slowly, with recurring disputes over locations, procedures, and the jurisdiction of local authorities. This demonstrates that, even today, the issue remains incompletely resolved.<sup>22</sup>

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<sup>18</sup> Ani Ruci & Kaki Bali, “Why have relations between Greece and Albania deteriorated?”, *Deutsche Welle*, 12 May 2023

<sup>19</sup> Dr. Dorian Koçi, *Unsolved political issues between Greece and Albania threaten the stability and liberal democracy in Balkans*, Albania and Greece: Understanding and Explaining, FES, 2018

<sup>20</sup> Albania and Greece: Understanding and Explaining, FES, 2018

<sup>21</sup> Benet Koleka, “Albania starts exhuming Greece’s WWII unburied fallen”, *Reuters*, 30 January 2018

<sup>22</sup> Raimond Kola, “Grave offence: ‘Shameful’ reburial of wrongly exhumed Albanians angers villagers”, *Balkan Insight*, 14 July 2021

# Bosnia and Herzegovina

## Border disputes

Bosnia and Herzegovina, unlike some other successor states of the former Yugoslavia, inherited no internationally recognised state borders at the moment of independence and therefore had to establish all of its borders through bilateral agreements with neighbouring countries. Of the three border lines with its neighbours, only the border with Montenegro has been legally regulated, while relations with Croatia and Serbia continue to involve unresolved issues.

The State Border Agreement between Bosnia and Herzegovina and Montenegro was signed on 26 August 2015 in Vienna<sup>23</sup>, during the Western Balkans Summit within the framework of the Berlin Process, and entered into force on 20 April 2016 after ratification by both states.<sup>24</sup> The signing of the agreement was preceded by years of political debate surrounding the issue of Sutorina – a narrow strip of territory on the Adriatic coast which, under the agreement, remained part of Montenegro. In Bosnia and Herzegovina, particularly in the final phase before the signing, intensive public debates emerged concerning historical and legal arguments in favour of Bosnian claims to Sutorina, and some politicians and legal experts even advocated initiating international legal proceedings against Montenegro.<sup>25</sup> The dispute was ultimately resolved through the signing and ratification of the agreement, thereby formally resolving the demarcation issue. In its 2024 report, the European Commission noted that the process of marking the border on the ground had not yet been fully completed,<sup>26</sup> but that it was proceeding without difficulties. This case is frequently cited as an example of the constructive resolution of border disputes in the spirit of regional cooperation and European integration.

Bosnia and Herzegovina and Croatia signed the State Border Agreement on 30 July 1999<sup>27</sup>, defining the border according to the situation as it existed in 1991. However, this agreement has never been ratified by the parliaments of the two countries, although it is largely applied in practice. Approximately five percent of the nearly one-thousand-kilometre-long border remains disputed<sup>28</sup>, and technical demarcation has not been finalised. While no serious border incidents have been recorded, the absence of ratification and the lack of a joint protocol on border demarcation remain politically sensitive issues, periodically resurfacing in internal political debates and during pre-election periods in both countries.

The most prominent disputed areas include the islands of Mali and Veliki Škoj and the tip of the Klek peninsula in the Bay of Neum, where Croatia contests the demarcation by invoking historical rights associated with the former Republic of Dubrovnik; a section of the border along the Una River near Bosanska and Hrvatska Kostajnica, where an island with a fortress – historically under Croatian administration – is claimed by Republika Srpska; as well as areas near Željavo, Martin Brod and the Plješevica mountain, where the border line cuts through settlements and territory belonging to

<sup>23</sup> "Montenegro signs border agreements with Bosnia and Herzegovina and Kosovo", Government of Montenegro, 27 August 2015

<sup>24</sup> "Stupio na snagu Ugovor o državnoj granici između Crne Gore i BiH" (*The Agreement on the State Border between Montenegro and Bosnia and Herzegovina enters into force*), *Vijesti*, 11 May 2017

<sup>25</sup> Elvira M. Jukic, "Bosnians Argue Over Claim to Slice of Montenegro", *Balkan Insight*, 24 February 2015,

<sup>26</sup> European Commission, *Bosnia and Herzegovina 2024 Report*, SWD(2024) 691 final, Brussels, 30 October 2024

<sup>27</sup> Republika Hrvatska, Ministarstvo vanjskih poslova i europskih integracija, *Prijedlog zakona o potvrđivanju Ugovora o državnoj granici između Republike Hrvatske i Bosne i Hercegovine, s konačnim prijedlogom zakona (nacrt; n.d.)*. (Republic of Croatia, Ministry of Foreign Affairs and European Integration, *Draft Law on the Ratification of the Agreement on the State Border between the Republic of Croatia and Bosnia and Herzegovina, with the Final Draft Law (draft; n.d.)*)

<sup>28</sup> Marika Djolai and Zoran Nechev, *Bilateral Disputes Conundrum: Accepting the Past and Finding Solutions for the Western Balkans*, BIEPAG, 2018

both states.<sup>29</sup> Although the maritime border near Neum was long considered particularly sensitive, the construction of the Peljeski Bridge – which connects the Croatian mainland with Dubrovnik–Neretva County while bypassing Bosnian territory – gradually diminished the political significance of this issue. Bosnia and Herzegovina initially expressed concerns that the bridge could restrict its access to the open sea, while Croatia maintained that the project did not endanger the right of unhindered navigation towards Neum. Following the completion and opening of the bridge, this issue effectively lost political relevance, although it has never been formally resolved.

Bosnia and Herzegovina and Serbia have likewise failed to resolve their mutual border issues following the dissolution of Yugoslavia fully. Although the border is, in principle, defined along the so-called Anti-Fascist Council for the National Liberation of Yugoslavia (AVNOJ) inter-republic lines, demarcation has not been completed, and several disputed sections remain, primarily along the Drina River. The European Commission regularly notes in its reports that the demarcation of the B&H–Serbia border remains an open issue, highlighting in particular the need to reach an agreement regarding two hydroelectric power plants on the Drina River and the section of the Belgrade–Bar railway that passes through the territory of Bosnia and Herzegovina.<sup>30</sup>

The most significant points of contention between Bosnia and Herzegovina and Serbia concern three segments of the border. The first relates to the hydroelectric power plants “Zvornik” and “Bajina Basta” on the Drina River, which are operated by Serbia. Serbia has proposed shifting the border to the left bank of the river in order to retain ownership of the entire infrastructure<sup>31</sup>, whereas Bosnia and Herzegovina maintains that the use of these facilities should be regulated through a separate agreement following the final determination of the border.<sup>32</sup> The second dispute concerns a section of the Belgrade–Bar railway that runs for approximately twelve kilometres through B&H territory in the municipality of Rudo, with Serbia proposing territorial compensation in order to place the entire railway route under its jurisdiction. The third disputed area lies along the Lim River, where the imprecision of the river’s course has resulted in areas that formally belong to Bosnia and Herzegovina but are administered in practice by Serbia. Belgrade proposes adjusting the border so that the river itself constitutes a clear dividing line, with compensation based on a “metre-for-metre” principle. This issue remains unresolved due to divergent positions and the absence of political consensus within the institutions of Bosnia and Herzegovina.<sup>33</sup>

Although a joint demarcation commission was established in the early 2000s, the process has been stalled for years. Negotiations were resumed in 2017 but did not result in a final agreement. As a positive development, Bosnia and Herzegovina, Serbia and Montenegro signed a protocol in 2019 defining the common tri-border point<sup>34</sup>; however, full demarcation of the B&H–Serbia border has yet to be completed. Additional complexity arises from the construction of hydroelectric power plants on the upper Drina River by Serbia and the authorities of Republika Srpska outside the institutional framework of the Bosnian state, which remains the subject of ongoing legal and political disputes.

## Identity disputes and minority rights

Identity-related disputes in Bosnia and Herzegovina stem from its complex constitutional and state architecture established by the Dayton Peace Agreement as a mechanism for ending

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<sup>29</sup> Mladen Klemencic, *The border agreement between Croatia and Bosnia and Herzegovina: the first but not the last*, IBRU Boundary and Security Bulletin, Winter 1999–2000

<sup>30</sup> Erwan Fouéré, *EU enlargement and the resolution of bilateral disputes in the Western Balkans*, CEP/CEPS, 2023

<sup>31</sup> Katarina Andjelkovic, “Serbia–BiH border demarcation: A contentious matter?”, *European Western Balkans*, 3 November 2017

<sup>32</sup> Erwan Fouéré, *EU enlargement and the resolution of bilateral disputes in the Western Balkans*, CEP/CEPS, 2023

<sup>33</sup> Katarina Andjelkovic, “Serbia–BiH border demarcation: A contentious matter?”, *European Western Balkans*, 3 November 2017

<sup>34</sup> “Tripoint border protocol signed by Serbia, Montenegro and BiH”, *European Western Balkans*, 15 May 2019



the war. Relations with Serbia and Croatia – states that played active roles in the conflict – are particularly sensitive and politically burdened.

Relations with Serbia are affected by identity issues linked to the special constitutional status of Republika Srpska and its institutional and political ties with Belgrade. While the Dayton Agreement allows for the establishment of “special parallel relations” between entities and neighbouring states, the scope of cooperation between Republika Srpska and Serbia often exceeds the technical and cultural parameters originally envisaged. Despite Serbia’s official commitment to respecting the sovereignty and territorial integrity of Bosnia and Herzegovina, intensive political coordination and public expressions of support for the RS leadership are frequently perceived in Sarajevo and by parts of the international community as a departure from the spirit of Dayton and as a form of political influence that risks destabilising internal balances. Additional tensions arose during the debate on the UN General Assembly Resolution on the Srebrenica genocide in May 2024, when Serbia actively opposed the adoption of the resolution, a stance widely perceived in Bosnia and Herzegovina as a denial of the crime and an obstacle to reconciliation. These tensions, together with cross-border political practices – such as voter participation from Serbia in local elections in Srebrenica<sup>35</sup> and the participation of Republika Srpska officials and voters in the 2024 elections in Belgrade, documented by the European Parliament<sup>36</sup> – demonstrate the extent to which shared identity politics continue to complicate bilateral relations.

