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Ethnic Mobilization in Croatia

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Country Specific Report on Actors and Processes of Ethno-Mobilization, Violent Conflicts and Consequences: Croatia

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1. Actors and Process of Ethno-Mobilization

1.1. Definition of Ethno-Mobilization

For the purpose of this paper, ethno-mobilization should be understood as an instrumentalization of ethnic identities, or in other words, the (mis)use of ethnicity by elites in order to mobilize the masses for the realization of their political (and even personal) objectives and interests.¹

No matter how widely the term ethno-nationalism is used, scholars consider it to exemplify “the problem of slipshod terminology.”² Therefore, in order to understand ethno-mobilization, it is necessary to agree upon a definition of “ethnic group” or “nation”. Walker Connor stresses that nationalism connotes identification with and loyalty to a nation; “a group of people who believe they are ancestrally related.”³ The use of lineage as the basis for membership in an ethnic group is usually taken as a given in defining ethnicity.⁴ The belief in a common origin is further encouraged by a common language, a shared religion, a sense of a homeland, common customs and by a shared historical narrative. However, if there is no reason to contest origin, ethnicity will not become a dividing factor in a society. It becomes ‘problematic’ only when threatened, in any sense.

Within the setting of the post-communist transformation of political cultures, societies and economies in the countries that emerged with the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY), ethnic mobilization implied grouping around ethnic lines and the (re)emergence of ethnic cleavages, whose consequences could be seen in the segmentation of the society. Ethnic mobilization, in our understanding, emerged as a response to the threats and fears that had been intentionally fostered, or even manipulated, by politicians who simply employed preexisting historical narratives and myths.

It seems that the correlating paradigms of different historical narratives developed by the Scholar’s Initiative can help us identify the means of manipulation in the process of ethno-mobilization. Namely, the paradigm claims that the entirely different understandings of the past of the different ethnic groups that constituted the SFRY had caused the collapse of the federation and prevented political elites, who had emerged at the end of the 1980s and beginning of the 1990s, from reaching a consensus regarding the best remedies and peaceful solutions. Moreover, the Scholar’s Initiative research results also indicate that the SFRY was not a long-term stable multiethnic state, since the historical narratives of the constituent peoples consisted of mutual resentment, recrimination and blame, and defined each other as ‘the Enemy’. Historians in the Scholar’s Initiative, however, do not blame historical narratives for collapse of the SFRY. Rather, they believe the failure of Yugoslavia’s people to develop a common historical narrative contributed to the preservation of inter-group boundaries, whereas the federation collapsed because of the political illegitimacy of Communism and the decline in living standards. It is believed that illegitimate systems are much more vulnerable

¹ The Report on Ethnic Mobilization in Croatia is written with the assistance of Miran Komac, Sara Brezigar, and Romana Bešter.

² Walker Connor, Chapter Four Terminological Chaos “A Nation Is a Nation, Is a State, Is an Ethnic Group, Is a...” in *Ethnonationalism: The Question of Understanding* (Princeton University Press, Princeton, 1994), 89.

³ *Ibid.*, xi.

⁴ Compare also other classical studies on ethnicity e.g. Max Weber, “Ethnic Groups” in Werner Sollors (ed.) *Theories of Ethnicity* (New York University Press, New York, 1922), Benedict Anderson, *Imagined Communities* (Verso, London, 1983), Rogers Brubaker, *Nationalism Reframed* (Cambridge University, Cambridge, 1996).

to collapse than legitimate systems and are harder hit by economic crises. A chain of unpopular and unsuccessful economic reforms in the 1980s further encouraged the decline in living standards, which is common to command economies, and significantly contributed to the dissolution of the federation.

1.2. Actors of Ethno-Mobilization

Beginning in the mid-14th century, Croatia was ruled by the Austrian and/or Hungarian Empires, its Eastern border marking the borderline of Christianity. The territory of the state was threatened on several occasions by the Ottoman Empire, which in the 16th century captured great portions of Slavonia and Lika. On the orders of King Ferdinand of Habsburg, areas of Croatia and Slavonia neighbouring the Ottoman Empire were designated as the Military Frontier (Vojna Krajina) and were ruled directly from Vienna's military headquarters. Due to its dangerous proximity to the Ottoman armies, the area became rather deserted; so Austria encouraged the settlement of Serbs and Vlachs, as well as populations of other ethnic groups, on the Military Frontier.

In this way, new ethnic groups started to inhabit the territory of the Military Frontier and the descendants of the soldiers of non-Croat ethnic origin continued to live there into modern times. By the 18th century, much of Croatia was free from Turkish control. Following World War I and the demise of the Austro-Hungarian Empire, Croatia joined the Kingdom of Serbs, Croats, and Slovenes, which became Yugoslavia in 1929.

In 1941, during World War II, a collaborationist puppet-state named the Independent State of Croatia was established. The Ustaša government practiced systematic discrimination, deportation, forced conversion, internment in camps and mass killings of minorities, predominantly the Jews, Roma and Serbs. During its reign, it is estimated that more than 500,000 Serbs and 26,000 Roma were murdered and 250,000 Serbs were expelled. In addition, more than 17,000 Croatian Jews were sent to concentration camps and murdered.⁵ Because of the collaboration with the Nazi regime and the execution of genocide of the Jews, Serbs and Roma by the Ustaša regime, the Croats were labelled as collaborators in post-war Yugoslavia and, when communist ideology needed to defame a Croat, anyone could be accused of being a nationalistic and genocidal devotee of the Ustaša regime. At the same time, these World War II atrocities allowed the Serb population to expand its position of resistance in the post-war federation.

After World War II Croatia was one out of six republics that constituted the Federal People's Republic of Yugoslavia (FPRY) of 1946, which subsequently became the Socialist Federal Republic of Yugoslavia (SFRY) in 1963. All of the SFRY Constitutions since 1946 have guaranteed the right of every nationality to self-determination, including the right to secede. Later Constitutional changes in 1960s were aimed at preserving regional autonomy while restoring economic policy decisions to the federal level. In 1967 a series of constitutional amendments expanded the role of the Chamber of Nationalities in the federal decision-making process. At the same time, a new generation of younger, more pragmatic leaders began replacing conservative, older party members, and issues of nationalism and economics were debated openly and passionately in the Yugoslav League of Communists (YLC). With politicians no longer allowed to hold concurrent federal and party positions, the bodies of state government gradually freed themselves from party domination.

⁵ Compare Marcus Tanner, *Croatia. A Nation Forged in War* (Yale University Press, New Haven and London, 1997), 141-167.

Delegates to the Federal Assembly more openly pursued the interests of their respective republics, overtly ignoring constituent demands to take an “all-Yugoslav” position. The reason for this was that “Yugoslav” interests were perceived as those of the Serbs or the centralists. Members of the Croatian, Slovenian, and Macedonian League of Communists fought for additional decentralization and against anticipated Serbian efforts to dominate the federal government. Although these alliances dissolved in 1969, this liberal approach dominated policy-making until 1971. Discussion of such issues signalled the revitalization of ethnic nationalist divergence that had been hushed by the totalitarian regime.⁶ Beginning in 1966, ethnic conflicts sparked frequent demonstrations throughout the country.⁷

1.2.1. Croatian Spring and Croatian Silence: Hushed Nationalism

The outbreak of ethnic factionalism became especially severe in Croatia; and negotiations on new amendments of the federal constitution allowing for decentralization sharpened a feeling of Croatian separatism. Matica Hrvatska Society, a leading Croatian cultural institution for intellectuals, writers and prominent figures of society, came into the limelight in the 1960s. Highlighting Serbian dominance in the federation, members of the Matica Hrvatska advocated political reforms that would substantially increase Croatian autonomy. A massive separatist propaganda campaign by Matica Hrvatska resulted in serious clashes with ethnic Serbs in Croatia. At the time, Matica’s claims were considered unsympathetic and were blamed for threatening the unity of the Federation. However, the claim for greater autonomy was not only advocated by the civil society, but was also supported by the communist leadership of Croatia. In 1970 the Croatian communist party began an extensive, powerful campaign against the existing federal system, which it described as a tool for Serbian domination of the other republics. The main political goal of the Croatian campaign was to change federal policy so that a single republic could veto any federal action.⁸ From a historical perspective it becomes obvious that the 1972 purge that followed removed nationalist elements of the Croatian communist party so systematically that no nationalistic claims were expressed in the political sphere for the next two decades.

Since the Croatian separatist movement was crushed by Tito himself in 1972, the Croatian political leadership aligned itself with the Yugoslav League of Communists, and generally lacked legitimacy among the population of the republic. This period of ideological and political hibernation is sometimes referred to as the Croatian silence.⁹ Nevertheless, the elimination of Croatian communist leaders in 1972 halted the demand for veto power by individual republics and paved the way for party recentralization and the ratification of constitutional amendments promoted by Tito. Changes to the 1974 Constitution reduced the State Presidency from twenty-three to nine members, with equal representation for each republic and province, and an ex-officio position for the president of the Yugoslav League of Communists. Like the former Constitution, the 1974 Constitution tried to refine the

⁶ On national question in SFRY see Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics* (Globus, Zagreb, 1984).

⁷ Bosnia and Herzegovina complained in 1966 that development funding was insufficient; the longstanding rivalry between Serbia and Croatia resurfaced in 1967; and Albanians demonstrated in Kosovo and Macedonia in 1968.

⁸ Ozren Žunec, “Rat u Hrvatskoj 1991.-1995., 1. dio: uzroci rata i operacije do sarajevskog primirja”, 1(2) *Polemos: časopis za interdisciplinarna istraživanja rata i mira* (1998), 57-89. (War in Croatia, in *Polemos: Journal of interdisciplinary research on war and peace*).

⁹ Ivo Golstein, *Hrvatska povijest*, (Novi Liber, Zagreb, 2003), 371-373.

balance between economic and ethnic diversity on one the hand, and the communist ideal of social unity on the other.

Even though in the late 1980s Croatian nationalism was not publicly manifested, the emerging nationalism coming from the Eastern neighbourhood, could not be neglected.¹⁰ Paul Garde coined a phrase for the series of events surrounding the rise of Milošević that occurred from 1986 to 1989: “the Serb cultural revolution.” Drawing a parallel to the Chinese Cultural Revolution, he argues that Milošević mobilized the masses in order to legitimize his rise to power in Serbia, and subsequently to install allies in Montenegro, as well as to deny autonomy to the provinces of Vojvodina and Kosovo.¹¹

Towards the end of the 1980s, both the Croatian League of Communists and the Croatian population were highly critical of the policies of Slobodan Milošević, particularly those regarding his manipulation of party politics in the autonomous provinces of Vojvodina and Kosovo. In addition, the moderate wing of the Croatian League of Communists attempted to act as mediators in the Serbian-Slovene polemics of the 1980s, avoiding the revival of the ancient Serb-Croat nationalist antagonism within their republic. Nevertheless, the Serb communist leadership “launched a propaganda campaign against Croatia and Slovenia who were the strongest potential opponents of centralisation accusing them of secessionist ambitions.”¹² The position towards the Serbian-Slovene dispute was not, however, unanimous within the Croatian League of Communists, but Croatia supported Slovenia in the Serbian trade embargo issued over this republic in early 1990.

The organization of pro-Serbian demonstrations (the so-called *marševi istine*, or protest marches for the truth) in a Serbian enclave of Knin, Petrova Gora and other parts of the SFRY in the late 1980s certainly contributed to the deepening of ethnic divisions and the growth of unease within the population. Such issues also crystallized pro- and anti-Serbian factions within the Croatian League of Communists. As 30 percent of the members of the Croatian League of Communists were Serbian at that time, the pro-Serbian side of the dispute received the most support.¹³

Such division within the republic was mollified in 1989, when a Croat from Bosnia and Herzegovina, Ante Marković, who was perceived as moderate federalist, became a reform prime minister. Even though the representatives of Serbia and Montenegro did not back his candidacy, it was hoped that he might save an economically-wasting country from the choke of escalating nationalism. His economic reform plan, which was also planning to “impose the democracy from above, meaning the federal level”,¹⁴ did indeed provide immediate results, but it obviously came too late to prevent the inevitable, as some republics, at least Slovenia and to a slightly lesser extent Croatia, were ready to introduce “democracy from below”.

Fearing Serb domination while witnessing the rise of Milošević and his nomenclature in Serbia, as well as the establishment of pro-Milošević governments in Kosovo, Vojvodina and Montenegro, political elites of Slovenia and Croatia

¹⁰ Compare Laura Silber and Alan Little, *The Death of Yugoslavia*, (Penguin Books, London, 1996), 82-83.

¹¹ Compare Paul Garde, *Život i smrt Jugoslavije*, (Ceres, Zagreb, 1997), 246-255.

¹² Gorazd Nikic (ed.), *Croatia between Aggression and Peace*, (AGM, Zagreb, 1994), 9.

¹³ Official statistics of the time show that the Serbs were overrepresented the employment sector too, e.g. 17.7% of the political leaders were the Serbs, 12.5% of the leading economic entrepreneurs, 7.5% of the experts, 11.9 members of so called ‘system intelligence’ 13.7% of the qualified workers, 18.4% of the non-qualified workers, 5.8% craftsman and 11.2% peasants were the Serbs. Data for year 1984 cited in Drago Roksančić, *Srbi u Hrvatskoj od 15. stoljeća do naših dana*, (Zagreb, 1991)

¹⁴ See Ivo Golstein, *ibid.*, 375.

(predominantly moderates within the League of Communists, but also newly formed civil society movements and unions that formed the seed of future political parties) called for an even more decentralized Yugoslavia, a liberal economic system and democratization. Obviously, the efferent political forces that had been gradually emerging in the previous fifteen years had already eroded the single-party structure. This, accompanied by a significant decrease in living standards and diminishing buying power, increasing unemployment and declining production, contributed to an openly demonstrated decline in support for the League of Communists. Non-communist citizens' associations emerging at this time included the Croatian Social Liberal Alliance (Hrvatski socijalno liberalni savez, later Croatian Social Liberal Party, HSLs), the Croatian Democratic Union (Hrvatska Demokratska Zajednica, hereinafter: HDZ), the Association for a Yugoslav Democratic Initiative, etc.

Opposition parties were legalized in Croatia and Slovenia in 1989, widening the gap between the two countries and Serbia with its satellites. These two republics amended their constitutions in 1990 in order to create a statutory basis for multiparty elections. In 1989 the Croatian League of Communists became the first Yugoslav party organization at any level to hold direct elections of party officials. Neighbouring countries were not in favour of the break-up of the federation, with the exception of Austria. Matjaž Klemenčič explains that “[t]he historical ties between these countries and certain nations within Yugoslavia, coupled with worries about what the destiny would be of their ethnic minorities residing in the territory of Yugoslavia, persuaded most of these countries to support the status quo.”¹⁵

In 1990 the first multiparty elections took place. The Croatian Democratic Union ended up in first place. The runoff voting system of the time favoured the two strongest parties. To this end, it allowed the HDZ, the party with the relative majority, to win 205 out of 356 Parliamentary seats with 42% gained votes in the election.¹⁶ The reorganized Croatian League of Communists, renamed the Croatian League of Communists - Party for Democratic Changes (Savez komunista Hrvatske - Stranka demokratskih promjena, SKH-SDP, and later renamed again Socijaldemokratska partija Hrvatske, SDP) and the Coalition of People's Accord (Koalicija narodnog sporazuma, KNS), the bloc of mostly moderate nationalist parties, came in second and third, respectively. The Coalition of People's Accord encompassed the Croatian Social Liberal Party, the Croatian Peasants Party, the Croatian Democratic Party, the Croatian Christian Democratic Party, the Social Democrats of Croatia and a number of local, youth and environmentalist groups and individual candidates.

