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Territorial Disputes in the Post--Yugoslav Space: Nation-Building between Identity Politics and International Law

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Summary

This analysis of a sample of territorial or border disputes 30 years after the beginning of Yugoslavia's disintegration is informed by a pluri-angle analytical framework. With territorial disputes, a single reading of the phenomenon by international law with its established principles and standards of peaceful dispute settlement can be insufficient. More often than not, territorial disputes not only relate to territorial sovereignty *per se*, but also to issues of nation-building and statehood, identity narratives, ontological security, and (perceived) legitimacy as to whether a border is 'just'. In the context of EU enlargement, the level of power (a)symmetry between actors also plays a role. Looking at the case studies (i) Croatia v. Slovenia, (ii) Serbia v. Croatia, and (iii) Serbia v. Kosovo, this paper demonstrates why States sometimes do not comply with EU conditionality and that the behaviour of State actors is by no means irrational, but can well sustain a dispute and/or pose a threat to dispute settlement by international law.

Keywords: Borders, Dispute Settlement, Identity, International Law, Yugoslavia

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I. Introduction

When acceding to the EU, candidate countries face a great number of criteria they need to fulfil or comply with. Sometimes, however, they do not comply, e.g. in the process of solving their bilateral border disputes, even if the solution of that dispute would seem to be in their interest. This paper[1] will want to shed light on why States behave the way they do and what impact this has on the effectiveness of the international law dispute settlement system.[2]

Territorial disputes are as old as the contemporary international system of territory-bound sovereign States. Russia's recent war of aggression against the Ukraine is a painful reminder of the fact that (armed or non-violent) territorial conflict is amongst the most serious issues over which governments or States can be at odds with (see e.g. Gibler 2012, 9; Huth and Allee 2002, 32). This paper is first going to take a brief look at the functional and identity aspects of borders further down in this introductory part. Section II introduces an analytical framework composed of (i) the pertinent provisions of international law based on the relevant jurisprudence of international courts and tribunals in respect of State succession and borders, and of the peaceful modes of dispute settlement, (ii) national identity and legitimacy filter models based on a combination of both rationalist and constructivist considerations, and (iii) the concept of ontological security reflecting the need of human beings and State actors to preserve constancy in their social and material environment. This framework is subsequently applied to the country case studies in section III, namely the border disputes between (i) Croatia and Slovenia over the maritime and land border, (ii) Croatia and Serbia over the Danube border, and (iii) Serbia and Kosovo over statehood as such. Section IV will pinpoint the conclusions that can be drawn from the country cases in respect of State actors' behaviour and how identity politics in the context of nation-building[3] can affect dispute settlement based on international law.

If we look at border and territorial disputes, it would seem to make sense to briefly draw on the variety of forms that borders take for States, citizens, and human beings as a whole. Firstly, borders serve as the territorial limits of jurisdiction, in other words: the geographical application

1 This study is a fully revised and updated version of a presentation given at the Serbian Political Studies Association Annual Conference at the Faculty of Political Science at the University of Belgrade on 25 September 2022.

2 I am very grateful to Filip Ejdus, Dejan Jović, Susanne Pickel, and the anonymous reviewers for their valuable expertise and suggestions.

3 Nation-building, for the purposes of this study, shall be understood as the creation by State actors of a broad consensus over the country's national symbols, borders, interpretation of the way to independence and of the break with the Yugoslav past (see Pavlaković 2015, 8).

of all forms of governance and the enforcement of laws. This geographical delimitation does not only apply between sovereign States but also internally in a given entity where there are regional sub-entities or administrative units. Generally, it may be said that borders are an indispensable prerequisite for public administration (for an early but very comprehensive account of modern public administration see Wilson 1887).

Borders, however, also have an important identity function as they can be imaginary in one's own mind structuring our psychological and social life (Kullasepp and Marsico 2021, v). Further to the identity aspect, physical borders can create or amplify (dis-)continuity processes, e.g. when the self is subject to migration. Also, notions of self vs. other play a considerable role. Those can be institutionally provided, and a given national or other collective identity may, in that context, be seen also as a social border (Kullasepp and Marsico 2021, 1–5). In a nutshell,

> "borders [and territory] are not just abstractions, they are concreate realities where lives unfold and where a sophisticated psychological and cultural process of meaning, making, and identity definition takes place". (Kullasepp and Marsico 2021, vii)

II. Territorial disputes analytical framework

With every piece of territorial conflict between sovereign States, it is useful to start out by looking at the universal principles and norms of international law.

International Law

Historically, in the context of entities obtaining independence, we can observe the processes of decolonisation in Latin America in the 19th, and in Africa and Asia in the 20th century. In the early 1990s, we witness several examples of State dissolutions, namely of the Soviet Union (USSR), the Czech-Slovak Federation (ČFSR, previously ČSSR), and – of particular relevance to this study – the Socialist Federal Republic of Yugoslavia (SFRY). There is settled jurisprudence by international courts and tribunals relating to de-colonisation and State dissolution in this regard.

It is a universally recognised principle of international law that the former internal boundaries of a territorial entity become international borders protected by international law after obtaining independence. This principle is known as *uti possidetis juris*, and has been firmly established by the International Court of Justice (ICJ) in e.g. *Burkina Faso/Republic of Mali* (ICJ 1986, paras 20; 23) and *El Salvador/Honduras* (ICJ 1992, para 44). Originally applied in the context of decolonisation, *uti possidetis* was also

used following the dissolution of Yugoslavia, as established in Opinion No. 3 of the Badinter Commission created by the then European Community (Conference of Yugoslavia Arbitration Commission 1992, 1491–1493)[4], and later referred to by the Arbitral Tribunal in *Croatia/Slovenia* (Permanent Court of Arbitration 2017, para 336). It must be noted in this context, that *uti possidetis juris* is "essentially a retroactive principle, investing as international boundaries administrative limits intended originally for quite other purposes" (ICJ 1992, para 44).[5] It is also important to note generally that no legal act has ever been adopted by any federal post-World-War-II body which would establish and define the administrative boundaries between the Yugoslav federal units (Permanent Court of Arbitration 2017, para 316; see also e.g. Radan 2000, 7; Simentić Popović and Sandić 2020, 44; Bickl 2021a, 2).

For delimitation purposes, i.e. the definition of borders, we can draw on settled jurisprudence distinguishing between (i) legal title to territory (the afore-mentioned principle of *uti possidetis juris*), and (ii) the effective control of an area (*uti possidetis effectivités*). It is important to note that legal title carries more weight than *effectivités*, as the ICJ noted in *Nicaragua/Colombia* (ICJ 2012, para 66) and *Benin/Niger* (ICJ 2005, paras 75–76), and as also observed by the Tribunal in *Croatia/Slovenia* (Permanent Court of Arbitration 2017, para 340).