Persistent tensions regarding the position and political representation of Bosnian Croats likewise mark relations with Croatia. Zagreb regularly presents itself as a protector of Croats in Bosnia and Herzegovina, invoking their status as a constituent people, a position Sarajevo frequently perceives as interference in domestic affairs. The most contentious issue concerns the election of the Croat member of the Presidency of Bosnia and Herzegovina, with HDZ representatives and the Croatian government arguing that Croats are politically marginalised because their representative can be elected by a Bosniak majority. In 2018, Croatia adopted a parliamentary declaration on the position of Croats in Bosnia and Herzegovina<sup>37</sup>, and its officials continue to advocate for amendments to the Election Law and the implementation of the “Ljubic” ruling in European forums.<sup>38</sup> Although the imposed electoral amendments of 2022 partially eased tensions, the prevailing perception within Bosnia and Herzegovina remains that Croatian policy often exceeds the boundaries of good neighbourly relations under the guise of protecting compatriots.

## Legacy of wars

More than three decades after the conflict, the legacy of war continues to profoundly shape Bosnia and Herzegovina’s relations with neighbouring states. The fate of thousands of missing persons remains one of the most painful unresolved issues in the region. Resolving these cases requires regional cooperation, as critical information and documentation are often held by institutions in Serbia and Croatia. The establishment of the Regional Missing Persons Group within the Berlin Process and the creation of the Regional Registry of Active Missing Persons Cases in 2024<sup>39</sup> represent steps forward, yet families of victims continue to express dissatisfaction with slow progress and perceived politicisation.

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<sup>35</sup> 67th Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations, Office of the High Representative, 5 June 2025

<sup>36</sup> European Parliament, *Situation in Serbia following elections*, P9\_TA(2024)0075, European Parliament resolution, 8 February 2024

<sup>37</sup> *Declaration of the Croatian Parliament on the Position of the Croatian People in Bosnia and Herzegovina*, Narodne novine, br. 118/2018, 27 December 2018

<sup>38</sup> Branislav Stanicek, *Bosnia and Herzegovina – Electoral and constitutional reforms: Political and legal analysis of the Ljubic case and related legal decisions*, EPRS | European Parliamentary Research Service, April 2022

<sup>39</sup> 67th Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations, Office of the High Representative, 5 June 2025



Accountability for war crimes remains equally central, directly influencing Bosnia and Herzegovina's relations with Serbia and Croatia. Following the closure of the ICTY, domestic judiciaries assumed primary responsibility for prosecutions, but many suspects continue to evade justice due to dual citizenship and the absence of extradition mechanisms. Although the three states have signed cooperation protocols between prosecutors' offices, their implementation remains uneven.<sup>40</sup> Numerous convicted or indicted war criminals reside freely in neighbouring countries, a situation Bosnia and Herzegovina considers incompatible with principles of justice and international obligations.

The continued denial of judicially established facts – most notably the genocide in Srebrenica – and the glorification of convicted war criminals in political discourse in Serbia and parts of Bosnia and Herzegovina represent a permanent source of tension. The European Union and international organisations have repeatedly warned that such practices directly undermine good neighbourly relations and jeopardise the region's European perspective.

## Montenegro

### Border disputes

Montenegro has resolved relations with some of its neighbours, but open issues persist in relations with Croatia and Serbia. Relations with Croatia in the observed period have been marked by increased political visibility of certain unresolved issues, particularly within the public and media discourse, while border-related issues with Serbia have remained present but largely low-intensity and without recorded incidents. Although none of these disputes pose an immediate security threat, they demonstrate that the issue of good neighbourly relations for Montenegro is not entirely closed.

In contrast, relations with Bosnia and Herzegovina, Albania, and Kosovo are marked by the existence of certain unresolved technical issues, which are being addressed constructively. The Border Agreement with Bosnia and Herzegovina, signed in 2015, successfully concluded the long-standing debate over Sutorina, although the European Commission noted in its 2024 report that the physical demarcation of the border has not yet been completed.<sup>41</sup> The Border Agreement with Kosovo, despite causing internal political tensions in Pristina, was ultimately ratified in 2018 and is considered concluded from the Montenegrin side. The border with Albania functions stably in practice, while the remaining technical issues related to its formal regulation are being resolved within the framework of regular bilateral cooperation. These cases are addressed in greater detail in the sections of the report relating to the respective countries.

The border between Montenegro and Serbia was first defined by the London Agreement of 1913. For most of the twentieth century, within successive common state arrangements, this line had the status of an administrative rather than an international border. Following Montenegro's declaration of independence in 2006, the issue of demarcation became a key bilateral issue. Serbia recognised Montenegro's independence on 15 June 2006, thereby establishing diplomatic relations, but a formal treaty on the state border has never been concluded.

<sup>40</sup> European Commission, *Bosnia and Herzegovina 2023 Report*, SWD(2023) 691 final, Brussels, 8 November 2023

<sup>41</sup> European Commission, *Montenegro 2024 Report*, SWD(2024) 694 final, Brussels, 30 October 2024

The Montenegrin side has repeatedly initiated proposals to commence demarcation negotiations since 2013, but no meetings have taken place.<sup>42</sup> Belgrade has shown limited willingness to engage in concrete talks on the border, partly because it views the issue of demarcation between Montenegro and Kosovo within the broader context of its own position on Kosovo. Serbian officials have repeatedly stated that “the border between Montenegro and Kosovo does not exist” and that Montenegro, as a former member of the common state, should consult Serbia on matters related to that dividing line.<sup>43</sup> Such statements periodically strain relations between the two countries and indicate that the border issue has a political dimension, rather than being purely technical, as it is indirectly linked to the unresolved status of Kosovo. Despite this, relations between Montenegro and Serbia function smoothly in practice, with no incidents along the border, and cross-border cooperation, trade, and freedom of movement continuing without disruption.

The most prominent unresolved bilateral issue for Montenegro concerns the border with Croatia in the far south, namely the Prevlaka peninsula and the associated maritime area. Following the war of the 1990s, this area was demilitarised under the supervision of the United Nations Mission in Montenegro (UNMOP) from 1996 to 2002.<sup>44</sup> After the conclusion of the mission, the status quo was formalised in December 2002 through the signing of the Protocol on the temporary regime along the southern border between Croatia and the then Federal Republic of Yugoslavia, whose legal successor is Montenegro.<sup>45</sup> The Protocol established a temporary regime under which the mainland part of the Prevlaka peninsula, together with a narrow strip of sea around Cape Ostro, was placed under Croatian control, while part of the maritime area along the Montenegrin coast remained under a temporary regime without either party exercising sovereignty. This arrangement remains in force pending final demarcation and is without prejudice to the permanent delimitation between the two states.

The dispute concerns the delimitation of the territorial sea in the immediate vicinity of the Prevlaka peninsula and the continental shelf in the southern Adriatic. Croatia maintains that the border should be drawn according to the equidistance principle, arguing that Prevlaka, as its territory, generates Croatian territorial waters. Montenegro, by contrast, considers that such a solution would be disadvantageous due to the configuration of its coastline and the enclosed nature of the Bay of Kotor, and therefore insists on the principle of equity, taking into account proportionality and relevant geographical circumstances.<sup>46</sup> The issue of natural resource exploitation represents an additional sensitivity, particularly following Croatia’s announcement of tenders for oil and gas exploration in an area that Montenegro considers undelimited in 2015, while Zagreb simultaneously objected to Montenegrin exploration plans in blocks that Croatia considers its own.<sup>47</sup>

Both sides have thus far respected the Protocol and have repeatedly confirmed their readiness, should bilateral negotiations fail, to submit the dispute to the International Court of Justice or to ad hoc international arbitration with a mutually agreed mandate. However, despite the formal existence of the Mixed Demarcation Commission, it has not met for several years, with its last meeting held in 2015<sup>48</sup>, and no progress has therefore been made towards a lasting solution.

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<sup>42</sup> *Akcionni plan za sprovođenje Šengenskog akcionog plana za 2024. godinu sa Izvještajem o implementaciji Akcionog plana za sprovođenje Šengenskog akcionog plana za 2023. godinu, Ministarstvo unutrašnjih poslova Crne Gore (Action Plan for the Implementation of the Schengen Action Plan for 2024, with the Report on the Implementation of the Action Plan for the Implementation of the Schengen Action Plan for 2023, Ministry of the Interior of Montenegro)*

<sup>43</sup> Zorana Brozovic, *Territorial and Border Demarcation Disputes in the Western Balkans*, Case study: The Demarcation process between Serbia and Montenegro, Belgrade Center for Security Studies, 2011

<sup>44</sup> United Nations Peacekeeping, United Nations Mission of Observers in Prevlaka (UNMOP): background

<sup>45</sup> Letter dated 10 December 2002 from the representatives of Croatia and the Federal Republic of Yugoslavia addressed to the President of the Security Council, UN Document S/2002/1348, 10 December 2002

<sup>46</sup> Mirza Imamovic, *The Maritime Border Disputes of Croatia*, Gothenburg School of Business, Economics and Law, 2020

<sup>47</sup> “Vlada CG: Hrvatska je prekršila protokol o Prevlaci” (“Government of Montenegro: Croatia Has Violated the Protocol on Prevlaka”), *Radio Slobodna Evropa*, 27 April 2015

<sup>48</sup> Paulina Wankiewicz-Kłoczko, “Croatia sets conditions for Montenegro’s accession to the EU”, *OSW – Centre for Eastern Studies*, 13 December 2024

The Prevlaka dispute has regained importance in the context of European integration, as the EU requires candidate countries to resolve all open bilateral issues prior to accession. As early as 2015, the European Parliament called on Montenegro to resolve the border dispute with Croatia amicably or, failing that, to submit it to the International Court of Justice in The Hague.<sup>49</sup> This requirement was further reinforced by the 2018 Enlargement Strategy, which introduced a stricter expectation that candidate countries conclude “final and binding solutions” to all bilateral disputes before accession. Such an approach has created space for member states to instrumentalise bilateral issues within accession negotiations. In late 2024, Croatia used the unresolved Prevlaka issue, together with several other open matters, to withhold consent for the provisional closure of Chapter 31 in Montenegro’s EU accession negotiations. This marked the first concrete manifestation of the dispute within the European context and encouraged intensified bilateral talks during 2025. Although a final agreement has yet to be reached, both countries have expressed readiness to pursue a permanent solution through dialogue or international arbitration, recognising that resolving this issue represents an important step towards preserving good neighbourly relations and advancing Montenegro’s European integration path.