The Serbs of Croatia also organized themselves politically in February 1990. The Serbian Democratic Party (Srpska demokratska stranka, SDS), led by Jovan Rašković, requested a change of regional policy that did not serve the interests of the Serbian people any longer, advocating full territorial autonomy at first, and later independence. The SDS, apart from in the Knin region, did not manage to organize itself properly prior to the elections, which resulted in a gain of only five seats in Parliament. The poor result was also a consequence of the fact that domestic opinion among Croatia's Serbs was still moderate as most of them chose to vote for the reformed communists, the SDP. After the electoral victory of the HDZ, the SDS became even more radical.

According to the Report of the Republican Commission for the Implementation of the 22 May 1991 Referendum, 84.94% voters voted in the

¹⁵ Matjaž Klemenčič, “The International Community's Response to the Yugoslav Crisis: 1989-1995”, AT <<http://www.wilsoncenter.org/topics/pubs/MR320Klemencic.doc>>

¹⁶ Ivo Golstein, *ibid.*, 378.

referendum, and 93.94% of citizens spoke out for Croatian independence and sovereignty.¹⁷ In conformity with the will of the citizens expressed at the referendum, the Parliament adopted the Constitutional Decision on the Sovereignty and Independence of the Republic of Croatia on 25 June 1991, which established that “the Republic of Croatia is initiating proceedings for disassociation from the other republics and from the SFRY [...] and [...] is initiating proceedings for international recognition.” At the same sitting of all three chambers, the Parliament also passed the Declaration on the Establishment of the Sovereign and Independent Republic of Croatia.¹⁸ After the three-month deferral of the Constitutional decision of 25 June expired, the Parliament proclaimed the country’s independence on 8 October 1991. In January 1992 other countries began to recognize Croatian sovereignty. The first ones to do so were the Holy See, Germany and Iceland. On 15 January 1991, the European Communities announced the recognition of a sovereign Croatia. Soon after, the country was admitted into United Nations (on 22 May 1992).

Nevertheless, the Serb regime, its allies, as well as the Serb population in Croatia were unwilling to recognize Croatia’s assertion of independence. The Serbs in Krajina responded with the organization of “a referendum on Serbian autonomy” on 17 August 1990. The referendum was held in the area of Knin, Benkovac and Obrovac, but it was also possible to cast a vote in Belgrade. It is estimated that 48,000 voters took part, and almost 100% of them voted in favour of secession from Croatia. This date is considered to mark the beginning of the so-called Log Revolution (Balvan revolucija), as the local Serb population, already well-armed, placed logs over the roads in Krajina to hinder travel between the Northern and the Southern part of the country. On 30 September 1990, the Serbian National Council, under the auspices of Milan Babić, declared “the autonomy of the Serbian people on ethnic and historic territories on which he lives and which are within the current boundaries of the Republic of Croatia as a federal unit of the Socialist Federal Republic of Yugoslavia”. On 21 December 1990, Croatian Serbs in Knin announced the creation of a Serbian Autonomous District (SAO Krajina) and declared their independence from Croatia.

1.2.2. Military and Paramilitary Actors

The ICTY’s indictment against Slobodan Milošević states that the armed conflict in Croatia remained internal in nature until 7 October 1991. However, as the Yugoslav Peoples Army (JNY) intervened and partially occupied the country on 8 October 1991, it became an international armed conflict.¹⁹ From August 1991 until June 1992 Serb forces, comprised of JNA units, local TO units and TO units from Serbia and Montenegro, local and Serbian MUP police units and paramilitary units, attacked and took control of towns, villages and settlements in the above-mentioned territories. After the take-over, Serb forces in cooperation with the local Serb authorities established a regime of persecution designed to drive the Croat and other non-Serb civilian populations from these territories.²⁰

The military is not only a resource, but also an object of ethnic conflict.²¹ Particularly during the dissolution of the SFRY, where the military was the last (and

¹⁷ Smiljko Sokol and Branko Smerdel, *Ustavno pravo (Constitutional Law)* (Informator, Zagreb, 1995), 58.

¹⁸ Declaration on the Establishment of the Sovereign and Independent Republic of Croatia, *Official Gazette*, 24/1991.

¹⁹ Indictment against Milošević, Case No. IT-01-50-I.

²⁰ *Ibid.*

²¹ Donald. L. Horwitz, *Ethnic Groups in Conflict* (University of California Press, Berkeley/Los Angeles/London, 1985), 443-471.

for sometimes the only) integrating element of the dying socialist federation, the JNA attempted to assume a leadership role. As Horwitz rightly argues, “in deeply divided societies it is doubtful that any single institution can reverse the cumulative effects of all the others. Instead, bitter experiences in the armed forces often seem to generate ethnic resentments.”²²

On 25 June 1991, Croatia and Slovenia declared their independence from the SFRY. The Federal Presidency of Yugoslavia soon withdrew the JNA from Slovenia, as the republic had almost no Serbs in its population. The same was not true of Croatia, which had a significant Serb population. According to the 1991 population census, the Serbs comprised 12.5% of population, making it the second biggest ethnic group in the country.

After it became obvious that the SFRY would collapse, the military leadership advocated a fight for the preservation of Yugoslavia, but due to a lack of support from the Yugoslav presidency this line of action was not taken. The Serb leadership, however, seized this loyalty, approached Army leaders, and convinced them that the plan for a great Serbia might be the cure for Yugoslavia.

The JNA officially withdrew from Croatia in May 1992, up until that time feigning unwillingness to intervene in the conflict between Croatian authorities and Serb rebels.²³ However, the fact that the JNA had been leaving staff and supplies behind in the republics as it withdrew to Serbia and Montenegro proves that the JNA had indeed supported the Serb rebels in Croatia (and Bosnia and Herzegovina). This military equipment formed the basis for the creation of new armies. This was not the only JNA “contribution” to the escalation of violence in Croatia. At first under the guise of claiming to defend Yugoslav unity, the official rhetoric changed in 1991 and 1992 as the JNA openly took the Serb side in the conflict between the Croatian authorities and the Serb insurgency.

1.2.3. Intellectuals and Civil Society: Marginalized Disobedience in the 1990s

Generally, the Croatian government did not assess the work of domestic and international human rights monitoring groups benevolently, but at the same time they did not interfere with their activities in the 1990s. Peace groups worked throughout the country, predominantly with refugees, attempting to prevent forcible evictions and other human rights abuses in their respective localities. In addition, they brought their concerns to the attention of the local and national authorities and offered legal counselling to minorities who had been denied certain rights.²⁴

The government’s hostile attitude towards civil society throughout the 1990s experienced a radical shift with the change of government in 2000. Croatia today has about 20,000 registered non-governmental organizations (NGOs), 18,000 of which operate at the local level.²⁵ In spite of a quite substantial number of NGOs registered at the local level, the gap between the development of civil society in rural areas and urban centres has not been reduced in the fifteen years of the country’s independence. However, there are no reliable indicators of how many of registered NGOs are active at both the central and local levels. The Law on

²² *Ibid.*, 443.

²³ Thomas Ambrosio, *Irredentism: Ethnic Conflict and International Politics* (Praeger, Westport, CT and London, 2001), 35.

²⁴ Human Rights Watch, 2003 Report.

²⁵ Mladen Ivanović, *Legal Framework for the Activity of Public Benefit Organisations in the Republic of Croatia* (National Foundation for Civil Society Development, Zagreb, 2005).

Associations²⁶ enacted in January 2002 has brought a much more liberal framework for freedom of association and supervision of the work of civil society organizations. It has also reduced and streamlined the bureaucratic registration procedure.

1.2.4. The Role of the Church in Ethnic Conflict Escalation and its Pacification

The Yugoslav wars of the 1990s can not be perceived as inter-religious wars in a strict sense, as they were not instigated by religious problems.²⁷ The Yugoslav wars, including the one in Croatia, belonged to “the so-called ‘identity conflicts’, where religion may serve as an appropriate *differentia specifica* that perhaps more easily articulates much more complex reasons for the conflict, including the warfare.”²⁸

Gerard F. Powers, in contrast to the previous statement, claims that there is a religious dimension to the conflict in the former Yugoslavia. In addition, the interrelatedness of religion and national identity in the Balkans, according to him, places religion within the sphere of some form of ethno-cultural nationalism. He has detected “three differing perspectives on the role of religion in the brutal war in the former Yugoslavia.”²⁹ The first perspective, that of a religious war, contends that specifically religious divisions give the conflict in the former Yugoslavia a dimension not unlike the religious wars Europe experienced over the centuries. The second perspective, that of an ethno-religious war, sustains the idea that the conflict is about nationalism, not religion *per se*, but that religion has contributed to the rise of nationalist conflicts. Finally, the third perspective reflects the manipulation of religion during the war and acknowledges that religious fears and symbols have been manipulated and abused by cynical ultranationalists for their own ends, but downplays the role of religious differences or religious nationalism in inciting conflict.

Religion, a significant element of ethnicity and re-confirming identity at the beginning of the 1990s, nevertheless was put at the forefront of identity consolidation in Croatia. Such high-positioning of religion in a post-socialistic society and the sudden favourable treatment of the church, which had been oppressed during the previous 45 years, accompanied by the pro-nationalistic attitude of certain parts of the clergy that openly contributed to the Tudman regime, probably contributed to the massive perception that the war was (also) an inter-religious conflict.

Destruction of religious facilities and the murder and mistreatment of clergy played an important role in purging the territories, and thus in the ethnic cleansing, particularly at the beginning of the 1990s when a number of Catholic churches and monasteries were destroyed in territories occupied by the Serbs. Revenge along the same lines was taken on the Orthodox churches upon the liberation of the occupied territories. Destruction of church facilities “was primarily a *symbolic* act: the temples were not destroyed so much as religious

²⁶ Law on Associations, Official Gazette 88/2001 and 11/2002, Law on Foundations and Funds, Official Gazette 36/95 and 64/01.

²⁷ Compare Milan Vukomanović, “The Religious Dimension of the Yugoslav Conflicts”, University of Belgrade, at <<http://kotor-network.info/papers/easr2004/dimension.mv.htm>>.

²⁸ *Ibid.*

²⁹ Gerard F. Powers, “Religion, Conflict and Prospects for Peace in Bosnia, Croatia and Yugoslavia”, 50 (1) *Journal of International Affairs* (1996).

facilities, but as the national and ethnic symbols of a community's presence on a certain territory."³⁰

The role of the religious communities can not, however, be diminished, as all of them significantly contributed to ethno-mobilization. In addition, there were numerous appeals to religion in official propaganda, and the Croatian political establishment of the 1990s was tacitly receiving support from the church, as the presence of then-current political leaders was warmly welcomed at festive occasions that were regularly broadcasted on public television.

Nevertheless, one can not refute the fact that religious communities in the Balkans issued various appeals for reconciliation and joint prayer even during the war. Correspondingly, the leaders of the Islamic, Roman Catholic, and Serbian Orthodox communities in Bosnia stated in November 1992 that "[t]his is not a religious war, and that the characterization of this tragic conflict as a religious war and the misuse of all religious symbols used with the aim to further hatred, must be proscribed and is condemned."³¹

Visiting Croatia for the first time in 1994, Pope John Paul II invited Croats to forgive and reconcile with their neighbours, thus promoting peace among nations that, at that time, were in open conflict. The Pope's subsequent visits to Croatia in 1998 and 2003, Bosnia and Herzegovina in 2003, as well as in Slovenia and Albania continued to spread the message of reconciliation between the Orthodox Slavs and the Roman Catholic Slavs of the region.³²

The Vatican was the first state to recognize Croatian independence on 13 January 1992. Two days later Germany did so as well. There have been numerous speculations as to whether recognition came as a gesture of support from co-religionists, underlying the cleavage between Croatian Catholicism and Serb Orthodoxy. Similarly, it has been noted both in literature and in everyday discussions that Russia was possibly favouring Serbia because of the correlation of the Russian and Serbian Orthodox Churches, and that Islamic countries granted substantial financial assistance to Muslim religious communities during and after the war in Bosnia and Herzegovina.

The findings of the Scholars' Initiative claim that "Germany (and also Austria, Hungary, Denmark etc.) were not secretly working for Croatian/Slovenian independence at the beginning of 1991. Even at the beginning of the crisis in June 1991, according to the available sources, Germany did not intend to support the break-up of Yugoslavia. During the last quarter of 1991, however, it was Germany who persuaded the EU, and later the US, to recognize Slovenia and Croatia and BIH."³³

Since Catholic Archbishop Bozanić took a leading position in the Croatian Catholic Church in 1997, it can be noted that the clergy de-intensified their open support for the HDZ and even openly criticized the government. In November 1999, the Croatian Catholic Bishops' Conference refused to endorse the HDZ party in the January 2000 elections, calling on the faithful to vote freely and to overcome the old, intolerant one-party mentality.

Regardless of whether the conflict between the Serbs and the Croats in the territory of Croatia was of a religious nature or not, the conflict contributed to the creation of a climate of mutual mistrust among religious communities. Since 1997

³⁰ Milan Vukomanović, *op. cit.*

³¹ Gerard F. Powers, *op. cit.*

³² Patrick G. Moore, Radio Free Europe/Radio Liberty, "Balkans: The Former Yugoslavia And The Pope", at <<http://www.rferl.org/featuresarticle/2005/04/937f0729-4782-4656-8a04-83c985bc0041.html>>.

³³ Scholar's Initiative, Team 5 Report "The International Community & the FRY/Belligerents", at <<http://www.cla.purdue.edu/history/facstaff/Ingrao/si/scholarsprospectus.htm>>

the Catholic Church has also sought a more proactive role in advocating reconciliation, promoting the return of (mostly Serb Orthodox) refugees, and has initiated several meetings with Orthodox clergy from Serbia. Catholic Radio includes a monthly program on Ecumenism, inviting speakers from other religious communities.

1.3. *Ethnic Groups Considered as Minorities*

1.3.1. National Minorities: from Enemies to Bridges that Enrich Society

There are several regions in Croatia where the majority of minority populations are concentrated. Italian minorities inhabit the western coastal parts of the country, dwelling on the Istrian peninsula, and number a few thousand. The majority of Italians there, roughly 20,000, are bilingual and in those municipalities and cities in which Italians reach one-third of the population, Italian is the second official language. Croatia has maintained a dispute with Italy over border changes and over the extent of minority rights extended to the Italian minority in Croatia since the Second World War. Members of Bosniak and Albanian minorities reside in larger cities, since they arrived in Croatia in greater numbers in last fifty year as a result of economic immigration during the time of the SFRY. Of the approximately 15,000 Albanians dwelling in Croatia, most find their roots in the former Yugoslav republic of Macedonia and the province of Kosovo. There are approximately 20,000 members of the Bosniak minority, as reported in the latest population census. The majority of Bosniaks in Croatia had been classified as Muslims in the previous census, but, after the Bosniak ethnicity was ascertained in the neighbouring Bosnia and Herzegovina, they opted for the term Bosniak in the latest census. Circa 10,000 Czechs and Slovaks inhabit cities in the Podravina region, while a total of 16,000 Hungarians by tradition dwell in several towns and villages in Baranja (an eastern region of the country bordering Serbia's region of Vojvodina, which has significant population of Hungarian ethnic origin as well). Almost 10,000 registered Croatian Roma dwell in several inland cities in Croatia, but it is estimated that there are at least three times more Roma in Croatia. A great number of Roma tend not to report their ethnic origin in the census and the official number is very likely false. The NGOs dealing with Roma estimate there may be 40,000 Roma members in Croatia. The largest of the autochthonous minority groups, the Serbs, have traditionally constituted a majority in the Krajina region surrounding the south western city of Knin. In the 1991 census, the population of the Republic of Croatia was 4,784,265 of which 3,736,356 (78.1%) were Croats; 581,663 (12.2%) were Serbs; 43,469 (0.9%) were Muslims; 22,355 (0.5%) were Hungarians; 106,041 (2.2%) were Yugoslavs; and 294,381 (6.1%) were others or undeclared. The latest census of 2001 witnessed a sharp drop in the Serb origin population, reporting that approximately 200,000 (or 4.5%) of them dwell in Croatia today.