Fig. 1. Overview dispute resolution modes (*Source*: author)

	Bilateral	**Third party**
Negotiations	*Agreement (Treaty, Protocol, MoU*)*[6]	*Mediation (for bilateral agreement)*
Judicial settlement	*Special Agreement (ICJ**, ITLOS***) or Arbitration Agreement for submission to →*	*Mediation (for bilateral submission agreement)* Court/Tribunal****

* Memorandum of Understanding; ** International Court of Justice;
*** International Tribunal for the Law of the Sea; **** Arbitration

4 Weller (2022) posits that what applies to the dissolution of federal-type States such as the SFRY is "constitutional self-determination".

5 Milovan Đilas (Chair of the post-World-War-II intra-Yugoslav Croatia-Serbia/Vojvodina Boundary Commission) is reported as saying that the inter-Republican boundaries "were never intended to be international boundaries" (Owen 1995, 34–5).

6 Treaties are usually ratified by the respective national parliaments, Protocols and MoUs are not. Treaties and Protocols are legally binding, whilst a MoU is considered a declaration of intent.

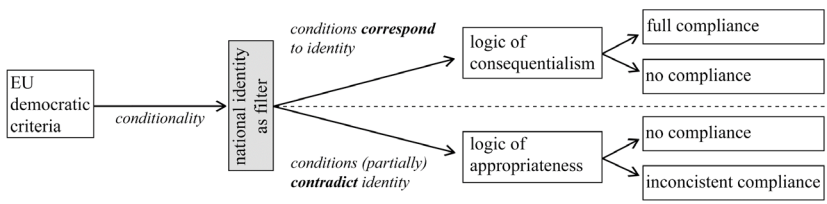
With regard to the actual settlement of disputes, there are essentially two major modes of conflict resolution: (i) bilateral, and (ii) third-party. Whilst in the bilateral mode the parties are in direct contact and negotiations, the third-party role can mean both a facilitating or mediating role still confined to the bilateral mode, or a full third-party mode where the treatment of the dispute is delegated to judicial resolution, usually the ICJ or arbitration (see e.g. Tanaka 2018, and fig. 1).

Identity and legitimacy filter-models

The basic concept here is that, when a government is confronted with an external conditionality item (for EU accession, for example), national identity works as a *filter* distinguishing between whether a government follows a cost-benefit calculation (consequentialism) or acts in line with socially constructed norms and identities (appropriateness). Referring solely to rationalist considerations when looking at the compliance record of EU membership criteria may be insufficient. This is why it appears that there is a need for also employing a constructivist concept of national identity as a decisive factor to determine whether an issue is subsequently put to pure cost-benefit calculations (Freyburg and Richter 2010, 264).

The reasoning behind this bridge-building approach is that rationalist and constructivist explanatory factors are not contradictory. Rather, they ought to be seen as complementary to help explain the effectiveness of EU conditionality. National identity is regarded as a cognitive model defining the way in which actors see their interests and to what degree they are legitimate and appropriate to fit a given national identity. If an external conditionality requirement proves partly or fully at odds with the national identity, compliance will follow the appropriateness reasoning. In turn, if a requirement is filtered as non-problematic, its further consideration can go down the consequentialist cost-benefit path. It is vital to note that either way can lead to non-compliance. It is the *reasoning* that is different (Freyburg and Richter 2010, 265–6; see fig. 2).

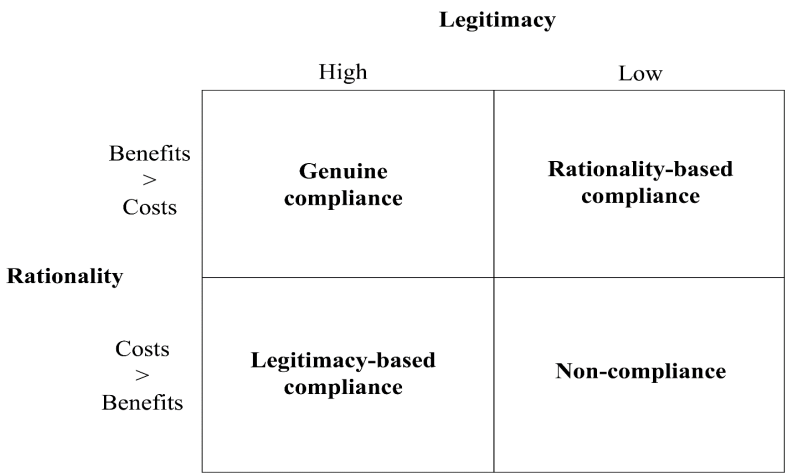
Fig. 2. Filter model for conditionality compliance
(*Source*: author; modelled after Freyburg and Richter 2010, 266)



An example of national-identity appropriateness considerations is the fulfilment of an EU conditionality item to pave the way for the opening of EU accession negotiations. Croatia, for instance, had to extradite army general Ante Gotovina in 2005 (Freyburg and Richter 2010, 274–5), and Serbia had to conclude an agreement with Kosovo on collaboration as regards the majority Serb Communities in Kosovo in 2013, the so-called Brussels Agreement (Ejdus 2020, 139). In both cases, securing progression on the EU path appeared to outweigh the considerable political costs related to seemingly 'giving in' on a national identity issue.

A complementary conceptual model looks at the *compliance* patterns of EU Candidate Countries with equal consideration of rationalist and constructivist approaches. When rationality and legitimacy contradict one another, the difference is obvious. If an actor complies in a case against their interests, i.e. costs exceeding benefits, but the perceived level of legitimacy is high, then legitimacy can be regarded as having triggered compliance. Here, as a result, the level of *legitimacy-based* compliance can be seen as substantial. In the same vein, if actors see their interests in line with the EU demands for reform, e.g. benefits exceeding costs, but are not convinced by the persuasive nature of the argument, the response can be seen as *rationality-based* compliance. The problem with this type of compliance is that once the material benefits have arrived, the (only selectively implemented) changes may be reversed at some point. Further, such cases may increase the heterogeneity of EU membership and hence of the organisation as such altogether.

Fig. 3. Compliance behaviour of EU candidate countries (*Source*: author; modelled after Noutcheva 2012, 29)



Lastly, when the benefits exceed the costs and the conditionality item is perceived as appropriate, and highly legitimate, there is *genuine compliance*. Political actors will carry out reforms quickly and in a sustainable way. A high level of trust in the appropriateness of measures is likely to boost norm-binding State behaviour. Conversely, when the rational cost-benefit ratio for compliance is very high whilst at the same time the level of legitimacy is very low, we are going to see *non-compliance*, which is a distinct possibility in cases of popular issues of national identity (Noutcheva 2012, 28–34; see fig. 3).

