

**International Boundaries Research Unit**

**BOUNDARY &  
TERRITORY  
BRIEFING**

**Volume 3 Number 3**

**War and Peace on the Danube:  
The Evolution of the Croatia-Serbia Boundary**

*Mladen Klemenčić and Clive Schofield*



# Boundary and Territory Briefing

Volume 3 Number 3  
ISBN 1-897643-41-1  
2001

## **War and Peace on the Danube: The Evolution of the Croatia-Serbia Boundary**

by

Mladen Klemenčić and Clive Schofield

With a contribution from

Miroslav Reba

International Boundaries Research Unit  
Department of Geography  
University of Durham  
South Road  
Durham DH1 3LE  
UK

Tel: UK + 44 (0) 191 334 1961 Fax: UK +44 (0) 191 334 1962

E-mail: [ibru@durham.ac.uk](mailto:ibru@durham.ac.uk)

www: <http://www-ibru.dur.ac.uk>

### **The Authors**

Mladen Klemenčić is a Croatian political geographer working with the Lexicographic Institute in Zagreb. He is a former Fellow with the International Boundaries Research Unit and is regional editor for former Yugoslavia for IBRU's *Boundary and Security Bulletin*.

Dr Clive Schofield is Deputy Director of the International Boundaries Research Unit at the University of Durham, England. IBRU works to enhance the resources available for the peaceful resolution of problems associated with international boundaries on land and at sea around the world.

### **Acknowledgements**

The authors would like to warmly thank Miro Reba for his assistance. Much of the material on cadastral limits and claims related to the 'Danube dispute' between Croatia and Serbia included in this *Briefing* is based on Miro's dissertation on that topic for his M.A. in International Boundaries at the University of Durham (1999).

Thanks are also due to David Hume, Steven Allan and Chris Orton of Durham University's Design and Imaging Unit who are responsible for most of the maps accompanying the text.

The opinions contained herein are those of the authors and are not to be construed as those of IBRU.

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<sup>i</sup> Photos taken by Mladen Klemenčić.

# War and Peace on the Danube: The Evolution of the Croatia-Serbia Boundary

*Mladen Klemenčić and Clive Schofield*

## 1. Introduction

The borders and borderlands of the geographical space that, pre-1991, constituted 'Yugoslavia', have in recent years been transformed. Where internal limits existed, international boundaries (re)emerged. The functions of these boundaries have also, inevitably, changed radically and this has had fundamental implications for the borderland communities in question – the compositions of which have also frequently been substantially altered.

Eastern Slavonia, on the Croatia-Yugoslavia interface, emerged as a distinct politico-geographical entity following the break-up of the former Yugoslav federal state. In 1991 the region formed the front line in the armed conflict between Croatian and Serbian/Yugoslav forces and as a result experienced considerable material destruction and human suffering. Between 1991 and 1995, the region was subject to international intervention in the form of a United Nations peacekeeping force which served to maintain the *status quo* and the area was seen, depending on the viewer's perspective, as either occupied territory of the Republic of Croatia (the Croatian viewpoint), United Nations Sector East (the stance of the international community in general), or part of the Serbian Republic of Krajina (the Serbian perspective).

In late 1995, in parallel with the Dayton peace negotiations relating to Bosnia-Herzegovina, agreement was reached on the reintegration of the region into Croatia. As a result, a two-year process was undertaken by the parties to the conflict which formally reached its conclusion in early 1998. During this period, Eastern Slavonia was governed by a United Nations Transitional Authority (UNTAES). Although the UN has now relinquished its authority in Eastern Slavonia and the region is internationally recognised as an integral part of the Republic of Croatia, the consequences of the conflict are still significant and painful. The process of reintegration is an ongoing one with post-war reconstruction, the return of refugees and displaced persons and reconciliation between the Croat, Serb and Hungarian communities the focal issues in the normalisation of everyday life.

This *Briefing* offers a historical overview of the evolution of the Croatia-Serbia boundary, details events in Eastern Slavonia between 1991 and the present and provides an assessment of the success of UN efforts to defuse ethnic and nationalist tensions and bring about dispute resolution through the peaceful reintegration of Eastern Slavonia into Croatia. Events in the region in the aftermath of the UN's withdrawal will also be subject to scrutiny with a view to identifying remaining points of dispute, exploring the prospects for the region and analysing whether and how new borderland regional identities are being forged in Eastern Slavonia.

## 2. What and Where is Eastern Slavonia?

### 2.1 The Importance of Toponyms and Terminology

In the context of conflicting claims to territory in former Yugoslavia, it is essential to distinguish clear definitions for terms used. In particular, toponyms are important as they provide a key to understanding the meaning underlying the parties' statements or proposals. Indeed, the use of certain toponyms often directly implies a particular political stance or ideology.

Firstly, the term *Yugoslavia* requires some explanation. Yugoslavia is currently a federal state consisting of Serbia and Montenegro (see Figure 1). Its official name is the *Federal Republic of Yugoslavia* or FRY. Unofficially it is also called the 'third' or 'rump' Yugoslavia. The 'second' Yugoslav state was established after World War II. The 'second' Yugoslavia was also a federal state, consisting of six republics and ruled by one – communist – party. Its official name was *Socialist Federal Republic of Yugoslavia* (SFRY).

Following free multi-party elections in several of the constituent republics, the SFRY broke up during 1991-1992. In 1992 Slovenia, Croatia, Bosnia-Herzegovina and Macedonia were recognised as independent states while Serbia and Montenegro continued as a two-member federation – the FRY.

The 'first' Yugoslavia was established in 1918 under the name of the *Kingdom of Serbs, Croats and Slovenes*. It was a centralist monarchy under the Serbian Karađorđević dynasty. In 1929 it was renamed the *Kingdom of Yugoslavia*, which lasted until 1941 when it was occupied by Axis forces and partitioned.

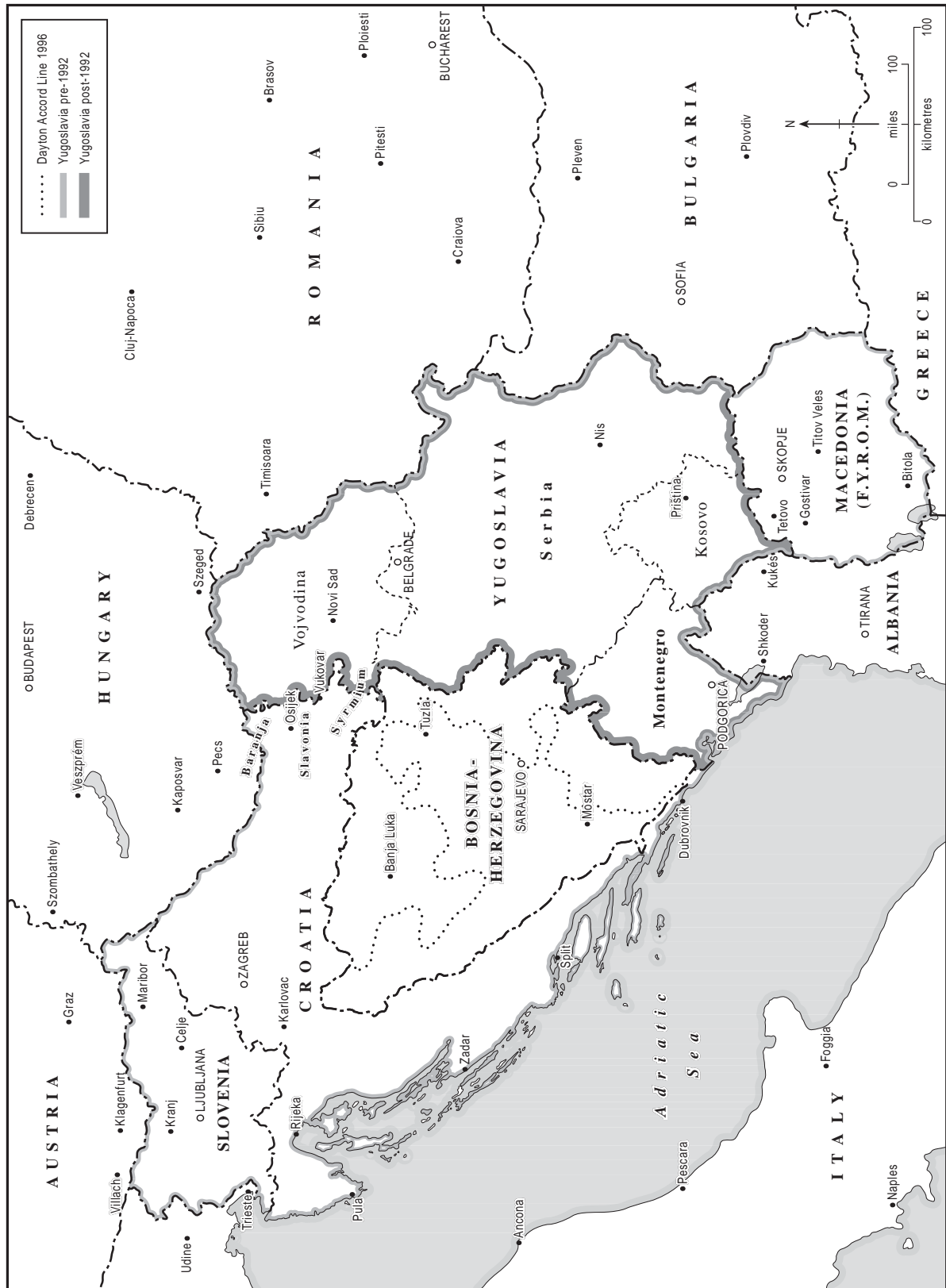
The term *Croatia* currently refers to the *Republic of Croatia*, an independent state and United Nations member since 1992. Its territory corresponds in full to the territory of the Yugoslav federal *Socialist Republic of Croatia* as defined in the aftermath of World War II. Up to World War I the territory of present-day Croatia was best described as the *Triune Kingdom of Croatia, Dalmatia and Slavonia*. This term implies the existence of Croatia proper comprising the territory between the Hungarian border to the north and northern Adriatic to the south. However, the Triune Kingdom existed only as a notion. In reality it was divided into the *Kingdoms of Croatia and Slavonia* and the former Venetian-controlled territories along the Adriatic coast which were reorganised by Austria in the 19th century into the *Kingdom of Dalmatia*.