### Identity disputes and minority rights

Bilateral relations between Montenegro and Serbia since 2006 have been characterised by a constant interplay between formally correct cooperation and deep-seated identity tensions. Within a significant segment of the Serbian national body, both in Serbia and Montenegro, Montenegrin sovereignty has never been fully accepted and is instead perceived as a temporary episode in the dissolution of the “common state”. This perspective is reflected in Serbia’s strategic documents<sup>50</sup>, which define Serbia as the home state of all Serbs in the region and explicitly single out Montenegro as a foreign policy priority, with objectives including ensuring “fair representation” of Serbs in institutions, property restitution, a strong presence of the Serbian language, and systemic support for the Serbian Orthodox Church and “Serbian institutions”. From Podgorica’s perspective, such positions are often interpreted as interference in the internal affairs of a neighbouring, civically defined state in which no ethnic group constitutes a majority and in which Serbs represent the second-largest population.<sup>51</sup> Language policy constitutes a similar source of tension. Although the Constitution of Montenegro designates Montenegrin as the official language, while recognising Serbian, Bosnian, Albanian, and Croatian as languages in official use – thereby allowing the unrestricted use of Serbian in public life – the demand by Serbian political actors, supported by Belgrade, to “equalise” Serbian with Montenegrin in the constitutional text carries primarily symbolic weight. It represents a politically motivated insistence on linguistic differentiation between two standards that are, in practice, almost identical, which is why the symbolic dimension remains a persistent source of identity disputes.

Additional tensions arise from divergent citizenship policies. In its strategic documents, Serbia explicitly announces its intention to “grant citizenship to all members of the Serbian people who wish it,” while Montenegro, as a small state, has adopted a restrictive citizenship regime that generally does not permit dual citizenship and provides for the loss of Montenegrin citizenship for those who voluntarily acquire another citizenship. In practice, however, Serbia grants its citizenship on a large scale to Montenegrin citizens, while Montenegrin institutions face difficulties in effectively controlling this process. Serbian parties in Montenegro, therefore, advocate for the liberalisation of Montenegro’s citizenship regime, which the expert public views as a potential

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<sup>49</sup> European Parliament, *Resolution on the 2014 Progress Report on Montenegro*, P8\_TA(2015)0063, 11 March 2015

<sup>50</sup> Vlada Republike Srbije, *Strategija ocuvanja i jacanja odnosa matične države i dijaspora i matične države i Srba u regionu*, „Službeni glasnik RS”, br. 4/2011 i 14/2011 (*Government of the Republic of Serbia, Strategy for the Preservation and Strengthening of Relations between the Kin-State and the Diaspora and between the Kin-State and Serbs in the Region*, “Official Gazette of the Republic of Serbia”, Nos. 4/2011 and 14/2011)

<sup>51</sup> Branka Mihajlović, “Beograd izbacio sporne odredbe o Srbima u Crnoj Gori” (“Belgrade Removes Controversial Provisions on Serbs in Montenegro”), *Radio Slobodna Evropa*, 11 March 2011

instrument of electoral engineering within a small electorate. Within this broader context, the Serbian Orthodox Church represents a key identity anchor for many ethnic Serbs, serving as a primary guardian of national identity, while a segment of the Montenegrin public perceives it as an extension of Belgrade's influence. Developments related to the 2019–2020 Law on Freedom of Religion, the mass processions, and the subsequent signing of the Fundamental Agreement with the Serbian Orthodox Church indicated that church-related issues constitute an important element of Montenegro's internal political dynamics, while also representing one of the dimensions of its relations with Serbia, particularly in the context of public debates regarding Serbia's interest and engagement in issues concerning the position of the Serbian community in Montenegro. Identity and historical issues have also destabilised relations between Montenegro and Croatia, particularly following Podgorica's adoption of a resolution on the Jasenovac genocide in 2024. This move provoked a strong reaction from Zagreb and led to a significant cooling of bilateral relations, including the declaration of several Montenegrin officials as *persona non grata* by Croatia.

These tensions have not remained confined to the symbolic and political sphere, but have heightened sensitivity in other areas of cooperation, including issues that were previously not central to bilateral relations. In this context, the position of the Croatian minority in Boka Kotorska<sup>52</sup> has become a bilaterally sensitive issue. In October 2025, Croatia addressed a diplomatic note to Montenegro highlighting long-standing unresolved cases of restitution of property belonging to members of the Croatian community, whose real estate was nationalised, expropriated, or transferred to third parties after the Second World War and during the 1990s, despite decades of legal proceedings initiated by the owners. Croatia argues that Croats in Montenegro are discriminated against in restitution compared to other minorities and explicitly links the resolution of these property claims to Montenegro's progress in the EU accession process, thereby framing minority rights within a clear bilateral and European political context. At the same time, despite periods of heightened tension, both countries have on several occasions expressed readiness to address outstanding issues through institutional dialogue and bilateral mechanisms, while emphasizing the importance of preserving good neighbourly relations and stable cooperation within the framework of the European integration process.

## Legacy of wars

The legacy of the wars of the 1990s remains one of the most complex chapters in relations between Montenegro and Croatia. In 1991, Montenegro, as part of the then federal state, actively participated in the armed aggression against Croatia, including involvement in the attack on the Dubrovnik area carried out by Yugoslav People's Army units with significant participation of Montenegrin reservists and logistical support from Montenegrin territory. These events left a deep and lasting impact on Croatian society. In Montenegro, however, there has never been a systematic societal or institutional confrontation with the moral and political responsibility for the events of 1991. Although in June 2000 the then President, Milo Djukanovic, issued an official apology<sup>53</sup> to Croatia – an important diplomatic gesture that opened a phase of normalisation – this act was not accompanied by broader processes that would have anchored a stable societal relationship with the past. As a result, changes of government in Montenegro are often accompanied by shifts in the narrative surrounding these events, rendering the war legacy a recurring source of political sensitivity and occasional deterioration in bilateral relations, including the renewed tensions observed in 2024.

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<sup>52</sup> Hrvatska uručila verbalnu notu Crnoj Gori zbog imovine na Prevlaci" (*"Croatia Delivers a Verbal Note to Montenegro Regarding Property on Prevlaka"*), *Radio Slobodna Evropa*, 3 November 2023

<sup>53</sup> "Đukanović se izvinio Hrvatima za Dubrovnik" (*"Djukanovic Apologises to Croats for Dubrovnik"*), *B92*, 24 June 2000

One of the most prominent unresolved issues remains the Morinj camp, where civilians and soldiers from the Dubrovnik area were detained between 1991 and 1992. Although Montenegro conducted trials and paid part of the compensation, the judicial outcomes were limited in scope and did not encompass all those responsible. Croatia, therefore, continues to seek full reparations for former detainees, emphasising that this matter is not merely bilateral, but also civilizational and moral in nature. In early 2025, the Montenegrin prosecution reopened cases related to war crimes committed at Morinj.<sup>54</sup> Croatia has also requested the renaming of the swimming pool in Kotor that bears the name of Zoran Gopcevic, a former water polo player and one of the guards at Morinj, arguing that such symbolism constitutes an affront to the victims.

Another point of contention concerns ownership of the training ship Jadran, which sailed from Split to Tivat for overhaul prior to the outbreak of the war and subsequently remained in Montenegro. Croatia claims that the vessel was unlawfully retained and represents part of its military heritage, while Montenegro maintains that, as the ship was located on its territory at the time of independence, it forms part of its armed forces. Although both sides emphasise their desire to resolve the issue “in the spirit of good neighbourliness”, these disputes illustrate that, even three decades after the wars, the region has not fully reconciled with the legacy of the 1990s, which continues to affect relations between Montenegro and Croatia and Montenegro’s European integration trajectory.

## Kosovo

### Kosovo–Serbia status dispute

The central and most sensitive bilateral dispute in the Western Balkans – one that decisively shapes the European Union’s approach to the entire region – is the dispute between Kosovo and Serbia. Precisely because of its political weight, other regional disputes are often pushed into the background, misinterpreted, or addressed through inadequate solutions, as they are frequently analysed through the prism of this conflict. This dispute is *sui generis*: it is not merely a matter of bilateral relations between two states, but rather an unresolved process of state formation, the implications of which extend to international law, regional stability, and the overall dynamics of European integration. Indeed, the European Commission has largely shaped the concept of resolving bilateral disputes within the accession process with the specific objective of addressing the Kosovo issue, operating on the assumption that without its resolution, there can be neither lasting regional stabilisation nor meaningful progress in the EU accession paths of Serbia and Kosovo.

The roots of the dispute between Serbia and Kosovo date back to the disintegration of the former Yugoslavia and the 1998–1999 conflict, which culminated in NATO intervention and the adoption of United Nations Security Council Resolution 1244. That resolution reaffirmed commitment to the sovereignty and territorial integrity of the then Federal Republic of Yugoslavia, while simultaneously establishing an interim international civil and security presence in Kosovo through UNMIK and KFOR and opening a political process to determine Kosovo’s future status. Following unsuccessful negotiations on final status, Kosovo unilaterally declared independence in February 2008. This marked a new phase in relations between Belgrade and Pristina, transforming the question of Kosovo’s international recognition and legal status into the central political issue in the Western Balkans. Serbia, relying on the political support of Russia and China and on the fact that five

<sup>54</sup> Jovo Martinović, “SDT otvara stare slučajeve ratnih zločina: Dolaze li na red nedodirljivi” (*“The Special State Prosecutor’s Office Reopens Old War Crimes Cases: Are the Untouchables Next?”*), Monitor, 14 February 2025



EU Member States have not recognised Kosovo's independence, continues to dispute Kosovo's sovereignty and actively obstructs its membership in international organisations.