Ontological security

Also closely related to the issue of identity is the analytical concept of ontological security. Its core assumption is that there is a need for human beings to have constancy of their social and material environment, and that States are to be considered ontological security seekers striving for biographical continuity (Ejdus 2020, 18; Ejdus 2017; Steele 2008). In other words, ontological security in world politics is the

> "possession [...] of answers to four fundamental questions that all polities in some way need to address. These questions are related to *existence*, *finitude*, *relations*, and *auto-biography*" (Ejdus 2020, 16).

Of particular relevance are critical situations which can create ontological *in*security. They are "unpredictable events that affect a large number of individuals", catch State actors on the spot, and "disrupt their self-identities" (Ejdus 2020, 15). As a consequence, "collective actors experience anxiety, exhibit regressive behaviour and attempt to restore the calm through rigid attachment to routines" (Ejdus 2020, 30). In the face of disruptions and fragmentations, States need an additional source for national identity narratives. This can be done by creating ontic spaces linked to the collective-identity narratives. As Ejdus explains (2020, 30),

> "by mooring their identity to material environments, States secure their sense of biographical continuity and fend off anxieties stemming from the prospect of a divided and fractured self [...] To assume this role of an 'ontological seabed', material environments need to be discursively linked to projects of the self, which can be accomplished either through introjection or projection [...] State representatives [tend to] operate [...] within pre-established and often sedimented identity discourses".

As a result, the interplay between landscape or buildings and collective-identity narratives or master narratives can lead to the creation of "*ontic spaces*" (Ejdus 2020, 167; see fig. 4).

A further important element is the anxiety-controlling mechanism of *avoidance* stemming from ontological dissonance. Such ontological dissonance can emerge when a collective identity is under threat, or when different (collective) identities of the self are in contradiction to one another. If all the identities in question are fundamental and identity transformation is impossible, the easiest way out of the ontological dissonance is to take measures of avoidance. In practice, avoidance more often than not materialises in simply avoiding making a choice and/or in postponing it. Notably, this can happen even when the action is against the State actor's wider interest. Prominent examples of dissonance caused by conflicting identities (and thus conflicting policy goals) are Israel and its policy towards Palestine vs. the pursuit of peace and stability in the region, or Serbia and its policy goals vis-à-vis Kosovo as opposed to proceeding on the path to EU membership (see country cases in III.).

Fig. 4. Ontological insecurity and related actor strategies (*Source*: author)

Critical situation	*Rupture in constancy of social or material environment*	*Dissonance of collective identities or policy goals*
Strategy	*Master narratives* *Ontic spaces*	*(Identity transformation or)* *Avoidance*

III. Country cases

This section will apply the analytical framework to three cases of bilateral territorial disputes in the post-Yugoslav region. To be sure, there are far more bilateral disputes in the neighbourhood. Notably, the aim here is to identify cases amongst the successor States of Yugoslavia where there has *not* been any kind of bilateral settlement yet after 1992.[7]

7 Croatia and Bosnia and Herzegovina concluded a Border Treaty in 1999. Although it has not been ratified by either parliament to date, it has been applied in good faith despite minor disagreements predominantly over two tiny sections of the border along the Una River (Bickl 2019, 54). Croatia and Montenegro have a Protocol in place from 2002 (between Croatia and the Federal Republic of Yugoslavia at the time). Although the Protocol envisages a prospective final treaty settlement, it has preliminarily settled the land border around Prevlaka and put a sophisticated maritime delimitation regime in place in the entrance area to Herceg Novi and Kotor Bay. However, the (preliminary) territorial sea border has subsequently given rise to

The cases selected below represent a genuine type of territorial conflict each. Although the first two are border disputes technically speaking, they are not the same. Croatia vs. Slovenia is legally solved (and has a history of bilateral negotiations, too), but has not yet been implemented. It is a so-called mixed dispute concerning the maritime and land border that had been subject to third-party judicial resolution by means of an arbitration procedure and to preceding third-party facilitation to help conclude the arbitration agreement in the first place. Croatia vs. Serbia over the land border along the Danube is a dormant conflict with no real solution dynamics. It constitutes a dispute involving a navigable river, an issue that has thus far been treated bilaterally, albeit at a very low level of intensity. Lastly, Serbia vs. Kosovo is about the latter's status (i.e. statehood, and hence indirectly also about borders) and thus particularly challenging, also but not only in terms of nation- and identity-building. It is not a dispute in the technical delimitation sense. Rather, it is about the very statehood or international legal personality of Kosovo.

What all three disputes have in common, however, is that they include an EU dimension: bilateral disputes between Candidate Countries and Member States or amongst Candidate Countries themselves need to be solved ahead of EU accession as a precondition (European Commission Enlargement Strategy 2018, 7). On the other hand, there is a varying degree of active EU involvement with regard to mediation or facilitation regarding the three disputes under consideration.

Slovenia vs. Croatia

The mixed territorial dispute between Croatia and Slovenia has concerned the land and sea border after the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY). As no legal act on the definition of the administrative boundaries of the SFRY Republics has existed (see section *International Law* in II.), the land boundary was de facto governed by the limits of the cadastral units of the municipalities in the border areas of the constituent Republics. This type of cadastral delimitation became the international border between the two countries after their independence in 1991. At various spots, however, the cadastral records overlap. As for the sea boundary, the territorial SFRY waters were fully integrated, meaning there was no internal allocation of territorial waters by Republics. As a result, the question of maritime delimitation between Slovenia and Croatia at the time of independence was fully open (Permanent Court of Arbitration 2017, 10–11, paras 37–42; see also footnote 9).

considerable controversy between Croatia and Montenegro related to off-shore exploration licencing (see Caligiuri 2015, 2).

During the EU accession negotiations of Croatia in 2009, Slovenia, by using the national veto of an EU Member State, created additional EU conditionality. Ljubljana requested the resolution of the unresolved dispute over the course of the common State border with Zagreb by means of an arbitration procedure. Previous bilateral attempts since the mid-1990s had failed.[8]

In assessing this (new) EU conditionality item, Croatia can be said to have been in rationality-based compliance mode. The anticipation of a (perceived) loss of territory impacted strongly with regard to the appropriateness of the conditionality item. However, the overall aim of securing EU accession apparently outweighed the black-mailing of Slovenia over the border dispute, so in the end Croatia accepted the arbitration procedure.