Presently, the term *Slavonia* refers to the Pannonian area in the east of inner Croatia and does not refer to a distinct current political entity. The name Slavonia was initially used to denote a significantly larger area encompassing all the (Croatian) land north of the Velika Kapela and Mala Kapela Mountains. After Ottoman conquest and Austrian recapture in the 18th century, the term Slavonia came to be used for the three eastern counties (*županijas*) of Croatia. Broadly, therefore, it comprised the lands between the Drava, the Sava and the Danube rivers.

*Syrmium*, or *Srijem* in Croatian, is a term traditionally subordinated to Slavonia. It refers to the easternmost part of Slavonia between the rivers Vuka and Danube to the north and east and Sava to the south. Its easternmost point used to be the town of Zemun which is today part of greater Belgrade. The western limit of Syrmium is approximately the Vukovar-Vinkovci-



Figure 1: Former Yugoslavia



Županja line. Administratively, Syrmium was well-defined by the County of Syrmium which existed between 1745 and 1918. Following World War II historic Syrmium was divided into a smaller, western part which remained within Croatia and a larger, eastern part which was allocated to Serbia.

The region of *Baranja* is part of a historically larger entity which for centuries belonged to Hungary, and was traditionally organised as part of the County of Baranya with an administrative seat of government in the town of Pécs in modern Hungary.<sup>1</sup> The region was politically divided after World War I. That part of Baranja which was allotted to the Kingdom of Serbs, Croats and Slovenes became a part of the Yugoslav federal republic of Croatia after World War II (see Figure 2). Croatian Baranja is a well-defined region which has a triangular shape framed by the Croatia-Hungary boundary to the north, the Drava river to the south and west and the Croatia-Serbia boundary to the east. The latter boundary has the Danube as its basis although the line does not exactly coincide with the river (see Section 4).

*Vojvodina* presently refers to the fertile Pannonian part of Serbia north of Sava and Danube. It comprises three regions – Banat, Bačka and Syrmium – with a capital at Novi Sad.

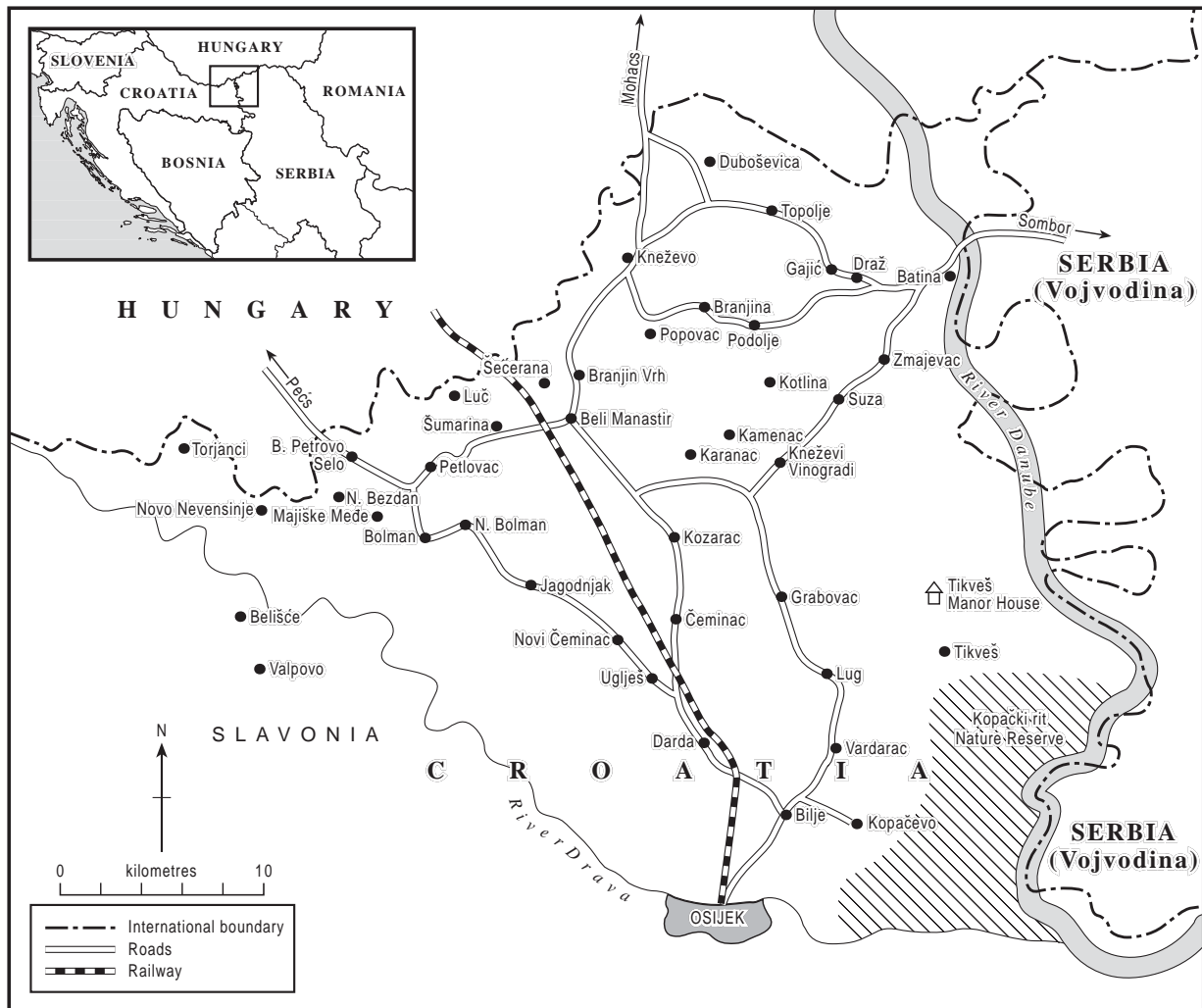


Figure 2: Baranja

<sup>1</sup> *Baranja* being the Croatian term and *Baranya* the Hungarian equivalent.

Historically, Bačka, and Banat were parts of Hungary and Syrmium part of Croatia. During communist rule Vojvodina enjoyed the status of an autonomous province. The rationale behind this autonomy arrangement was the region's extremely diverse ethnic structure. Among more than twenty minorities present in Vojvodina, Hungarians were the most numerous (16.9%) according to the 1991 Yugoslav census. *Bačka* forms the western part of the region between the Danube and Tisa rivers, while *Banat* lies east of Tisa. The southern part of Vojvodina – *eastern Syrmium* (*Srem* on Serbian) – was part of the historic Croatian province which was divided between Croatia and Serbia in 1945.