The EU-facilitated dialogue between Kosovo and Serbia, launched in 2011, was intended to lead to a "comprehensive and legally binding normalisation of relations". The signing of the Brussels Agreement in 2013 established the first structured institutional framework for normalisation between the two parties. The agreement provided for the integration of Serbian police and judicial structures in northern Kosovo into Kosovo's legal system, as well as for the establishment of a Community of Serb-majority municipalities endowed with a certain degree of self-government. Although this agreement represented a significant step towards functional communication and institutional integration, its implementation soon stalled. The principal point of contention concerned the scope and nature of the Community's competences, following the Constitutional Court of Kosovo's 2015 ruling that certain provisions were incompatible with the Constitution, while Serbia insisted on their implementation in their original form. Since then, the dialogue has been characterised by prolonged interruptions, heightened nationalist rhetoric, and recurring incidents in northern Kosovo, underscoring the fact that genuine normalisation remains elusive. Nevertheless, the Brussels process has delivered tangible results in a number of technical areas – such as border management, freedom of movement, the integration of local institutions, and police coordination – while the core political objective, a legally binding agreement, has remained unfulfilled.<sup>55</sup>

A renewed effort emerged in 2022 with the Franco-German proposal, which was formally accepted in Ohrid in March 2023 as the Agreement on the Path to the Normalisation of Relations. The agreement does not require explicit mutual recognition, but it obliges Serbia not to obstruct Kosovo's participation in international organisations and reaffirms the obligation to implement all previously concluded agreements. It also, although without explicitly referring to the establishment of a Union of Municipalities, envisages special arrangements and guarantees for the self-government of the Serbian community in Kosovo. However, the implementation of this agreement remains uncertain, as persistent distrust, internal political divisions, and recurrent incidents in northern Kosovo continue to undermine prospects for a sustainable and comprehensive settlement.

The Kosovo–Serbia dispute has broader ramifications, as it generates a series of additional unresolved issues for Kosovo. Five EU Member States – Spain, Greece, Cyprus, Romania, and Slovakia – do not recognise Kosovo's independence, compelling the EU to adopt a "status-neutral" approach in its policies towards Kosovo and significantly constraining Kosovo's institutional integration into European structures.<sup>56</sup>

Furthermore, Bosnia and Herzegovina does not recognise Kosovo, resulting in the absence of diplomatic relations between the two entities and the continued requirement for Kosovo citizens to obtain visas to enter BiH. Although Kosovo unilaterally abolished visa requirements for BiH citizens in 2025 and permitted entry with national identity cards<sup>57</sup>, this measure has not been reciprocated. The European Commission has repeatedly noted in its progress reports that this situation constitutes an obstacle to regional cooperation and integration for both sides. This network of political and administrative constraints is further complicated by Serbia's active use of political influence across the region to discourage neighbouring states from supporting

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<sup>55</sup> Milenko Petrovic & Garth Wilson, *Bilateral relations in the Western Balkans as a challenge for EU accession*, Journal of Contemporary European Studies, 2021

<sup>56</sup> Pol Bargañés, Assem Dandashly, Hylke Dijkstra & Gergana Noutcheva, *Engagement against All Odds? Navigating Member States' Contestation of EU Policy on Kosovo*, The International Spectator, 2024

<sup>57</sup> Bedrudin Brljavac, "Od danas državljani BiH na Kosovo putuju sa licnom kratom" ("As of Today, Citizens of Bosnia and Herzegovina Can Travel to Kosovo with an Identity Card"), Anadolu Agency, 1 January 2025

Kosovo's international affirmation, as illustrated by Montenegro's decision not to support the recommendation for Kosovo's admission to the Parliamentary Assembly of the Council of Europe. As a result, Kosovo's European integration process unfolds under complex and often unfavourable conditions, in which regional politics effectively becomes an extension of its unresolved status dispute.

Consequently, almost all of Kosovo's bilateral disputes – whether related to borders, minority rights, or the legacy of war – are inextricably linked to the fundamental issue of statehood and international recognition.

### **Border disputes**

The principal border dispute involving Kosovo is itself a direct consequence of the broader status dispute described above. Unlike classic border disputes, where the central issue concerns the precise delimitation of a mutually recognised boundary, the core problem here lies in the contested recognition of the border's legal status. Serbia continues to regard Kosovo as a province formally and opposes international recognition of its independence. As a result, no formal border demarcation exists between Kosovo and Serbia, and Serb-majority areas in northern Kosovo largely do not recognise the administrative boundary as an international state border. While the European Union has brokered temporary arrangements concerning freedom of movement and personal documentation, any definitive resolution of the border question remains dependent on a broader settlement of the status dispute.

Although Montenegro recognises Kosovo, the bilateral border demarcation agreement has generated significant internal controversy within Kosovo. The agreement, signed in 2015, was blocked for several years by opposition parties, which argued that it resulted in the loss of Kosovar territory. Ratification was achieved only in March 2018, following prolonged political tensions, and fulfilled a key condition for visa liberalisation with the EU. Nevertheless, physical demarcation on the ground has not yet been fully completed, and periodic statements from Pristina, including those by Prime Minister Albin Kurti, have suggested the possibility of reopening the issue with a new government in Podgorica.<sup>58</sup> Montenegro, for its part, maintains that no border dispute exists. Occasional incidents in the border area have nonetheless heightened sensitivity, underscoring the need for improved communication and coordination between the two states.

At present, no unresolved border issues remain between Kosovo and North Macedonia. Demarcation was finalised in September 2008, and both sides ratified the relevant documentation on 17 October 2009, following the resolution of the disputed section near the Debelde/Tanusevci crossing.

Similarly, there are no border disputes between Kosovo and Albania. The border was established during the period of the SFR Yugoslavia and Albania, and bilateral relations are close, allowing for extensive administrative facilitation, including agreements on free movement and joint border crossings.

### **Identity disputes and minority rights**

The protection and status of the Serbian minority in Kosovo constitute one of the most sensitive dimensions of relations between Kosovo and Serbia. The Brussels Agreement of 2013 envisaged the establishment of a Union of Serb-majority municipalities, yet this provision has not been

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<sup>58</sup> Disputes – international, in *The World Factbook 2022 Archive*, Central Intelligence Agency



implemented to date. Kosovo authorities remain cautious, fearing that such a structure could undermine state sovereignty, while Serbia continues to regard it as a cornerstone for safeguarding the rights of Serbs in Kosovo. The EU has sought to mediate a compromise solution within Kosovo's constitutional framework, but progress has been limited, as the issue remains closely tied to the broader political dialogue on normalisation.

The Presevo Valley also remains a politically and symbolically sensitive issue in relations between Serbia and Kosovo. This region of southern Serbia, inhabited predominantly by ethnic Albanians, periodically features in negotiations through arguments of reciprocity: while Belgrade demands enhanced rights for Serbs in Kosovo, Pristina highlights the position of Albanians in Presevo, Bujanovac, and Medvedja. Although proposals for territorial exchange have largely been abandoned, disputes over minority rights and allegations of discrimination persist.

The status and protection of the cultural and religious heritage of the Serbian Orthodox Church represent another contentious identity issue. While the Ahtisaari Plan and the Kosovo Constitution provide special safeguards for religious and cultural sites, unresolved property disputes – such as the case of the Visoki Decani Monastery<sup>59</sup> – continue to pose challenges to the rule of law. Serbia frequently cites such cases as evidence that Serbian religious and cultural heritage is endangered, while Kosovo's unsuccessful bid for UNESCO membership<sup>60</sup> in 2015 further illustrated how cultural and identity issues can be instrumentalised in international forums.

## Legacy of wars

More than two decades after the conflict, the legacy of war continues to exert a profound influence on relations between Kosovo and Serbia. The fate of numerous missing persons remains unresolved, and although the issue formally forms part of the EU-facilitated dialogue, progress has been slow and accompanied by recurrent political tensions. The majority of missing persons are Kosovo Albanians who disappeared during the conflict, but the list also includes Serbs and other non-Albanians who went missing in the post-war period. Despite the signing of a Political Declaration on Missing Persons in 2023 and the establishment of a Joint Commission under EU auspices in 2024<sup>61</sup>, the process remains burdened by mistrust, limited information sharing, and periodic accusations of politicisation.

The war legacy also encompasses the issue of accountability for crimes committed during the conflict, in which thousands of individuals of different ethnic backgrounds lost their lives.<sup>62</sup> Each side accuses the other of insufficient efforts to prosecute those responsible. Serbia places particular emphasis on crimes committed against Serbs and other non-Albanians, especially after 1999, while Kosovo stresses the need for accountability for crimes committed against Kosovo Albanians during the campaign conducted by Serbian forces. Although the International Criminal Tribunal for the former Yugoslavia adjudicated several of the most serious cases, many proceedings have been left to domestic jurisdictions, often giving rise to mutual accusations and impeding reconciliation efforts.

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<sup>59</sup> *Decision on confirming ownership over 24 hectares of land to Visoki Decani Monastery not implemented yet*, UNMIK Media Reports, *prica preuzeta iz KoSSev*, n.d.

<sup>60</sup> Artan Krasniqi, *What went wrong with UNESCO membership*, NGO Emancipimi Civil Ma Ndryshe, 2016

<sup>61</sup> "EU-facilitated Dialogue: Successful conclusion of the negotiations for the 2023 Declaration on Missing Persons", *European External Action Service (EEAS)*, 17 December 2024

<sup>62</sup> "FHP: Tokom rata na Kosovu stradalo ili nestalo 13.517 ljudi" ("FHP: During the War in Kosovo, 13,517 People Were Killed or Went Missing"), *Radio Slobodna Evropa*, 10 December 2014

Issues related to refugee return and property restitution further strain relations between Kosovo and Serbia. While the majority of displaced Kosovo Albanians returned following the conflict, the return of Serbs has remained limited, a fact cited by Belgrade as evidence of inadequate protection and security guarantees. Disputes over state-owned and socially owned property – including assets such as the Trepca mining complex, energy infrastructure, and public land – carry both legal and political significance and are widely expected to be resolved only within the framework of a final, comprehensive agreement on the normalisation of relations.