On the linguistic front, all minorities living in Croatia have different mother tongues that can be recognized as official under certain circumstances when minority members constitute a significant percentage of the population of the unit of self-government. The status of minority languages is additionally bolstered by the publishing activities of minorities in Croatia. Italian, Czech, Slovak, Hungarian, Ruthenian, Ukrainian, Serb, German, Austrian, Jewish, Albanian, Roma, Montenegrin, and Macedonian minorities publish certain newspapers or periodicals in their own languages.³⁴ From a linguistic point of view, Serbs and Croats use two

³⁴ Compare for example High Commissioner on National Minorities. 1999. *Report on the Linguistic Rights of Persons Belonging to National Minorities in the OSCE Area*, at

variants/dialects of the same language with two different orthographies; but for political purposes Croatian authorities have highlighted the linguistic differences between the languages. Serbs also differ from the majority population in their religious affiliation. Furthermore, the Serbs use different orthography in teaching and for publishing in their minority language. The majority of Croats are Catholics, as are most of members of the Czech, Slovak, Hungarian, and Roma minorities. Serbs, Montenegrins, Macedonians, Ruthenians, and Ukrainians profess the Orthodox faith. Members of the Bosniak minority are, by definition, Muslims.

Since the very beginning of the country's independence, certain rights were granted to ethnic communities, national communities, and minorities, while the distinctions among them were attributed to their autochthonous status. The Croatian Constitution assures the equality of minorities with citizens of Croatian nationality as well as the right to the realization of their rights as members of national minority groups, guaranteeing freedom to minorities to express their nationality, to use their language and script, and to exercise cultural autonomy.³⁵ All constitutionally prescribed rights are guaranteed regardless of a citizen's ethnic background. Everyone is constitutionally guaranteed the right to freedom of association for the purposes of protection of interests or promotion of social, economic, political, national, cultural or other convictions and objectives.³⁶ The Constitution guarantees the right of every citizen, under equal conditions, to take part in public affairs, and to have access to public services.³⁷ There were several other legislative instruments for minorities, all of which arose from the need to accommodate a peaceful coexistence. All came into being as a result of pressure from the international community.

Soon after the independence of the country was declared in 1991, the Croatian Parliament passed the Charter on the Rights of Serbs and Other Nationalities in the Republic of Croatia.³⁸ This emphasized that "all nationalities in Croatia enjoy legal protection against any and all activities which may endanger their existence, and have the right to respect, self-preservation and cultural autonomy." In this document the government recognized that "a just solution of issues concerning Serbs and other nationalities in the Republic of Croatia is one of the essential factors of democracy, stability, peace and economic prosperity, and of cooperation with other democratic countries."³⁹ Although the Charter proclaimed that "all nationalities in Croatia shall have the right to be protected against all activities that may endanger their existence, they shall have the right to be respected, the right to self-preservation and to cultural autonomy" and also provided for proportional political participation within the bodies of local self-government and in the bodies of the government authorities. The text of the Charter also granted minorities the right to form organizations, e.g. political parties: "An organization which is in conformity with the objectives defined in its by-laws, concerned with the protection and development of a particular nationality and thereby acts as its representative, shall have the right to represent it as a whole and its individual members, both within the state and internationally." Furthermore, according to the Charter, minorities were to be "guaranteed the right to secure their economic and social development for the purposes of preserving their identity and being protected from any attempt at being

<<http://www.osce.org/>>. Compare also State Report on the Implementation of the European Charter on Regional and Minority Languages, at <<http://www.coe.int/>>.

³⁵ Article 15 of the Constitution of the Republic of Croatia, Official Gazette 155/2002.

³⁶ Article 43(1) of the Constitution of the Republic of Croatia.

³⁷ Article 44 of the Constitution of the Republic of Croatia.

³⁸ The Charter on the Rights of Serbs and Other Nationalities in the Republic of Croatia, Official Gazette 31/91

³⁹ *Ibid.*

assimilated.” The Charter recognized the rights of nationalities and international cooperation to which they are entitled; “do not allow any activities contrary to the principles of international law, and especially of the sovereignty, territorial integrity and political independence of the Republic of Croatia.” However, political leaders of the Serb minority at that time did not see that proclamation as an adequate solution for the status of Serbs in Croatia.

Although Croatian independence was recognized by the majority of the international community during the first few months of 1992, the country had to provide assurance regarding the protection of human rights relating to national minorities. A constitutionally-prescribed set of rights was supplemented by the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia⁴⁰ (Constitutional Law), and thus the first minority rights regime in independent and sovereign Croatia was set down. It was stipulated in the Constitution that organic laws regulating the rights of national minorities shall be passed by the parliament by a two-third majority of all deputies. The reasoning is found in the nature of majority rights; “they are countermajoritarian. That is, they are designed to protect political minorities against political majorities. Consequently, they are best protected in constitutions, which cannot be amended by simple majority vote of a legislative body.”⁴¹ The Constitutional Law, adopted by the Parliament in December 1991, was a precondition for Croatia’s international recognition as an independent state in January 1992. It provided for cultural autonomy, proportional representation for minorities and special self-governing districts, i.e. territorial autonomy, especially for the Serbs.

Another legal instrument had already been passed earlier in order to ensure the rights of the Serb minority. The Croatian Parliament passed the Charter on the Rights of Serbs and Other Nationalities in the Republic of Croatia⁴², which *inter alia* provided for the proportional political participation of minorities in the bodies of local self-government and in adequate bodies of government authorities. In accordance with this document, members of national minorities that constituted more than 8% of the population of the country in 1981 were given the right to be proportionally represented in the parliament. Self-government was guaranteed to the Serb minority in the regions of Glina and Knin. The Constitutional Law also established two districts (*kotar*) with a special status of self-administration. However, those provisions were never implemented because Serbian rebels occupied exactly those parts of the territory where autonomy was to be exercised.

The second legal instrument was created upon the return of the territory to the sovereign control of the state, as a result of an agreement between the international community, Croatian authorities and the Serb insurgents over the reintegration of territory in Eastern Slavonia under the Croatian jurisdiction: the Basic Agreement on the Region of Eastern Slavonia, Baranja, and Western Sirmium, signed in Erdut on 12 November 1995. The Agreement requested that the Security Council establish a transitional administration to govern the region for a period of 12 months, authorize an international force to maintain peace and security during that period, and otherwise assist the implementation of the Agreement. The Erdut Agreement provided assurance of minority representation, among them “the right

⁴⁰ The Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia, Official Gazette 34/1992.

⁴¹ Attanasio, Orazio, “The Rights of Ethnic Minorities: The Emerging Mosaic”, 66 Notre Dame Law Review (1991), 1210, cited in Tibor Varady, “Collective Minority Rights and Problems in Their Legal Protection: The Example of Yugoslavia” 6 (3) East European Politics and Societies (1992), 277.

⁴² Charter on the Rights of Serbs and Other Nationalities in the Republic of Croatia, Official Gazette 31/1991.

of Serbs in Eastern Slavonia to be represented in local self-government, the right to have Serb sub-prefects in both counties of Eastern Slavonia and proportional representation in local health, police and judiciary, and the right to appoint deputy ministers in the Ministry of Public Works, Reconstruction and Construction, Ministry of Interior, Ministry of Justice, and Ministry of Education.” It also asserted that after the 2001 census, proportional representation would be guaranteed to the Serbs and other national minorities in the parliament.”⁴³ The Agreement furthermore provided for the establishment of a Joint Council of Municipalities (JCM) with the main purpose of coordinating the interests of Serbian communities in Eastern Slavonia. Members of the Serb ethnic communities in Eastern Slavonia, which was at the time under the United Nations Transitional Administration in Eastern Slavonia - the Baranja and Western Sirmium (UNTAES)⁴⁴ administration, were entitled to appoint a JCM, whose members sustained regular meetings with highly ranked politicians and reported their needs and requirements.

In late September 1995, as a consequence of the military operations that reincorporated parts of the occupied territory, parliament ‘temporarily’ suspended certain provisions of the Constitutional Law relating to the Serb minority, while general provisions and particular provisions relating to the political participation of smaller minority communities remained in force.⁴⁵ The Government justified this suspension through the claim that population migration resulted in the extinction of Serb majority districts.

Nevertheless, hostile attitudes towards (other) minorities in the 1990s can also be connected to the fact that changes to the Constitution in 1997 erased Albanian, Bosnian and Slovene ethnic groups from the list of autochthonous national minorities in the Constitution’s preamble.⁴⁶ This caused great dissatisfaction among citizens of those ethnic origins. The Venice Commission, which examined this measure, stated in its report that “it became clear later, when the electoral law was adopted, that this amendment had negative effects on the representation of the minority groups whose mention in the Preamble was deleted.”⁴⁷ Political leaders of the three minority communities protested that they were deprived of the status of the autochthonous minorities, even though they constituted numerous minority communities in Croatia. Currently, the preamble of the Constitution reads: “the Republic of Croatia is established as the national state of the Croatian nation and the state of the members of autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians and Ruthenians and the others who are citizens, and who are guaranteed equality with citizens of Croatian nationality and the realization of national rights in accordance with the democratic norms of the United Nations Organization and the countries of the free world.”⁴⁸

The change of government in 2000 brought a socialist-liberal coalition into power and enhanced democratic consolidation, introducing a culture of multi-

⁴³ OSCE Mission to Croatia, *Background Report on Constitutional Law on National Minorities*. August 20, 2002, at <http://www.osce.org/croatia>.

⁴⁴ UNTAES was set up on 15 January 1996 and its mandate finished in 1998.

⁴⁵ Constitutional Law on Temporary Suspension of the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities, Official Gazette 68/1995.

⁴⁶ The Constitutional Law on Amendments to the Constitution mentioned following national minorities: “Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians and others”, The Constitutional Law on Amendments to the Constitution, Official Gazette 135/97.

⁴⁷ Venice Commission’s Opinion on the Croatian Constitutional Law of amending the Constitutional Law of 1991, 20 June 2000.

⁴⁸ The consolidated text of the Constitution, Official Gazette 41/01.

ethnic respect. In a time frame of one decade, publicly demonstrated resentment towards minorities changed the perception of minorities to that of “a bridge in the region that enriches social life in Croatia.”⁴⁹ The same government undertook the task of amending legislative framework for minority protection.

The Council of Europe’s Parliamentary Assembly had already adopted a resolution in April 1999,⁵⁰ calling on the Government to “adopt a Constitutional Law revising the suspended provisions of the 1991 Law in compliance with the recommendations made by the Venice Commission and taking into account new realities, by the end of October 1999 at the latest.”⁵¹ On 11 May 2000 the Parliament amended the former Constitutional Law, re-introducing some suspended provisions relating to proportional representation of the Serb minority, but annulling the vast majority of clauses relating to Serb minority self-government. Since existing minority legislation failed to include numerous elements recommended by the Council of Europe’s Venice Commission, the Račan Government proceeded in the preparation of a new draft Constitutional Law. After long discussions in Parliament, and the refusal of the majority of the clubs of deputies to allow an expedited voting procedure, the Parliament decided to proceed with the adoption of the draft constitutional law through the regular procedure of two readings in July 2002. On 31 July 2002 the draft Constitutional Law was supported in the first reading and the long expected Constitutional Law on the Rights of National Minorities (CLNM) was finally discussed and voted on in the second reading on 13 December 2002.⁵² Provisions of the CLNM increased the total number of minority representatives in the parliament from five to eight. The CLNM also foresaw the political participation of minorities at the local level. In addition, members of national minorities gained the right to elect their representatives and the councils of national minorities, to the end of participation in public life and the management of local affairs in self-government units.⁵³ The CLNM provided a definition of ‘national minority’ as well. According to the CLNM, “a national minority is a group of Croatian citizens whose members have traditionally lived on the territory of the Republic of Croatia, have ethnic, linguistic, cultural and/or religious characteristics different from those of other citizens and are led by the wish to preserve these characteristics.”

1.3.2. Discriminatory Practices towards Minorities

Amongst the Serbian part of population, prejudicial treatment that had begun in 1990 and 1991, such as the purge of Serbs from the governmental administration, police forces and public media, along with strong lingering memories of Ustaša state atrocities had been increasing their concern for personal security and threatened the legitimacy of the newly proclaimed state. Needless to say, these bigoted practices incited resentment towards the new government, despite its commitment to minority protection which was embodied in the legislation. The Serb minority leaders mythologized historical accounts of their ethnic group and began to assert separatist claims.⁵⁴

⁴⁹ Croatian Foreign Minister Tonino Picula at the international conference on “Minority Integration in Southeast Europe and the Baltic States”, on July 2, 2003.

⁵⁰ Resolution 1185 (1999) Honouring of obligations and commitments by Croatia, April 1999, paragraph 9.iv.

⁵¹ Background Report on Constitutional Law on National Minorities of the OSCE’s Mission to Croatia, August 20 2002

⁵² Constitutional Law on the Rights of National Minorities in the Republic of Croatia, Official Gazette 155/2002.

⁵³ Article 23 of the CLNM.

⁵⁴ For a profound study on separatism see Meta Spencer (ed.) *Separatism. Democracy and Disintegration* (Rowman&Littlefield Publishers Inc., Lanham/Boudler/New York/Oxford,

Even before the occupation of Krajina by the Serbs began, the Croatian government started to evict people living in housing formerly owned by the Yugoslav army. In 1992, the Croatian Defence Ministry had assumed the right of ownership of all property belonging to the (Yugoslav Peoples Army, JNA), including apartments and homes owned by the JNA which housed its personnel and their families. Over the next few years, the Defence Ministry continuously issued eviction notices to those who were granted tenancy rights to JNA-owned property. Those evicted were not always granted the opportunity to appeal to an independent entity, such as a civil court. When the court did rule in favour of the evictee, the Defence Ministry did not always abide by the court's ruling, and often forced people from their homes anyway.⁵⁵

The trials of alleged war criminals in Croatia had already been initiated by the early 1990s and greatly lacked in due process. Despite the passing of a law that would grant amnesty to those who fought on behalf of the Serbian, local and municipal courts prosecuted persons accused of organizing the Serbian rebellion in Croatia. Most trials were conducted in absentia, and those who were physically present for their trials were not always allowed to call witnesses for their defence, and may have been mistreated while in police custody. At the same time, the Defence Ministry did little to discipline members of the military police, who were responsible for the most abuses in Croatia during the preceding years; in fact, Croat perpetrators in general were hardly ever prosecuted during these proceedings.⁵⁶

On 31 August 1995 a governmental decree "temporarily" revoked the property rights of most Serbs who had fled the Krajina region and placed this property under the control of the Croatian government. The government then allotted the property to Croats who had been displaced or expelled by rebel Serbian forces starting in 1991.⁵⁷

The termination of the right to occupy socially-owned property, the so-called "tenancy rights", as well as the seizure of property rights of Krajina Serbs prevented the return of Serbs who had left in the 1990s. Until the mid-1990s the tenancy right had been a real property right, comparable to private ownership in most respects. The state could terminate the right in certain limited circumstances, including when the occupant was absent from the apartment for more than six months without a justifiable reason.