## 2.2 Eastern Slavonia

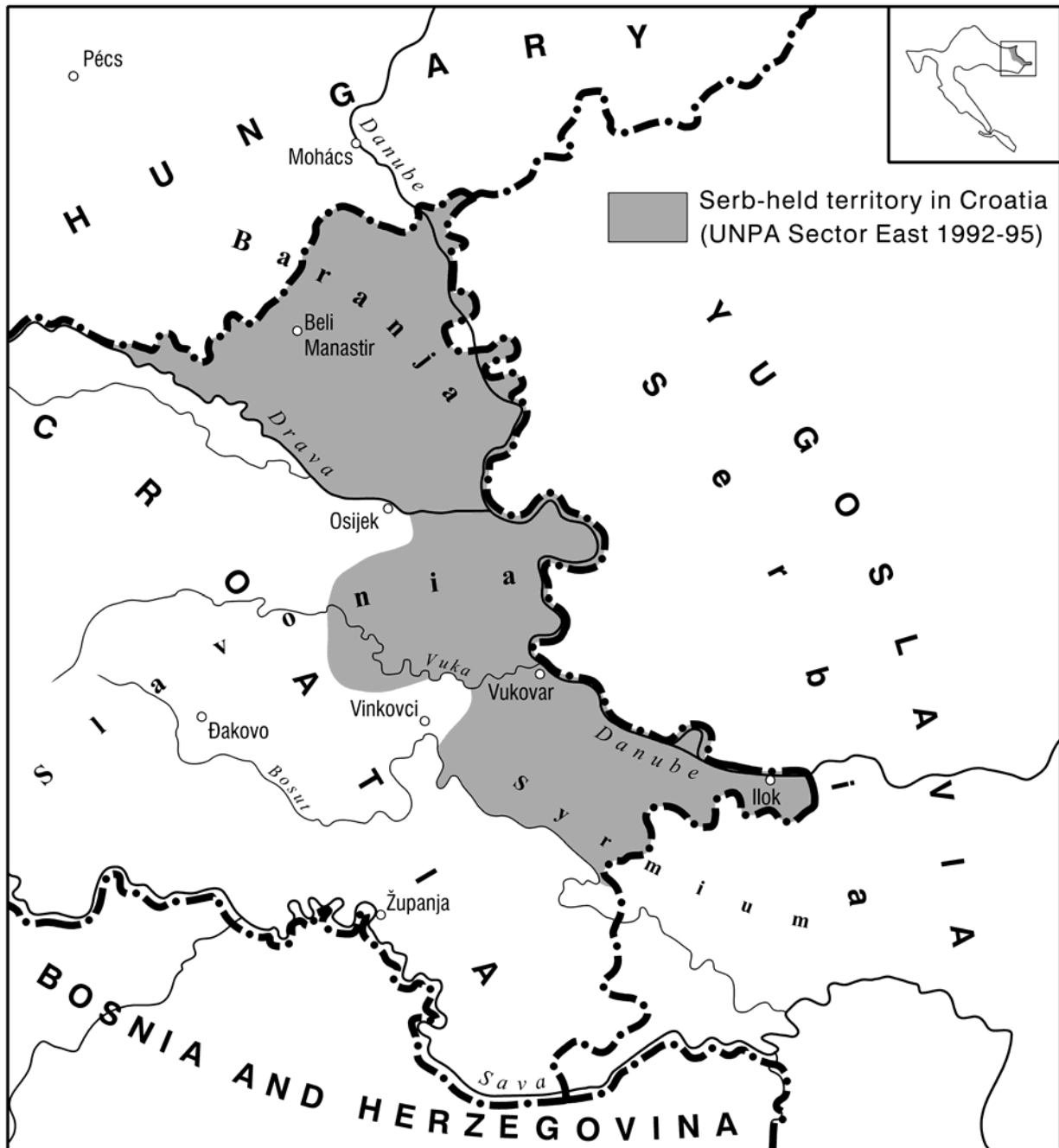
That part of eastern Croatia which was occupied by Serb forces in 1991 comprised almost the entirety of non-Hungarian Baranja, the easternmost part of Slavonia and the Croatian part of Syrmium (see Figure 3). The area in question can therefore be accurately referred to as *Baranja, eastern Slavonia and western Syrmium*. Given this rather cumbersome title it is perhaps unsurprising that the shorthand term of *Eastern Slavonia* came into frequent use. In contrast, Croatian geographers have sought to promote the terms *Croatia's Danube Region* or *Croatian Danubeland* (*Hrvatsko Podunavlje*) as alternative concise names for the region which emphasise Croatian sovereignty as well as the pivotal role of Danube in the area.

As far as the local Serb authorities controlling the region in the 1991-1995 period were concerned, however, the area was simply part of the internationally unrecognised 'Serbian Republic of Krajina'. United Nations peacekeepers officially referred to the region as UN Protected Area (UNPA), Sector East.

The boundary between the Yugoslav federal republics of Croatia and Serbia (Vojvodina) was delimited in some detail in 1945-46 and could be said to be well established by the time it was elevated to the status of an international boundary with the break up of Yugoslavia (see Section 3.3). The only boundary dispute as such between the two sides can be termed a positional one relating to pockets of territory belonging to either state which have ended up on the 'wrong' side of the river as a result of the meanderings of the Danube as well as certain small islands in the river (see Section 4).

Eastern Slavonia, comprising the easternmost part of Croatia along the Danube river, has an area of 2,580km<sup>2</sup> amounting to 4.6% of Croatia's state territory. According to the last census prior to the conflict which engulfed the region, that of 1991, the territory comprising Eastern Slavonia had a population of 193,513. Of this total, Croats were the most numerous inhabitants, numbering 86,086 (44.5%), but the population was clearly a mixed one. Serbs represented the second most numerous ethnic group in the region, accounting for 67,676 inhabitants (35%). Other nationalities and those who chose not to declare a particular nationality (including Hungarians, Ruthenians and those who opted to define themselves as 'Yugoslavs') comprised 39,751 people (20.5%). The Hungarian community was concentrated in Baranja, while a small Ruthenian population was settled in the villages Petrovci and Mikluševci near Vukovar.

In economic terms the Danubian portion of Croatia undoubtedly represented the most significant 'gain' the Serbs made in the course of the 1991 Serbo-Croat war. In contrast to the sparsely inhabited and economically peripheral nature of the Krajina uplands, low-lying



**Figure 3: Eastern Slavonia**

eastern Croatia was heavily populated and developed, boasting light industry and the most productive agricultural land in the country on the floodplains of the Danube.<sup>2</sup> The area also provides the eastern hinterland for Croatia's fourth largest city, Osijek. Moreover, in Srijem, near Djeletovci, Serbian forces occupied the largest oil producing region in former Yugoslavia. In the late 1980s, the production of oil from these fields amounted to approximately 5,200 barrels per day.

<sup>2</sup>

The term "*Krajina*" has in recent years been employed to refer to the Serb statelet centred on the town of Knin which existed from 1991 to 1995. In Croatian the word is equivalent to "*frontier*" in English and is associated with the Habsburg-era military defensive belt or "*military border*" known as the *Vojna krajina*.

Strategically, the Serb-occupied area provided Serbia (Yugoslavia) with a buffer zone and bridgehead on the western side of the major physical obstacle to a Serb offensive against Croatia – the Danube. The Serb occupation also amputated Croatia's Danubian character (through the port at Vukovar) and thus access to Europe's largest inland waterway system. This was keenly felt and Croatia's desire to "return to the Danube" became a significant theme in Croatia's nationalist discourse. In addition, as the site of the heaviest fighting of the 1991 conflict, the reintegration of Eastern Slavonia, and the town of Vukovar in particular, acquired great symbolic importance for many Croatians.

