Goran Bandov/Domagoj Hajduković

A Contribution to the Research of a Neglected Past – the Peaceful Reintegration of the Croatian Danube Basin – the Role of UNTAES in Peace Restoration

Introduction

The objective of this article is to contribute to the research of a somewhat neglected episode from Croatian history – the peaceful reintegration of the Croatian Danube Basin - analysing the engagement of the international community in promoting peace, security, and stability, and the role of the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in building peace and trust in the region. The Erdut Agreement (1995) was a peace agreement between Croatia and local Serbs signed under the patronage of the international community, outlining how the people and territory of Eastern Slavonia, Baranja, and Western Sirmium would be reintegrated into the constitutional and legal order of the Republic of Croatia. The provisions of the Agreement charged the United Nations (UN) Security Council with establishing a Transitional Administration of the territory to be reintegrated. The primary objectives of the Transitional Administration put forward in the Agreement were demilitarization; the administrative, social, and economic reintegration of people and territory; the return of all refugees and displaced persons; ensuring compliance with the highest standards of human rights; the rebuilding and economic revitalization of the territory; the creation of a multi-ethnic environment; and the organization of free elections. The maximum timeframe given for implementing these objectives was set at 24 months.

The Period Between the Oluja Military Operation and the Erdut Agreement

When considering the question of the Croatian Danube Basin, one must bear in mind the peculiarities of this area of Croatia due to its geopolitical position, as well as the disruption to the multi-ethnic character of the region following intensive military operations and the policy of ethnic cleansing. The future of

The Croatian Danube Basin is part of the territory of the Republic of Croatia by the river Danube, namely Eastern Slavonia, Baranja, and Western Sirmium. It borders Hungary in the north, Serbia in the east, and Bosnia and Herzegovina in the south.

According to the 1991 census in the Croatian Danube Basin, there were around 194,000 inhabitants, of which 45 per cent were Croats, 35 per cent Serbs, and 20 per cent other national and ethnic minorities. It was estimated that by the end of 1995 following the *Bljesak* and *Oluja* military operations, there were 120,000 to 150,000 inhabitants, over 95 per cent Serbs, including around 50,000 refugees from other parts of Croatia and Bosnia and

the region was considered and decided on the margins of the Dayton Peace Conference on ending military conflict in Bosnia and Herzegovina in 1995.³ However, it is important to note that the political negotiations on peaceful reintegration were a result of two successful Croatian military operations, *Bljesak* ("Flash", May 1995) and *Oluja* ("Storm", August 1995), and the liberation of a sizeable Croatian territory that had been under occupation. These Croatian military triumphs paved the way for peace negotiations, as local Serbian officials from the Danube Basin and Slobodan Milošević's Serbia became aware of Croatia's military superiority and ability to liberate the rest of the occupied territory with military means.

On the other hand, Croatia's military victories fuelled strong support for further military action, ⁴ especially since previous attempts at negotiations had failed at the very beginning, as even the agenda could not be agreed. In previous negotiation attempts, the Croatian side had insisted on the full integration of territories under the control of local Serbs into its constitutional and legal order, while the local Serb population insisted on full independence from Croatia. With such immovable initial positions, it was difficult to even commence, let alone complete negotiations with any kind of success.

Although recent military action undertaken by Croatia demonstrated the country's ability to reintegrate occupied territories without peace negotiations, this did not mean that the majority of the Serb population in the area abandoned the idea of independence or annexation by Serbia, since a large portion of the Serb population was still under the influence of Greater Serbia propaganda. In addition, a group of individuals involved in criminal activities and profiteering, ranging from smuggling oil from the Deletovci oil fields as well as other raw materials (e.g. timber) out of occupied territory, exercised significant political influence, and wanted to preserve the existing political and economic situation for as long as possible. A prominent member of this group was Goran Hadžić,⁵

Herzegovina. For more information, cf. Ivo Turk/Marijan Jukić, Promjene u udjelima Hrvata i Srba u etničkom sastavu stanovništva Hrvatskog Podunavlja kao posljedica Domovinskog rata i mirne reintegracije (1991.-2001.) [Changes in the proportion of Croats and Serbs in the ethnic composition of the Croatian Danube Basin population as a result of the Homeland War and peaceful reintegration (1991-2001)]. in: Dražen Živić/Sania Cvikić (eds), Mirna reintegracija Hrvatskog Podunavlja: Znanstveni, empirijski i iskustveni uvidi [Peaceful reintegration of the Croatian Danube Basin: Scientific, empirical, and experiential insights], Zagreb/Vukovar 2010, pp. 193-212; Joop Scheffers, Veleposlanik u Zagrebu 1994.-1998., Zagreb 2000, p. 123.

Cf. Mate Granić, *Vanjski poslovi iza kulisa politike* [Foreign Affairs Behind the Coulisse of Politics], Zagreb 2005, p. 128.
Cf. Ružica Jakešević,, Mirovne misije Ujedinjenih nacija i rješavanje etničkih sukoba:

⁴ Cf. Ružica Jakešević,, Mirovne misije Ujedinjenih nacija i rješavanje etničkih sukoba: studija slučaja Istočne Slavonije [United Nations peacekeeping missions and the resolution of ethnic conflicts: case study Eastern Slavonia], *Politička misao* 2/2012, pp. 186-203, here: p. 192; Joško Morić, U potrazi za učvršćivanjem mira u Istočnoj Slavoniji [Looking for the consolidation of peace in Eastern Slavonia], , in: Dijana Antunović Lazić, *Mirna reintegracija hrvatskog Podunavlja – zaboravljeni mirovni projekt?* [Peaceful integration of the Croatian Danube Basin – a forgotten project?], Vukovar 2015, pp.14-21, here: pp. 14-15; Scheffers, cited above (Note 2), p. 126.