## North Macedonia

### Border disputes

North Macedonia entered the period of state independence with comparatively fewer difficulties in defining its borders than many other post-Yugoslav states. Specifically, it inherited the external borders of the former Yugoslavia with Albania, Bulgaria, and Greece, which had already been established through international agreements. What remained unresolved was the demarcation with the then Federal Republic of Yugoslavia, and subsequently with Kosovo and Serbia.

The demarcation process with Belgrade began with the signing of the Agreement on the Regulation of Relations and the Improvement of Cooperation between the Republic of Macedonia and the FRY in 1996, which also established a Joint Diplomatic and Expert Commission tasked with preparing a border agreement. The process was completed with the signing of the Agreement on Demarcation and Border Determination in February 2001, which was ratified by the parliaments of both countries later that same year.<sup>63</sup>

The principal weakness of this agreement lay in the fact that negotiations and decision-making were conducted without the participation of the provisional institutions of Kosovo and the United Nations Interim Administration Mission in Kosovo (UNMIK). This exclusion generated institutional dissatisfaction, local protests, and interethnic tensions in the border area. Additional confusion arose from practical implementation challenges, including issues related to border marking and inscriptions on border markers. Only the subsequent inclusion of the Kosovo side in the technical implementation phase ensured functional cooperation on the ground and contributed to de-escalation, which ultimately opened the way for the normalization of relations and, in the longer term, facilitated North Macedonia's recognition of Kosovo.<sup>64</sup>

### Identity disputes and minority rights

The case of North Macedonia illustrates how bilateral identity disputes can entrap the European integration process over the long term and serve as a powerful instrument of political conditionality.

Since declaring independence in 1992, North Macedonia has faced a deeply entrenched identity dispute with Greece, which contested both the name of the state and the right of its citizens to identify as Macedonians. The dispute encompassed issues of historical heritage, claims to ancient cultural legacies, the use of symbols such as the Vergina Sun, monument policies, as

<sup>63</sup> Mile Milenkoski and Jove Talevski, *Delineation of the State Border Between the Republic of Macedonia and the Federal Republic of Yugoslavia*, IBRU Boundary and Security Bulletin, 2001

<sup>64</sup> Samet Dalipi, *Political and Security Dimension on settling Kosovo– North Macedonian Border Demarcation*, Historijski pogledi 9, 2023

well as the use of toponyms and ethnonyms that Athens considered integral to its own historical and cultural identity. Following independence, Greece imposed a trade embargo, which further destabilized the newly independent state and significantly hindered its political and economic development. The embargo was lifted in 1995 with the signing of the Interim Agreement, under which the provisional name The Former Yugoslav Republic of Macedonia was adopted, while negotiations on a permanent solution continued under the auspices of the United Nations.<sup>65</sup>

Over the subsequent decades, Greece actively used its position as a member of both the European Union and NATO to condition Skopje's international standing. Despite fulfilling key technical criteria, North Macedonia was unable to open accession negotiations with the European Union or join NATO, a situation that contributed to so-called "enlargement fatigue", declining reform momentum, and widespread frustration within a society shaped by a perception of unjust and prolonged blockage. The stalemate persisted until political changes in both countries in 2016 enabled the resumption of intensive diplomatic engagement, with mediation by the international community. A decisive breakthrough occurred in 2018 with the signing of the Prespa Agreement, under which the country adopted the official name Republic of North Macedonia, while Greece formally recognised the Macedonian language and national identity and committed to lifting its objections to Euro-Atlantic integration. This agreement paved the way for North Macedonia's accession to NATO in March 2020 and for the EU Council's decision to open accession negotiations later that same year. Although the agreement was widely presented as a "win-win" solution and a significant diplomatic achievement, it also generated deep political divisions and heightened nationalist tensions within both societies.<sup>66</sup>

In contrast to the dispute with Greece, which was resolved through the Prespa Agreement, the dispute with Bulgaria remains unresolved and currently represents the most significant obstacle to North Macedonia's progress towards EU membership. Although Bulgaria was the first country to recognise Macedonian statehood in the early 1990s, it has persistently denied the existence of a distinct Macedonian ethnic identity and language, asserting Bulgarian origins. While identity-related issues played a secondary role in the dispute with Greece, they have become the central instrument of Bulgarian political pressure in the post-Prespa period.

Although the Treaty of Friendship, Good Neighbourliness and Cooperation was signed in 2017 and a joint commission of historians was established to address contested historical narratives, Sofia adopted its so-called "framework position" in 2019, introducing additional and stringent conditions for the opening of EU accession negotiations. These conditions include the denial of the existence of a Macedonian minority in Bulgaria, demands that EU documents refrain from using the term "Macedonian language" in favour of the formulation "official language of the Republic of North Macedonia", and the requirement to harmonise history and cultural policy textbooks in line with Bulgarian interpretations of the shared past.<sup>67</sup>

Bulgaria has repeatedly exercised its veto power in the EU Council, thereby blocking the opening of accession negotiations not only with North Macedonia but also with Albania. This development has dealt a serious blow to the credibility of the EU's enlargement policy, as bilateral identity disputes have been incorporated into the formal accession framework. The French proposal of 2022 enabled the formal opening of negotiations, but introduced an additional condition: the explicit inclusion of Bulgarians in the Constitution of the Republic of North Macedonia. As this condition has not been fulfilled – and as political forces opposed to constitutional amendments

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<sup>65</sup> Erwan Fouéré, *EU enlargement and the resolution of bilateral disputes in the Western Balkans*, CEP/CEPS, 2023

<sup>66</sup> Jasmin Hasić, Nedžma Džananović & Lejla Ramić Mesihović, *"Implicit" contestations of EU foreign policy norm-domestication in Bosnia and Herzegovina and North Macedonia*, Global Affairs, 2021

<sup>67</sup> Jasmin Hasić, Nedžma Džananović & Lejla Ramić Mesihović, *"Implicit" contestations of EU foreign policy norm-domestication in Bosnia and Herzegovina and North Macedonia*, Global Affairs, 2021

currently hold a parliamentary majority – progress has once again stalled. Consequently, the dispute with Bulgaria remains unresolved and continues to represent the most serious challenge to North Macedonia's European perspective.

Although relations with Serbia are not burdened by open bilateral disputes comparable to those with Greece and Bulgaria, the question of the canonical status of the Macedonian Orthodox Church–Ohrid Archbishopric remains a sensitive identity issue in the background. While the autocephaly of the Macedonian Orthodox Church was officially recognised in 2022, bringing an end to a decades-long ecclesiastical dispute, the fact that this recognition has not yet been fully consolidated across the Orthodox world leaves space for potential political instrumentalization. Should Serbia at some point attain EU membership before North Macedonia, this unresolved dimension could be used as a lever of influence within the European context. As such, the identity agenda that has previously obstructed North Macedonia's European path in relations with Greece and Bulgaria persists as a latent point of pressure, even if it is not currently at the forefront of bilateral relations.

## Serbia

### Border disputes

Of all its Balkan neighbours, Serbia has fully resolved the issue of border delimitation only with North Macedonia, as discussed in detail in the preceding chapters. Its remaining borders are shared with Member States of the European Union. The borders with Hungary, Romania, and Bulgaria were established at the beginning of the twentieth century, and no territorial disputes exist in relation to these boundaries.

The border dispute between Croatia and Serbia represents one of the longest-standing and most sensitive bilateral issues in the region. It concerns the demarcation of the state border along the course of the Danube River. The dispute stems from differing legal bases for border determination. Serbia refers to the Federal Law on Demarcation from 1945 and the decision of the Assembly of Vojvodina from 1946, according to which the border should follow the middle of the riverbed, in line with the *thalweg* principle. Croatia, by contrast, insists that the border should follow cadastral boundaries dating from the Austro-Hungarian period (1877–1891), when the course of the Danube differed from its present trajectory.<sup>68</sup> The disputed area encompasses approximately 11,000 hectares of land, of which around 10,000 hectares are located in territory currently administered by Serbia, while roughly 1,000 hectares are claimed by the Croatian side.<sup>69</sup>

Efforts to reach a bilateral agreement have been ongoing since 2001, when an Interstate Commission for Demarcation was established, but without any substantive progress. The Commission last met actively in 2018, and the deadline set at that time by Presidents Vucic and Grabar-Kitarovic – to resolve the issue through bilateral means<sup>70</sup> – expired without tangible results. Although the Croatian Parliament adopted a declaration in 2011 committing itself not to use bilateral disputes as an instrument of pressure<sup>71</sup> within the enlargement process, comparative experience suggests

<sup>68</sup> Dr. Srdjan Cvijic, Dr. Nikola Dimitrov, Leposava Ognjanoska Stavrovska, Ivana Rankovic, *Bilateral disputes and EU enlargement: A Consensual Divorce*, Belgrade Center for Security Policy, 2024

<sup>69</sup> Milos Paunović, *Otvorena pitanja – Srbija i Hrvatska (Open Issues – Serbia and Croatia)*, Centar za primenjene evropske studije, 2019

<sup>70</sup> Ibid.

<sup>71</sup> *Zakon o potvrđivanju Ugovora o državnoj granici između Republike Hrvatske i Bosne i Hercegovine*, Narodne novine, br. 121/2011 (*Law on the Ratification of the Agreement on the State Border between the Republic of Croatia and Bosnia and Herzegovina*, Official Gazette, No. 121/2011), 27 January 2011

that the unresolved Danube dispute may still be instrumentalised as political leverage in the later stages of Serbia's EU accession negotiations.