### **3. The Evolution of the Boundary**

#### **3.1 The Development of the Boundary until the end of World War I**

Two distinct periods can be distinguished in the evolution of the modern Croatia-Serbia international boundary – the pre-Yugoslav and Yugoslav periods with World War I as a turning point. Until the end of World War I and the break-up of the Austro-Hungarian state, the border developed as the eastern limit of Croatia (officially the Kingdom of Croatia and Slavonia or Triune Kingdom of Croatia, Slavonia and Dalmatia), one of the constituent units of the Hapsburg Monarchy. In this context the Danube River constituted the basis for a provincial border with other counties belonging to the Hungarian part of the Empire while the Sava River represented an international border with Serbia which gained independence from the Ottoman Empire in 1878 (see Figure 4).

A useful starting point for tracing the evolution of the boundary during the pre-Yugoslav period is the conclusion of the *Treaty of Karlowitz (Srijemski Karlovci)* between the Austrian and Ottoman Empires in 1699. By this treaty Hapsburg Croatia regained the whole of Slavonia and a large part of Syrmium. The remainder of Syrmium was annexed to Croatia following the *Treaty of Passarowitz (Požarevac)* signed between the same parties in 1718. As a result the eastern border of Croatia became the Danube River.

The reintegrated territory was administratively reorganised in 1754 when the 'Slavonian' counties of Požega, Virovitica and Syrmium were established. A strip of territory along the Sava and Danube rivers to the east did, however, become an integral part of the 'Military Border' – an Austro-Hungarian defensive belt or buffer zone against the Ottoman Empire ruled directly by the military authorities in Vienna. This military border area was not entirely reintegrated into Croatia until 1881.

In the politically stormy year of 1848 the National Assembly of the Serbs proclaimed autonomy for 'Serbian Vojvodina' (*Vojvodina Srpska*). This autonomous unit, which encompassed part of Syrmium which had been attached to Croatia, proved short-lived, however, being abolished the same year when Vojvodina was given the status of an Austrian Crown Territory. The episode was concluded in 1860 when Vojvodina was reincorporated into Hungary and a year later that part of Syrmium which had been included in Vojvodina in 1848 was restored to Croatia.



**Figure 4: Croatia and Serbia Before 1918**

Following the 1867 Austro-Hungarian *Ausgleich* or Compromise, Croatia became a unit of the Hungarian part of the Empire with its relations with Budapest being regulated on the basis of a separate Croatia-Hungarian Compromise signed in 1868.

The aftermath of World War I, which saw the demise of the Austro-Hungarian Empire, resulted in a new boundary delimitation between Hungary and the newly established Kingdom of Serbs, Croats and Slovenes (later to become Yugoslavia) at the Paris Peace Conference.

The decision of the peace conference, later confirmed by the *Treaty of Trianon*, was a compromise between several proposals discussed (Klemenčić, 1991: 188). The western part of the boundary conformed with the old Croatia-Hungary division line. In contrast, the eastern part of the boundary represented a completely new delimitation since the historically Hungarian regions of Bačka, Banat and part of Baranja were annexed to the new South Slav state. The boundary line, known as the *Clemenceau Line*, was drawn without reference to natural features.

Part of this ‘new’ boundary is directly relevant to the region which is the subject of this *Briefing*. The traditionally Hungarian County of Baranya was divided with its southern part annexed to the Kingdom of Serbs, Croats and Slovenes. Since the population was mixed in all parts of Baranja, it was not possible to determine the border according to ethnic criteria so a compromise had to be reached. As a result, a considerable number of South Slavs, especially Croats around Mohács and Pécs remained in Hungary, while many Hungarians were left in the area included in the new Serb, Croat and Slovene state. This delimitation was justified from an

economic and spatio-functional viewpoint, as Belgrade's claim to southern Baranja as the natural hinterland to Osijek was accepted by the peace conference. At the time, the inclusion of Baranja in Yugoslavia represented neither a Croatian nor a Serbian territorial gain as the area remained undivided at the conclusion of World War II.

### **3.2 Boundary Developments in the Kingdom of Yugoslavia**

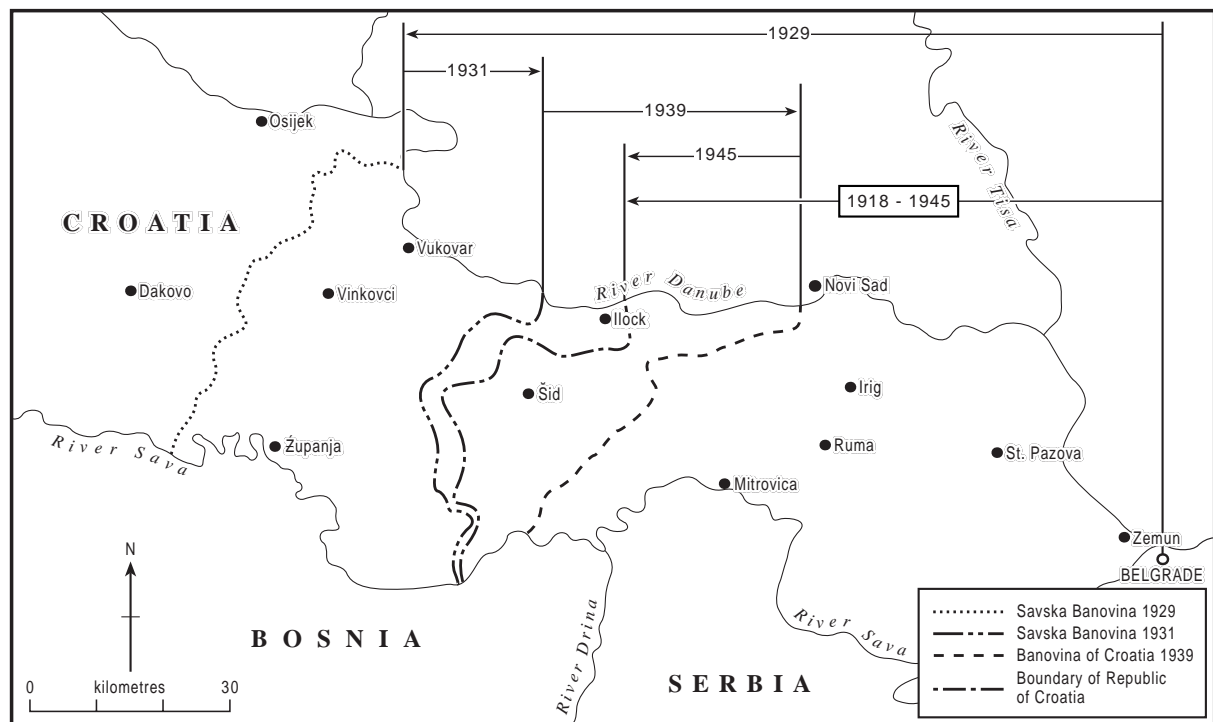
The Kingdom of Serbs, Croats and Slovenes was a centralist state, officially recognising no right to autonomy for its constituent parts. As a result, the first administrative-territorial organisation of the Kingdom was not carried out until 1922. The census which took place a year earlier was therefore carried out using the territorial divisions valid prior to World War I. On this basis the Kingdom of Serbs, Croats and Slovenes was divided into 'provinces'.

In 1922 the Kingdom was reorganised and a new administrative-territorial division was introduced. The main unit of territory of the new administrative system was the *oblast* or region. According to the provisions of the 1922 reorganisation, Croatia-Slavonia was divided into four regions. The Syrmium region, with its administrative seat in Vukovar, included the whole of historical Syrmium while Osijek region encompassed the entirety of Slavonia. Baranja was also included, together with Bačka, in the Novi Sad region.

By *Royal Proclamation* of 6 January 1929, the constitution of 1921 was abolished and parliament dissolved. All political parties were banned and an absolutist monarchy proclaimed. The King also issued the *Law on the Name and the Division of the Kingdom into Administrative Territories*. The country was renamed the Kingdom of Yugoslavia and administratively divided into nine *banovinas* (provinces). These main territorial units were named after the country's rivers.

Two such banovinas were established on the territory of historic Croatia-Slavonia and a number of boundary changes were enacted. The greatest change was made in Syrmium which was entirely excluded from the Savska (Savian) banovina to which the region would have logically belonged if historic boundaries had been respected. The towns and districts of Vukovar, Vinkovci, Županja, Šid and Srijemska Mitrovica were included in the Drinska (Drinian) banovina with an administrative seat of government in the Bosnian town of Tuzla, while the remainder was included in Dunavska (Danubian) banovina with its administrative seat in Novi Sad. The districts of Darda and Batina of Baranja were also included in the latter banovina while the town of Zemun was incorporated into the city of Belgrade which formed a special administrative unit (see Figure 5).