⁵ Goran Hadžić was a war leader of the self-proclaimed Republic of Serbian Krajina in the Croatian territory. The International Criminal Tribunal for the former Yugoslavia (ICTY)

a local Serbian leader during the war operations, who was installed by Slobodan Milošević as chief negotiator for the Serbian side.⁶ Hadžić's interests were primarily focused on oil smuggling and profiteering, rather than on the welfare of the local Serbian population.⁷

However, the situation radically changed once local Serbs lost the support of Milošević's Serbia. Faced with a large influx of refugees from the occupied territories in Croatia and Bosnia and Herzegovina, and fearing that an additional wave of refugees from Eastern Slavonia would further destabilize the delicate social balance in Serbia and endanger his position of power, Milošević withdrew his support. With the passage of time, local Serbs became less reluctant to embrace the idea of reintegration with Croatia, making way for a more realistic approach. Propaganda about Greater Serbia was much less effective in the face of recent military defeats; criminal elements became aware that the state of lawlessness and their profiteering was nearing an end, and gradually the realities of life paved the way for the start of serious negotiations on reintegration. Nevertheless, the situation was far from favourable for successfully reintegrating people and territory peacefully. The best illustration of this situation is a statement by Milan Milanović, signatory of the Erdut Agreement and former deputy minister of defence of the so-called Republic of Serbian Krajina, given after the signing of the Agreement. Milanović explained to local Serbs that the central premise of the Agreement was that there would be UN forces in the territory of the Transitional Administration and that there would be no Croatian police, Croatian customs, or any other Croatian authorities. This was the complete opposite of what had been outlined in the Erdut Agreement.

accused him of crimes against humanity and of violating the laws and customs of war. Hadžić was indicted on fourteen counts. The charges included criminal involvement in the "deportation or forcible transfer of tens of thousands of Croat and other non-Serb civilians" from Croatian territory between June 1991 and December 1993, including 20,000 from Vukovar; the forced labour of detainees; the "extermination or murder of hundreds of Croat and other non-Serb civilians" in ten Croatian towns and villages including Vukovar; and the "torture, beatings and killings of detainees", including 264 victims seized from Vukovar Hospital. The Tribunal's last remaining fugitive, Hadžić was captured by Serbian authorities on 20th July 2011. His trial was abandoned in 2014 when he received a terminal brain cancer diagnosis; he died at the age of 57 on 12 July 2016. For more information, cf. The International Criminal Tribunal for the Former Yugoslavia, Case no. IT-04-75-I, The Prosecutor of the Tribunal against Goran Hadžić, The Hague, 21 May 2004, at: http://www.icty.org/x/cases/hadzic/ind/en/had-ii040716e.htm.

⁶ Cf. Vesna Škare-Ožbolt/Ivica Vrkić, Olujni mir – kronologija hrvatske misije mira na Dunavu [Stormy peace – the chronology of the Croatian peace mission in the Danubel, Zagreb 1998, p. 60; Boris Pavelić, Peaceful Reintegration. The Discarded Triumph of Reason and Peace, Zagreb, January 2018, p. 7.

⁷ Cf. Jacques Paul Klein, Kad je Glavaš na stol stavio pištolj od 9mm, ja sam izvukao Magnum [When Glavaš put a 9mm gun on the desk, I pulled out the Magnum], interview held by Drago Hedl, Jutarnji list, 6. February 2013.

⁸ Cf. Peter Galbraith, Negotiating peace in Croatia: a personal account of the road to Erdut, in: Brad K. Blitz (ed.), War and Change in the Balkans. Nationalism, Conflict and Cooperation, Cambridge 2006, pp. 124-131, here: p. 127.

⁹ Cf. Ana Holjevac Tuković, Proces mirne reintegracije hrvatskog Podunavlja [The process of peaceful reintegration of the Croatian Danube Basin], Zagreb 2015. p. 75.

On the other hand, Croatia had already prepared a plan to liberate the Croatian Danube Basin with military action, codenamed "Vukovarska Golubica" and informally known as "Skok u Dalj" (a play on words in Croatian). The rumour in diplomatic circles was that the date for the operation was set for the weekend of 11 and 12 November 1995. However, the geopolitical situation of the Croatian Danube Basin was more complex than in formerly liberated territories since, unlike other territories, the Danube Basin had a direct border with Serbia. Projections foresaw that, in the case of military action, there would be a high casualty rate on both sides – a high price to pay in human lives, especially bearing in mind that the international community had already tabled a suggestion for reintegrating the territory into Croatia.

The international community strongly encouraged Croatia not to go on with military action but to join the peace negotiations instead, guaranteeing the Croatian side full recognition of its independence, territorial sovereignty, and constitutional and administrative jurisdiction on all of its territory, provided that it upheld the highest standards of human rights and specifically minority rights. Although there was strong support for a military solution, research has shown that the most vulnerable group in society at that time - refugees and internally displaced persons – favoured peaceful reintegration. ¹² Furthermore, the same research shows that the majority of the refugee community believed that implementing peaceful reintegration was Croatia's decision, as it was the best solution in the long run, but also a result of strong pressure from the international community. 13 Nevertheless, it is important to note that the international community believed that the successful reintegration of Eastern Slavonia would enable relations between Serbia and Croatia to be normalized, which would ensure stability across South-Eastern Europe – one of the international community's long-term goals.14

The Legal Framework for Setting up Peaceful Reintegration and the Peace Mission

The legal framework for setting up peaceful reintegration and the peace mission included a set of legal acts consisting of the peace agreement itself, national law acts and bills, and UN resolutions. The most important document

¹⁰ Cf. ibid., p. 65; Joško Morić, (Ne)željena reintegracija [(Un)desired reintegration], Političke analize 25/2016, pp. 14-17, here: p. 15; Ivan Vrkić, Istočno od Zapada – politički putopisi hrvatskim Istokom [East of the West – Political travels in the East of Croatia], Zagreb 1997, p. 10.

¹¹ Cf. Scheffers, cited above (Note 2), p. 126.

¹² Cf. Vlado Šakić/Ivan Rogić/Slavko Sakoman, Attitudes and Opinions of the Croatian Displaced Persons Considering Peaceful Reintegration of the Croatian Danube Basin, *Društvena istraživanja* 2-3/1997, pp. 235-258, here: pp. 241-242.

¹³ Cf. ibid.

¹⁴ Cf. Jacques Paul Klein, UNTAES-sažeto izvješće misije [UNTAES – summary of the mission report], in: Živić/Cvikić (eds.), cited above (Note 2), pp. 15-27, here: p. 19.

was the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, which provided the legal foundation for the peaceful reintegration of the Croatian Danube Basin. It was signed on 12 November 1995 by the authorities of the Republic of Croatia and the local Serb authorities of the Eastern Slavonia, Baranja and Western Sirmium region. The document is better known as the Erdut Agreement, named after the village of Erdut, one of the locations where the agreement was signed. It was signed by Milan Milanović, Head of the Serb Negotiating Delegation, and Hrvoje Šarinić, Head of the Croatian Government Delegation, witnessed by Peter W. Galbraith, US Ambassador to Croatia, and Thorvald Stoltenberg, UN Mediator.