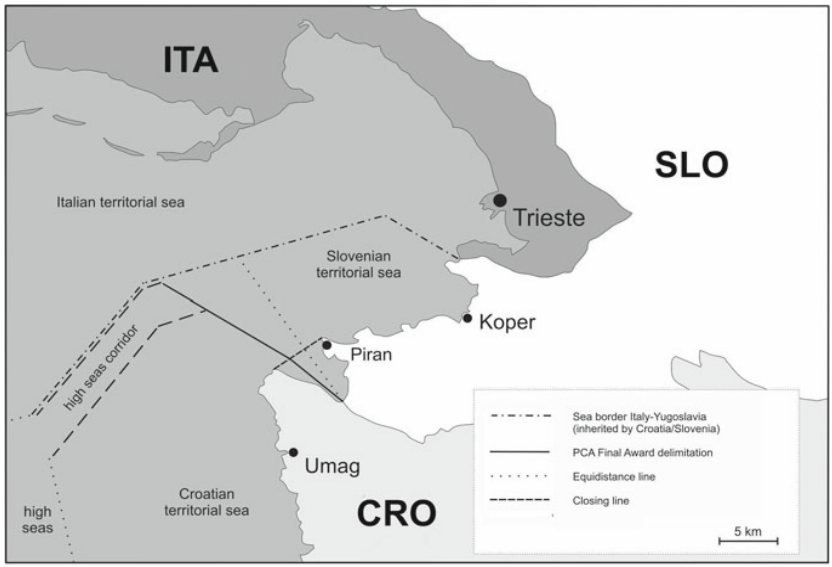
In terms of dispute settlement, the European Commission successfully took on the role as active third-party mediator producing two drafts of the later arbitration agreement by which the resolution of the dispute was submitted to third-party judicial settlement (Cataldi 2013; Bickl 2021a, 160–180).

With regard to ontological security, it is fair to say that Piran Bay is an ontic space for Slovenia. Up until 1991, Slovenia as a constituent Republic of the Socialist Federal Republic of Yugoslavia (SFRY) largely controlled the Bay and enjoyed access to the high seas in the Adriatic via the Yugoslav territorial sea including the full freedom of navigation for all naval vessels and fishing rights for any Slovenian vessel in the integrated Yugoslav waters.[9] The notion of Slovenia as a sea-faring nation featured prominently during the hearing of the arbitral proceedings and can be said to be a master narrative of Slovenia in the border dispute with Croatia (see Permanent Court of Arbitration 2014, 3–4). With regard to Croatia, it may be said that the entire State territory can be regarded as Croatia's ontic space. This is due to the painful experience in the Homeland War in 1991–1995 where around 20,000 people lost their lives (Jović 2011, 37).

8 A fully negotiated settlement from 2001, also referred to as the Drnovšek-Račan agreement (referencing the then prime ministers) stalled during the ratification process in Croatia which led to a freeze of the situation. A subsequent effort in 2007 to refer the dispute to the ICJ proved unsuccessful (Sancin 2010, 96–98).

9 It is useful to note that the SFRY waters (and previous Yugoslav waters after 1918) were integrated, so there was no sovereignty over or sovereign rights in maritime spaces divided up by Republics. This gave rise to maritime delimitation issues in the context of the dissolution of Yugoslavia, notably between Croatia and Slovenia, Croatia and Bosnia and Herzegovina, and Croatia and Montenegro.

Fig. 5. Delimitation in Piran Bay, territorial sea border, and junction area according to 2017 Final Award (*Source*: Bickl 2021a, 218)



That war has subsequently become a vital part of the Croatian 'self' as a sovereign and independent State, if not the "founding narrative"[10] of Croatia after 1991. The related master narrative around the border dispute with Slovenia used by Croatian State actors was that it is impossible to give away territory that has been defended elsewhere in an atrocious war that cost many thousand lives' (Bickl 2021a, 81) which led, *inter alia*, to the official principled position of Croatia that the delimitation in Piran Bay should follow the equidistance line (see fig. 5) effectively dividing the waters in the Bay between the two riparian States by half (see also Arnaut 2002).

The fact that territorial issues were of utmost sensitivity in Croatia had already become evident in 2001 when a fully negotiated bilateral border agreement with Slovenia stalled in the ratification process in Croatia and had to be abandoned (Bickl 2021a, 139–144). With a view to the dispute resolution mode under international law, it is worth noting that the 2001 initialled agreement was reached in a full bilateral mode without third-party mediation.

10 Dejan Jović in a private conversation with the author. For the role of the Homeland War (*domovinski rat*) in the nation-building process and the construction of the collective identity of Croatia see Jović 2017.

Legitimacy considerations seemed to play a decisive role again when the arbitration procedure stalled in the summer of 2015 due to illegal communication between the representative of the Slovenian government and the arbitrator nominated by Slovenia. Croatia considered this action unlawful (and illegitimate) entitling itself to terminating the prior arbitration agreement from 2009 and leave the arbitration proceedings without delay irrespective of the jurisdiction of the arbitral tribunal to take a decision on whether the proceedings need to be terminated or can continue – which they did. The Tribunal subsequently reconstituted thus procedurally remedying Slovenia's violation of the Arbitration Agreement. As a consequence of its 2015 withdrawal (subject to an unanimous vote in the Croatian parliament), Croatia does not recognise the 2017 Final Award of the arbitration tribunal. It is important to note, however, that the Final Award constitutes a binding settlement of the dispute under international law (see e.g. Court of Justice of the EU 2020, para 10) notwithstanding the fact that the EU Court of Justice later determined that it cannot be enforced through EU law (on the latter see CJEU 2020, paras 102; 106).[11]

In essence, Croatian State actors can be said to have applied the national identity filter coming to the conclusion that compliance must depend on an appropriateness reasoning. They then found that it was illegitimate to continue an arbitration procedure after the other party had broken the rules, regardless of whether Croatia was legally entitled to terminate the arbitral proceedings, which it was not. It is a universally established principle of international law that arbitral tribunals have inherent jurisdiction (*compétence de la compétence*)[12] to decide on the termination of proceedings and that thus parties simply cannot withdraw unilaterally[13], so the decision of the Croatian government to do so must be seen as a deliberate political decision fully aware of its non-legality in substance and thus an open defiance of international law. In ontological security terms, the strategy of the subsequent Croatian governments since

11 Slovenia filed infringement proceedings against Croatia with the Court of Justice of the European Union (CJEU) in July 2018 seeking to enforce the Arbitration Award indirectly through EU law. The Court did acknowledge that both parties had an obligation to implement the Arbitration Award under international law. With regard to EU law, the Court found that there was a political link between provisions in the Croatian EU Accession Treaty and the Arbitration Agreement. However, that link was not strong enough in legal terms to provide for the jurisdiction of the Court to entertain the Case. For a critical view on the CJEU's rather formalistic approach see McGarry 2021 and Bickl 2021b.

12 See e.g. International Criminal Tribunal for the former Yugoslavia (ICTY) *Tadić* Case IT-94-1, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 02 October 1995, para 18.

13 The tribunal's jurisdiction on all procedural matters, although inherent anyway, is expressly mentioned in Art. 6(4) of the pertinent Arbitration Agreement between Croatia and Slovenia (See also CJEU 2020, para 9).