Members of the Serb minority wishing to return to their pre-war housing were hindered by bureaucratic processes, and faced obstacles in addressing administration at the local level and repossessing their property. Returnees faced difficulties in reclaiming their right to housing since refugees of Croatian ethnic origin from neighbouring countries had occupied the majority of this property. Another obstacle returnees often faced was a lack of consistent procedure in the granting of citizenship. As a consequence, ethnic Serbs were often deprived of their right to vote because they could not verify their citizenship. The local public officials in the territories to which Serbs wished to return, whom returnees addressed when attempting to reclaim their rights, often exhibited ethnic discrimination. Additional impediments to their successful return included a lack of employment opportunities in the economically weak Krajina region where the ethnic Serbs had traditionally lived.⁵⁸

1998). See also Daniele Petrosino, "Secession and Accommodation in Multiethnic Societies" in Stephano Bianchini and George Schöpflin (eds.), *State Building in the Balkans: Dilemmas on the Eve of the 21st Century* (Longo Editore Ravenna, Ravenna, 1998), 99-123.

⁵⁵ Human Rights Watch, Report 1994.

⁵⁶ *Ibid.*

⁵⁷ Human Rights Watch, Report 1995.

⁵⁸ Human Rights Watch, Report 2003.

The first regionally brokered political agreement was achieved by a declaration on the return of refugees in South Eastern Europe, which was brokered by ministers responsible for refugee issues from Croatia, Bosnia and Herzegovina, and Serbia and Montenegro. It was signed in Sarajevo on 31 January 2005. The three countries undertook a commitment to promote adequate conditions to enable the return of refugees to the region and to support refugees who chose to stay in their host countries. In order to address the return issue, the Croatian government issued a 'Road Map' document that included a series of activities for state officials in order to resolve all refugee issues by the end of 2006. However, no significant improvements can be seen in refugee return in all three countries and the agreed target date of December 2006 for the return of all refugees has proven to be unrealistic.

Apart from discriminatory treatment of the Serb minority, members of the Roma minority have faced discrimination in the acquisition of citizenship in independent Croatia as well. Some of the prerequisites for citizenship include that applicants demonstrate five years of permanent residence in the country and excellent Croatian language skills, which Roma by rule lack.⁵⁹ Roma are also discriminated against in other fields of public life and social care. Members of this minority face discrimination in obtaining access to housing and employment, while on several occasions Roma children were segregated into separate and educationally inferior Roma-only classes.⁶⁰

1.4. Issues and Methods of Ethno-Mobilization

1.4.1. Economic and Political Changes in the Beginning of 1990s

Only a minority of scholars argue that that "the conflict is not a result of historic animosities and it is not a return to the pre-communist past; it is a result of the politics of transforming a socialist society to a market economy and democracy".⁶¹ The majority of scholars agree that economic criteria constituted just a part of the jigsaw-problem that provoked the dissolution of the country and caused an escalation of nationalism.

Similar to the latter assertion, the position of the Scholars' Initiative is that the following factors may possibly have influenced the break-up of SFRY: (1) economic decay, (2) the political illegitimacy of the communist system, (3) structural factors (in particular, the dysfunctional federal system), (4) differing levels of pluralistic political culture across Yugoslavia's constituent federal units, and (5) the failure to develop a common historical narrative.⁶² Woodward also suggests that the "unfavourable international situation where former Yugoslavia was of no importance" should be taken into account.

In the 1980s the Yugoslav government was faced with a serious economic crisis that included rising unemployment, prices, and national debt. Due to foreign debts, inflation rose to 2500% by the second half of the 1980s, 14% of the population was unemployed, and incomes and pensions were constantly decreasing. In 1983 the Federal Assembly passed a number of critical measures including the

⁵⁹ Law on Croatian Citizenship, Official Gazette 53/1991 and 28/1992.

⁶⁰ Human Rights Watch, Report 2003.

⁶¹ Susan L. Woodward, *Balkan Tragedy Chaos and Dissolution after the Cold War* (Brookings Institution Press, 1995).

⁶² The Scholars' Initiative, Team 9, "The Dissolution of Yugoslavia: Competing Narratives of Resentment & Blame", at <<http://www.cla.purdue.edu/history/facstaff/Ingrao/si/scholarsprospectus.htm>>

Long-Term Economic Stabilization Program that temporarily restricted spending and controlled inflation. At that time most politicians and economic experts approved the introduction of a market economy, which they deemed necessary to increase economic growth. But in reality it was not so easy to introduce a market economy, as the role of the YLC would soon deteriorate and government agencies would soon lose their control of economic affairs. Therefore, necessary market reforms were delayed due to strong institutional resistance, ignoring the need for fundamental economic reorganization. Beginning in 1987, industrial strikes of increasing magnitude became commonplace. In the following two years government policy wavered between hard-line measures (such as threats to use the army to disperse strikes) and accommodation (such as the replacement of unpopular party and state figures in Montenegro). Strikes contributed to the 1988 fall of Prime Minister Branko Mikulić and continued to threaten the successor government of Ante Marković, which took power in 1989.

The attempted economic reforms of the last Yugoslav Prime Minister Marković were a step that might have pulled the country back from the brink. The Scholars' Initiative report considers, however, that "[s]uch economic reforms could be considered to be economically sound steps, but they were not sufficient to solve the increasingly complex problems which the country faced. But Marković's vision may be beside the point, since, by the time he became prime minister, republican governments were in place which were determined, for various reasons of their own, to undermine any effort coming from the Federal Executive Council."⁶³

1.4.2. Instruments Used for Ethno-Mobilization

Apart from attempts at economic reform in the 1980s, the times also brought forward many proposals for political reform. Suggestions included abolishing all political parties and instead running the system through citizens' associations, holding multiple-candidate elections within the party, and introducing a full-fledged multi-party system, which would have meant electoral competition for the YLC. In 1984 the Serbian League of Communists officially demanded that the autonomy of Kosovo and Vojvodina be repealed. They also called for reinforced federal government power, liberalized control of economic enterprises, and the democratization of the electoral system. The main result of this proposal was angry dissent in Kosovo and Vojvodina. A 1986 Memorandum by the Serbian Academy of Sciences and Arts (SANU) attacked the 1974 Constitution as it had deprived Serbs, especially those living in other republics and provinces, of their rights. In order to rectify historical injustice, the SANU Memorandum advocated greater centralization of the SFRY. The Memorandum tackled the national question in Croatia as well, attempting to align SANU with the Serbian population in the country. Firstly, it highlighted the fall in the number of Serbs in Croatia, claiming that "[o]ver 33 peacetime years the number of Serbs in Croatia has declined" and that regions traditionally inhabited by the Serbs "have remained the most underdeveloped regions of Croatia and this has greatly encouraged the emigration of Serbs to Serbia and migrations to other parts of Croatia where the Serbs, being newcomers, are a minority and socially inferior group, greatly exposed to assimilation." In addition, the Memorandum stated that "[w]ith the exception of the Independent State of Croatia from 1941- 45, Serbs in Croatia have never been as persecuted in the past as they are now. The solution to their national position must be considered an urgent political question. In so much as a solution cannot be

⁶³ *Ibid.*

found, the results could be disastrous, not just in relation to Croatia, but to all of Yugoslavia.”⁶⁴

Constitutional amendments proposed in 1987 sought to reduce the obstructive influence of a decentralized government. The federal planning system was to be strengthened and the relationships of the republics and provinces to the federal government redefined. Clearly, the main impetus behind the amendments was the Serbian drive to regain control over its provinces. The amendments were approved by the Federal Assembly and predominantly served the interests of Serbia, providing a space to officially endorse its control over the semi-autonomous provinces of Kosovo and Vojvodina.

The influence of the moderate wing of the Croatian League of Communists was felt in the Serbian-Slovene polemics of the 1980s, when Croats often attempted to act as mediators and avoid reviving the ancient Serb-Croat nationalist antagonism within their republic. Because 30% of the members of the Croatian League of Communists in 1989 were Serbian, a substantial difference of opinion arose by the end of the decade as to Croatia's proper position toward the issues in the Serb-Slovene dispute. The 1989 election of the moderate Ante Markovic, a Croat, as a reform prime minister, tempered Croatia's positions on some federal issues. Beginning in 1988, however, both official and unofficial Croatian sources were highly critical of the policies of Slobodan Milošević, particularly his manipulation of party politics in Vojvodina and the staging of demonstrations in the Croatian province of Knin, a Serbian enclave. The Serbian minority issue guaranteed further conflict when Vojvodina proposed the creation of four autonomous provinces in Croatia, all with large Serbian populations. A number of issues, such as the Croatia-supported Slovenian trade embargo against Serbia in the early 1990, caused heated arguments with Serbia, and between pro- and anti-Serbian factions of the Croatian League of Communists.

The Constitution of independent Croatia redefined the republic as a nation-state of Croats, with Serbs, who used to be a constituent nation in accordance with the 1974 Constitution, as an ethnic minority. The preamble of the 1990 Constitution reads that Croatia was “established as the national state of the Croatian people and a state of members of other nations and minorities who are its citizens: Serbs, Muslims, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews and others, who are guaranteed equality with citizens of Croatian nationality and the realization of ethnic rights[...].” For the Serbs in Croatia, the Constitution that ranked their ethnic group as a national minority was unacceptable, or at least unsatisfactory. The Serbs found the basis for this position in the fact that the 1974 Constitution treated them as the one of the constituent nationalities in Croatia, i.e. Croatia was established as a “national state of the Croatian people, the Serb people in Croatia and of the other nationalities living thereof.” The language in the new Constitution relegated Croat Serbians to a minority status rather than as one of the republic's constituent nations. For the Serbs in Croatia, whose collective historical memory had been colored by the Ustaša atrocities committed against their ethnic group in World War II, this not only implied that they would be deprived of their constituent status, but also that they might be discriminated against in the new nation state. Even though legislative mechanisms were called for, preexisting Serbian nationalism that clashed with the equally present and ever more visible Croat nationalism in 1990, prevented the peaceful accommodation of the Serb minority and a mutually satisfactory solution. The abrupt change of state symbols (e.g. flag, the coat of arms that resembled that of the Independent State of Croatia, street names, and the names of public institutions, the introduction of

⁶⁴ Serbian Academy of Arts and Sciences (SANU), Memorandum 1986, translated at <<http://www.haverford.edu/relg/sells/reports/memorandumSANU.htm>>

new, “Croaticised” vocabulary etc.) contributed to unease among the Croatian Serbs.

In 1990 the first multi-party elections took place. The Croatian Democratic Union (Hrvatska Demokratska Zajednica, HDZ) headed by former JNA general and historian Franjo Tuđman won the majority of seats in parliament. Even though a quite substantial number of voters supported more moderate political options (the reformed Communists and the Coalition of People’s Accord, and a bloc of mostly moderate nationalist parties, together won 50% of the votes), the unjust electoral system enabled the establishment of a single-party government. However, it cannot be denied that the majority of people welcomed the fall of Communism and greeted the establishment of a new government with a romantic hopefulness. Celebrating the change of regime, numerous mass gatherings were organized throughout the country, where the newly agreed upon national symbols (tremendously similar to Ustaša symbols) were widely displayed.

As stated above, the fact that Franjo Tuđman and the HDZ won the election surely contributed to a rise of fear within the Serb community. Recalling the historical narrative in which the Serbs were victims of the nationalistic Ustaša World War II regime, these fears were hardly dispelled the benevolent tolerance of the newly established political elite or the open use of Ustaša symbols and corresponding terminology. The Serbian position of the time can be explained with this claim: “When Tuđman’s government declared independence from the Yugoslav federation in 1991, most Serbs saw 1941 all over again. This - and not some imaginary “aggression” from Serbia - was the root of their “rebellion,” and the genesis of the Krajina Republic.”⁶⁵

Franjo Tuđman was a partisan during the World War II, and in the first years following the war he worked as a colonel heading the personnel apparatus of the JNA. The youngest general in the JNA, he left in 1960s. His later work as a historian did not please the advocates of a Communist system of order. Because of his work he was subjected to temporary imprisonment and afterwards to social isolation.

Croatian president Franjo Tuđman officially pursued a policy of reconciliation between the different ideologies within the Croatian nation. To this end, he advocated that all Croatian victims of the Second World War should be approached with the same respect, and that the sons of Partisans, Ustaše, and Domobrani should all reconcile in the newly sovereign and independent Croatia. Being a historian as well as the president, Tuđman allowed himself to take rigid nationalistic positions in public. For example, he stated that the Independent State of Croatia had not only been a “fascist crime, but also an expression of the historic aspirations of the Croatian people for an independent state.”⁶⁶ Another chauvinistic declaration from the time by the President Tuđman was the one in which he proudly stated that he was married neither to a Serb, nor to a Jew.

The inappropriateness of such remarks made historian Ivo Goldstein rightly conclude: “Many members of the new government were drunk with success and behaved as if they had forgotten, or perhaps only underestimated, the fact that Croatia was still in Yugoslavia with over half a million Serbian citizens who relied on Yugoslavia and were being increasingly manipulated from Serbia.”⁶⁷ Some other highly ranked politicians of the Croatian Democratic Union were also using hate speech in the beginning of the 1990s, particularly in pre-electoral campaigns. For example, Vladimir Šeks, still a high-ranked HDZ politician and speaker of the parliament, spoke of the “evil Jews”, while an ultra-radical former minister, who is

⁶⁵ Nebojsa Malic, “Krajina: Remembering the Storm. Anniversary of a Victorious Crime”, Global Research, August 7, 2005, at <http://www.globalresearch.ca/>.

⁶⁶ Quoted in Večernji List, 25 February 1990, 5.

⁶⁷ Ivo Goldstein, 381-382.

currently non-active, Šime Đodan proclaimed that “Serbs and Jews are conducting a campaign against Croatia abroad.”⁶⁸ Other pro-fascist attitudes in the early democratization period that were either tolerated or pursued by the government are described by Goldstein: “A large number of Partisan war memorials placed by the Communist authorities were demolished and there was a new emphasis on Croatian national symbols. Streets named after notable Serbs or Serbian towns were quickly given new names with a Croatian symbolism. The Victims of Fascism Square in Zagreb became the Square of Great Croats.”⁶⁹

In August 1991, a serious inter-ethnic incident was orchestrated with an aim to discredit the Croatian political establishment, openly linking it with the collaborationist past. The Jewish Community building and Jewish cemetery in Zagreb were blown up. It was discovered that those incidents were undercover operations orchestrated by the ex-Yugoslav secret service and the act was publicly condemned by all actors.

Tuđman attempted to resolve the problem of Croatia’s Ustaša reputation by assiduously pursuing diplomatic relations with Israel, but this was only accomplished with the change of government in 2000. As a historian, Tuđman is quite controversial. Particularly disturbing were his writing about Jews in his book ‘The Wasteland of Historic Reality’. There he portrayed Jews imprisoned during World War II in the Jasenovac concentration camp as assistants to the Ustaša soldiers, in charge of “selecting prisoners for execution and, sometimes, even carried out those executions themselves.” In another chapter, he writes that “there is a small historic step from Nazi Fascism to Judeo-Nazism,” referring to the Israeli-Palestinian conflict.