With the Erdut Agreement, signatories requested that the UN Security Council establish a Transitional Administration to govern the Danube region during the transitional period of a maximum of 24 months in the interests of all residents in, or returning to, the region. ¹⁶ In accordance with the Erdut Agreement, the UN was requested to demilitarize the region, to secure all the prerequisites for the return of refugees and displaced persons to their places of origin, and to re-establish the normal functioning of all public services in the region without delay. ¹⁷ The parties agreed to request help from the UN to establish and train temporary police forces, to build professionalism among the police and trust among all ethnic communities, and to ensure the highest levels of internationally recognized human rights standards and fundamental freedoms. ¹⁸

The Erdut Agreement recognized the right of all persons in the Croatian Danube Basin region to have restored to them any property that had been taken from them by unlawful acts, or that they were forced to abandon, as well as the right to fair compensation for property that could not be restored to them. ¹⁹ Moreover, according to the Erdut Agreement, the right to recover property, to receive compensation for property that could not be returned, and to receive assistance in the reconstruction of damaged property was to be equally available to all persons regardless of their ethnicity. ²⁰

The Erdut Agreement stipulated that the Transitional Administration should organize elections for all local government bodies, including those of

Basic agreement on the region of Eastern Slavonia, Baranja and Western Sirmium, 12 November 1995, Annex to: United Nations, General Assembly, Security Council, Letter dated 15 November 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary General, A/50/757, S/1995/951, 15 November 1995, pp. 3-5, at: https://peacemaker.un.org/sites/peacemaker.un.org/sites/peacemaker.un.org/files/HR_951112_ErdutAgreement.pdf (hereinafter referred to as Erdut Agreement); cf also: Erdutski Sporazom, Osnovni Sporazom o Području Istočne Slavonije, Baranje i Zapadnog Srema, at:

Sporazom, Osnovni Sporazom o Području Istočne Slavonije, Baranje i Zapadnog Srema, at: https://www.zvo.hr/dokumenti/c731c4afbd208ca.pdf).

¹⁶ Cf. Erdut Agreement, Articles 1, 2.

¹⁷ Cf. ibid., Articles 3, 4, 7.

¹⁸ Cf. ibid., Articles 5, 6. 19 Cf. ibid., Article 8.

²⁰ Cf. ibid., Article 9.

municipalities, districts, and counties, as well as the right of the Serbian community to appoint a Joint Council of Municipalities no later than 30 days before the end of the transitional period.²¹

The Agreement entered into force when it was adopted under United Nations Security Council Resolution (UNSCR) 1037 (1996) on 15 January 1996, affirming the requests made in the Agreement.²²

With UNSCR 1037 (1996), the Security Council reaffirmed once again its commitment to the independence, sovereignty, and territorial integrity of Croatia and emphasized that the territory of the region is an integral part of Croatia. Additionally, the Security Council stressed the importance of full respect for the human rights and fundamental freedoms of all individuals in those territories. The Security Council also expressed its support for the Erdut Agreement and assisted the parties in their efforts to reach a peaceful settlement of their disputes, and thus to contribute to achieving peace in the South-Eastern Europe region as a whole.

The UN peace mandate, and indeed the process of peaceful reintegration itself, also officially started with the adoption of UNSCR 1037 (1996). The UNTAES mandate was extended by six months on 14 July 1997 with the adoption of Resolution 1120 (1997) and was formally completed on 15 January 1998, exactly two years after the mission began.²³ In UNSCR 1120 (1997), the UN Security Council once again reaffirmed its commitment to the independence, sovereignty, and territorial integrity of Croatia and emphasized that the territory of the Croatian Danube Basin is an integral part of Croatia. The Resolution also voices concern regarding human rights, including the rights of persons belonging to minorities, in particular in territories that were under UN protection. However, the, Resolution reminded the local Serb population in Eastern Slavonia, Baranja, and Western Sirmium of the importance of demonstrating a constructive attitude towards reintegration and showing willingness to co-operate fully with Croatia in building a stable and positive future for the region.

In December 1997, Resolution 1145 (1997) confirmed the decision of the UN Security Council to complete the UN peace mission and again reaffirmed that the Croatian Danube Basin is an integral part of Croatia.²⁴ The Resolution also recalled the mandate of the Organization for Security and Co-operation in Europe (OSCE) of 26 June 1997 providing for a "reinforced OSCE presence in the Republic of Croatia, with a focus on the two-way return of all refugees and displaced persons, the protection of their rights, and the protection of

22 Cf. United Nations, Security Council, Resolution 1037 (1996), S/RES/1037 (1996), 15 January 1996, at: http://unscr.com/en/resolutions/doc/1037.

²¹ Cf. ibid., Article 12.

²³ Cf. United Nations, Security Council, Resolution 1120 (1997), S/RES/1120 (1997). 14 July 1997, at: http://unscr.com/en/resolutions/doc/1120.

²⁴ Cf. United Nations, Security Council, Resolution 1145 (1997). S/RES/1145 (1997), 19 December 1997, at: http://unscr.com/en/resolutions/doc/1145.

persons belonging to national minorities". 25 Furthermore, the Resolution underlined the obligation of Croatian authorities to take on responsibility for the successful and peaceful reintegration of the region and genuine reconciliation of the people.

The Erdut Agreement and a number of UN Resolutions did not provide a sufficient legal framework to regulate all the specific situations that occurred during the process of implementing peaceful reintegration. To ensure the full transfer of authority and the full administrative and jurisdictional reintegration of people and territory, UNTAES successfully worked with Croatia on passing a number of acts and bills that were aimed at ensuring the fair and equal treatment of citizens in the Danube Basin. All these legal acts, in addition to those already in existence, guaranteed all citizens living in the Danube Basin the unrestricted ability to exercise all their rights and obligations as equal citizens of Croatia.