The territorial reorganisation of the Kingdom of 1929 and resulting division of Croatian Danubeland between the banovinas was arguably at odds with ethnic, historic and economic considerations and was altered just two years later in 1931. The districts of Vukovar, Vinkovci and Županja were transferred from Drinska to Savska banovina while the districts of Šid and Srijemska Mitrovica were transferred from Drinska to Dunavska banovina. As a result, the limit of the Drinska banovina became the Sava river, while the limit of Dunavska banovina was set further to the east, which enabled Savska banovina to expand eastwards – significantly beyond the historic eastern limits of Croatia defined by the confluence of Danube and Sava.



**Figure 5: Boundary Changes in Srijem (Syrmium), 1918-1945**

A further territorial reorganisation was carried out in 1939 as part of a wider agreement reached after intensive talks between the authorities in Belgrade and opposition forces in Zagreb. The resulting agreement is known as *Cvetković-Maček Agreement*, named after Dragiša Cvetković who was Prime Minister of the Kingdom of Yugoslavia at the time and Vladko Maček, leader of the opposition movement in Croatia. On the basis of the Cvetković-Maček accord, the Banovina (Banate) of Croatia was established. The idea was to create an autonomous Croatian unit within Yugoslavia as a solution of the ‘Croatian issue’ which at the time threatened the national security and unity of Yugoslavia on the eve of World War II.

The creation of the Banovina of Croatia represented the first step towards the federalisation of Yugoslavia. The establishment of a Slovenian autonomous unit was also envisaged, while the rest of the country was to be a Serbian unit – an early version of ‘Greater Serbia’. By the *Act on Banovina Hrvatska*, which became effective on 26 August 1939, the new territorial division was defined as follows:

*Savska and Primorska banovinas, with the districts of Dubrovnik, Šid, Ilok, Brčko, Gradačac, Derventa, Travnik and Fojnica, shall amalgamate into one unit that shall be called Banovina of Croatia.*

Although not included in the Act, it was also agreed that:

*...the definite territory of Banovina of Croatia shall be defined upon the reform of the country; in doing so, economic, geographical and political circumstances shall be considered (Boban, 1993: 41).*

The latter provision meant that in certain parts, particularly in parts of historic Bosnia which were included in the Banovina of Croatia, communes or villages with Serbian majorities might be excluded after final delimitation. On the other hand, the Croatian side anticipated that a final delimitation on this basis might lead to the eventual expansion of the Banovina of Croatia



to include northern Bačka, inhabited mainly by the Croats. Only three days after the proclamation was issued, Croatian leader Vladko Maček stated:

*This is not the end of the Croatian territory issue, for we have set a special contract clause according to which the total area of Croatian banovina will be determined during the reorganisation of the state...for the territory of Croatian banovina will be totally different depending on whether or not it would include the autonomous region of Vojvodina.*

In relation to the Croat-Serb boundary, the 1939 delimitation brought a further change. In comparison with the banovina delimitation of 1931, the Croatian boundary in Sirmium was shifted eastward so that districts of Šid and Ilok were included in the Banovina of Croatia. However, the eastern part of Sirmium (around Zemun, close to Belgrade) was again excluded from the Croatian unit (see Figure 5).

The existence of the Banovina of Croatia was short-lived. Indeed, it vanished from the map along with the Kingdom of Yugoslavia in the course of the Axis attack of April 1941. After a short campaign the Yugoslav army was defeated and the country was divided at the Vienna conference held on 20 April 1941. As a result, Hungary annexed Baranja and Bačka while Sirmium became a part of the fascist Independent State of Croatia which was established under German and Italian sponsorship. South of the Danube, Serbia fell under German military administration. Formally, Banat was considered part of Serbia too, but effectively this area was also under German control. As a result, boundaries were significantly redrawn, and the situation in Eastern Slavonia reverted to one almost identical to that before 1918. This arrangement was hardly long-lasting, however, and significant border changes were effected in the wake of the Axis defeat and victory of the communist partisans in Yugoslavia.

### **3.3 Delimitation following World War II**

The present-day Croatia-Serbia border was largely established in the aftermath of World War II. However, several important events occurred during the war which had a profound influence on the delimitation. The basis for the post-war reestablishment of Yugoslavia were the decisions of the Antifascist Council for the National Liberation of Yugoslavia (*Antifašističko Vijeće Narodnog Oslobođenja Jugoslavije* or *AVNOJ*). As a result, the internal boundaries within Yugoslavia were frequently referred to as ‘AVNOJ boundaries’ even though AVNOJ neither defined nor even mention such boundaries in its pronouncements. Indeed, although AVNOJ’s proclamations were the foundation of the federal structure of post-war Yugoslavia, proposing as they did the principle of equality between the state’s constituent nations, there was no discussion concerning delimitation between the proposed republics. Moreover, it should also be noted that the basic shapes of the so-called AVNOJ boundaries were in fact established long before AVNOJ’s existence as historic delimitations were, in the main, respected.

Perhaps the first, more precise mention of post-war Yugoslavia’s internal boundaries can be traced to a session of the AVNOJ Presidency held on 24 February 1945. In the context of a discussion on proportional representation of the federal units of the state, Croatia was defined as follows:

*...within the borders of the former Savska banovina with thirteen districts of the former Primorska banovina and the Dubrovnik district from the former Zetska banovina (Boban, 1993: 53).*

Subsequently, on 6 April 1945, in a session of the main national-liberation council of Vojvodina, it was finally decided to establish Vojvodina as an autonomous unit within Serbia (Fontes, 1995: 183). At the same session the status of Baranja was discussed and although the issue was not definitively resolved it was clear that most of the participants saw the region as a part of Croatia:

*The Baranja issue stays open as long as local peoples decide where they belong to. However, the majority of Council members share the opinion that Baranja will be part of federal Croatia (Fontes, 1995: 185).*

The question of the delimitation between Croatia and Serbia was the subject of intensive talks during the spring of 1945. In order to resolve the issue, the Politburo of the Central Committee of the Communist Party of Yugoslavia appointed a special commission tasked with proposing a definitive Croatia-Serbia (Vojvodina) delimitation. The commission was comprised of five members headed by Milovan Đilas (Djilas), a senior Yugoslav leader at that time, and was subsequently usually referred to simply as the *Đilas Commission*. On 19 June 1945 the Đilas Commission was also adopted by the AVNOJ Presidency as its representative. Ultimately, the Đilas Commission was primarily responsible for defining the course of the Croatia-Serbia (Vojvodina) boundary.

The Đilas Commission undertook fieldwork, held meetings with local representatives and submitted a report. With respect to the Commission's methodology, Milovan Đilas's comment is revealing: *"We went from village to village trying to determine which nation had a majority. The Politburo ordered us to stick to the ethnic principle beforehand."*<sup>3</sup> The report was discussed by the Communist Party Politburo on 26 June 1945 and by the AVNOJ Presidency on 1 July 1945. The findings, conclusions and proposals of the Đilas Commission are fundamental to an understanding of the alignment of the present-day Croatia-Serbia boundary. The Commission's report is therefore worth quoting extensively (quotations after Boban, 1993: 54-55). In its report the Commission first defined the disputed territories between Croatia and Vojvodina as:

- (a) the districts: Subotica, Sombor, Apatin Odžaci – north and north-east of the Danube (Bačka);*
- (b) the districts: Batina, Darda, between the Drava river and the Danube (Baranja);*
- (c) the districts: Vukovar, Šid and Ilok – south-west and south of the Danube (Srem).*

Bačka region was proposed as part of Vojvodina although other solutions were not totally excluded:

*The district of Subotica is by an immense majority populated by the Croats. The district of Sombor has, speaking of the Slavic minorities, a relative (insignificant) majority of Serbs, distributed in a way that the Serbs are majority in the town of Sombor, and Croats in the villages. The relative majority of all nationalities rests*

<sup>3</sup> Taken from an interview with Milovan Đilas in *Nedjeljna Dalmacija*, Split, 1 October 1989.