It is not surprising that Serb leaders claimed that the denial of constituent people status for their ethnic group would endanger their well being in a country with a leadership they considered nationalistic. At the same time, Milošević’s policy in Belgrade was backing their claims, hoping to unite a Serbian nation. In addition, a political organization of Croatian Serbs was being orchestrated from Belgrade. The rise of Milan Babić, leader of the Krajina Serbs who managed to succeed Jovan Rašković through undemocratic means, was “directly connected to the defeat of the original, ‘legitimate’ section of SDS in Croatia.”⁷⁰ His pro-secessionist politics were backed by Belgrade, which was not willing to tolerate the more moderate politics of Serb representatives from Slavonia, Baranja, Banija, Kordun, Rijeka, and Istria who were looking to take the lead via negotiation. Conversely, Belgrade supported the Serb representatives of Dalmatia and Lika, and their leader Babić, who “were staunchly against all dialogue with the Croatian authorities.”⁷¹

The Serb nationalists of the time manipulated the idea presented back in 1847 in Ilija Garašanin’s pamphlet “Načertanije” that promoted Serb national unification and the creation of the Greater Serbia, which would consist of Serbs of the Austro-Hungarian and Ottoman empires.⁷² The 1986 Memorandum of the Serbian Academy of Sciences and Arts (SANU) is another document that was widely exploited either to raise Serb nationalistic sentiments at the end of the 1980s or to underscore them in relation to other ethnic groups. The Memorandum intensified the Serb historical interpretation claiming that the Serbs were being

⁶⁸ Laslo Sekelj, “Antisemitism and Jewish Identity in Serbia After the 1991 Collapse of the Yugoslav State”, at <http://sicsa.huji.ac.il/12sekelx.html>.

⁶⁹ Ivo Goldstein, 382.

⁷⁰ Milos Vasic, *The Destiny of Serbian Krajina: Babic's Swan Song*, Vreme News Digest Agency No 20, February 10, 1992.

⁷¹ *Ibid.*

⁷² Tim Judah, *The Serbs: History, Myth and the Destruction of Yugoslavia*, New Haven and London: Yale University Press, 1997, 56.

degraded, and that as they constituted the biggest ethnic group in the federation, a more centralistic organization of the SFRY was called for. The Croats perceived this as a call for a creation of the Greater Serbia, and one Croatian source explains it as “a plan for the political union of Serbs in Serbia and those outside the Serbian border, and for the abolition of autonomy in Vojvodina and Kosovo” or as “a device for the destruction of Yugoslavia, promoting, as it did, the idea of the total national and cultural integration of the Serbian people”, regardless of where they lived. It envisaged all Serbs in one state, whether it was called Greater Serbia or Yugoslavia.”⁷³

The conflict between the historical narratives of the two biggest ethnic groups constituted a seed for the nationalistic aspirations of political leaders. Whereas, as state above, the historical narrative backed by majority of Serbs “emphasized both their suffering at the hands of others and their sacrifices in sustaining the dream of a united Yugoslavia,”⁷⁴ the dominant Croatian historical narrative identified the Croatian nation as the one that had been unfairly subordinated to the Serbs - from 1918 in the Kingdom and after 1945 by a Communist regime directed from Belgrade. The different narratives also reflected differing understandings of the break-up of SFRY: while it was acknowledged by Croats, Serbs claimed the dissolution should not even be recognized.

The two historical narratives were exploited by the Serbian regime led by Slobodan Milošević, who had succeeded in consolidating political power at the expense of the communist formula of “brotherhood and unity”, by pulling certain political strings in Croatia, and through the country’s diaspora, which fuelled a resurgence of Ustaša nationalism. A substantial portion of HDZ supporters were Ustaša émigrés and their descendants. They hoped that the electoral victory of this political party would mean amnesty in Croatia and make their return to their homeland possible. In addition, only an independent and sovereign Croatia fit their historical model, as the nationalistic sentiments in connection Independent State of Croatia from WWII were much stronger among emigrant Croats. Gathered around the Croatian Catholic priests in Catholic communities in exile, they were able to publicly foster a national sentiment, something that had been banned in the motherland. It is, therefore, believed by several historians that the diaspora’s role was predominant in forming the Croatian claim of independence, as the majority of population within the country itself favoured the confederalist idea in 1990.⁷⁵

Similarly, General Martin Špegelj, the first Croatian minister of defence, argues that the Ustašism in Croatia has “been brought from outside, by the return of extreme emigrants in Croatia. They were not high or lower ranking officers of former NDH, but those who thought that heritage of Ustašism will be good ground for creation of new power in Croatia, and that they would obtain personal profit. Indeed, they won power and personal profits; however, their presence in politics has caused shaking of power and big problems even nowadays. That fact, alongside with undermining of Serb’s houses in Spring 1991, made worse damage to the Croatia’s defence than whole JNA aggression. We have suffered consequences ever since and witness different sorts of neo-fascism emergence.”⁷⁶

1.4.3. Chauvinistic Media in the 1990s

Whereas the end of the 1980s witnessed the rise of free media, in the 1990s the government had almost no support for non-apologetic media, while, at the same

⁷³ Gorazd Nikic (ed.), *op.cit.* pp 18.

⁷⁴ Sabrina Ramet, *Nationalism and Federalism in Yugoslavia, 1962-1991*, Bloomington: Indianapolis, 1992.

⁷⁵ Comapre for example Ivo Goldstein, 382.

⁷⁶ Martin Špegelj , *Sjećanje vojnika* (Memories of a Solider), Zagreb: Znanje, 2001, 55-56.

time, a rather passive public opinion tolerated the almost non-existent freedom of speech throughout the 1990s. At the beginning of the 1990s, the press began to address previously taboo subjects, some even attempting to rehabilitate the NDH, or at least to improve its historic image. The openly chauvinist weekly “Slobodni tjednik” used hate speech, usually directed toward the ethnic Serb minority. The state-owned media were not as openly prejudicial towards the Serb minority, but the partial and censored reporting on war crimes committed by Croats makes them responsible for the creation of a hostile attitude towards the entire Serb population in Croatia. One thing is certain - the media did not contribute to the pacification of ethnic groups in the 1990s. In addition, members of national minorities, particularly the Serbs, were dismissed from their positions at the Croatian Radio and TV stations.

The most blatant violations of the free press might be followed in the case of “Feral Tribune”, an independent political weekly and Radio 101. Because they dared to consistently criticize the state, state authorities attempted to shut down both of these media outlets. They had openly condemned the Croatian army’s involvement in the war in Bosnia and Herzegovina, reported on war crimes perpetrated by Croatian soldiers, and condemned nationalistic the appearance of the ruling party.

In 1993 as revenge, the Ministry of Culture and Education annulled the tax exempt status of the Feral Tribune despite the fact that such exemptions were normally granted to the media as a form of public subsidy. By enforcing the 50% tax on profits, it was, in other words, being charged a pornography tax.⁷⁷ Editors of the paper were on several occasions accused of slandering the president and other high ranked HDZ politicians under the provision of Criminal law that protected state dignitaries from public criticism.

Another disobedient independent media outlet was Radio 101, which was the first electronic media in the country to ridicule HDZ politics and the way Franjo Tuđman ruled. On 20 November 1996, the Croatian Telecommunications Council refused a licence to Radio 101. The Council cited “financial reasons” for the refusal; however, Ivic Pašalić, advisor to President Franjo Tuđman at the time, added that “Radio 101 was too political.” Thousands of people joined the demonstrations organized that day, publicly showing their disagreement with these policies.

Compared to oppressive media practices in the 1990s, the new decade has brought a substantial change in the legislative setting, as well as to the scope of freedoms to which journalists are entitled. The national broadcaster, the Croatian Radio and Television (HRT), has generally freed itself of political bias.⁷⁸ In 2003, the Croatian Parliament passed a set of media laws: the Law on Croatian Radio and Television, the Law on Electronic Media, the Law on Media, Law on Telecommunications and the Law on Access to Information.⁷⁹

⁷⁷ Human Rights Watch, Report 1994.

⁷⁸ Croatian Helsinki Committee for Human Rights (2003), Elections and the Media - Croatia 2003, Zagreb: Croatian Helsinki Committee for Human Rights.

⁷⁹ Law on Croatian Radio and Television, Official Gazette 25/03, Law on Electronic Media, Official Gazette 122/03, Law on Media, Official Gazette 59/04, Law on Telecommunications, Official Gazette 122/03, Law on Access to Information, Official Gazette 172/03.

2. Violence

2.1. Breakaway Entity within Croatia: the Republika Krajina

Territorial autonomy was prescribed in the 1990 Constitutional Law as a solution to the ‘Serb issue’ in Croatia, but for radical Serb forces autonomy within an independent Croatia state was consistently regarded as completely unacceptable.⁸⁰ The Serb unruffled rebellion had already begun in August 1990, and escalated in the months following the independence proclamation. The Serb minority in the country was backed by the federal military, the JNA established the breakaway state of Republika Srpska Krajina (hereinafter RSK) in Baranja and Eastern Slavonia, Krajina, and a Serb populated territory in Western Slavonia. The centre of the RSK was in surroundings of the south-western city of Knin, an economically underdeveloped part of Croatia.

In Krajina, the Serbs had historically constituted a majority since the formation of the Military Frontier. In the region of Baranja and Eastern and Western Slavonia, Serbs were not a numerical majority, but they managed to gain dominance over that territory as well due to support from the JNA and combatant volunteers from neighbouring Serbia in 1991. The Serb rebels and the JNA pursued a policy of ethnic cleansing. Milošević was accused of having attempted to remove the “majority of the Croat and other non-Serb population from approximately one-third of the territory of the Republic of Croatia that he planned to become part of a new Serb-dominated state...”⁸¹

Artillery attacks and shelling in Croatia’s occupied territories and also from Serbia, Bosnia and Herzegovina, and Montenegro had destroyed Croatian cities along the battle line. Until December 1992, JNA and the Serb paramilitary controlled 17,000 km², or 30% of the Croatian territory. Baranja, parts of Slavonia and Sirmium along the Danube river, Western Slavonia, Banovina, Kordun, greater parts of Lika, the rear part of the North Dalmatian coast, and the Dubrovnik Riviera were controlled by the JNA and Serb insurgents.⁸² “As late as 1993-94, the pre-war ethnic Croat population had fallen from 50% to 4% in Eastern Slavonia, from 20- 30% to 2% in the Banija and Kordun, and from 20-25% to 5% in the Lika region; overall, the number of Croats living within the RSK had fallen from 353,595 to 18,200.”⁸³ During the occupation, insurgent Serbian forces continued to deny water and energy to the civilian population in Croatian government-controlled areas.

The rebellion of the Serbs from Krajina that started in the summer of 1990 intensified at the beginning of 1991. Violent clashes between Croatian Serbs and Croatian police forces began in spring 1991. Larger conflicts occurred only after the country’s declaration of independence on 25 June 1991.

In March 1991, the conflict intensified when Serb police forces attempted to consolidate power over areas with significant Serb populations. The Serb police took control of a police station in Pakrac and battles erupted as the Croatian government attempted to re-establish its authority in the area. At Plitvice, Serbs attacked a bus carrying Croatian policemen, and another battle ensued. The JNA

⁸⁰ The Scholars’ Initiative, “Ethnic Cleansing and War Crimes, 1991-1995”, at <<http://www.cla.purdue.edu/history/facstaff/Ingrao/si/scholarsprospectus.htm>>. On the formation and functioning of the Republika Srpska Krajina see Nikica Barić, *Srpska pobuna u Hrvatskoj 1990.-1995* (Golden marketing - Tehnička knjiga, Zagreb, 2005).

⁸¹ Second Amended Indictment (Croatia), Case No. IT-02-54, July 28, 2004, para. 6.

⁸² Ozren Žunec, *op.cit.*

⁸³ The Scholars’ Initiative, “Ethnic Cleansing and War Crimes, 1991-1995”, at <<http://www.cla.purdue.edu/history/facstaff/Ingrao/si/scholarsprospectus.htm>>

deployed troops in the area and issued an ultimatum to the Croatian police to withdraw from Plitvice.

In the Knin area, JNA forces began to openly assist Serb police forces. They jointly participated in an attack on the Croatian village of Kijevo in August 1991. Throughout August and September 1991, substantial areas of Croatia came under Serb control as a result of actions by Serb military, volunteer and police forces, all with the full support of the JNA.

In the Serb-occupied regions of Northern Dalmatia, Lika, Kordun, Banija, Western Slavonia, and Baranja, the Croatian and other non-Serb population was systematically driven out and the areas were incorporated into various "Serbian Autonomous Districts". The JNA remained positioned in the areas where the Serb insurgents had taken control, thereby securing their gains.

In August 1991, the JNA undertook operations against towns in Eastern Slavonia, resulting in their occupation by the JNA and other Serb forces. The Croat and other non-Serb populations of these areas were forcibly expelled. In late August, the JNA laid siege to the city of Vukovar. By mid-October 1991, all predominately Croat towns in Eastern Slavonia had been taken by Serb forces except Vukovar. Non-Serbs were subjected to a brutal occupation regime consisting of persecution, murder, torture, and other acts of violence. Almost all of the non-Serb population was eventually killed or forced from these occupied areas.

The siege of Vukovar continued until 18 November 1991 when the city finally fell to Serb forces. During the course of the three-month siege, the city was largely destroyed by JNA shelling and hundreds of people were killed. When the JNA/Serb forces occupied the city, hundreds more Croats were killed by Serb troops. The non-Serb population of the city was expelled within days of its fall to Serb control.

The establishment of the RSK blocked the Croatian state's critical needs - it hindered communication with the southern territories, cut water, electricity and oil supplies, produced an exodus of non-Serbs and burdened the state with 250,000 internally displaced persons. Aiming to create an ethnically homogenous area, the Serb rebels evicted and killed the Croats in the occupied territories, particularly in villages that were ethnic pockets within the territory of newly formed RSK.

In the breakaway years, Belgrade financed the RSK budget, also providing administrative and personnel structures that supported the RSK army.⁸⁴ The Serbs in the Krajina region, in Eastern Slavonia, and in Western Slavonia began to receive increasing support from the government of the Republic of Serbia. By August 1991, Serb police and volunteer forces in these regions were being supplied and led by officials of the Republic of Serbia Ministry of Internal Affairs. Milan Babić, the former Krajina president, explained in his testimony at the ICTY that the RSK municipalities had to turn to Serbia for assistance when Croatia stopped providing financial support, and under no circumstances could [the RSK] exist without support from Serbia or Yugoslavia.⁸⁵ Testifying at the same court, Peter Galbraith,

⁸⁴ Human Rights Watch, *Weighing the Evidence Lessons from the Slobodan Milosevic Trial*, Volume 18, No. 10(D), December 2006, 15, at < <http://www.hrw.org/>>

⁸⁵ Testimony of Milan Babić, Trial Transcript, November 18, 2002, 12947-48, see also Testimony of Michael Williams, Trial Transcript, June 24, 2003, 22912-13 ("[T]he situation in the Krajina, the heart of the Serb Republic in Croatia was even - even more dire. There was some elements of subsistence economy, but people essentially got by from UN humanitarian deliveries and from support that was given by Belgrade. This was a very small area with really no prospect whatsoever of surviving as a cohesive, coherent, self-support supporting unity.... that's why I believe the leadership there [...] was more beholden to Belgrade, because it had no other options."), in Human Rights Watch, *op.cit.*

the US Ambassador to Croatia of the time, emphasized that financial support from Serbia facilitated the existence of RSK.⁸⁶

Fighting was the most intense during the initial stage of the war, as UN peacekeeping forces would later serve as a buffer. In Geneva on 23 November 1991, Slobodan Milošević, Federal Secretary of People's Defence Veljko Kadijević, and Franjo Tuđman entered into an agreement signed under the auspices of the United Nations Special Envoy Cyrus Vance. This agreement called for the lifting of blockades by Croatian forces on JNA barracks and for the withdrawal of JNA forces from Croatia. Both sides committed themselves to an immediate cease-fire throughout Croatia by units "under their command, control, or political influence" and further bound themselves to ensure that any paramilitary or irregular units associated with their forces would also observe the cease-fire.