The Role of the UNTAES Mission in Peacebuilding

The citizens of Croatia had completely lost faith in the UN institutions, since the previous UN missions to Croatia (United Nations Protection Force/UNPROFOR, United Nations Confidence Restoration Operation/UNCRO) had not lived up to the expectations of the local populace in

²⁵ Ibid.; for the wording of the OSCE's mandate cf. Organization for Security and Cooperation in Europe, Permanent Council, Decision No. 176, PC.DEC/176, 26 June 1997.

²⁶ Croatian legal acts passed in view of peaceful reintegration: Affidavit on the Rights of Public Employees (16-19 December 1996), Letter dated 13 January 1997 from the Government of Croatia addressed to the President of the Security Council (S/1997/27, annex), Annex to the Affidavit (14 February 1997), Law on Convalidation (22 September 1997), Letter of Agreement by the Croatian Highway Administration (21 March 1997), Letter of Agreement by Croatian State Radio and Television (2 April 1997), Letter of Agreement by the Croatian Post and Telecommunications Administration (9 May 1997), Letter of Agreement by the Croatian Water Administration (22 May 1997), Agreement by the Croatian Pension Fund on Pension Services (29 May 1997), Letter of Agreement by Croatian Railways (6 June 1997), Agreement by the Ministry of Health on Regional Health Services (6 June 1997), Letter of Agreement by the Croatian Electricity Company (22 July 1997), Letter of Agreement by the Croatian Forestry Commission (25 June 1997), Declaration on Educational Certificates (11 March 1997), Agreement on the Distribution of Principals' Positions (4 August 1997), Decision on Curriculum Content (4 August 1997), Declaration on Minority Education Rights (6 August 1997), Letter of Agreement by the Ministry of Education (7 August 1997), Joint Statement on Reintegration of the Tax Department (4 September 1997), Joint Statement on Reintegration of the Employment System (11 September 1997), Joint Statement on Reintegration of the Social Welfare System (11 September 1997), Agreement on Recognition and Handover of Record Books (25 September 1997), Memorandum of Understanding on Restructuring the Transitional Police Force (undated), Agreement on the Joint Working Group on Returns (23 April 1997), Organization of the Joint Council of Municipalities (23 May 1997), Declaration on Conditions for Judicial Reintegration (30 September 1997). Cf. UN Secretary General, Report of the Secretary-General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, S/1997/953, 4 December 1997, Annex I: List of public agreements with continuing validity as at 27 November 1997, at: https://www.nato.int/ifor/un/ u971204a.htm.

returning occupied territories, and did not bring real peace, stability, and security. The main objection on the Croatian side was that the expulsion of the non-Serb population, with the objective of incorporating the ethnically cleansed areas of Croatia and Bosnia and Herzegovina into Serbia, continued during the UNPROFOR mission.²⁷ On the other side, the Serb population in territories under local Serb control was not satisfied with UNPROFOR's mandate, as the UN forces failed to act when Croatia executed five minor military operations aimed at Serb occupied territories.²⁸ However, it should be noted that these UN missions had been deployed to separate belligerents without a clear political decision, peace treaty, or agreement between them. The scope of the work of UNPROFOR and UNCRO was confined to controlling the dividing lines between the belligerents, monitoring breaches of signed cease-fire agreements and overseeing heavy weapons, which were supposed to be moved away from the conflict zones.

The UNTAES mission was radically different in both form and purpose from its predecessors. Therefore, it enjoyed stronger support from Croats, the majority of whom thought that the peaceful reintegration UNTAES was supposed to foster would ensure a better future for Croatia.²⁹ Furthermore, the UNTAES mission was founded on a peace agreement between the opposing forces of Croatia and local rebel Serbs with the strong support of the international community, especially the UN and USA.³⁰

The UNTAES mission had a precisely defined political and security mandate, clear objectives and a timeframe for achieving them. Primary objectives for the UNTAES mission were outlined in the UNSCR 1037 (1996) of 15 January 1996, which were to bring about the peaceful reintegration of people and territory of Eastern Slavonia into the constitutional and legal order of the Republic of Croatia. In the Erdut Agreement, the goals set by the opposing sides were realistic, did not leave room for differing interpretations and had a firmly set timeframe for their implementation, ensuring that the process would not stall.

Unlike the previous UN mission, UNTAES also had a clearly defined military component and a civil component including the strong military support of NATO forces and forces of the NATO-led Stabilisation Force (SFOR), specifically their air forces.³¹ The military component of the UNTAES mission

²⁷ Cf. Albert Bing, Put do Erduta [The Road to Erdut], Scrinia Slavonica 7/2007, pp. 371-404, here: p. 379.

²⁸ Cf. Carl Bildt, *Zadatak mir* [The objective: peace], Belgrade 1999, p. 85.

²⁹ Cf. Šakić/Rogić/Sakoman, cited above (Note 12), p. 242.

On the influence of the USA on the preparation and implementation of peaceful reintegration cf. Albert Bing, Međunarodna zajednica i reintegracija hrvatskog Podunavlja: Realpolitika i multietnički odnosi [The international community and the reintegration of the Croatian Danube Basin: Realpolitik and multi-ethnic relations], in: Živić/Cvikić (eds), cited above (Note 2), pp. 83-113.

³¹ Cf. United Nations, Security Council, Resolution 1093 (1997), S/RES/1093 (1997), 14 January 1997; Jean Krasno/Bradd C. Hayes/Donald C.F. Daniel (eds), Leveraging for Success in United Nations Peace Operations, London 2003, p. 123.

comprised of units from more than 30 states,³² with an authorized strength of 5,000 troops, equipped with weapons and armoured vehicles. In addition to military personnel, UNTAES had police monitors and military observers at its disposal.³³ The strong military component of the mission certainly contributed to encouraging compliance and diligence from all the local actors involved in implementing the Erdut Agreement provisions.

Attaining the Specific Objectives of the UNTAES Peace Mission

The specific objectives of the UNTAES mission were defined in the Erdut Agreement as demilitarization; the administrative, social, and economic reintegration of people and territory; the return of all refugees and displaced persons; establishing and upholding a high standard of human rights protection; the development and economic rebuilding of the region; the creation of a multi-ethnic environment; and the organization of free elections no later than 30 days before the end of the transitional period. In order to achieve these objectives within the given timeframe, UN forces began a range of activities with the aim of building trust between the opposing sides, including the development of measures for social reintegration as discussed below.