## Identity disputes and minority rights

Identity-related issues and disputes in Serbia's bilateral relations largely derive from the legacy of the breakup of the former Yugoslavia and the subsequent redefinition of borders, identities, and minority rights across the region. Serbia's relations with the Western Balkan countries – Montenegro, Bosnia and Herzegovina, Kosovo, and North Macedonia – have been analysed in detail in earlier chapters of this report. The focus here is therefore placed on the bilateral dimensions of Serbia's identity-related issues within a broader regional framework. According to the most recent European Commission report, Serbia maintains stable relations with Romania and Bulgaria, as well as particularly close relations with Hungary, with which it is developing strategic projects in the fields of energy and transport. Relations with Croatia, however, are assessed as remaining burdened by periodic tensions and exchanges of harsh political rhetoric.<sup>72</sup>

The status and protection of national minorities constitute one of the central identity-related and political issues in relations between Serbia and Croatia. Although both states have established legal and institutional frameworks for minority protection, each accuses the other of selective implementation and politicisation of minority rights.<sup>73</sup> In an effort to enhance cooperation, the two countries signed an Agreement on the Protection of Minority Rights in 2004, followed by the establishment of an Intergovernmental Mixed Committee for the Protection of Minorities, tasked with monitoring the implementation of agreed commitments. Nevertheless, this mechanism has remained largely ineffective over an extended period. A Declaration on the Improvement of Relations and the Resolution of Open Issues was adopted in 2016, yet it has not resulted in measurable progress regarding the situation of minorities.

Croatia has consistently drawn attention to challenges faced by the Croatian minority in Serbia, including insufficient representation in public institutions, limited access to education and textbooks in the Croatian language, and, according to Croatian assessments, attempts to fragment the Croatian national corpus through institutional preferential treatment of the Bunjevac community.<sup>74</sup> Serbia, in turn, has repeatedly highlighted the position of the Serbian minority in Croatia, alleging exposure to discrimination, inadequate institutional protection, and pressure from local nationalist actors. Particular emphasis is placed on the restricted official use of the Cyrillic script in municipalities with significant Serb populations, which Belgrade regards as a violation of constitutional guarantees and international standards.<sup>75</sup>

On two occasions, Croatia used its EU membership to block the opening of negotiation chapters in Serbia's accession process – first Chapter 23 (Judiciary and Fundamental Rights) in April, and subsequently Chapter 26 (Education and Culture) in December – citing unresolved issues related to minority rights and education. Although both chapters were later opened with mediation by the European Commission and the support of other Member States, these instances demonstrated that bilateral disputes continue to exert a direct influence on the pace of Serbia's accession negotiations.

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<sup>72</sup> European Commission, *Serbia 2025 Report*, SWD(2025) 755 final, Brussels, 4 November 2025

<sup>73</sup> *Zakon o ratifikaciji Sporazuma između Srbije i Crne Gore i Republike Hrvatske o zaštiti prava srpske i crnogorske manjine u Republici Hrvatskoj i hrvatske manjine u Srbiji i Crnoj Gori*, „Službeni list SCG – Međunarodni ugovori”, br. 3/2005. (Law on the Ratification of the Agreement between Serbia and Montenegro and the Republic of Croatia on the Protection of the Rights of the Serbian and Montenegrin Minority in the Republic of Croatia and the Croatian Minority in Serbia and Montenegro, “Official Gazette of Serbia and Montenegro – International Treaties”, No. 3/2005)

<sup>74</sup> Milan Aleksić, *Otvorena pitanja između Srbije i Hrvatske (Open Issues – Serbia and Croatia)*, Centar za primenjene evropske studije, 2019

<sup>75</sup> Milenko Petrović & Garth Wilson, *Bilateral relations in the Western Balkans as a challenge for EU accession*, Journal of Contemporary European Studies, 2021



Identity-related disputes between Serbia and Romania primarily concern the status of the Romanian minority and the position of the Vlach community in eastern Serbia, as well as the issue of ecclesiastical jurisdiction of the Romanian Orthodox Church. While both states maintain legal frameworks for minority protection, their interpretations of minority affiliation differ significantly. Serbia treats the Vlachs as a distinct ethnic group, whereas Romania considers them part of the Romanian national corpus, largely on the basis of linguistic affinity. Romanian authorities consistently advocate for education and religious services in the Romanian language, as well as for reciprocal parliamentary representation, referencing the guaranteed parliamentary seat for the Serbian minority in Romania. Another contentious issue involves the jurisdiction of the Romanian Orthodox Church in Serbia, which traditionally extends only to the Banat region. Romania seeks permission for its clergy to operate in Vlach communities south of the Danube, while the Serbian Orthodox Church argues that such an arrangement would violate the territorial principle established under the 1934 inter-church agreement. These issues have periodically generated political tensions, most notably in 2012, when Romania conditioned its consent to Serbia's EU candidate status on greater progress in resolving matters related to the Romanian and Vlach communities. In the same period, an Intergovernmental Commission for National Minorities was established to facilitate institutional dialogue, contributing to a partial easing of tensions, though not to the full resolution of outstanding disputes.<sup>76</sup>

Present political leaders in Serbia and Hungary frequently emphasise that bilateral relations between the two countries have never been stronger. Within the context of European integration, Serbia–Hungary relations are often cited as an example of bilateral disputes successfully resolved through sustained dialogue and political will. Issues that previously burdened relations – most notably the status of the Hungarian minority in Vojvodina, property restitution, and the legacy of World War II war crimes<sup>77</sup> – were addressed through a combination of legislative measures, institutional cooperation, and symbolic acts of reconciliation. A pivotal moment occurred in 2013, when mutual apologies were exchanged, and a declaration condemning crimes against civilians was adopted, effectively closing the chapter of reciprocal accusations stemming from World War II. This development removed one of the last potential obstacles to Serbia's European integration. Since then, Hungary has emerged as one of Serbia's most consistent advocates within the EU.

## Legacy of wars

The wars of the former Yugoslavia continue to represent one of the principal obstacles to the full normalisation of relations between Serbia and Croatia. Although diplomatic relations have been restored, multiple cooperation agreements signed, and mutual genocide lawsuits before the International Court of Justice formally concluded in 2015 – with the Court dismissing both claims while confirming that serious crimes were committed<sup>78</sup> – a wide range of unresolved war-related issues persists. These include the fate of missing persons, prosecution of war crimes, the status of refugees and returnees, restitution of cultural property, and succession issues related to assets of the former SFRY. Each of these matters periodically becomes directly linked to Serbia's EU accession process.

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<sup>76</sup> Dr. Srdjan Cvijic, Dr. Nikola Dimitrov, Leposava Ognjanoska Stavrovska, Ivana Rankovic, *Bilateral disputes and EU enlargement: A Consensual Divorce*, BCSP, 2024.

<sup>77</sup> Andrzej Sadecki & Marta Szpala, "Serbian–Hungarian dispute over restitution law", *OSW – Centre for Eastern Studies*, 19 October 2011

<sup>78</sup> "Sud u Hagu odbacio hrvatsku tužbu i srpsku protitužbu za genocide" ("The Court in The Hague Dismissed the Croatian Lawsuit and the Serbian Counterclaim for Genocide"), *RTS Online*, 3 February 2015

One of the most complex and emotionally charged issues concerns missing persons and prisoners of war. Over the years, joint commissions have been established, and data exchanged between Serbian and Croatian authorities, yet a substantial number of cases remain unresolved. Both sides voice mutual grievances: Serbia calls for faster identification of victims of Serbian nationality, while Croatia insists on the discovery of remaining mass grave sites on Serbian territory. According to jointly agreed data from 2015, 1,606 persons of Serbian and Croatian nationality remain unaccounted for.<sup>79</sup>

The prosecution of war crimes constitutes another particularly sensitive domain, where the principles of universal jurisdiction and state sovereignty intersect. Serbia has enacted legislation granting its judicial authorities jurisdiction to prosecute war crimes committed anywhere within the territory of the former SFRY, irrespective of the nationality of perpetrators or victims. Croatia challenges this approach as an unjustified extension of jurisdiction over crimes committed on its territory. This legal dispute has also surfaced within the European integration context, with Croatia at times slowing or blocking the opening of negotiation chapters for Serbia on the grounds of unresolved issues related to war crimes prosecution and judicial cooperation.<sup>80</sup>

A further set of unresolved issues relates to the demographic and property consequences of the war. During the 1990s, hundreds of thousands of people – predominantly Serbs from Croatia – fled to Serbia. While some have since returned, many continue to reside in Serbia with unresolved legal status, unreconstructed housing, and outstanding issues related to pensions, savings, tenancy rights, and property restitution. Croatia maintains that essential institutional mechanisms for return and compensation have been established and that the process is approaching its final phase. Serbia and representatives of the Serbian minority in Croatia, however, argue that numerous individual cases remain unresolved and that some returnees continue to face economic and social insecurity. The restitution of cultural property adds another dimension to these disputes: during the conflict, tens of thousands of museum and church artefacts were removed from Croatia and transferred to Serbia. Although a substantial portion has been returned under a special protocol and through the work of a mixed commission, a number of items remain outstanding, constituting a persistent element of Croatian demands toward Belgrade.<sup>81</sup>

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<sup>79</sup> Milos Paunović, *Otvorena pitanja – Srbija i Hrvatska (Open Issues – Serbia and Croatia)*, Centar za primenjene evropske studije, 2019

<sup>80</sup> Milan Aleksic, *Otvorena pitanja između Srbije i Hrvatske (Open Issues between Serbia and Croatia)*, Centar za primenjene evropske studije, 2019

<sup>81</sup> Ibid.



## 4. Critical review: The concept of GNR between principles and practice

Critical analysis reveals a clear gap between the European ideal of good neighbourly relations and the reality on the ground in the Western Balkans. Although the Union formally promotes GNR as a foundation for stability and good neighbourly trust, in practice this concept has often degenerated into a tool of political instrumentalization that, in some cases, generates new tensions instead of resolving existing ones. In this chapter, we examine this contradiction: how the European principle of good neighbourliness clashes with Balkan political realities, how the asymmetric power of Member States affects the process, how regional actors themselves politicise GNR, and what conclusions can be drawn from these dynamics.