*today with the Hungarians, and earlier it was with the Germans. In the district of Apatin it is, of the Slav population, the Croats that have a relative majority; of all nationalities in the entire district it is the Hungarians today; earlier, the Germans. In the district of Odžaci among Slavs the Slovaks have a relative majority, followed by the Serbs; of all nationalities in the entire district, it is Hungarians today; earlier the Germans.*

*Although the district of Subotica is inhabited by a compact Croatian population with an absolute majority, the Commission could not come to a conclusion to establish a zone north of the town of Sombor, that would be, together with the town of Subotica, included in Croatia. Such a zone would be an unnatural creation, which, though mainly Croatian, would not be integrally connected, and would turn Subotica, a large regional economic and cultural centre, into a peripheral town, the communications and entire economic life of which flow southwards, and not to the west.*

*The inclusion of the other above-mentioned territories in Croatia is out of the question for the simple reason that in some of these districts the Serbs have a relative majority (of the Slav population). Therefore the Commission found that this entire territory should remain in Vojvodina. It is understood that, should this territory be expanded to the north beyond the old Yugoslav-Hungarian border, to include Croats from the Baja region which are presently in Hungary, the whole issue would have to be reconsidered. Therefore, the matter of delimitation in this area is, among other things, tightly connected with the definite delimitation of the borders of Yugoslavia at the peace and other conferences.*

The explanation given in the case of Baranja was rather short but unequivocal:

*The districts of Batina and Darda, taken together, have, among the Slav minorities, a relative Croatian majority. Both districts incline to the west in terms of economy. It is therefore both economic and national factors which require the inclusion of both districts in federal Croatia and their exclusion from Vojvodina, to which they now belong.*

It is therefore clear that the Commission proposed a solution which was generally in line with pre-existing delimitations and based on economic as well as ethnic criteria. In spite of the recognised Croat ethnic majority in the northern part of Bačka, the Commission was not in favour of extending Croatia as far as Subotica. On the other hand it favoured the inclusion of Baranja as part of Croatia, leaving little scope for alternative solutions.

The problems encountered in relation to the delimitation in Srijem required a more detailed explanation. In particular, the ethnic cross-section of the region was very extensively and objectively described. First, the situation with regard to the former district of Vukovar was highlighted:

*The former territory of the district of Vukovar had, of the Slav population, a Serbian majority. During the war, as the uprising was developing, the district was divided into two parts, so that the northern part, directly to the north and west of the town of Vukovar, together with the villages of Bogdanovci, Marinci, Petrovci, Cerić, as well as the factory settlement and the village of Borovo, was included in Croatia; the southern part of the district, together with the villages in the district of Vinkovci: Mirkovci, Novi*

*Jankovci, Slakovci, Orolik, Komletinci, Nijemci, Donje Novo Selo, and Podgrađe, was included in Vojvodina.*

*It is characteristic that two Vukovar districts exist today: one (the northern part) in Croatia, and the other (the southern part) in Vojvodina, of which the one in Croatia has a relative Serbian majority, and the one in Vojvodina has a relative Croatian majority. It is important to point out that the pre-war district of Vukovar was obviously an artificial creation, made on purpose, with the aim of gaining a relative Serbian majority, never taking into account the national, economic, or geographic conditions. If one considers the entire area from Vinkovci and Vukovar to Šid, then it represents a zone of Croatian population with a comparatively small number of Serbs, making the northern part of the district of Vukovar (the present-day Vukovar district within the region of Osijek) an isolated Serbian oasis in Croatia. Therefore, the Commission was of the opinion that in this area the border should also be east of the above-mentioned Croatian zone, i.e. between Šid and Vukovar.*

The report continued with an explanation of the situation around the town of Ilok:

*As for the district of Ilok, although the western villages of Šarengrad and Ljuba, and the town of Ilok have an immense Croatian majority, and the eastern villages of Neštin, Susek, Banoštor, and others have an immense Serbian majority, the Commission was of the opinion that for the time being, the district should not be split into two halves, but rather left in its present form, and included in Vojvodina. The district as a whole has a relative Serbian majority. Ilok is a town and a river-port on the Danube, and joining it with Croatia would, for the time being, aggravate its development, due to remote administrative connections. After the consolidation of authorities, on both sides of the border, which the commission suggests, the issue of restoring the present-day Ilok district villages, and the town itself, to Croatia may be raised again. At the present moment this could cause certain difficulties, especially because the conditions there have not yet settled. Having taken into consideration all these factors, especially economic factors, the Commission is of the opinion that, as a provisory [provisional] solution, the Ilok district, in its present form, which is identical to the pre-war situation, should remain in Vojvodina.*

The division of Sirmium region, from the viewpoint of delimitation on the basis of ethnic distribution, was the correct proposal. Furthermore, once the decision had been taken to divide the region, it was inevitable that some Serbs would remain in Croatia and some Croats would remain in Vojvodina (i.e. Serbia). However, this division of the region could not be justified from the historic viewpoint since Sirmium had never been part of Serbia.

Finally, the report also included the proposal of a “provisional” borderline between Croatia and Vojvodina as follows:

*...from the Hungarian border, down the Danube river to the limit between villages Bačko Novo Selo and Bukin; across the river Danube between the villages: Opatovac-Mohovo, Lovas-Bapska, Tovarnik-Šid, Podrađe-Ilinci, Adaševci-Mala Vašica, Lipovac-Batrovci, Strošinci-Morović.*



**Figure 6: The Đilas Commission's Boundary Proposal and Subsequent Changes**

*This way, villages in today's Šid district: Opatovac, Lovas, Tovarnik, Podgrade, Adaševci, Lipovac, Strošinci and Jamena would be – together with belonging land – annexed to Croatia, while on the other hand, the villages of Mohovo, Bapska, Šid, Ilinci, Mala Vašica, Batrovci, Morović, would be – together with belonging land – annexed to Vojvodina.<sup>4</sup>*

The Commission's proposal can be seen in Figure 6, along with the line of the Croatia-Vojvodina boundary defined by the *Law on Establishment and Organisation of the Autonomous Province of Vojvodina* issued by the Serbian Assembly on 1 September 1945. The proposals made by the Đilas Commission were therefore almost completely accepted. The Law refers directly to the Đilas Commission:

*The borders between the Autonomous Province of Vojvodina and federal Croatia are being temporarily settled according to the proposal of the special AVNOJ commission.*

<sup>4</sup> A mistake which was repeated twice in the proposal is worth pointing out: the village of Adaševci, which was supposed to be annexed to Croatia, was in fact clearly mistaken for the village of Apševci.

*The borderline follows the Danube from the Hungarian border to the town of Ilok, crosses the Danube leaving Ilok, Šarengrad, and Mohovo within Croatia and then further to the south, leaving following cadastral communes Opatovac, Lovas, Tovarnik, Podrađe, Adaševci, Lipovac, Strošinci and Jamena, presently part of Šid district, within Croatia, and leaving the Town of Šid, and villages of Ilinci, Mala Vašica, Batrovci and Morović within Vojvodina (Boban, 1993: 56, emphasis added).*

The only significant difference between the Đilas Commission proposals and the *Law on Establishment of Vojvodina* concerns the town of Ilok. The Commission provisionally proposed that Ilok form part of Vojvodina, while the Law clearly placed the town within Croatia. It is understood (Boban, 1993: 55; Fontes, 1995: 173) that a referendum was organised in which the citizens voted, presumably, in favour of joining Croatia. It is worth noting that the work of the Đilas Commission provided for a provisional delimitation, as acknowledged in the law on Vojvodina, and was intended as the basis for a subsequent detailed delimitation and demarcation exercise – something which never materialised.

Figure 6 also illustrates that the Law on Vojvodina did not represent the final step in the evolution of the boundary. Two relatively minor corrections were subsequently carried out as part of the territorial consolidation of the Yugoslav republics which took place in 1946 and 1947. On 15 May of that year, the General Secretariat of the Yugoslav Government sent a circular letter to the republics, asking for suggestions concerning changes to inter-republican delimitations, stating that:

*The proposals must be substantiated in detail and supported by figures on the ethnic structure of the locality, its economic connections, and the motive of the change required.*

*Enclosed to the proposal should be a map of your republic, on which, apart from present boundaries, your proposal of delimitation change should be drawn.*

*The proposal can only refer to the internal, inter-republican boundaries, and does not affect the sectors of the republican boundaries that are present-day international borders with neighbouring states (Fontes, 1995: 277).*

On this basis Croatia and Serbia agreed to one further minor boundary change. The Serb-populated village of Jamena, initially allocated to Croatia, was transferred to Serbia while the Croat-populated village of Bapska was transferred to Croatia. It is unclear precisely when this change was effected but it was certainly carried out before the first post-war population census was carried out in 1948. No further changes to the Croatia-Serbia (Vojvodina) boundary were effected between 1948 and the disintegration of Yugoslavia in 1991.