Demilitarization

One of the main objectives set out in the Erdut Agreement was the complete demilitarization of the region. Subsequently, at the very start of the mission, UNSCR 1037 of 15 January 1996 concluded that the demilitarization of the Danube Basin should be completed within 30 days after the Secretary-General informed the Council that the military component of UNTAES had been deployed and was in operation.³⁴

Argentina, Austria, Bangladesh, Belgium, Brazil, Czech Republic, Denmark, Egypt, Fiji, Finland, Ghana, Indonesia, Ireland, Jordan, Kenya, Lithuania, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Russian Federation, Slovak Republic, Sweden, Switzerland, Tunisia, Ukraine, and the United States (as at 30 September 1997). Cf. Croatia - UNTAES, United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, Prepared by the Department of Public Information, United Nations, New York 1997, at: https://peacekeeping.un.org/mission/past/untaes_b.htm.

Cf. ibid.

Cf., United Nations, Security Council, Resolution 1037 (1996), cited above (Note 22). The 1,600 Belgian and Russian troops already in the region as part of the existing UN peacekeeping operation were supplemented by a further 3,300 troops. These consisted of battalions from Jordan and Pakistan, with their M60 and T95 tanks, M113 armoured personnel carriers and howitzers; a helicopter squadron from Ukraine with Mi-24 assault helicopters and Mi-8 transport helicopters; an Argentinean reconnaissance company; a Slovak engineering battalion; a Czech field hospital and surgical team; and an Indonesian medical company. A small Polish special police group was added later. Cf. Derek Boothby, The UNTAES Experience: Weapons Buy-back in Eastern Slavonia, Baranja and Western Sirmium (Croatia), Bonn International Center for Conversion (BICC), brief 12, October 1998, p. 13.

Demilitarization included the dissolution and disbandment of all military and police forces, units, and personnel. Consequently, no weapons, ammunition, explosives or any other military equipment was allowed in UNTAES-administered territory without the special permission of the UN Transitional Administrator. Upon the arrival of UN forces in Eastern Slavonia, Baranja, and West Sirmium, the 11th Corps of the Army of the Republic of Serbian Krajina was deployed. The 11th Corps had about 15,000 soldiers divided into seven brigades of the Baranja and Eastern Slavonia divisions. Some of the officers were former officers of the Yugoslav People's Army (*Jugoslovenska narodna armija*/JNA) and the military equipment of the 11th Corps included 120 tanks, 120 pieces of artillery, 140 mortars, and other heavy weapons. In addition to military forces, the local police had 1,500 operatives and there were paramilitary units present in the region (Arkanovci, Škorpioni, Poskoci) with around 2,000 members.

The UNTAES Force Commander Major General Jozef Schoups, General Dušan Lončar of the local Krajina Serb Army and General Djuro Dečak of the Croatian Army certified the completion of the demilitarization process. Between March and June 1996, UNTAES monitored the removal of 93 tanks, 11 armoured personnel carriers, 35 anti-tank systems, 107 pieces of artillery, 123 mortars and 42 anti-aircraft guns.³⁸ On 26 August 1996, General Schoups stated, "the single existing military organization in the region is the UNTAES military component. There are no military threats."

However, in reality, the local Serb population was still in possession of a significant amount of armaments. These ranged from handguns to anti-tank rockets and mortars, mines, cassette bombs, and a wide variety of ammunition. To encourage the populace to hand in weapons voluntarily, UNTAES, in cooperation with Croatia, started a weapons buy-back programme. The programme provided for payments in cash and guaranteed the anonymity of people handing in weapons at four collection points in the region's UNTAES military compounds. Upon handing in weapons, cash was paid directly to the person concerned as determined by Croatian weapons experts. In a report to the Security Council dated 24 February 1997, the Secretary-General stated that, since its inception on 2 October 1996, the weapons buy-back programme, financed by Croatia and organized by the UNTAES military component, had

³⁵ Klein, UNTAES-sažeto izvješće misije, cited above (Note 14), p. 22.

³⁶ Cf. Boothby, cited above (Note 34), p. 13. 37 Cf. Ana Holievac Tuković, Kako je Hrvats

³⁷ Cf. Ana Holjevac Tuković, Kako je Hrvatska vratila Podunavlje, zašto nije bilo nove Oluje te koliko je sve to koštalo [How did Croatia return the Danube Basin, why was there no new Storm and how much did it cost?], tportal, 15 January 2018, at: https://www.tportal.hr/vijesti/clanak/kako-je-hrvatska-vratila-podunavlje-zasto-nije-bilo-nove-oluje-te-koliko-je-sve-to-kostalo-foto-20180112.

³⁸ Cf. Croatia – UNTAES, cited above (Note 32).

³⁹ United Nations, Eastern Slavonia, Baranja and Western Sirmium. Brief Chronology, 15 January 1996 - 15 January 1998, at: http://www.un.org/Depts/DPKO/Missions/untaes_e. htm; Croatia – UNTAES, cited above (Note 32).

⁴⁰ Cf. Boothby, cited above (Note 34).

collected over 15,000 weapons and 435,000 rounds of ammunition.⁴¹ Weapons in good condition were transferred to Zagreb and placed in storage in UN custody until the end of the UNTAES mandate in January 1998, when they were handed over to the Croatian authorities. Weapons that were old, unserviceable, or dangerous, and all ammunition recovered, were destroyed by UNTAES.⁴² Demilitarization, and the weapons buy-back programme in particular, was a resounding success, and was executed within the assigned time-frame. The considerable reduction in armaments in the hands of the local populace, combined with other aspects of UNTAES' work, contributed significantly to achieving stability, peace, and security in the region.

Establishing Transitional Police Forces

Local Serb police forces were also included in the process of demilitarization. UNSCR 1037 (1996), establishing the Transitional Administration for Eastern Slavonia, Baranja, and Western Sirmium, included a provision mandating the Transitional Administration with putting in place a temporary police force as quickly as possible. The Transitional Administration would also define the structure and size of the Temporary Police, develop a training programme and oversee its implementation, and monitor the treatment of offenders and the prison system. When UNTAES was deployed, there were 1,500 active local Serb police operatives in the Croatian Danube Basin. Additionally, the local Serb police force (milicija) was also supplemented with personnel from Serbia.