The ceasefire agreement included a proposal for a peacekeeping operation (the so-called Vance plan). Through a UN Security Council Resolution the 15,000-troop United Nations forces (UNPROFOR) mission was established.⁸⁷ The UNPROFOR was charged with observing a ceasefire from 1992 to March 1996. It was deployed in those areas of Croatia where Serbs constituted the majority or a substantial minority of the population, with the aim of preparing a political solution to this conflict. However, UNPROFOR lacked an adequate mandate for enforcement and, in spite of measure agreed upon in the Vance plan, the Croatian population was not returned to the protected zones. Under the Vance Plan, four United Nations Protected Areas (UNPAs) were established in the areas occupied by Serb forces. The Vance Plan called for the withdrawal of the JNA from Croatia and for the return of displaced persons to their homes in the UNPAs.

On 3 January 1992 the Sarajevo Ceasefire Agreement was signed by Franjo Tuđman and Slobodan Milošević. It paved the way for the implementation of the United Nations peace plan put forward by Cyrus Vance. It put to an end to open conflicts between Croatian authorities and the RSK paramilitary formations. This ceasefire allowed for a three and a half year long ceasefire that was eventually threatened by actions of the Croatian Army.

The armed conflict between the Croatian army and troops of the RSK was reawakened in 1993. The Croatian Army started to undertake small-scale military operations on the Miljevac Plateau, Maslenica, and the Peruča dam. In January the Croatian army launched an offensive to recapture a dam, an airport, and a strategic bridge near the city of Zadar (the so-called "Maslenica action"). This action was hardly welcomed by the international community, as it constituted a violation of the Ceasefire Agreement. On 30 June 1993, Peter Galbraith, the US Ambassador to Croatia, warned the government that despite US recognition of Croatia's territorial integrity, the Clinton administration discouraged the forceful reintegration of Croatia's Serbian-occupied territories.⁸⁸

Conflict in the areas of Šibenik and Zadar continued throughout 1993. In September, Croatian Army troops launched a second offensive in the Lika region, (known as Medački džep, or "Medak pocket") where they destroyed eleven Serbian villages and arbitrarily executed at least eighty-eight Serbs, including civilians. Serbian forces responded to the Croatian offensive by attacking the Croatian cities of Sisak, Karlovac and Duga Resa, including the suburbs of the country's capital, Zagreb.

Efforts to open peace negotiations between the Croatian government and the authorities of the Republic of Serbian Krajina (RSK) produced little result. In

⁸⁶ Testimony of Peter Galbraith, Trial Transcript, June 25, 2003, p. 23087., cited in Human Rights Watch, *op.cit.*, 17.

⁸⁷ John B. Allcock, Marko Milivojević and John J. Horton (eds.), *Conflict in the Former Yugoslavia. An Encyclopedia*, ABC-CLIO: Santa Barbara, 1998, 309-311.

⁸⁸ Human Rights Watch, Report 1993, at < <http://www.hrw.org/>>

October 1993, Ambassador Galbraith, along with representatives from the United Nations, European Union, and Russia, attempted to broker peace between the Croatian government and Serbian insurgents, to be known as the “Z4 Plan”. The proposed peace plan granted a high degree of autonomy to Croatia's insurgent Serbs (e.g. own flag, president, police and parliament, along broad cultural autonomy) if they returned oil wells and farmland to Croatian control and allowed Croats expelled from Serbian-held territory to return to their homes. At the same time, Serbia was expected to recognize the independence of Croatia and Bosnia and Herzegovina. The plan was unacceptable to both parties.

2.2. *The Croatian Role in the Bosnia-Herzegovina War*

Similar to the organization of contra-offensives in Croatia, the Croatian authorities maintained very close connections with the representatives of the Croat nation in Bosnia and Herzegovina (BiH). The special obligation laid down in Article 10 of the Constitution of the Republic of Croatia requires that the country look after Croats abroad. The protection of Croatia was predominantly directed towards Croats living in Bosnia and Herzegovina in light of the dangers that they were facing at the time. The indictment against two army commanders of the BiH Croats at the ICTY states, however, that this strong connection is nevertheless not sufficient to establish that the Republic of Croatia exercised overall control over the BiH Croat army, Croatian Council of Defence (HVO). “The Prosecution therefore in this particular case attempts to establish that the Republic of Croatia: i) provided financial and training assistance, military equipment and operational support, as well as; ii) participated in the organisation, co-ordination or planning of military operations.”⁸⁹ Nevertheless, a strong connection with the Croats of Bosnia and Herzegovina might be proved by the fact that BiH Croats could with ease obtain Croatian passports, enjoy Croatian citizenship, and vote in elections in Croatia.

Throughout 1993 and 1994 the international community was continuously pressuring Croatian authorities to withdraw military and financial support from the HVO in their war against the Muslim-dominated Bosnian Army. Officials were, for example, warned that a Croatian presence in BiH and additional support for the HVO would be met with UN sanctions against Croatia. “Numerous United Nations documents condemned the presence of Croatian army (HV) troops in the region. As early as 1992, the United Nations Security Council adopted resolutions demanding that all forms of external interference cease immediately, and that “all forces, in particular elements of the Croatian Army, be withdrawn, or be subject to the authority of the Government of the Republic of Bosnia and Herzegovina, or be disbanded or disarmed”. Similarly, in early 1994, the Secretary General of the United Nations informed the Security Council that the Republic of Croatia was providing support to the HVO and indicated in particular that “[t]he Croatian army (HV) has directly supported the HVO in terms of manpower, equipment and weapons for some time... It is assessed that in total, there is the equivalent of three Croatian Brigades of regular Army personnel in Bosnia and Herzegovina, approximately 3,000 to 5,000.”⁹⁰

By March 1993, the US had brokered an agreement between the Bosnian Croats and Muslims, and the governments of Croatia and Bosnia-Herzegovina had agreed to form a confederation. Thus, the Federation of BiH was created, putting an end to the Bosniak-Croatian fighting of the previous years. The role of the

⁸⁹ Prosecutor v. Mladen Naletilić, aka “Tuta” and Vinko Martinović, aka “Stela”, Case No. IT-98-34-T.

⁹⁰ *Ibid.*

Croatian authorities was critical in reaching the agreement, as Croatian President Tudman at that time openly exerted influence on the BiH Croat leaders. According to the international media, a particular incentive to Tudman and the Croatian authorities was a promise made by US diplomats that a more active role in finding a satisfactory solution to the struggle between the Croatian government and Serbian insurgents in Croatia would be attempted.

2.3. Regaining and Reintegrating: Military Actions in 1995 and the Erdut Agreement

In spite of several counter-attacks by Croatian armed forces, it is perceived by the public that the armed rebellion lasted for four years. However, in spring of 1995 Croatian army forces regained two territories in two military offensives, in Western Slavonia in the spring and later Krajina in the summer.

Operation Flash started on 1 May 1995 when Croatian police and military forces liberated an occupied territory in Western Slavonia. In only 31 hours about 500 square kilometres of territory alongside the Zagreb-Lipovac motorway was regained. The operation ended on the afternoon of 2 May 1995 and was preceded by a terrorist action undertaken by Serb rebels on passengers travelling along the Zagreb-Lipovac motorway.

Following the Croatian government's offensive in Western Slavonia, rebel Serb forces in Krajina launched rocket attacks against the capital city of Zagreb, killing six and wounding 177. Rebel Serbian troops and Serbs displaced as a result of the Croatian Army offensive in Krajina expelled Croats and other non-Serbs from their homes in eastern Slavonia. Bosnian Serb forces also shelled civilian targets in Dubrovnik in April and August 1995.⁹¹

On 4 August 1995, Croatian authorities launched a military offensive known as "Operation Storm" with the objective of retaking the Krajina region. These two military offensives resulted in widespread abuse of Serb civilians (including murder and cruel treatment) as part of an ethnic cleansing operation.⁹² The indictments against Croatian generals accuse both Croatian military and civil authorities of the time of the perpetration of numerous violations of international humanitarian law, including the unlawful killing of at least 150 Krajina Serbs and the disappearance of many hundreds of others. Croatian forces are furthermore accused of looting, harassment, terror, and threatening physical harm to persons and property. The physical evidence proves that army forces plundered public and private property of Krajina Serbs, often acting in vengeance. Such violations took place in the municipalities of Benkovac, Donji Lapac, Drnis, Gospic, Gracac, Knin, Korenica, Obrovac, Sibenik, Sinj, and Zadar. It is estimated that between 4 August 1995 and 15 November 1995, approximately 130,000 of Krajina Serbs fled or were forced to flee to Bosnia Herzegovina and Serbia.⁹³

Ambrosio suggests that the military capabilities of irredentists play a critical role in determining both the overall success of an irredentist project as well as the international community's response.⁹⁴ Lack of the Western outrage following the Croatian military success implied that the atrocities were done with the consent of the West. Indeed, a popular belief exists in Croatia that armed forces were actually

⁹¹ Human Rights Watch, Report 1995, at < <http://www.hrw.org/>>

⁹² See Prosecutor v. Ante Gotovina, Ivan Čermak and Mladen Markač, Case No. IT-06-90, Joinder Indictment, July 21, 2006, paras. 22-37.

⁹³ Ludwig Steindorf, *Povijest Hrvatske: Od srednjeg vijeka do danas* (Naklada Jesenski i Turk i Institut društvenih znanosti Ivo Pilar, Zagreb, 2006), 226.

⁹⁴ Thomas Ambrosio, *op.cit.*

trained for those operations by retired American military officers, working for an agency contracted by the government to teach Croatian army officers democracy and human rights.

The region of Baranja and Eastern Slavonia was peacefully incorporated into the constitutional and juridical system of the Republic of Croatia by signing of the Erdut Agreement. The regions of Baranja and Eastern Slavonia were transferred from Serb control to UN authority in January 1996 and Croatia regained full sovereignty of the region in January 1998.

In more than ten years, in spite of the Dayton Agreement's provisions that provided for the displaced populations to return to their homes, approximately only half have returned. Today, as a result of the massive Serb exodus from Krajina, ethnic composition of the country significantly differs from the 1991 data. Out of almost 4.5 million inhabitants, ethnic Croats represent slightly more than 90% of the total population. The results of the most recent census in 2001 reported 7.47% of population expressed belonging to national minorities, the Serbs constituting 4.5% of the population.

2.4. Prosecuting War Crimes: a Key for Reconciliation?

During the 1991-1995 conflict, massive and blatant human rights violations were perpetrated by Croatian Army soldiers, as well as by Yugoslav National Army soldiers and Serb rebels. Undoubtedly, Croatian civilians were the victims of the war, forced to become refugees or internally displaced persons. However, the vast majority of Croats refuse to accept that the Serbs were also victims of the war, having been subjected to murder, torture including rape, "disappearances", arbitrary detention and forcible expulsions. The continuing impunity for perpetrators of such crimes committed against Croatian Serbs has caused incriminating reports from several international organizations and NGOs. The authorities were compelled to disclose information on the fate and whereabouts of Croatian Serbs who went missing during the 1991-1995 armed conflict and of victims of "disappearances" whose alleged perpetrators were members of the Croatian Army and police forces, and to bring those responsible for the "disappearances" to justice. The country's judicial system was accused of neglecting to address these violations, and the courts were accused of applying ethnic criteria in investigating and prosecuting war crimes and crimes against humanity. In its report issued at the end of 2004, Amnesty International condemned the EU on awarding candidate status to a country that has failed to address the human rights legacy of the war.

Courts have continuously been charged with applying ethnic criteria in investigating and prosecuting war crimes and crimes against humanity, and the Croatian judicial system has overwhelmingly failed to address violations allegedly committed by members of the Croatian Army and police forces. For instance, the number of war crimes trials against ethnic Serbs (eleven) greatly outnumbered trials of ethnic Croats (six) in 2005. Trials of ethnic Serbs also tended to involve a greater number of defendants, making the contrast between the numbers of individuals standing trial from each ethnic group even starker. Another lingering concern is the ability of the Croatian courts to conduct trials in a fair and effective way, given the high number of reversals of first instance judgments by the Croatian Supreme Court.

Only in 2005 did the public prosecutor's office initiate proceedings against the warlord Osijek Branimir Glavaš for crimes committed against Serb civilians. He was the informal military monarch at the beginning of the 1990s in a city in Eastern Slavonia, near the Serbian border. However, the charges came as Glavaš was

expelled from the currently ruling centre-right Croatian Democratic Union (HDZ). The court procedure, generally perceived as a “test of whether Croatia is ready to face up to its own war crimes,”⁹⁵ was ridiculed by Glavaš, who went on a hunger-strike and subsequently brought himself into a state of unconsciousness, thus diminishing his capability to understand the prosecutor’s claim.

Finally, for the war crimes committed in “Operation Storm” three generals of the Croatian Army, Ivan Čermak, Mladen Markač and Ante Gotovina were accused before the ICTY as “acting individually and/or in concert with other members of the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation, or execution of persecutions of the Krajina Serb population in the southern portion of the Krajina region.”⁹⁶ Following the line of command, former Croatian President Franjo Tuđman would very likely be accused of the same crimes, as he was a chief commander of the Croatian Army. Two other generals of the Croatian army, Rahim Ademi and Mirko Norac, are currently being prosecuted for war crimes in front of the Croatian courts, as a part of the ICTY exit strategy.

The notion of “joint criminal enterprise” is quite disputed among Croats, both among civilians and official authorities. If proven, it would justify the accusation of a very broad range of politicians of the time of committing war crimes in the conflict with the Serb minority.

Joint criminal enterprise (JCE) is a theory of liability that was elaborated by the prosecutors and judges of the ICTY, and can be explained in terms such as “common purpose” and “common plan” liability.⁹⁷ Allison Marston Donner explains that such indictment “allows individuals to be convicted of crimes that they did not physically commit. Although JCE has several variants, it essentially requires prosecutors to prove that a group of people had a common plan, design, or purpose to commit a crime; that the defendant participated in some fashion in the common plan; and that the defendant intended the object of the common plan. If the prosecution can prove these elements, the defendant can be convicted of all completed crimes within the scope of the common plan, and all crimes that he did not intend but that were a foreseeable consequence of the common plan.”⁹⁸

⁹⁵ Drago Hedl, “Croatia May Try Wartime Leader for Serb Deaths”, at <<http://www.iwpr.net/>>.

⁹⁶ See Prosecutor v. Ante Gotovina, Ivan Cermak and Mladen Markac, Case No. IT-06-90, Joined Indictment, July 21, 2006.

⁹⁷ Allison Marston Donner, “Joint Criminal Enterprise and Contemporary International Criminal Law”, in *Accountability For War Crimes: What Roles For National, International, And Hybrid Tribunals?*; Proceedings of the American Society of International Law; Annual Meeting. Washington: 2004.