2015 can be seen as *avoidance* refusing or at least postponing the implementation of a judicial settlement that would lead to a (perceived) loss of territory.[14]

The current status of the Croatia-Slovenia border dispute is one of a frozen conflict. At the time of writing, there were no prospects of a bilateral implementation of the contents of the arbitration award any time soon, despite the fact that it is a binding settlement under international law. On the contrary, now that Croatia joined the Schengen Area of free movement inside the EU at the beginning of 2023 (with the express support of Slovenia stating that Croatian accession to Schengen was also in the Slovenian interest; Croatian Ministry for Foreign and European Affairs press release 06 July 2022)[15], Slovenia will no longer have any political leverage vis-à-vis Croatia. Therefore, it will be up to the two parties bilaterally to agree on a voluntary basis whenever both sides consider it feasible.

Croatia vs. Serbia

Croatia and Serbia have an unresolved dispute over the boundary line along the joint section of the Danube. The dispute is, as are the ones between Croatia and Slovenia above and the Serbia-Kosovo one below, a side-effect of the dissolution of Yugoslavia (see section *International Law* in II.).

The main reason for the Danube-border dispute lies in the fact that the river has changed its course since the 19th century (see fig. 6), mainly through natural meandering and regulation works – the cutting of channels to shorten the waterway and improve navigation – which resulted in the creation of 'pockets' between the Danube's main navigable channel and the original cadastral records (which had been left unchanged) claimed by Croatia (Dimitrijević 2012, 13; Vukosav and Matijević 2020, 194–195; Bickl 2022, 119).

Croatia bases its territorial claim on the principle of *uti possidetis juris* (see *International Law* in II.) and thus the cadastral limits of the country's districts and municipalities. The data of these territorial units relate

14 It is worth noting that the delimitation of a maritime border between successor States following the dissolution of the preceding State cannot amount to a 'loss' of territory *per se* when the maritime spaces under national sovereignty were not divided up by republics, but integrated waters under the sovereignty of the federal State in the first place, as was the case with the SFR Yugoslavia. With regard to the delimitation of the land border, the Arbitral Tribunal in Croatia vs. Slovenia did not 'apportion' territory *de novo*, but decide on the relatively tiny sections of the course of the border where the cadastral records of both parties concerning the administrative border between the republics up until 1991 overlapped or the legal title to territory was unclear.

15 On 2 December 2022, the Slovenian parliamentary committees for EU Affairs, Foreign Affairs, and Home Affairs subsequently voted in favour (RTVSLO 2022).

to the so-called first stable cadastre following a geodetic survey under the Austro-Hungarian Empire 1877–1891, i.e. from *before* the regulation works on the Danube. These cadastral limits were carried over to the Socialist Yugoslav Republic of Croatia after 1945 and feature in municipal cadastral maps of the SR Croatia (Bickl 2022, 120; author's field notes State Archive Zagreb 21 September 2021).

Serbia bases its claim on the presumption that there has never been any document succeeding the report of the Đilas Commission from 1945 (adopted by the CPY[16] Politburo) fixing the Danube as the *provisional* boundary line between the Yugoslav Republics of Croatia and Serbia in a general way. Therefore, it was the exact course of the river boundary which was now to be determined. International State practice in the context of customary international law and settled jurisprudence of international courts and tribunals clearly suggested that the centre-line of the Danube's navigable channel (Thalweg) was the appropriate means of delimitation for a navigable river. Further, Serbia could not accept the cadastral claims of Croatia as (i) land cadastres were supposed to be used for technical, taxation, and statistical purposes, and (ii) SFRY cadastres were generally considered "unsatisfactory and unreliable" at the time lacking regular updates and overall accuracy (Bickl 2022, 123).[17]

With a view to conditionality, there is no EU-related momentum for the time being as EU accession of Serbia cannot be expected any time soon. Nevertheless, there is a clear obligation to solve any bilateral dispute between an EU Member State and a Candidate Country ahead of EU accession (see e.g. Petrović and Tzifakis 2021) and the Danube border issue between Serbia and Croatia is mentioned in the 2022 Serbia report (European Commission Serbia Report 2022, 87). Thus, it can be said that the settlement of the Danube border dispute is a core conditionality item for Serbia's EU accession negotiations, apart from the normalisation of relations between Belgrade and Pristina (see below). Nonetheless, there seems to be no urgency on both sides. The two parties entered into bilateral talks in the framework of an Inter-State Commission on the Danube border founded in 2002 holding meetings rather infrequently, however, with no real progress over the last 20 years. There were no meetings between 2011 and 2018, for example, and the last meeting of the Inter-State Commission to date took place in 2019 (Bickl 2022, 124–125), so the current timeline is largely *sine diem*.

16 Communist Party of Yugoslavia.

17 The above summary of the claims is based on unpublished documents from the bilateral Inter-State Commission on the Danube border provided to the author by both parties to the conflict.

Fig. 6. Cadastral (Croatia) vs. Danube navigation channel (Serbia) claim. (*Source*: Vukosav and Matijević 2020, 194)

As regards ontological security, the Danube has not been an ontic space on either side. This may be due not least to the pragmatic collaboration on practical issues of the joint river maintenance. The Danube is a major component of the international waterway linking the Black Sea and the North Sea, the Trans-European (Rhine-Danube) Corridor VII from Rotterdam to Sulina. In fact, Croatia and Serbia signed a bilateral agreement on navigation and technical maintenance of international waterways in 2009, and both countries take part in the joint management of the river in the context of the responsibilities and obligations of all riparian States (Danube Fairway 2019).

In respect of the current status of the dispute, it may be considered dormant and at the same time protracted given the principled positions of both parties. Given the current situation where EU accession of Serbia is not imminent, there may be a window of opportunity, however, to resolve the dispute bilaterally and by secret diplomacy within the realm of the existing Inter-State Commission. Alternatively, both parties may wish to

submit the dispute to the International Court of Justice (ICJ). Regardless of the fact that Croatia as an EU Member State has some leverage vis-à-vis Serbia as a Candidate Country, this power asymmetry very much fades away when there is a political will on both sides.