After successful demilitarization, on 1 July 1996 the Transitional Police started its operations with the main objective of providing security and protection to all the inhabitants of the Danube Basin. 46 The national structure of the Transitional Police was set by the 1991 census, and provided for ethnic diversity in the police force. This increased the confidence of the local Serb population in the police, as all ethnicities had their "own" officers within the Transitional Police.

However, this clearly demonstrates the prejudices and even aversion to specific ethnic communities of certain members of the Transitional Police. This meant that they were not properly trained to work in communities in which there was mistrust between ethnic groups. Therefore, improving the level of professionalism within the police force was a priority for the success

46 Cf. Vrkić, cited above (Note 10), p. 108.

⁴¹ Cf. United Nations, Security Council. Report of the Secretary-General on the United Nations transitional administration for Eastern Slavonia, Baranja and Western Sirmium, S/1997/148. 24 February 1997, part III. Military aspects, point 12.

⁴² Cf. Boothby, cited above (Note 34).

⁴³ Cf. United Nations, Security Council, Resolution 1037 (1996), S/RES/1037 (1996), 15 January 1996, p. 4.

⁴⁴ Cf. Holjevac Tuković, Kako je Hrvatska vratila Podunavlje, zašto nije bilo nove Oluje te koliko je sve to koštalo, [How did Croatia return the Danube Basin, why was there no new Storm and how much did it cost?], cited above (Note 37).

⁴⁵ Cf. Boothby, cited above (Note 34), p. 13.

of peaceful reintegration. Consequently, officers of the Transitional Police attended international police training in Budapest (Hungary) in ethnically mixed groups with the aim of unifying qualifications and equipping officers with new skills and knowledge needed for their work in such a delicate situation.⁴⁷

The Letter of Intent adopted on 13 January 1996 by the government of the Republic of Croatia stipulated that there should be proportionate representation of Serbs in the police, including managerial positions, and ensured this would be guaranteed in the case of possible future changes to administrative divisions. ⁴⁸ The Letter further stipulated that during the first year after local elections, police officers of Serbian ethnicity and other non-Croatian ethnic groups should number no more than 800 officers, while the appointment of Serb officers should be conducted by the Joint Council of (Serb) Municipalities. This was successfully implemented. ⁴⁹

In December 1997, with the UNTAES mission nearing its end, the Transitional Police had become an integral part of the Croatian Ministry of the Interior. The Security Council with UN Resolution 1145 (1997) established a support group of 180 civilian police monitors for a single period of up to nine months, effective as of 16 January 1998, to continue monitoring the performance of the Croatian police in the Danube Basin, particularly in connection with the return of displaced persons. In effect, this meant that even after the official end of the UNTAES mission (15 January 1998), the strong support of the international community remained in effect in the area, ensuring that peace, stability, and security were safeguarded in the region for the near future as well as long term.

Administrative and Jurisdictional Reintegration

Part of the UNTAES mission was to reintegrate people and territory into the Croatian administrative and jurisdictional framework. In order to achieve this objective, Croatia passed a set of acts and bills aimed at making gradual reintegration easier for the population of the region.⁵¹ The administrative and jurisdictional aspects of reintegration encompassed a set of sensitive and complex administrative and technical issues with an impact on the everyday life of each individual. The motive for this aspect of reintegration was to grant all Croatian citizens living in the region access to all rights and obligations available to other Croatian citizens, as well as access to all public services.

50 Cf. United Nations, Security Council, Resolution 1145 (1997), cited above (Note 24).

⁴⁷ Cf. Škare-Ožbolt/Vrkić, cited above (Note 6), p. 70; cf. also Croatia – UNTAES, cited above (Note 32).

⁴⁸ Cf. Pismo namjere Vlade Republike Hrvatske o dovršenju mirne reintegracije područja pod Prijelaznom upravom [Letter of Intent by the Government of the Republic of Croatia on the completion of the peaceful reintegration of the territories under the Transitional Administration], 13 January 1996.

⁴⁹ Cf. ibid..

⁵¹ Cf. the detailed list of all Croatian acts and bills as well as other documents passed as a result of and in relation to peaceful reintegration cited above (Note 26).

This aspect of reintegration included issues of personal rights related to status and citizenship (primarily the right to citizenship, Croatian personal documents, the right to work and pension); adequately organized public services (including health services, education, transport, communications, infrastructure, water supply, post, telecommunications, forest management); and the reorganization of political, regional, and local (self-)government and harmonization with the rest of Croatia.

Administrative and jurisdictional reintegration encompassed a set of substantially different aspects of which we shall examine the following: the issuance of Croatian documents, access to health services, and access to education. Regulating one's personal status is vital for any individual. Without personal documents, a Croatian citizen cannot benefit from the rights guaranteed under Croatian law, including the right to vote and the right to stand as a candidate in elections. Att the beginning of the UNTAES mission there was not a large demand for Croatian documents, but the elections sparked interest amongst the local Serb population in acquiring the documents in order to receive a vote. By the end of the UNTAES mandate, almost all Serbs living in the region had requested issuance of Croatian documents. As of 25 September 1997, approximately 146,000 citizenship documents (domovnica), 130,000 Croatian identity cards, and 126,000 passports had been issued.⁵²

In the Letter of Intent on the completion of the peaceful reintegration of the territories under the Transitional Administration of the Republic of Croatia of 13 January 1996, Croatia guaranteed local Serbs and other minorities in the Danube Basin full rights to educational and cultural autonomy.⁵³ Within the framework of the education system, local Serbs were left with choices regarding how to protect their cultural identity, history and heritage. Croatia developed an education system for all minorities, including Serbs from the Croatian Danube Basin, that offers three models as follows: A. all classes are taught in the language of a minority; B. social sciences are taught in Croatian while natural sciences are taught in the language of a minority; and C. all classes are taught in Croatian with an additional five classes a week in a minority language aimed at preserving and nurturing their culture. 54 The choice of which model to apply was left to each local minority self-government institution for the municipality it administered. The local Serbian population in the area of the Danube Basin almost exclusively opted for model A, which remains in force.

52 Cf. Croatia – UNTAES, cited above (Note 32).

⁵³ Cf. Pismo namjere Vlade Republike Hrvatské o dovršenju mirne reintegracije područja pod Prijelaznom upravom, cited above (Note 48), Article 8.