⁹⁸ Ibid. Such indictment can also be found in following cases: Prosecutor v. Milošević: Decision on Motion for Judgment of Acquittal (Case no. CT/P.I.S./858-e), Prosecutor v. Radoslav Brdanin & Momar Talić, Decision on Form of Further Amended Indictment and Prosecution Application to Amend, June 26, 2001, para. 24, 2001 WL 1793829, also Prosecutor v. Multinović et al., Decision on Dragoljub Ojdanić’s Motion Challenging Jurisdiction-Joint Criminal Enterprise, Appeals Chamber, (Case No. 1T-99-37-AR72).

3. Third-Party Intervention

Thomas Ambrosio claims that the potential for ethno-territorial nationalism exists in any state with an ethnic diaspora living outside its territorial boundaries. Ambrosio, analyzing the Yugoslav dissolution and the conflict in the international setting in which it occurred, concludes that without the existence of the influence and constraints from the international community on ethno-territorial nationalist sentiments, the level of ethno-territorial nationalism would equal the level of irredentism.⁹⁹

Milošević and his allies certainly believed that the international community, predominantly Germany, Austria, the United States and the Vatican, directly contributed to the destruction of Yugoslavia. Matjaž Klemenčič also explains the international community's role in the dissolution of the federation: "Germany's decision to support the break-up of Yugoslavia became a historical turning point. While most analysts agree that before late autumn 1991 Germany did not intend to support the break-up, others believe that this was the intention of Germany from the very beginning of the crisis. By contrast, the Soviet Union supported the preservation of Yugoslavia. Its support was based on the historical friendship between the Russians and the Serbs, as well as the Orthodox religion that bonded the Russians and the Serbs. Moreover, the Soviet Union was under a similar threat of dissolution, given that it had several independence movements in its constituent republics, some of which had made open declarations of independence. However, this support stopped short of direct military assistance by the Soviet Union to the Yugoslav National Army."¹⁰⁰ Susan Woodward also argues that Germany, Austria, Hungary, and Denmark were in the forefront of the countries that supported and encouraged Slovene and Croatian independence.¹⁰¹

Numerous authors point towards the insufficient and untimely response of the international community once the Yugoslav conflict had begun, explaining that "[i]n the late 1980s, the international community attempted to perpetuate the ancien régime instead of seeking to facilitate a peaceful transformation of Yugoslavia. Therefore, the international community bears considerable responsibility for the violence and insecurity that followed. Both the United States and Russia, along with other states, ignored the truth that no state, whatever its origins, can survive without the support and at least the passive allegiance of its citizenry."¹⁰² The Scholars' Initiative conclusion reads: "It might have been possible that the dissolution process would have been more peaceful if the superpowers had acted differently."¹⁰³

The role of external powers in the pacification of an ethnic conflict is nevertheless undisputable. There were numerous (unsuccessful) European and US initiatives attempting to bring peace and conflict resolution: the Vance Plan, the Cutileiro Plan, the Vance-Owen Plan, the Owen-Stoltenberg Plan and the Z4 Plan,

⁹⁹ Thomas Ambrosio, *op.cit.*, 6.

¹⁰⁰ Matjaž Klemenčič, *op. cit.* See Scholar's Initiative, Team 5 Report "The International Community & the FRY/Belligerents", at <<http://www.cla.purdue.edu/history/facstaff/Ingrao/si/scholarsprospectus.htm>>. See also Michael Libal, *Limits of Persuasion, Germany and the Yugoslav Crisis, 1991-1992* (Westport and London: Praeger, 1997)

¹⁰¹ Susan Woodward, *Balkan Tragedy Chaos and Dissolution after the Cold War* (Brookings Institution Press, 1995), 158.

¹⁰² Matjaž Klemenčič, *op.cit.*

¹⁰³ Scholars' Initiative, Team 5 Report, *op.cit.* See also James Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (New York: Columbia University Press; London: Hurst, 1997)

which all “compromised the principle of republican sovereignty in one way or another”¹⁰⁴

Mechanisms introduced and endorsed by the international community can be divided into two categories: those related to the pacification of the ethnic conflict, and those that contribute to reconciliation, democratic consolidation and economic recovery. The activities of the UN peacekeeping forces, the UN High Commissioner for Human Rights (UNHCHR), the United Nations High Commissioner for Refugees (UNHCR) fall within the first category. The second category encompasses the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the European Union (EU), the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), and the North Atlantic Treaty Organization (NATO).

Among the issues that were negotiated in the Hague Conference on Yugoslavia was the status of national minorities in Croatia. Apparently, Croatia was only country participating at the Conference that applied recommendations of the Working Group of Experts on Minority Questions in its legislation.¹⁰⁵

3.1. European Union: An Almighty Carrot

In the first part of the 1990s, the European Community’s (EC) involvement in Croatia consisted solely of supporting the UN peacekeeping mission. Several Member States contributed troops to the UNPROFOR operation. The EC maintained its own monitoring mission in Serb-controlled areas of Croatia, usually assisting in the exchange of prisoners and the remains of the deceased between the two warring factions. Representatives of the Croatian government and the Krajina Serb authorities were brought to the negotiating table under the auspices of the joint EC-UN Conference on the Former Yugoslavia.

Initially, the EC did not openly condemn the human rights abuses in Croatia. However, in the spring of 1993, it vocally condemned Croatia’s support of Bosnian Croat forces. In June 1993, the EC threatened to “initiate restrictive measures” against Croatia if it did not withdraw its military support from Bosnia. On 19 July 1993 the EC met again to debate ways in which it might apply diplomatic pressure to Croatia. As a result of this, the EC warned the country that such sanctions were possible in the future.

Croatia’s efforts to negotiate a trade and cooperation agreement with the EU came to a halt after the Croatian Army offensive in Western Slavonia of May 1995. In August 1995, almost as soon as the Croatian Army launched Operation Storm, the European Union (EU) announced that it would suspend negotiations on a trade and cooperation agreement and implementation of the PHARE aid program for Croatia. Since then, negotiations between the EU and Croatia on the trade and cooperation agreement, which include both a human rights conditionality and suspension clause, have remained suspended.

On 12 June 1996 the EU’s General Affairs Council agreed to resume negotiations with Croatia, but strongly advised Croatia to respect human rights and work toward peace in the former Yugoslavia. The EU also reserved the right, at any time up to and including the conclusion of the agreement, to take Croatia’s attitude toward the implementation of UN resolutions and peace efforts regarding the former Yugoslavia into account.¹⁰⁶

¹⁰⁴ *Ibid.*

¹⁰⁵ Budislav Vukas, “The Legal Status of Minorities in Croatia” in Snezana Trifunovska (ed.), *Minorities in Europe. Croatia, Estonia and Slovakia* (T.M.C. Asser Press, The Hague, 1999), 45-46.

¹⁰⁶ Human Rights Watch, Report 1995, at < <http://www.hrw.org/>>

Apart from playing a (marginal) role in the actual cessation of ethnic conflicts in the Balkans, the EU has offered the most tangible reasons for overcoming nationalistic policies and offered a means for the justification of unpopular reforms.

Following the principally humanitarian nature of EU involvement in the Western Balkans in the early 1990s, the EU adopted a regional approach towards South-eastern European countries after the Dayton Accord was signed. The main aim of the accord was to achieve basic stability and prosperity for the region as a whole. Since the region had of late been exposed to a chain of violent interethnic conflicts, stability was obviously the minimum condition for further cooperation with the EU. The first EU initiative to stabilize SEE was launched in December 1996. Known as the Royaumont Process, its aim was to support the implementation of the Dayton Peace Agreements.¹⁰⁷ In 1997 the EU was still opting for the regional approach, establishing political and economic conditions as a prerequisite for bilateral relations with the five countries of the region. These conditions included respect for democratic principles, human rights and the rule of law, minority protection, market economy reforms and regional cooperation. In 1999, the EU encouraged reforms in the region which were meant to serve as pre-conditions for accession into the EU. It became apparent that the countries in the region needed to establish bilateral and multilateral relationships among themselves, and therefore the EU unveiled a regional multilateral tool to this end: the Stability Pact. Launched in 1999, the Stability Pact was an initiative that drew together the EU and some other partner states with the aim of bringing peace, stability and economic development to the Balkans.¹⁰⁸ A cornerstone in the EU's approach to the Western Balkans after the post-Kosovo crisis was the introduction of the Stabilization and Association process (SAP) and a financial instrument "Community Assistance for Reconstruction, Development and Stabilization" (CARDS).

The first Summit that brought together EU officials and leaders of the Western Balkan countries in Zagreb in November 2000 presented a change in the EU approach towards the potential accession candidates of the Western Balkans. Although all Balkan countries were formally accepted as potential EU accession candidates, actual candidate status would depend on the intended implementation of reforms.¹⁰⁹ For that reason, assistance and contractual relations with the Western Balkan countries had to be flexible and adapted to the specific conditions and needs of each individual country. The Copenhagen Council in December 2002 confirmed the European perspective of the five countries of the Western Balkans, and underlined the Union's determination to support their efforts - as potential candidates - to move closer to the European Union. The European Commission has also stated that "countries meeting the conditions should continue to be supported in a tangible way in progressing towards Europe."¹¹⁰ Effective conditionality, according to the Commission, needs to be "complemented by effective support and

107 The Royaumont Process originally focused on promoting regional projects in the field of civil society, culture and human rights. It now advocates inter-parliamentary relations under the Stability Pact.

108 The Stability Pact lays down a framework for cooperation between the European Union, the European Commission, the United States, Russia, Japan, Southeastern European countries, Turkey and other countries, including regional and international organisations and international financing institutions.

109 The Declaration of the Zagreb Summit of European Union member-states and countries covered by the Stabilisation and Association Process, November 24, 2000, at <http://europa.eu.int/>

110 Report from the Commission. The Stabilisation and Association Process for South East Europe, Second Annual Report 2002, at <http://www.emins.org>

advice on how to make necessary reforms.”¹¹¹ The Thessaloniki Council, held in June 2003, encompassed the Second EU-Western Balkans Summit. On this occasion, the EU opened the Community programmes to the SAP countries along the lines established for the participation of CEE candidate countries.¹¹² Declaring the EU’s aim of making the Balkans an integral part of a unified Europe, the Thessaloniki summit confirmed that the “regatta principle” would be applied in the examination of each individual country’s performance. This confirmed that the EU still considered the region as a single unit; nevertheless, each country was given a chance to be individually rewarded for its progress. In other words, the progress of each country would depend on the ability and political will to introduce necessary reforms and to implement and respect generally accepted rules and standards. The Thessaloniki European Council reiterated its determination to fully and effectively support the European perspective of the Western Balkan countries and stated that the countries will become an integral part of the EU, once they meet the established criteria.

In the margins of the Zagreb Summit in November 2000, negotiations on a Stabilization and Association Agreement (SAA) with Croatia were opened. Less than a year after that, in October 2001, the SAA was signed. The ratification process in member states was concluded only in September 2004 since several Member States rejected the ratification in their national parliaments due to Croatia’s insufficient cooperation with the ICTY. The SAA eventually entered into force on 1 February 2005, together with the Protocol 7 on enlargement, which extended the concessions that were given to the new candidates bilaterally on the EU 25. Thus, the SAA became applicable to the enlarged EU.

After the Commission prepared a positive Opinion on Croatia’s application for membership¹¹³ on 14 April 2003, Croatia was awarded candidate status on 18 June 2004. The main findings stated in the Opinion were (i) Croatia is a functioning democracy with stable institutions guaranteeing the rule of law; (ii) Croatia could be regarded as a functioning market economy, and should be able to cope with competitive pressure and market forces within the Union in the medium term, provided that it continues to implement its reform programme to remove remaining weaknesses; (iii) and Croatia should be in a position to take on the other obligations of membership in the medium term, provided that considerable efforts are made to align its legislation with the *acquis communautaire* and ensure implementation and enforcement. The Opinion was accompanied by the European Partnership for Croatia¹¹⁴, which listed short and medium term priorities for Croatia’s preparations for further integration within the European Union. The European Partnership reflected the country’s stage of preparation at the time it was passed and was tailored to fit its needs. Croatia was expected to respond to the European Partnership by preparing a plan with a timetable and details in terms of how it intends to address the European Partnership’s priorities. Progress in implementing the priorities is monitored regularly by the Commission, predominantly in the Annual Reports. In other words, the Partnership serves as a yardstick against which progress is measured.

Decisions on the principles, priorities and conditions contained in the European Partnership with Croatia prescribed two kinds of measures in the part of political criteria concerning human rights and the protection of minorities,

111 *Ibid.*

112 Thessaloniki Agenda for the Western Balkans: moving towards European integration, Thessaloniki, June 16, 2003, at <<http://europa.eu.int/>>

113 Communication from the Commission. Opinion on Croatia’s application for membership of the European Union. COM (2004) 257 final.

114 Council Decision on the principles and conditions in the European Partnership with Croatia. COM (2004) 275 final.

depending on the length of time those measures would require. Short-term priorities required the expansion of minority rights, in particular ensuring that proportional representation of minorities in local and regional self-government units is achieved, as well as in the state administration and judicial bodies, and in the public administrative bodies. In addition, authorities were asked to provide the necessary means, including adequate funding, to ensure the proper functioning of elected minority councils. So far, all short-term priorities regarding the rights of minorities have been met. However, much remains to be done regarding the return of refugees and housing reconstruction, as almost two thirds of refugees of Serb ethnic origin have not returned to their pre-war homes. The country was additionally asked to create social and economic conditions to improve the social climate for returnees and to promote the acceptance of returnees by receiving communities. Finally, enhanced regional cooperation was found necessary for accelerating the process of refugee return.

Among other short-term priorities, freedom of expression and democratic functioning of the media were highlighted as problematic. A thorough review of media legislation was requested, and even though some legislative changes did take place, one cannot claim that the European Commission's expectation on the establishment of a transparent, predictable and effective regulatory framework has been met to a full extent.

The Partnership also listed two medium-term priorities. The first concerns the implementation of Roma rights - primarily, strengthened implementation of the National Strategy, including the provision of necessary financial support at national and local levels, the enforcement of anti-discrimination measures aimed at fostering employment opportunities, increasing access to education and improving housing conditions. Another medium-term priority tackles the process of refugee return, which was to be completed through proper and timely implementation of the relevant legislation. In addition, economic and social reintegration of returnees was to be ensured through regional development programmes in war-affected areas.

The Commission recommended in the Opinion that negotiations for accession to the EU should be opened in March 2005, provided the country has demonstrated full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). However, due to the above-mentioned non-cooperation with the ICTY, accession negotiations were suspended till 3 October 2005. Negotiations were then opened on the basis of a generally fulfilled set of political criteria, for the most part later enshrined in Article 6(1) of the Treaty on European Union and proclaimed in the Charter of Fundamental Rights, and the Stabilization and Association Process conditionals established by the Council in 1997. The Commission clearly stated that the negotiations would be based on Croatia's own merits and the pace would depend on Croatia's progress in meeting the requirements for membership, thus not linking the Croatian negotiation procedure with that of Turkey.

The generally high public support for EU accession significantly decreased in 2005 due to the applied EU conditionality approach, particularly in regards to cooperation with the ICTY. Croatian army general Ante Gotovina, who was accused of crimes against Croatian Serbs in 1995, remained at large for four years after the ICTY issued his indictment. Carla Del Ponte, ICTY Chief Prosecutor, has been insisting for years that Croatia was not doing enough to apprehend Gotovina. Finally, in her report submitted to the European Council on 3 October, the ICTY prosecutor concluded that Croatia was in full cooperation. Soon after, Gotovina was tracked down by the Croatian secret service and captured in December 2005.