With regard to potential third-party dispute resolution, the European Commission or other actors[18] may want to actively engage in facilitating a bilateral settlement or the terms of submission to the ICJ, provided the parties to the dispute so wish.[19]

Serbia vs. Kosovo

If one looks at the dissolution of Yugoslavia as a process, Kosovo's declaration of independence in 2008 is the most recent step. The prior independence of Montenegro in 2006 marked the end of Serbia as a part of Yugoslavia[20] and the return to independent statehood after 88 years. It is useful to recall that the difference between the territorial disputes between Croatia and Slovenia and between Croatia and Serbia on the one hand, and between Serbia and Kosovo on the other hand, is that whilst the former disputes relate to the course of the border in a more locational-technical sense, the dispute between Belgrade and Pristina is one about statehood as such. In other words, the latter is more fundamental politically as Serbia does not recognise Kosovo as an independent State under international law. In this regard, it is useful to note that Kosovo as a constituent part of Serbia is enshrined e.g. in Art. 182 of the Constitution of the Republic of Serbia.[21] Kosovo adopted a declaration of independence on 17 February 2008. The International Court of Justice in its Advisory Opinion from 2010 stated that the adoption of the declaration of independence was in accordance with international law.[22]

18 The US, for instance, have facilitated the ground-breaking agreement from 11 October 2022 on the maritime border between Israel and Lebanon. Notably, the two countries have no diplomatic relations with one another, so technically the agreement consists of two separate agreements with Washington. For an analysis see Yiallourides *et al* 2022. One must also mention the strong role of US facilitation in the historic Prespa Agreement concluded between Greece and North Macedonia on 17 June 2018, or the EU-US dialogue with entities' and State representatives in Bosnia and Herzegovina on State and electoral reform in the spring of 2022.

19 For a legal analysis on the prospects of a settlement of the dispute by the International Court of Justice see Bickl 2021b.

20 Between 2003 and 2006, the State's official name was Serbia and Montenegro.

21 The Constitution was adopted by referendum on 28/29 October 2006 following the departure of Montenegro from the State Union of Serbia and Montenegro in May of that year.

22 The United Nations General Assembly submitted the question "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with International Law" (as drafted by Serbia) to the Court on 8 October 2008. The ICJ delivered its Opinion on 22 July 2010 (see ICJ 2010).

Fig. 7. Serbia and Kosovo including majority ethnic Serb areas (*Source*: bbc.com 12 August 2022)

With regard to conditionality in the EU accession process for Serbia and for Kosovo[23], the so-called normalisation of relations between the two parties is a core conditionality item and enshrined in Chapter 35 of the accession negotiations for Serbia and in the relevant documents for Kosovo (see European Commission Serbia Report 2022, 88–89; European Commission Kosovo Report 2022, 79–80) in the good-neighbourly-relations domain together with the alignment with the EU's Foreign and Security Policy (most recently with a focus on the alignment with the EU sanctions regime in respect of Russia[24]). The Belgrade-Pristina dialogue was launched in March 2011.[25] Although meetings in Brussels have been convened at regular intervals and there have been a few technical coopera-

23 Kosovo applied for EU membership on 15 December 2022.

24 The EU foreign-policy alignment conditionality item is beyond the scope of this paper. For a current account see European Commission Serbia Report 2022, 134–137.

25 For the Belgrade-Pristina dialogue under the auspices of the EU High Representative for the Foreign and Security Policy and the Special Representative see https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue_en.

tion agreements in the dialogue's early phase (see Bieber 2015), there were, for a long time, no signs of any kind of comprehensive bilateral agreement apart from rather limited results in crisis management by the EU and the US, such as on the license plate issue in northern Kosovo.[26]

However, in the second half of 2022, signs of a fully-fledged major diplomatic offensive on the part of the EU – with solid silent-diplomacy backing from the US – materialised in the form of a comprehensive draft bilateral agreement that was going to be put before the parties without much prior debate.[27]

At a high-level meeting in Brussels on 27 February 2023, the Presidents of Serbia and Kosovo accepted the "Agreement on the path to normalisation of relations between Kosovo and Serbia" (European Union External Action Service 2023, February 27). It contains a Preamble (mentioning "the different view of the Parties on fundamental questions, including on status questions") and eleven Articles e.g. on the development of good-neighbourly relations and a mutual recognition of "their respective documents and national symbols, including passports, diplomas, licence plates, and customs stamps" (Art. 1), on the acceptance of "the aims and principles of the United Nations Charter, especially those of the sovereign equality of all States, respect for their independence, autonomy and territorial integrity [...]" (Art. 2), the peaceful settlement of disputes in line with the UN Charter (Art. 3), the "assumption that neither of the two can represent the other in the international sphere or act on its behalf", and that "Serbia will not object to Kosovo's membership in any international organisation" (Art. 4). With regard to the path to EU membership, Art. 5 stipulates that "[n]either Party will block, nor encourage others to block, the other Party's progress in their respective EU path based on their merits". Art. 7 provides for the "self-management for the Serbian community in Kosovo" and the "establish[ing of] specific arrangements and guarantees, in accordance with relevant Council of Europe instruments [...]". Art. 8 obliges the Parties to "exchange Permanent Missions [to be] established at the respective Government's seat".[28] Art. 10 establishes a "Joint Committee, chaired by

26 For the events e.g. in the second half of 2022 see BBC News 2022 and Balkan Insight 2022.

27 Despite the fact that silent diplomacy does hardly allow for any detailed ex-post tracing, the proposal was widely considered an ultimatum to both parties. President Vučić of Serbia publicly so confirmed after a meeting with envoys from the EU and the US at the beginning of February 2023 (see Popović 2023). For earlier reactions to the then so-called Franco-German proposal (the later 2023 Agreement) which started circulating in the second half of 2022 see Euractiv 2022.

28 This provision on Missions rather than Embassies is the most obvious parallel to the Basic Treaty between the Federal Republic of Germany (FRG) and the German Democratic Republic (GDR) signed in 1972 and applied until re-unification in 1990. For a comparison

the EU, for monitoring the implementation of this Agreement", and Art. 11 refers to the "Implementation Roadmap" annexed to the Agreement.

The related Implementation Annex was agreed on at a separate meeting in Ohrid, North Macedonia, on 18 March 2023. Major provisions include bullet point three stipulating that the "Agreement and the Implementation Annex will become integral parts of the respective EU processes of Kosovo and Serbia" in amending the existing so-called benchmarks for Chapter 35 for Serbia to reflect the new obligations from the Agreement and the Annex, and in doing the same as regards the Kosovo's Special Group on Normalisation agenda[29], bullet point five launching the "negotiations within the EU-facilitated Dialogue" to establish "the self-management for the Serbian community in Kosovo [...]", bullet point 6 foreseeing the establishing of the "Joint Monitoring Committee [...] within 30 days", and bullet point 8 providing for the implementation of all Agreement Articles "independently from each other", and the recognition of both Parties that "any failure to honour their obligations" will have consequences in terms of their "EU accession processes and the financial aid they receive from the EU" (bullet point 12; European Union External Action Service 2023, March 18).