Cf. Goran Bandov, Die Implementierung der nationalen Gesetzgebung und der internationalen Instrumente zum Schutz nationaler Minderheiten im Bildungsbereich in der Republik Kroatien [Implementation of national legislation and international instruments for the protection of national minorities in the field of education in the Republic of Croatia], in: Hans J. Gießmann/Patricia Schneider (eds). Reformen zur Friedenskonsolidierung [Reforms for Peacebuilding], Hamburger Beiträge 144, Hamburg, October 2006, pp. 10-30.

In order for citizens in the UNTAES administered territory to have access to health care after reintegration, the Croatian minister of health signed the Agreement on the Reintegration of the Regional Health Sector on 3 December 1997, covering equal treatment, rights of employment for regional health workers, and full financing of the health care sector.⁵⁵ It guaranteed equal access to health care to all residents of the Croatian Danube Basin and set a 1 June 1998 deadline for all Croatian citizens to apply for health insurance cards.⁵⁶ The health care system outlined in the aforementioned Agreement remains in effect.

Social Integration – Building Trust

Even before the commencement of peaceful reintegration, non-governmental organizations (NGOs) from Croatia and Serbia had started an initiative to reconnect divided families and arranged for their reunions in Mohács, a small city in Hungary very close to the border.⁵⁷ After administration of the Danube Basin was taken over by UNTAES, NGOs started to organize these reunions in the area rather than in Hungary, and received strong UNTAES support. At the same time, UNTAES responded positively to the pleas of displaced persons to be allowed to visit cemeteries in the region. For the first time after the cessation of war operations, 1,910 displaced persons visited their family graves on All Saints Day (1 November) 1997. Soon after, 1,030 Serbs from other parts of Croatia who found shelter in the Croatian Danube Basin visited their family graves on Croatian territory. 58 As no incidents were recorded during these organized visits, they helped to strengthen support for peaceful reintegration among displaced persons.

The most important initiative in building trust between ethnic groups was "Klein's Market", named after Jacques Paul Klein,⁵⁹ the Transitional Administrator from January 1996 until August 1997, who spearheaded the initiative immediately after successful demilitarization of the area. "Klein's Market" served as a place of trade, coexistence and encounters between different ethnicities.⁶⁰ The marketplace project attracted a lot of attention from both Croatian citizens in the free territory and citizens living in the area under Transitional Administration. While the market located between the cities of Osijek

Cf. Croatia – UNTAES, cited above (Note 32).

⁵⁶ Cf. ibid.

Cf. Katarina Kruhonja, Poslijeratna izgradnja mira u istočnoj Hrvatskoj – mirovni timovi kao privremena mirovna sturktura [Post-war peace building in eastern Croatia – Peace teams as an interim peace structure], in: Lana Vego (ed.), *Preporuke za sigurnosnu politiku* EU temeljem iskustva izgradnje mira država nastalih dezintegracijom Jugoslavije [Recommendations for EU Security Policy Based on Peace Building Experience from Countries Formed by the Disintegration of Yugoslavia], Zagreb 2010. p. 66-87; Pavelić, cited above (Note 6), p. 6. Cf. Škare-Ožbolt/Vrkić, cited above (Note 6), p. 402; Pavelić, cited above (Note 6), p. 8.

⁵⁸

Jacques Paul Klein is a retired United States diplomat who served as Transitional Administrator for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), with the rank of Undersecretary General, 1996-1997.

Cf. Škare-Ožbolt/Vrkić, cited above (Note 6), p. 106. 60

and Vukovar was in existence, more than 140,000 people from both sides passed through it without a single incident, which certainly served to strengthen the trust between ethnic groups. All these symbolic gestures had a common strategic goal: to rebuild trust between ethnic communities as a prerequisite for successful peaceful reintegration. Although the multi-ethnic character of the region was re-established, after the end of the UNTAES mandate, measures for building and encouraging trust between ethnic groups were neglected. Consequently, the desired level of trust between ethnic communities in the Croatian Danube Basin has still not been reached to this day.

Execution of Elections

By signing the Erdut Agreement and by adopting the Letter of Intent, Croatia undertook to promote the highest standards of human rights protection. This also included the execution of free elections in the territory under UNTAES administration according to the highest international democratic standards. Consequently, for the success of the UNTAES mission, it was mandatory not only to secure the return of Croatian displaced persons, but also to hold local elections on 13 April 1997, at the same time as in the rest of Croatia. With the execution of elections, the political system of the region was completely harmonized with that of the rest of the Croatia.

In accordance with the Letter of Intent on the completion of the peaceful reintegration of the territories under the Transitional Administration, members of the local Serb populace were granted the right to vote if they had registered residence in the region at the time of 1991 census, i.e. in the Counties of Osijek-Baranja and Vukovar-Srijem. The same applied to Serbs who had relocated to the UNTAES administered region at a later date, on the condition that they had previously registered residence in some other part of Croatia. ⁶⁴ The same document guaranteed Serbs representation in both Counties by a deputy prefect, as well as in the other representative and executive bodies of local government. The same guarantee applied to the proportional representation of Serbs within the local health care system, police, and judiciary, including higher positions within these systems, regardless of any administrative divisions that might be introduced in the future. ⁶⁵ All provisions for local elections and their execution set out in the Letter of Intent were fully implemented.

In the Danube Basin, voters "voted at 193 polling stations including 30 polling locations for absentee voting for the authorities outside the region. Over 56,000 displaced persons elsewhere in Croatia cast absentee ballots in 75

_

⁶¹ Klein, UNTAES-sažeto izvješće misije (cited above, Note 14), p. 23.

⁶² Cf. Galbraith, cited above (Note 8), p. 124.

⁶³ Due to technical difficulties, voting in the region was extended to 14 April and until 15 April at one polling station. Cf. Croatia – UNTAES, cited above (Note 32).

⁶⁴ Cf. Pismo namjere Vlade Republike Hrvatske o dovršenju mirne reintegracije područja pod Prijelaznom upravom, [Letter of Intent of the Government of the Republic of Croatia to complete the peaceful reintegration of the area under the Transitional Administration], Articles 2, 3.