#### **4. The Danube Dispute**

As previously noted, the findings of the Đilas Commission form the basis for the 150 mile (241km)-long Croatia-Serbia (Vojvodina) boundary delimitation. While that part of the boundary passing through heavily populated Western Sirmium (Srijem) was delimited in

considerable detail and is not subject to dispute, the 87 mile (140km) Danube River portion of the boundary remained (and remains) problematic.

Responsibility for managing the boundary fell to the Croatian and Vojvodinan authorities, particularly those of Osijek district on the Croatian side and Sombor district on the Serbian side. With regard to the Danube section of the boundary, these authorities were particularly concerned with issues such as fishing, related taxes, flood control and navigation. While there were no major disputes between 1945 and 1991, the actions of these officials are significant in the post-1991 period because of a dispute which has arisen between Croatia and Yugoslavia concerning sovereignty over certain islands and pockets of territory belonging to either state which have ended up on the ‘wrong’ side of the river.

This dispute will be dealt with here, separately from the wider issues of the dissolution of Yugoslavia and occupation of Eastern Slavonia (see Sections 5-8), as it is essentially a question of delimitation arising from the Đilas Commission’s work and its resolution is largely dependent on the interpretation of that Commission’s reports, coupled with events in the 1945-1991 period.

#### **4.1 ‘Pockets’ and Adas**

The Croatian-Serbian delimitation dispute is caused primarily by the historical definition of the boundary as following the course of the Danube and the subsequent meanderings of the river, coupled with hydrologic works designed to regulate the river’s flow. The root of the problem is that the cadastral boundary was defined prior to alterations to the course of the river (see Figure 7).

Regulation works were carried out several times during the 19<sup>th</sup> century, when the Danube’s meanders were cut through. On the northern part of the river boundary under discussion, regulation works were especially intensive at the end of the 19<sup>th</sup> century when three major interventions were made: at Blaževica (in 1894), Siga (1894), and Srebrenica (1890-91 and 1894). These engineering works were especially significant in the first two cases where 4km and 8km-long channels were cut. The result was a shortening of the river’s course leading to differences between the new river-bed and the cadastral boundary which conforms to the former course of the river. Significantly, the cadastral limits were not revised in order to coincide with the position of the new river bed and they have not subsequently been subject to alteration.<sup>5</sup> The consequence of this was to leave ‘pockets’ of territory belonging to one jurisdiction but located on the ‘wrong’ side of the river.

Croatia’s official post-independence position is that while the border between the two countries in general follows the direction of the Danube in this section, crucially, the alignment of the boundary is not identical to that of the present course of the river. In Zagreb’s view, the Đilas Commission simply provided a general allocation of territory on a temporary basis pending a final, detailed delimitation and demarcation exercise. In contrast, the Yugoslav authorities maintain that the present international boundary is coincident with the current course of the Danube: *“the delimitation of 1945 [Đilas Commission] defined the boundary as*

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<sup>5</sup> Matic, *History of Cadastral Archives in Slavonia and Baranja*, cited in Reba (1999: 25).



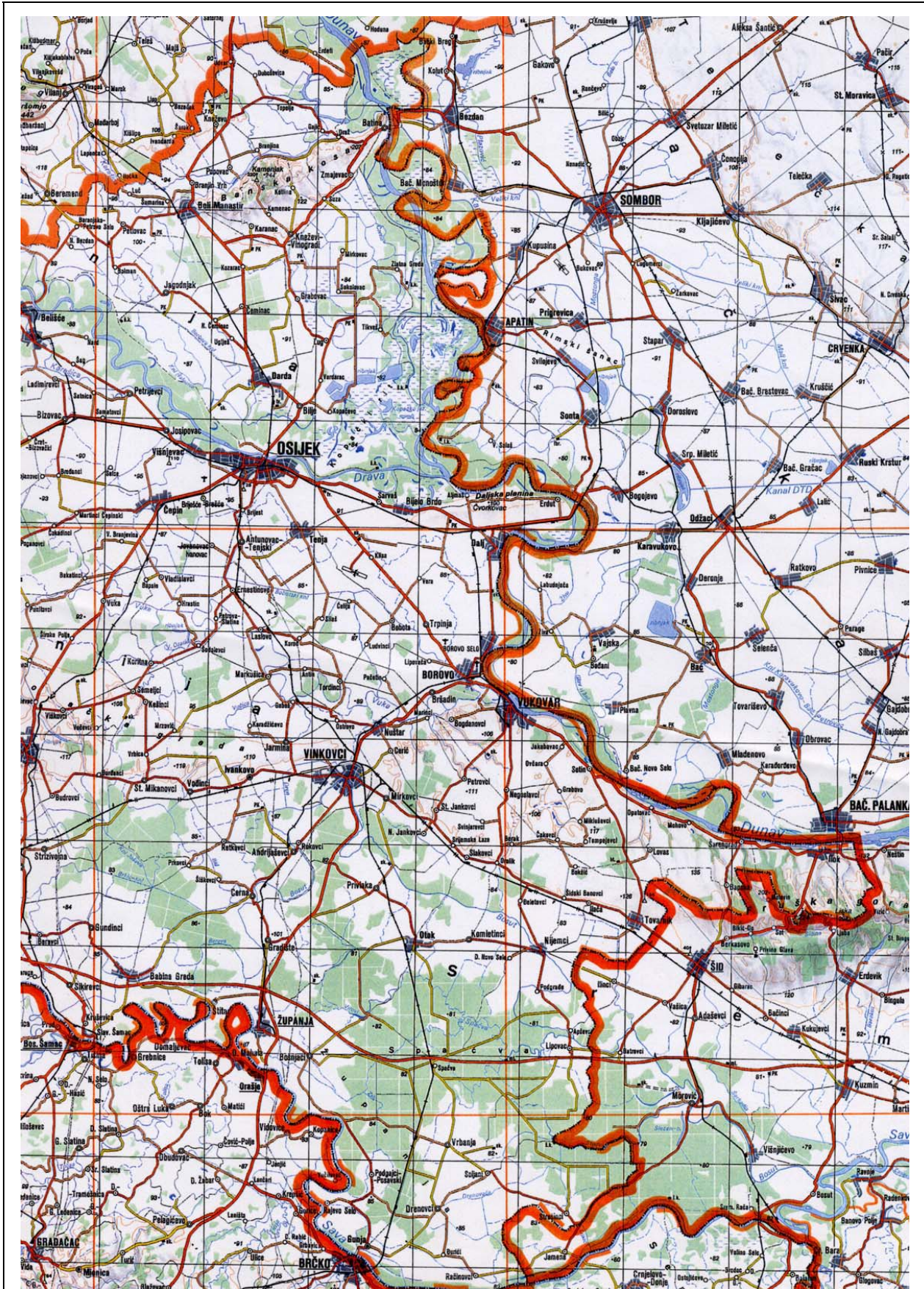


Figure 7: The Croatia-Serbia Boundary



following the mid-line of the main navigable channel.”<sup>6</sup> The post-conflict *de facto* situation accords with the Yugoslav viewpoint, with the river forming a ‘natural’ dividing line. The dispute can therefore be readily termed as ‘locational’ rather than an outright territorial dispute as both parties are in agreement over the boundary line in general terms.

It is perhaps unsurprising that the Serbian side favours the current main channel of the Danube as the international boundary. This is because the trans-Danube pockets of territory which are at issue are significantly more numerous on the left (Serbian) bank of the river. Although there is some uncertainty over precise figures, the ratio between Croatian pockets on the left bank and Serbian pockets on the right bank is approximately 10:1 in terms of area. Broadly speaking, the Croatian pockets on the left (Serbian) side amount to an area of around 90km<sup>2</sup>, as compared with around 9km<sup>2</sup> of Serbian territories located on the right (Croatian) side.

Although the central part of the boundary, between Vukovar and Ilok, coincides more nearly with the present course of the Danube than does the northern portion of the boundary, differences between the cadastral limits and the river also exist. In contrast to the northern part of the boundary, the territories at stake are river islands, referred to as *ada*, located close to the northern (Serbian) bank, but which belong to Croatia. These are *Vukovarska ada* or *Ćifutska ada* (Vukovar or Jewish island), *Šarengradska ada* (Šarengrad island), and *Hagel* island. The latter only came into existence in 1922 when the Danube was cut through at that point.