It is useful to note, that neither the Agreement nor the Annex has been signed by the Parties. This may largely be due to the fact that President Vučić had publicly committed himself not to sign anything bilateral with Kosovo (see Taylor 2023) to avoid formal recognition of Kosovo. Still, both the Agreement and the Annex must be considered binding, not bilaterally in the form of an international treaty (see Milanović 2023), but nevertheless in view of the fact that the Parties' new obligations will become an integral part of their EU accession documents. Further, the Agreement and the Annex can be considered to have been adopted by the express statement of EU High Representative Borrell published after the Ohrid meeting (European External Action Service 2023, March 19), and it would seem they are indeed enforceable with regard to political and financial issues of the EU accession process.

On the issue of recognition, it appears that the Agreement cannot amount to formal recognition of Kosovo by Serbia. This is manifest not least by the Preamble (referencing the exclusion of status questions) and

of the Basic Treaty and the Agreement on Normalisation (which is beyond the scope of this paper) see Milanović 2023. For the relations between the FRG and the GDR 1972–1990 see e.g. Vanderwood 1993 and Simma 1985.

29 The beginning of EU accession negotiations with Kosovo (which submitted its application for EU membership on 15 December 2022) is subject to a prior positive recommendation of the EU Commission and a subsequent unanimous approval by the EU Member States.

the fact that it was not signed as a bilateral treaty (with Art. 6 observing that such treaty is still going to have to come into existence). However, one may argue that recognition is implicit by accepting that the two Parties are separate subjects of international law (Istrefi 2023), or that the Agreement is a "step towards the consolidation of Kosovo's statehood" (Milanović 2023). It appears undisputed more generally that Kosovo can undertake and has undertaken obligations under international law (Radović 2023). The question of its status under international law currently arises in relation to Pristina's application for membership of the Council of Europe (CoE). If and when Kosovo becomes party to the European Convention of Human Rights, it will be part of its inter-State adjudication system: the European Court of Human Rights (ECHR). It seems difficult to imagine, however, that, given a potential future inter-State case between Serbia and Kosovo, different views of recognisers and non-recognisers of Kosovo on its international legal personality could be sustained for Kosovo's CoE application generally see Forde 2022.

With regard to the accession of Kosovo to international organisations, the most prestigious being the UN, Art. 4 of the Agreement appears to offer some guidance *prima facie* in that it rules out Serbia opposing Kosovo's membership. It remains unclear, however, whether this would include Serbia trying to convince other UN members not to vote in favour of Kosovo's accession to the United Nations, i.e. could be understood as a ban on Serbia's policy of de-recognition (see also footnote 32 and below). In view of Art. 5 (on EU membership) expressly ruling out encouraging other parties to block membership, the absence of such wording in Art. 4 on international organisations generally appears to suggest that an interpretation in the sense of ruling out de-recognition efforts does not hold water.

In terms of compliance and legitimacy considerations for the phase 2011–2023, it will not be difficult to assess that both parties have complied with the Belgrade-Pristina dialogue conditionality procedurally by attending the meetings. It can be assumed that the Serbian State actors did not want to walk away from the EU accession process which is one of several (sometimes competing) foreign policy goals (comprising also fruitful relations with Russia, China, the US, and the non-aligned countries[30]) and that the Kosovo State actors sought to ensure a favourable processing of their bid for membership. Up until the Agreement and the Annex in February and March 2023 (see above), however, there was a clear lack of commitment from the Serbian side to come anywhere near a comprehensive bilateral settlement that would include a de facto acceptance of the statehood of Kosovo. Conversely, Kosovo never seri-

30 For a recent account of the foreign policy challenges of Serbia see Guzina 2022.

ously undertook the implementation of self-management of the majority-Serb communities in Kosovo. As a result, one can posit inconsistent or non-compliance with regard to the national-identity filter model as the conditions partly or largely contradict the national interest, or, at best, some minimum amount of rationality-based compliance perceiving the conditionality item as (very) low in legitimacy. At the time of writing, after the 2023 Normalisation Agreement, we are probably witnessing an upgrade of the level of legitimacy on both sides, but it remains to be seen whether this proposition will stand the test of implementation of the Agreement.

To generally understand the behaviour of Serbian State actors (and of EU actors), we need to turn to ontological security. For the Serbian national identity, Kosovo plays a central role. It can be said with some accuracy that it is a truly ontic space irrevocably linked to the Serbian statehood as heartland territory and not only strongly valued by State actors, but also by major societal stakeholders such as the very influential Serbian Orthodox Church. It is important to note that Kosovo as the ontic space of Serbia has a fairly long history going back to 1389.[31]

Further in ontological security terms, the condition of having to de facto accept Kosovo as an independent entity causes a major disruption of Serbia's biographical continuity and thus a high level of anxiety. As States are ontological security seekers, they will want to control this anxiety caused by ontological dissonance. One way of doing this is to use measures of avoidance meaning difficult decisions are postponed or ignored altogether in order to successfully manage conflicting identities (in the case of Serbia its European identity and its traditional identity; Ejdus 2020, 135). A useful measure in this regard is to employ a master narrative. In the case of Serbia, that master narrative is about never recognising Kosovo no matter what the political costs are. It is important to note that this narrative has been used by all Serbian governments since the fall of the Milošević regime in October 2000 (Ejdus 2020, 97–150). This master narrative has been accompanied by a fully-fledged policy of de-recognition of Kosovo as from 2011 where Serbia has thus far been investing considerable effort in silent diplomacy on the international stage.[32]

The (implicit) master narrative of Kosovo can be regarded to be the very declaration of independence by the representatives of the citizens of Kosovo on 17 February 2008, and thus the legal right and the legitimacy

31 For the construction of Kosovo as Serbia's ontic space see Ejdus 2020, 39–63.

32 Serbia's main policy goal has been to keep ensuring there is no majority in the United Nations General Assembly (UNGA) in favour of Kosovo. A former Serbian diplomat claims that Kosovo can currently count on a maximum of 83 votes out of 193 UN members and that there has been an upward trend as for de-recognitions of Kosovo (b92.net 2022). For a comprehensive account on Serbia's de-recognition policy on Kosovo see Papić 2020.

of the claim to statehood. The declaration constituted the centrepiece of Kosovo's written and oral pleadings before the ICJ during the proceedings relating to the Advisory Opinion on Kosovo's declaration of independence (see footnote 22 and the minutes of the oral pleading before the Court on 01 December 2009[33]). Kosovo's explicit narrative in the context of the Dialogue sponsored by the EU has been that it would have to lead to a legally binding agreement including mutual recognition (ANSA 2022), something that presently seems to be being achieved in fact rather than law following the adoption of the 2023 Agreement and Annex (see above).

Whilst Serbia, in view of the conflicting policy goals of joining the EU (which also the present government has adhered to internationally; Spasojević 2023, 269–270) and not accepting Kosovo as an independent State, seems to have been avoiding to take a clear decision about the future of its EU accession path for a long time, the same may be said about the EU itself which has long seemed to avoid a decisive move on the Belgrad-Pristina Dialogue (which no longer has that label after the 2023 Agreement and Annex). Talking of which, it appears that Russia's war of aggression in the Ukraine and geopolitical aspects about the Western Balkans as a whole in terms of stability and the influence of other global actors in the EU's immediate vicinity must have created some new momentum.