⁶⁵ Cf. ibid., Article 4.

polling locations with 645 polling stations. The final number of voters inside the UNTAES mandate area was over 71,000 [...]". ⁶⁶ The election process was overseen by "over 150 UNTAES observers [...] In addition, 30 OSCE observer teams, observers from the Council of Europe and diplomats visited numerous polling stations during the elections." ⁶⁷

Following the successful execution of elections in accordance with all democratic standards and without a single incident, the Transitional Administrator certified the elections on 22 April 1997, and the results were accepted by all major parties. ⁶⁸ The newly formed Independent Democratic Serb Party (SDSS) won an absolute majority in eleven of the 28 municipalities. In the symbolically important city of Vukovar, the SDSS and the Croatian Democratic Union (HDZ) each won twelve out of 26 seats, ⁶⁹ and as a result, the leading Croatian party and the leading Serb party decided to take joint responsibility for running the city. These elections marked the inclusion of the Danube Basin's Serb populace into the political life of Croatia. Passing the Law on General Amnesty made it possible for officials from the time of the Republic of Serbian Krajina to continue their political activity. ⁷⁰ The elections paved the way for the rapid progress of the practical aspects of reintegration.

What is UNTAES' Legacy?

Despite the fact that this was one of the United Nations' most successful peace missions, the peaceful reintegration of the Croatian Danube Basin to the constitutional and legal order of the Republic of Croatia has remained a completely neglected research subject. It could serve as a good role model for other similar ethnic conflict situations since it greatly contributed to attaining long-term peace, stability, and security in the Croatian Danube Basin region and on a much broader scale in South-Eastern Europe in general. In Croatia, peaceful reintegration remains overshadowed by the success of the *Bljesak* (1995) and *Oluja* (1995) military operations, despite the fact that it is only since peaceful reintegration was successfully implemented that Croatia has exercised jurisdiction over the whole of its territory. Victory in war seems to be more appealing than victory in peace.

⁶⁶ Croatia – UNTAES, cited above (Note 32).

⁶⁷ Ibid.

⁶⁸ Cf. Klein, . UNTAES-sažeto izvješće misije, cited above (Note 14), p. 25.

⁶⁹ Cf. Croatia – UNTAES, cited above (Note 32).

^{70 &}quot;This Law pardons from prosecution perpetrators of criminal act perpetrated in aggression, armed rebellion or armed conflicts, in connection with aggression, armed rebellion and armed conflict in Republic of Croatia. The pardon excludes executions of judgements with final force and effect passed on perpetrators of criminal acts from 1st paragraph of this article. Pardon from prosecution relates to acts perpetrated between 17th August 1990 and 23rd August 1996." Law on General Amnesty (Zakon o opéem oprostu.) Narodne novine 80/96. Art.1.

In the space of 24 months, UNTAES accomplished all the essential objectives outlined in the Erdut Agreement and other Croatian and international legal and political documents. The clearly outlined objectives, a mandatory timeframe for their implementation, the strong military component of the mission, efficient administrative structure and the involved parties' high level of motivation, both locally and on an international level, contributed to the successful peaceful reintegration of the territory and people without a single fatality, thereby laying the foundations for the long-term peace, security, and stability still in evidence today.

Demilitarization was successfully carried out in the set time limit and local Serbs were given the opportunity to hand in armaments in their possession anonymously through the weapons buy-back programme. One of the first multi-ethnic projects was the Transitional Police force, which was trusted by all ethnical groups because there were officers of their own ethnicity in the force. The further education and professionalization of the police force was another success of UNTAES. At the end of the mission, the Transitional Police forces were fully integrated into the ranks of the Croatian Ministry of the Interior and have not experienced any ethnically-motivated incidents to this day.

In order to facilitate the full reintegration of people as well as territory, Croatia was successful in implementing administrative and jurisdictional reintegration and ensured that all citizens living under the temporary administration of UNTAES had the same rights and obligations as citizens of Croatia not living under transitional administration. Regarding issues of personal status, the most important was issuing Croatian documents to the Serb population of the Danube Basin. This conveyed on them Croatian citizenship, meaning they were able to exercise all their rights, from unhindered residence in Croatia, to the political rights granted to minorities, as well as the right to education, social care, and health care. Within the framework of administrative reintegration, Croatia made public services available to the local population (security of citizens and their property, high-quality social and health protection, high-quality education and minority education programmes, transport, supply of electricity, gas and water, forest management) by reintegrating communal and public companies that existed under UNTAES administration into Croatia's public service system. Since the peaceful reintegration was achieved, the region has been able to boast an equal level of administrative and legal protection, as well as high-quality public services available to the local populace.

As one of the political parties in Croatia that pursues minority interests and protection, the SDSS is now represented at the parliamentary level. Since its founding in 1997, it has won seats in the Croatian Parliament where it can advocate the protection of the political and other rights of the Serbian minority. The SDSS has strong support among the Serbian minority in the Croatian Danube Basin region. However, the HDZ has become the party with the strongest continuous support from Croats living in the region. Consequently, a power-

sharing arrangement between them was to be expected, as foreseen in the Letter of Intent on the completion of the peaceful reintegration of the territories under the Transitional Administration (1996), but also necessitated by everyday life and the reality of the political situation on the local level.

The return of displaced persons to the Croatian Danube Basin was also successfully executed. The region once again acquired a multi-ethnic character, as it had before the war. Croats, Serbs, Hungarians, Roma, Czechs, Slovaks, Ruthenes, Germans, and members of other ethnic groups again live in peaceful coexistence in the region. From time to time, there are some mild ethnic tensions between Croats and Serbs due to everyday political life and media manipulation. Nevertheless, not a single serious inter-ethnic incident has been recorded since UNTAES left the Danube Basin region.

The main challenge facing the Croatian Danube Basin is the absence of a full economic recovery, which is also a challenge for most parts of Croatia. Consequently, this economic situation has led to the depopulation of the area, with many young people leaving for more economically prosperous parts of Croatia or the European Union. With the support of UNTAES, Croatia succeeded in bringing peace, security, and stability to the region and established the conditions for the full restoration of a multi-ethnic community. With the strong support of the international community, houses and infrastructure were rebuilt, but serious measures for the revival of the economy of the region were not implemented. As a result, without a strong and flourishing economy, the Croatian Danube Basin region will remain just one of the regions of Croatia that continue to face depopulation, and without people, there is no future.