### European ideal and regional reality

In theory, the principle of good neighbourly relations is conceived as a foundation for stability, trust, and reconciliation between states. European rhetoric emphasises that insisting on GNR should encourage candidate countries to overcome the past and build constructive relations, modelled on post-war reconciliation within the European Union itself. However, the regional reality of the Western Balkans presents a markedly different picture: rather than consistently encouraging cooperation, GNR has also become a generator of tension, providing individual Member States with instruments to block and condition their neighbours.

The core problem lies in the absence of a clear and consistent mechanism for implementing this principle at the Union level. While the EU formally requires the resolution of disputes, in practice it approaches each case on an ad hoc basis, depending on political circumstances. The result is an inconsistency that undermines the credibility of the enlargement policy. It remains an open question whether the absence of a unified dispute-settlement policy reflects institutional weakness or a deliberate strategy aimed at preserving political flexibility. A standardised mechanism – such as mandatory arbitration for all disputes – would constrain the Union's room for manoeuvre and limit the autonomy of Member States in the enlargement process. By contrast, an ad hoc approach allows the EU to retain discretionary decision-making and political leverage in each individual case.

At the same time, it is important to stress that EU inconsistency is not the sole reason the principle of good neighbourliness fails to function as intended. Western Balkan countries, despite their declarative commitment to European values, often maintain an ad hoc approach to disputes – not necessarily because of institutional weakness, but because political elites consciously choose to do so. Nationalist mobilisation, selective interpretations of history, instrumentalization of identity issues, and avoidance of confronting the war legacy contribute to the use of bilateral disputes as domestic political resources. This creates a paradox: while countries of the region demand clear European rules and predictability, they simultaneously sustain practices that render dispute resolution politically unpopular, slow, or structurally blocked.

The EU's role in mediating bilateral disputes varies significantly from case to case, contributing to perceptions of unpredictability and uneven treatment. Based on the analysis of specific disputes, three typical roles adopted by the EU in practice can be identified:

- **Active mediator**, when the Union assumes a central role in facilitating dialogue, invests political capital, and uses accession instruments to encourage compromise. This approach characterises cases such as the Belgrade–Pristina dialogue and the Prespa Agreement between North Macedonia and Greece. In both instances, the EU played an active role – directly as mediator in the former, and as a key political guarantor and promoter in the latter, although technical mediation was led by the United Nations.
- **Passive actor**, when the Union provides declarative political support and technical assistance, but refrains from substantial engagement in the negotiation process. This is evident in disputes such as those between Croatia and Montenegro or Croatia and Serbia, where the EU has largely avoided using its political influence, leaving resolution to bilateral channels.
- **Politically positioned actor**, when the Union, intentionally or not, aligns itself more closely with the interests of a particular Member State, thereby weakening its role as a neutral mediator. The most prominent example is the dispute between Bulgaria and North Macedonia, in which the EU, according to numerous analyses, effectively reflected Bulgarian positions on language, identity, and historical interpretation by incorporating them into Council conclusions and the negotiating framework<sup>82</sup>. This approach established a deeply problematic precedent, as issues unrelated to accession criteria were transformed into instruments of political conditioning and blockage of the entire process.

One of the rare cases in which the EU acted as a genuinely active mediator is the Prespa Agreement between North Macedonia and Greece. This agreement, which resolved a decades-long dispute over the country's name, was achieved through intensive mediation and support from the EU (and NATO) and was presented as a model for successful bilateral conflict resolution based on European principles. Prespa was undoubtedly a geopolitical success, as it enabled North Macedonia's NATO accession and removed a major obstacle to its EU aspirations. However, the domestic cost of this success was high: the agreement generated deep political divisions within Macedonian society. Authorities in Skopje, under pressure from time constraints and the international community, implemented constitutional changes despite low voter turnout in the referendum, which the opposition interpreted as an imposed process and an externally driven dictate.

Moreover, the Prespa Agreement – despite its significance – did not guarantee North Macedonia an unhindered European path. Almost immediately after resolving the dispute with Greece, Skopje encountered a new blockage, this time from neighbouring Bulgaria. At the end of 2020, Sofia used the EU's consensus-based decision-making to veto the opening of accession negotiations, conditioning progress on demands related to Macedonian identity, language, and history. This case clearly illustrates how an EU Member State can, through conditionality, instrumentalise the principle of good neighbourliness for objectives that run counter to the spirit of European integration. The demands posed by Bulgaria were particularly difficult for Skopje to accept, as they touched upon highly sensitive issues of national identity and language. In this dispute, the EU adopted a reserved posture – formally encouraging dialogue, but without the decisive mediation applied in the Prespa case. This uneven approach reinforced perceptions of inconsistency: while

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<sup>82</sup> Biljana Volchevska, *Re-writing history as a pre-condition of EU membership: The case of North Macedonia*, *Journal of European Studies* 55(2), 2025, inter alia.

compromise was strongly encouraged in the dispute with Greece, no comparable pressure was placed on Bulgaria to demonstrate flexibility, further weakening the credibility of the enlargement policy.

This inconsistency in the EU's handling of bilateral disputes highlights that GNR is not implemented as a coherent European principle, but rather functions as a political arena in which Member States pursue their own interests. Instead of a unified policy, the Union has allowed bilateral disputes to be subsumed under national agendas and domestic political calculations of individual Member States. These interests are often driven by narrow nationalism or short-term political considerations, rather than shared European values. The resulting gap between normative ideals and regional realities directly undermines the credibility of the enlargement policy. Candidate countries, such as North Macedonia, legitimately question the purpose of undertaking painful compromises if they can later be blocked by another bilateral dispute. The European ideal of good neighbourliness – as a community of reconciled states – becomes increasingly questionable in the eyes of many in the Balkans when veto power consistently prevails over solidarity.

However, the dynamics shaped by the EU do not operate in isolation. The reactions and interests of Western Balkan countries themselves significantly influence how the principle of good neighbourly relations is applied. Bilateral disputes persist not because the EU seeks their continuation, but because domestic political actors benefit from maintaining, postponing, or reinterpreting them. In this way, domestic politics and internal interests become decisive factors in the persistence of disputes, while responsibility is selectively externalised and shifted onto the EU.

## **Asymmetry of power and political instrumentalization**

The application of the principle of good neighbourly relations within enlargement policy is marked by a deep and structural asymmetry of power. In practice, the principle operates in a one-directional manner: candidate countries are expected to demonstrate maximum flexibility and willingness to compromise, while Member States are under no obligation to reciprocate, nor is there any mechanism to prevent abuse of their position. Empirical analyses show that in disputes between a Member State and a candidate country, outcomes are almost invariably weighted in favour of the Member State, leaving the candidate with minimal room for manoeuvre.<sup>83</sup> Although Article 8 of the Treaty on European Union refers to “reciprocal rights and obligations,” such reciprocity effectively disappears within the hierarchical structure of the enlargement process, where one side controls the pace, and the other bears the burden of adjustment.

This structural inequality has produced a situation in which the progress of candidate countries no longer depends primarily on the objective fulfillment of the Copenhagen criteria and implementation of internal reforms, but increasingly on the subjective goodwill of neighbouring Member States holding leverage over key stages of the process. In other words, the merit-based principle – according to which reforms and adoption of the *acquis* determine integration speed – is progressively overshadowed by political calculations and bilateral ultimatums. Candidate governments consequently devote growing attention and capacity to bilateral negotiations and political concessions, while substantive reforms in the rule of law, institutional development, and economic governance recede into the background.

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<sup>83</sup> Erwan Fouéré, *EU enlargement and the resolution of bilateral disputes in the Western Balkans*, CEP/CEPS, 2023

Within this context, the veto has become a central “bargaining chip” and a powerful instrument of political pressure. Rather than serving to protect vital EU interests, it is increasingly employed as a tool of bilateral leverage and the imposition of narrowly defined national priorities. The earliest and most emblematic example of such instrumentalization was the dispute between Slovenia and Croatia over the Bay of Piran. In 2008–2009, Slovenia used its Member State status to block Croatia’s accession negotiations, keeping several chapters closed until the dispute was addressed. EU mediation eventually resulted in the 2009 Arbitration Agreement, which unblocked Croatia’s accession path, but also established a critical precedent: that a Member State can deploy veto power to advance bilateral claims. This precedent did not go unnoticed, as other Member States subsequently recognised that enlargement could be conditioned on their own demands, transforming the veto into a potent instrument of political influence within the Council. The Bulgarian blockade of North Macedonia illustrates the extent to which this practice can escalate. Rather than fostering reconciliation, the dispute has deepened mistrust and strengthened nationalist narratives on both sides. Analysts warn that it has opened a “Pandora’s box,” creating a dangerous precedent that other Member States could replicate. Combined with the so-called French proposal, which made North Macedonia’s progress conditional on accepting demands in the sensitive sphere of identity, this case demonstrates how the principle of good neighbourliness can be transformed from an instrument of reconciliation into a mechanism of discipline. Instead of incentivising integration, GNR has become a tool of control, maintaining the region in a prolonged state of political conditionality.

This asymmetry is not merely a flaw in institutional design, but a systemic consequence of the EU’s decision-making architecture. Decisions on critical steps in the enlargement process – such as opening or closing negotiation chapters or granting membership – continue to require unanimity in the Council, conferring de facto veto power on every Member State. Although proposals have been made to introduce qualified majority voting for at least technical enlargement decisions, they have not been adopted due to resistance from Member States unwilling to relinquish influence. As a result, even the smallest Member State can halt the entire process without formally breaching EU rules. In practice, therefore, GNR reflects power relations rather than partnership values, as a Member State’s veto often outweighs the objective reform achievements of a candidate country. Within such an arrangement, the region remains confined to a form of “European waiting room,” stabilised through instruments such as the Stabilisation and Association Process, but rarely rewarded with tangible progress towards membership, as the demand for “full” good neighbourliness remains perpetually available as a justification for delay.