In respect of the status of the Serbia-Kosovo dispute, it is one of an open conflict that was protracted in the first decade after the start of the EU-sponsored Dialogue. There seems to be a fully-fledged path to a resolution now, however, after the Agreement and Annex from early 2023. To be sure, the underlying challenges remain. Identity transformation is perhaps more of a theoretical choice as it cannot be brought about overnight. However, there are pragmatic ways of a bilateral settlement which does not include formal recognition – and the 2023 Agreement and Annex indeed follow that direction.

IV. Conclusion

As has been demonstrated with the country cases above, there is strong evidence that identity issues play a decisive role when it comes to the assessment of external conditionality. In other words, when assessing a policy demand, State actors will attach great importance to the legitimacy of a given demand and thus determine whether a purely rationalist cost-benefit consideration is possible at all. This effect is aggravated, it seems, when there is a strong link between territorial issues and the

33 For the pertinent argumentation of Kosovo see pages 35–44 of the translation of the 1 December 2009 afternoon session at https://www.icj-cij.org/public/files/case-related/141/141-20091201-ORA-02-01-BI.pdf.

national identity. In addition, this becomes even more salient when the process of nation-building takes or has taken place during the dissolution of a State involving armed conflict. That was the case with several entities during the break-up of Yugoslavia. Hostilities and bloodshed directly affected Croatia during the Homeland War 1991–95, and the same is true for the war over Kosovo in 1998/99 with regard to Serbia and Kosovo.

With regard to the normalisation of relations between Serbia and Kosovo and the EU accession process, the EU itself bears great responsibility for fairness and credibility. The incorporation of the Agreement and the Implementation Annex via benchmarks (Member States must decide by unanimity on their fulfilment[34]) into Chapter 35 for Serbia and the Kosovo Group's documents respectively must not lead to new opportunities for blockades and delays. First, the five Member States that do not recognise Kosovo (Spain, Slovakia, Greece, Cyprus, and Romania) for fear of secessionist dynamics domestically must refrain from blocking Kosovo. Also, enlargement scepticism for internal convenience by other Member States (Bulgaria, France and The Netherlands have set particularly negative examples in the case of North Macedonia and Albania more recently) can easily frustrate a fair assessment of Serbia's and Kosovo's efforts.

Overall, the Agreement is undoubtedly a unique opportunity. However, dispute settlement does not stop here. On the contrary, the implementation now requires some skilful steering and a roadmap on the part of the EU (together with the US) due to several challenges arising from the Agreement. As there are no deadlines (save for the implementation of the Joint Committee) and most of the implementation issues still need to be negotiated in detail, it will be crucial that the most important provisions are implemented in parallel, such as Kosovo's UN membership (which is largely outside the control of the EU)[35] and the self-management for the Serbian community in Kosovo[36] to permanently sustain the momentum of implementation.

Having said that, when there are powerful narratives related to identity formation, preservation, or reinforcement in the process of nation-building, there is (very) little room for manoeuvre in bilateral dispute settlement. This is simply because when issues under dispute are closely

34 Usually there are opening, intermediate, and closing benchmarks. Member States have the leverage of unanimity with both the definition and the assessment of attaining each of the benchmarks.

35 Admission to the UN requires a two-thirds majority of the votes cast in the General Assembly (Art. 4 UN Charter) after prior recommendation by the Security Council (with at least 9 out of 15 votes without a vote against by any of the permanent SC members; Art. 18(2)), i.e. China and Russia may want to prevent Kosovo's accession.

36 It would seem crucial that Kosovo takes take full ownership of designing the self-management structures whilst at the same time Serbia must be involved also.

related to the collective identity of a nation, it becomes virtually impossible to move from a perception of threat or victimisation to one of exploring mutual gains or a spirit of compromise or reconciliation in the wider context of the benefits of peace and stability in the region.

It would be wrong, however, to contend that State actors pursuing powerful narratives when trying to reinforce identities show signs of irrational behaviour. On the contrary, considerations of legitimacy or national identity are meant to provide a sense of continuity in ontological security terms where disruptions in the biographical 'self' need to be avoided, not least and quite literally by a strategy of avoidance of having to take decisions domestically perceived as painful. Somewhat irritatingly perhaps, this strategy seems to have worked thus far with regard to EU conditionality in the above cases because (i) the EU itself, in the case of Serbia vs. Kosovo, had for a long time been prone to a strategy of avoidance, too, for geopolitical reasons by shying away from all-or-nothing decisions in a region where there is fierce competition with other global actors, and one has thus to 'stay in the game', and (ii) there are no practical means of enforcing a legally binding and final settlement by arbitration[37] of a bilateral dispute both parties had committed themselves to in the first place, as in Croatia vs. Slovenia.

This brings us to the implications on established means of dispute settlement by international law. The bad news is that 'successful' pieces of identity politics not only pose a threat to proven and tested ways of resolving bilateral conflict, but cause considerable damage to the multinational dispute settlement system as a whole. Whilst Croatia may be getting away with ignoring the Arbitration Award for the time being, this constitutes a grave precedent to the integrity of arbitration as a judicial means of dispute settlement. Whatever dispute there is up for settlement in the wider region and beyond, arbitration will be left discredited. This rules out an important tool the greatest asset of which is its flexibility to accommodate political or historical circumstances compared to a more standardized judicial procedure before the International Court of Justice (ICJ). Much neglected perhaps, but worrying nevertheless is the de facto disregard of Serbia of the ICJ's Advisory Opinion on Kosovo's declaration of independence. When every allowance is made for the challenging issue of formal recognition for Serbia, refusing to acknowledge an Opinion by the ICJ that was triggered by the United Nations General Assembly and drafted by Serbia in the first place constitutes quite some collateral damage

37 Arbitration awards need to rely on the good faith (*bona fide*) of the parties and their commitment to respect treaty obligations (*pacta sunt servanda*), whilst judgements of the ICJ can be enforced, albeit only by the UN Security Council.

to the United Nation's most successful and respected institution of dispute settlement.

The way forward will be a rocky road and we cannot hope to dissolve the antagonism between identity politics and international law. It is the joint responsibility of all actors, however, to become and remain aware that there is a need to restore the trust in the universally accepted means of dispute settlement. For they continue to remain a key toolbox also for the Danube border dispute, once it is politically ripe for resolution, the Agreement on Normalisation between Serbia and Kosovo, that is its implementation and a possible future bilateral treaty, and many other territorial conflicts in the region and elsewhere. Functioning and reliable dispute settlement tools are indispensable for maintaining a peaceful world order after all.

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