3.2. United Nations: from Weak Blue Helmets to Strict ICTY 'Nemesis'

The United Nations Protection Forces (UNPROFOR) were deployed in May 1992 to oversee the terms of the January 1992 cease-fire agreement brokered by then U.N. Special Envoy Cyrus Vance. The so called “blue helmets” were not able to fulfill the unit’s mandate to prevent the outbreak of armed conflict between Croats and Serbs in January and September 2003; it was not able to ensure the demilitarization of the UN Protected Areas (UNPAs); it could not prevent the continued displacement of non-Serbs from Serb-controlled areas of Croatia; and it did not repatriate a single person who had been forcibly displaced from Serb-controlled areas of the country. The UN-created civilian police unit (CIVPOL) was the most active in protecting the human rights of the local population in the UNPAs, and CIVPOL officers had the most success in implementing their part of the UNPROFOR mandate. However, UN peacekeeping forces generally failed to assert their authority in the UNPAs.

The UN mission in Croatia did little, if anything, to protect non-Serb civilians living in the so-called United Nations Protected Areas (UNPAs), and it similarly failed to protect the UNPAs from attack by the Croatian Army in 1995. The recapture, in 1995, of what were formerly known as Sectors West, North, and South by the Croatian military effectively ended most of the UN mission in Croatia, although UN human rights monitors remained in the recaptured areas.¹¹⁵

On 2 January 1994, President Franjo Tuđman announced that he would not renew the UN peacekeeping mission mandate in Croatia when it was due to expire on March 31. Tuđman justified his decision by claiming that the UN had not fulfilled its mandate and that the UN presence in Croatia consolidated rebel Serb control over 30% of Croatia. On 3 February the UN Security Council approved a new configuration for the UN mission in Croatia, which was renamed the United Nations Confidence Restoration Operation (UNCRO) and was reduced from 14,000 to 8,000 troops.

UNHCR officials also documented human rights violations against refugees, displaced persons and civilians throughout Croatia. The number of IDPs and refugees in Croatia reached 550,000 by the end of 1991 and later dropped to 260,000 during 1992. The UN High Commissioner for Human Rights (UNHCHR) maintained the office in Croatia from until 2000.

Security Council resolution 827 (1993) of 25 May 1993 established an international tribunal for prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia (ICTY). After the change of the government in 2000 Croatian authorities were willing to provide documentation related to military actions and cooperated in the processes of extradition of those indicted.

3.3. Council of Europe Membership: Recognition of Europeaness

Croatia was granted “special guest” status with the Council of Europe (CoE) on 4 May 1992, following its international recognition. The application for full CoE membership was submitted on 11 September 1992. Dialogue with the CoE therefore began, and it evolved on a regular basis through a permanent Croatian Parliament delegation to the Parliamentary Assembly of the Council of Europe (PACE), visits by

¹¹⁵ Human Rights Watch, Report 1995, at < <http://www.hrw.org/>>

PACE Rapporteurs for Croatia's admittance to the full CoE membership, CoE legal experts as well as top level meetings.

Croatia's accession to the CoE was stalled in 1993 and 1994 due to the Croatian-Muslim conflict in Bosnia-Herzegovina. The next delay was caused in 1995 as a result of the Croatian military operations "Flash" and "Storm". After the Croatian President Franjo Tuđman and the Parliament Speaker Vlatko Pavletić signed a document containing 21 assumed Croatian commitments towards the CoE, PACE approved the accession and the Council of Ministers decided to admit Croatia to Council of Europe membership on 16 October 1996.

The obligation to adopt minority legislation dates from Croatia's 1996 accession to the Council of Europe. Probably most troublesome was the adoption of the CLNM. Several calls for the fulfillment of this long-standing commitment include a February 2002 Resolution of the Council of Europe Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities, the April 2002 European Commission Stabilization and Association Report, and the Mission's June 2002 Status Report. Adoption of a revised Constitutional Law on National Minorities is also a condition for Croatia's accession to NATO as was reiterated by the NATO Secretary General in August 2002.¹¹⁶

The Venice Commission has been also active in the drafting of several pieces of legislation, particularly those dealing with minority rights. Its involvement surely contributed in the drafting phases of several pieces of legislation, dealing with minority rights, local self-government, financing of political parties, Constitutional Court, etc.¹¹⁷

On 26 September 2000 the Parliamentary Assembly of the Council of Europe (PACE) voted to terminate the monitoring procedure for Croatia, as earlier visits of Lord Russell-Johnston, president of PACE, indicated that Croatia had now met most of its outstanding membership requirements. The resolution recommended post-monitoring dialogue on some still open issues (such as more efficient functioning of the judiciary, freedom of the media, minority protection, and refugee return). Finally, based on the report and recommendation of its Monitoring Committee the Parliamentary Assembly decided in September 2000 to close the post-monitoring dialogue with the Croatian Parliament.

Croatia's increasingly intense cooperation with the CoE was accompanied by a harmonization of national legislation with European standards, in line with the CoE conventions, as well as comprehensive cooperation in other areas covered by 20 or so conventions to which Croatia acceded prior to admittance, and more than 40 conventions and protocols Croatia signed or both signed and ratified after acquisition of full CoE membership.

The bleak prospects for receiving an adequate substitute for lost tenancy rights made many refugees place their hopes on the European Court of Human Rights (ECtHR). Many of them were discouraged after the ECtHR ruled in July 2004 that the rights of the applicant who argued that Croatia had breached their right to respect for her home, as provided in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and her right to peaceful enjoyment of her possessions (Article 1 of Protocol No.1 to the ECHR) had not been violated.¹¹⁸

¹¹⁶ OSCE Mission to Croatia, "Background Report on Constitutional Law on National Minorities", August 20, 2002, at <<http://www.osce.org/croatia/>>.

¹¹⁷ All Venice Commission's Opinions issued regarding Croatia can be found at <http://www.venice.coe.int/site/dynamics/N_Country_ef.asp?C=8&L=E>.

□ Case of Blečić v. Croatia, Application no. 59532/00.

3.4. OSCE Missions: Omnipresent Watchdog

Croatia became a full member-state of the OSCE on 24 March 1992. Being a victim of a war and aggression in 1990s, Croatia has often been on the agenda as a member-state utilizing OSCE's help and expertise. As a result, Croatia still hosts a long-term OSCE field mission - the OSCE Mission to Croatia.

The OSCE Mission to the Republic of Croatia was established in April 1996 at a time when Croatia was confronted with a complicated legacy of problems from the socialist past, material consequences of a war, the reintegration of the former Serb-controlled areas, and the tasks of reconciliation. The Mission headquarters are located in Zagreb, but the Mission also contains six Field Offices in Vukovar, Sisak, Karlovac, Gospić, Zadar and Split. The field operations mainly focus on monitoring and assisting the return of refugees and displaced persons, and addressing related issues such as human and minority rights, the repossession of property and the work of the local administration.

The Mission's work in this first phase has been dominated by monitoring and reporting on the implementation of the obligations assumed by the Government of Croatia related to democratic transition and the establishment of the rule of law upon 1996 accession to the Council of Europe. With the election of a new Government in 2000, the Mission's work moved into a second phase in developing an advisory relationship with Government offices and Parliament, which was largely geared towards expert legislative advice. As the required legislation has been gradually enacted, the Mission's work has entered a third phase, one of support for the implementation of legislation and programmes within the Mission's mandate.

Croatia was granted admission to the North Atlantic Treaty Organization's Partnership for Peace on 25 May 2001. NATO membership continues to be one of the country's top priorities. Croatia was also granted admission to the World Trade Organization on 18 July 2000. As was the case with NATO's invitation to the Partnership for Peace, the invitation to this international organization came only with the change of government in 2000. The WTO membership is crucial for the ongoing process of economic reform.

4. Consequences

The status of national minorities, particularly the Serb minority, has improved significantly since the latest change of government, in comparison to the chauvinistic treatment to which they were exposed in the 1990s. The improvement in minority regimes came as a consequence of the country's desire to become a member of several international organizations. In the mid-1990s, when Croatia became a member of the Council of Europe, it took on an obligation to align its minority legislation with the CoE Framework Convention. The commitment was met, but only in 2002, when the country passed the Constitutional Law on the Rights of National Minorities (CLNM). The implementation of the CLNM still represents one of the conditions for Croatia's accession to the EU. Striving to get the country into the Union, the government has been active in implementation of minority related legislation at all levels of governance since 2000. Since the political aspects of the CLNM have called for minority representation in the Parliament and in regional and local self-government units, election for the Parliament held in December 2002 and local elections in May 2005 have assured minority representation in all spheres of political life in the country. Furthermore, agreement between the Croatian Democratic Union (HDZ) and the Independent Democratic Serb Party (SDSS), which made the formation of HDZ led minority government in 2002 possible, placed the issue of minorities and particularly the return of Serb refugees into the government's focus, and subsequently brought it to public attention. The return issues are still far from being completely resolved and the deadline set for the end of 2006 was not met. However, the change of government's attitudes and policies, as well as the adoption of the 'Road Map' which aims to resolve the issue of refugee return gradually contribute to the change of attitudes of both the political establishment and the public towards the rights and needs of Serb returnees. The general conclusion reads that advanced minority protection is directly linked to the country's aspiration to be welcomed into international associations.

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Appendix

*Chronology of the Homeland War*¹¹⁹

1990.

(22-23 April) and (6-7 May) The first multi-party elections in Croatia after 1938.

30 May Constituent assembly of the multi-party Croatian Parliament was held.

17 August On the day when “a referendum on Serbian autonomy” was held on the area of Knin, Benkovac and Obrovac, traffic was blocked in an organized way (the so called Log Revolution began)

1991.

5 January Police stations in Knin, Obrovac, Benkovac, Gračac, Korenica, Donji Lapac, Dvor na Uni, Vojnić and Hrvatska Kostajnica stopped following orders of the Croatian Ministry of the Interior and entered in the so-called task force of the Krajina’s Secretariat of Internal Affairs.

During February-March a new series of rallies of Serbs was organized throughout Croatia at which the Croatian Constitution was rejected and Croats and Croatian authorities were threatened.

1st March Policemen of Serbian nationality employed in the Croatian Ministry of the Interior raided the police station in Pakrac together with mobilized reservists and disarmed all Croatian policemen. On the following day, special units of the Croatian Ministry of the Interior expelled Serbian extremists from Pakrac.

31 March restored the National Park Plitvice was restored under control of the Croatian legal police forces by special units of the Croatian Ministry of the Interior in an armed conflict with Serbian terrorists who previously conquered that territory. Josip Jović from Aržani near Imotski was killed as the first victim of the War for Independence (Bloody Easter).

2nd May Serbian terrorists killed 12 and wounded 21 Croatian policemen in Borovo Selo near Vukovar.

19 May A referendum on independence and sovereignty of the Republic of Croatia was held. 94% of citizens spoke out for independency and sovereignty of Croatia and against remaining in Yugoslavia.

28 May Review of the part of the units of the National Guard Assembly was held at the stadium of the football club Zagreb in Kranjčevićeva Street in Zagreb.

25 June The Parliament of the Republic of Croatia adopted a Declaration on establishing the independent and sovereign Republic of Croatia (Independence Day) in conformity with the will of citizens expressed at the referendum.

¹¹⁹ The Timeline used here was made by the Ministry of Defence of Croatia, <http://www.morh.hr/osrh/data/krono_en.html>

3rd July Yugoslav Army tanks entered Baranja and Eastern Slavonija. The so-called Yugoslav Army openly prepares for attacking Croatia.

25-26 August The first fierce attack of the Yugoslav Army and Serbian paramilitary units on Vukovar and Borovo naselje and Otočac in valley of the river Gacka.

14-15 September By conquering barracks in Ploče there began a blockage and conquering of the barracks, armament storages and different military facilities of the Yugoslav Army in Croatia.

16-23 September In fierce fightings for Šibenik, Croatian defenders succeeded in defending the city (“both of (aircraft) them fell”).

21 September The General Staff of the Croatian Army was established. The first Chief of Staff was General Antun Tus.

1 October A fierce attack of the Yugoslav Army and chetniks from Monte Negro and Herzegovina on Dubrovnik and its surroundings began. Near the village of Čepikuća Croatian defenders inflicted heavy losses to the aggressor (the fiercest attacks were on Dubrovnik on 11 November and 6 December).

8 October Proclamation of the independence of the Republic of Croatia (three month deferral of the Constitutional decision of 25 June expired) - Day of Independence of the Republic of Croatia.

3 November Assembly of the National Guard officially changed its name into Croatian Army.

14-16 November The Croatian Navy in Split and in Korčula channel defeated the Yugoslav Navy and ran the navy blockage in the city of Split.

18 November The organized resistance of the Croatian defenders in Vukovar stopped.

In early December Croatian defenders took over the initiative on western Slavonian battlefield.

7 December Badinter Commission reached a conclusion that the Socialist Federal Republic of Yugoslavia did not exist any more.

1992

2nd January Representatives of the Republic of Croatia and Yugoslav Army signed a cease-fire agreement (Vance' s Plan) in Sarajevo with intermediation of the United Nations' emissaries.

13 January The Holy Chair recognized the sovereign and independent Croatia.

15 January Twelve states of the European Union announced the recognition of the sovereign Croatia followed by recognition by other states.

22 May The Republic of Croatia was admitted to United Nations.

18 May-30 June With military action "Torched land" the Croatian Army began the operation of unblocking Dubrovnik on the southern battlefield and successful liberation of the South of Croatia.

Up to 30 May the Yugoslav Navy left the last occupied Croatian island of Vis, Lastovo and Mljet.

21 June By lightning-quick action the Croatian Army liberated Miljevac plateau (7 villages, about 150 km²).

1993

22 January Liberation operation of the Croatian Army began, "Pirat" - Maslenica. Within 72 hours Croatian military units liberated and retained a significant area. Dalmatia is linked again by road Zadar - Maslenica - Karlobag with the land-Croatia.
9 September Croatian Army liberated villages in Lika - Divoselo, Čitluk and Počitelj (Medak's pocket)

5 October UN Security Council explicitly confirmed that UNPA zones are an integral part of the Republic of Croatia.

1994.

30 March Agreement on termination of hostilities between armed forces of the Republic of Croatia and rebelled Serbs was signed in Russian Embassy in Zagreb

26 June Tactical military exercise with target practice was held on the island of Vir near Zadar

29 September Ministers of Defence of the USA and Republic of Croatia William Perry and Gojko Susak signed a Memorandum on Cooperation in Defence and Military Relations in Pentagon

1995

7 April Croatian Army liberated a significant area on Dinara above Knin, creating preconditions for liberating Knin.

1-3 May Western Slavonija and Posavina were liberated with military-police operation Bljesak (Lightning).

2-3 May Rebelled Serbs rocketed Zagreb and other Croatian cities

3 August Negotiation led between Croatian authorities and rebelled Serbs in Switzerland fell through. Serbs rejected a proposal for peaceful reintegration.

4-8 August With military-police operation "Storm" Croatian military units liberated the occupied Croatian territory in northern Dalmacija, Lika, Banovina and Kordun.

5 August Croatian Forces liberated Knin (Day of Victory and National Gratitude Day)

12 November Erdut Agreement was signed between the Republic of Croatia and rebelled Serbs from Baranja and Eastern Slavonia and Western Srijem on peaceful reintegration of these regions in the constitutional and legal system of the Republic of Croatia.

23 November The United Nations Security Council confirmed the agreement on peaceful reintegration of the eastern Slavonia and western Srijem into the Republic of Croatia. That process finished on 15 January 1998 when these regions were restored to Republic of Croatia.