In sum, although formally aimed at stability and reconciliation, the principle of good neighbourly relations in practice generates inequality and frustration. The distribution of responsibilities is skewed: the burden of compromise rests almost entirely on candidate countries, while Member States retain broad political discretion to increase this burden further. This asymmetry demands serious reconsideration within the EU itself, as without addressing this structural imbalance, enlargement risks becoming a mechanism for preserving the status quo rather than a driver of transformation and integration.

Nevertheless, while the institutional asymmetry between Member States and candidate countries is undeniable, it does not fully explain the persistence of bilateral tensions. Western Balkan governments rarely utilise the available space for regional cooperation and trust-building. On the contrary, many deliberately undermine it in order to maintain political control within deeply polarised societies. Rather than actively resolving disputes or implementing international recommendations, certain political elites exploit tensions – whether real or manufactured – as instruments of pressure or internal consolidation. In this way, unresolved issues become components of political strategy rather than obstacles to be overcome.

## Local instrumentalization of good neighbourliness

Politicisation of good neighbourliness is not limited to Member States; within the Western Balkans themselves, GNR is frequently instrumentalised for domestic political purposes. Governments in the region rarely treat GNR as an opportunity for cooperation, instead using it primarily as a mechanism of internal legitimisation and identity mobilisation. European demands for good neighbourly relations intersect with local identity politics and become integral to narratives of defending the national interest. Resolving disputes – as in the case of the Prespa Agreement – is easily framed as betrayal, while blocking compromise is celebrated as political courage and protection of sovereignty. This dynamic is reflected in the dual strategy of regional leaders: publicly affirming EU integration as a strategic objective, while simultaneously portraying reform failures and domestic crises as consequences of “unfulfilled promises from Brussels.” Bilateral disputes thus become convenient tools for diverting public attention from domestic problems and sustaining mobilisation through narratives of national vulnerability.

In most Western Balkan countries, contemporary governing elites are deeply embedded in power structures shaped by the wars of the 1990s or their political aftermath. These parties – or factions emerging from them – have maintained dominance through narratives of national endangerment, historical injustice, and the “protection of the people.” Conflict is therefore not treated as a legacy to be overcome, but as a renewable political resource. An additional layer of regional tension is created by the widespread practice of instrumentalising minorities and invoking the protection of “compatriots” in neighbouring states.

Within this context, nationalism functions as a façade that conceals the absence of substantive reforms and perpetuates captured institutions. Rather than addressing EU demands related to the rule of law, anti-corruption efforts, and judicial independence, governments systematically redirect public discourse towards identity, history, and collective trauma. This diversion shifts attention away from institutional inefficiency, party patronage, clientelism, and systemic corruption. In such a political environment, good neighbourliness serves as a rhetorical background, while fundamental problems – from state capture to organised crime – remain unresolved.

As a result, the European principle of good neighbourliness, intended to foster reconciliation, is frequently transformed into an internal political weapon. When the EU calls on Bosnia and Herzegovina to become functional and reconciled, political elites selectively interpret this message, each accusing the other while presenting themselves as protectors of “their people” against EU demands. Similarly, EU calls for the normalisation of relations between Serbia and Kosovo are reframed by leaders as efforts to defend national interests – territorial integrity in Serbia’s case, or identity and sovereignty in Kosovo’s – against unpopular concessions “imposed by Brussels.” In this climate, GNR does not facilitate confrontation with the past, but becomes a rhetorical shield behind which established political practices persist.

An additional factor is the EU’s pragmatic tolerance of so-called frozen conflicts. Concerned about destabilisation, the Union often accepts the status quo as the least risky option, despite the fact that it perpetuates instability and obstructs meaningful progress. The Belgrade–Pristina dialogue has lasted for over a decade and increasingly risks becoming an end in itself: despite certain technical and political achievements, a comprehensive and lasting settlement capable of normalising relations remains absent. A similar pattern is evident in Bosnia and Herzegovina, where the EU has for years urged reform while simultaneously tolerating political blockades and rhetoric that undermine state functionality. Internal EU divisions – most notably the non-recognition of Kosovo by five Member States – further limit the Union’s capacity to act as a unified and credible mediator. Consequently, the EU often opts for “controlled instability,” maintaining a fragile equilibrium rather than pursuing decisive solutions.



The conduct of domestic elites has been reinforced by years of “stabilocracy,” during which international actors tolerated authoritarian practices in exchange for short-term stability. Governments in the region have learned that international support can be secured without substantive reforms, provided peace is nominally maintained and EU integration rhetorically endorsed. This has produced a system in which good neighbourliness is treated as a formal external requirement, rather than a substantive principle guiding internal political transformation. The effects of this approach are clearly visible in public perceptions of the EU across the region. The absence of clear, consistent, and impartial mediation – combined with frustration over repeated blockades – has strengthened narratives portraying the EU as biased or indecisive. When the Union intervenes forcefully in one dispute, such as by pressuring North Macedonia to change its name, while remaining passive in another, such as in response to the Bulgarian veto, citizens’ perceptions of double standards are reinforced. This erosion of credibility creates fertile ground for populist and anti-European narratives.

Without credible and consistent European mediation, the principle of good neighbourliness in the Western Balkans increasingly reflects local political weaknesses rather than serving as a corrective to them. The EU alone cannot generate internal political will for reconciliation, but its inconsistent approach can empower those who benefit from the status quo. As long as such inconsistency persists, GNR in the Western Balkans will remain vulnerable to politicisation – both by local elites and by EU Member States themselves.

## **Final considerations**

A critical analysis of the concept of good neighbourly relations within the European Union’s enlargement policy reveals a profound structural paradox. On the one hand, GNR was conceived as a fundamental principle intended to ensure that the enlargement process contributes to stability and reconciliation – an objective that is inherently legitimate and fully aligned with European ideals. On the other hand, in practice, its implementation has remained largely declarative, without a genuine European methodology or a consistent mechanism capable of guaranteeing the resolution of bilateral disputes on the basis of common principles. While the EU has established demanding standards for candidate countries, it has failed to create a framework that would oblige its Member States to act constructively and in accordance with the very values it promotes.

This approach has produced a paradox at the core of European enlargement policy itself. While candidate countries are required to respect the values enshrined in Article 2 of the Treaty on European Union – such as the rule of law, sincere cooperation, and the peaceful settlement of disputes – EU Member States are not required to adhere to these same principles in their own conduct within the enlargement process. The enlargement mechanism, grounded in the right of veto, allows Member States to block neighbouring countries for narrowly defined national reasons, without any institutional consequences. This undermines the EU’s credibility as a community of values and sends a deeply problematic message to the region: that progress is determined not by principles or reforms, but by power asymmetries and the ability to exert political pressure. Paradoxically, the region is expected to commit itself to standards that the Union itself does not apply consistently.

In such an environment, the principle of good neighbourly relations has frequently become a pretext for preserving the status quo rather than an instrument of transformation. Instead of guaranteeing stability, it has often contributed to the prolongation of conflicts and the creation of a geopolitical vacuum in the Western Balkans. A process designed to overcome nationalism

and consolidate peace has instead allowed disputes to be re-nationalised and redeployed as instruments of pressure. The absence of a unified methodology and the Union's ad hoc approach have further reinforced perceptions of injustice and inequality, weakening the trust of both citizens and political elites in the credibility of the European path.

Despite the evident shortcomings of the European approach, it would be misleading to ignore the fact that a substantial share of responsibility lies with the Western Balkan countries themselves. Some systematically avoid confronting the legacy of war; others deliberately maintain identity disputes as tools of political mobilisation; almost all suffer from chronic problems of corruption, captured institutions, and insufficient political will for reform. Disputes that could be resolved through technical or legal means are often intentionally transformed into political battlegrounds because they deliver short-term benefits: mobilisation of electoral support, diversion of public attention from corruption and crime, and consolidation of power through the construction of an "external enemy." Governments frequently instrumentalise historical trauma, war legacies, minority issues, or border disputes as highly combustible political material, at times normalising rhetoric that borders on fascism. Without a clear political decision by regional leaders to de-escalate tensions and genuinely respect the principles they formally endorse, even the most effective European mechanisms cannot ensure durable good neighbourly relations.

For the principle of good neighbourliness to regain its substance and become an authentic foundation of European integration, it must be redefined as a shared – rather than unilateral – obligation, binding both EU Member States and Western Balkan countries alike. On the EU side, this requires a clearer limitation of the space in which individual Member States can instrumentalise bilateral disputes unrelated to the *acquis*, whether through more precise negotiating frameworks or through a political commitment obliging Members to act constructively. At the same time, the Union should develop predictable and early dispute-management mechanisms – standardised forms of mediation, expert involvement, and preventive diplomacy – to prevent relatively technical issues from escalating into political blockages.

The solution most frequently proposed in academic and policy literature is reform of the decision-making process in the area of enlargement. Introducing qualified majority voting (QMV) for technical decisions – such as the opening or closing of negotiating clusters – would significantly reduce the scope for veto abuse and allow for a clearer separation between bilateral disputes and the substantive reform agenda. Such a reform would enhance predictability and protect the merit-based logic of enlargement, according to which progress should depend on reforms and compliance with the *acquis*, rather than on the political will of neighbouring states.

Without progress on both sides – within Brussels and within the region – the principle of good neighbourliness risks becoming a permanent justification for stagnation. The EU, without reforming its decision-making mechanisms, continues to send inconsistent signals and to permit the use of veto power as a political instrument. At the same time, Western Balkan governments, in the absence of deep democratic and institutional transformation, continue to exploit bilateral disputes as convenient tools of political survival. In such circumstances, the risk of geopolitical erosion increases, alternative external influences gain ground, and the transformative logic of European integration steadily weakens.

The conclusion is therefore unambiguous: the European Union must evolve towards a policy grounded in shared responsibility, predictable mediation, and credible support for regional reconciliation, while Western Balkan countries must abandon the use of bilateral disputes as an alibi for the absence of reforms. Only under these conditions can the principle of good neighbourliness once again become what it was intended to be – the foundation of a stable, solidaristic and integrated Europe.