The dispute over the Danubian pockets and islands emerged in the aftermath of the Đilas Commission’s report. However, the dispute never became a major issue in relations between the two fellow republics within federal Yugoslavia. In essence, the problem lacked significance because it was a domestic Yugoslav issue with no international ramifications. Additionally, the territory in question was relatively limited in extent, uninhabited, unproductive agriculturally and frequently subject to flooding – a combination of factors which did little to promote its importance to the authorities involved.

## 4.2 Cadastral Evidence

As previously outlined, Croatia’s arguments concerning the Croatia-Serbia boundary rely heavily on cadastral evidence. It is probably fair to observe that cadastral archives have been generally regarded as the most reliable indicator when the precise location of a boundary has been called into question in former Yugoslavia. This is the case because, in contrast to other sources of what might be described as ‘state practice’, cadastral documentation is extremely precise and covers sustained periods of time, providing strong evidence in a legal sense of long-standing ownership and jurisdiction. Indeed, cadastral evidence was used as the primary means by which the boundary between Croatian and Bosnia-Herzegovina was defined in detail. Although numerous points of disagreement emerged along this c.600 mile (1,000km)-long boundary,<sup>7</sup> the most significant of these were decided on the basis of cadastral documentation.<sup>7</sup>

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<sup>6</sup> Quoted in Reba, 1999: 13-14.

<sup>7</sup> The *Treaty on the State Border between the Republic of Croatia and Bosnia and Herzegovina* was signed on 30 July 1999. For details see Klemenčić, 1999: 96-101.

Cadastral archives for communes belonging to Baranja are held in Beli Manastir and those for that part of the Croatia-Serbia river boundary between the village of Aljmaš to the town of Ilok are located in Vukovar. The areas in the immediate vicinity of the boundary line are well documented. Additionally, the State Archives in Osijek hold rare cadastral maps and indicative sketches of both regions. Given the paucity in preserved documentation for these areas, especially in relation to the late 19<sup>th</sup> century, the Osijek maps provide an invaluable source of information.

Where the River Danube enters Croatia, there are two pockets of land detailed in Croatian cadastral documentation (see Figure 8). These pockets, Karapanda and Kendija, belong to the *općina* (commune) of Beli Manastir and combined comprise an area of 2,166 hectares. The area is uninhabited but hosts five barns. The fertile part of this land is in private ownership of some 800 people, none of whom have residence in Osijek or Beli Manastir.

Just below the town of Batina, on the right side of Danube there are 642 acres of land registered with the cadastral communes of Sombor, thus belonging to Yugoslavia. This land is not inhabited and the main user of the land, until the conflict in 1991, was the agricultural-hunting society Jelen from Belgrade (Reba, 1999: 26). Following the reintegration of Eastern Slavonia into Croatia, the lands formerly used by Jelen have been administered by the Croatian state agency *Hrvatske šume*. Further south, in the vicinity of Aljmas, there are two more Croatian pockets – Blazevica and Kolondos, with a combined area of 1,991 hectares. Diagonally southwest from Kolondos is the largest Serbian pocket known as Siga. Its area is estimated at 650 hectares.<sup>8</sup>

South of Siga, cadastral lines that follow the old Danube bed cut into Vojvodina again, encircling two large pockets that are known as Zmajevac and Zmajevac II or Kučka. These two cadastral units encompass to 1,764 hectares. South of Zmajevac II (Kučka), the boundary follows the mid-line of the main navigable channel for some 21km until meandering again into Vojvodina (pocket called Poluostrvo) and then into Baranja where 32 hectares on the right side of Danube are covered by Vojvodina's cadastral documentation.

The cadastral communes of Baranja, therefore, have in their documentation some 6,372 hectares of land situated on the left (Serbian) bank of Danube in the region of Backa. In comparison, the cadastral communes of Vojvodina include some 642 hectares of land located on the right bank of the river in the region of Baranja.

Vukovar's cadastral archives hold documentation on four river islands in the Danube that are on the left side of the *thalweg*<sup>9</sup> and are thus also subject to dispute. However, these *adas* are classified as within the cadastral communes of Šarengrad and Vukovar. Cadastral sketch maps indicate that these islands remained under Croatian jurisdiction in the post-war period. Indeed, it is notable that these sketch maps were last updated in 1982, well before the dissolution of the former Yugoslavia and clearly indicate where the Croatia-Serbia (Vojvodina) federal republic boundary lies.

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<sup>8</sup> Figures on the area of the pockets are drawn from Reba (1999: 25-27) who cites the cadastral archives at Beli Manastir as his source.

<sup>9</sup> With regard to river boundary delimitation the *thalweg* (or *talweg*) is usually defined as the line following the deepest part of the deepest navigable channel.



**Figure 8: The Cadastral Limits of the Commune of Beli Manastir**  
(Redrawn from original)

### 4.3 Administrative Practice

The dispute over the Danubian pockets and islands emerged in the aftermath of the Đilas Commission's report. However, the dispute never became a major issue in relations between the two fellow republics within federal Yugoslavia. The fact that the boundary did not coincide with the modern course of the Danube did nonetheless occasionally lead to official cross-river discussions, usually following floods or related to tax issues, thus highlighting the existence of a latent Croatia-Serbia dispute. In general, the Serbian (Vojvodinan) side favoured revising or 'correcting' the boundary line to coincide with the thalweg or 'mid-line' of the altered course of the Danube, while the Croatian side resisted and favoured retaining the *status quo*.

The officials involved were usually at the local (commune or district) level with republican authorities addressing the question only in exceptional circumstances. Discussions were conducted locally, and even then only sporadically, partially because the land in question was uninhabited, of limited value economically and also frequently subject to flooding – a combination of factors which did little to promote its importance to the authorities involved. The Yugoslav political context also served to dampen interest in the issue, since the federal state's communist leadership was intensely suspicious of any discussions related to internal Yugoslav boundaries, a fact which discouraged Croatian and Serbian (Vojvodinan) officials from pursuing the matter at a higher level.

Nevertheless, the fact that the boundary line *was* discussed demonstrates that both sides were aware of the differences between the boundary and the changed riverbed. Moreover, the Vojvodinan authorities would certainly not have felt the need to advocate “*the resettlement of the boundary along the river*”<sup>10</sup> had it already been “*coincidental with the mid-line of the main navigable channel.*”<sup>11</sup>

There are a series of documents from the 1950s dealing with pockets on the left bank of the Danube. For example, Osijek district's authorities informed the Croatian government about damage caused by flooding in the Kendija area (one of the pockets on the left, Serbian, bank of the river) and requested financial help. Another document indicates that no funds were forthcoming at that time but when a similar situation occurred in 1965 at Karapanda, funds were provided by the Croatia's Ministry of Agriculture.<sup>12</sup> Kendija is mentioned again in 1961 when the People's Council of Osijek leased the area to the Batina hunting society. It was explicitly stated that Kendija was situated “*on the territory of this People's Council.*”<sup>13</sup>

With regard to the river islands between Vukovar and Ilok, a 1947 dispute is recorded. On 1 March of that year, Vojvodina's Executive Committee of Agriculture complained to the Serbia's Ministry of Forestry that the authorities in Vukovar had refused to hand over four *adas* which were “*for all economic, logistical and practical terms integrated into APV [Autonomous Region of Vojvodina].*”<sup>14</sup> Two documents were submitted with this letter. The first of these indicates that Mihovil Markić, an official of Vukovar's People's Council had refused to “*hand over the adas in question.*”<sup>15</sup> The second document comprised correspondence between the Vojvodina's Agricultural Committee and Croatia's Ministry of Forestry detailing frequent complaints by the former to the authorities in Zagreb over the behaviour of the Vukovar's People's Council in relation to the *adas*. Vojvodina's authorities requested that Croatia's Ministry of Forestry “*use its influence in the matter*” but the Ministry in Zagreb declined to interfere.<sup>16</sup> Vojvodina's Agricultural Committee therefore resorted to asking Serbia's Ministry of Forestry to raise the issue with the Federal Ministry of Forestry.

<sup>10</sup> *Autonomous Province of Vojvodina's communiqué to Socialist Republic of Serbia's Ministry of Forestry* (Reba, 1999: 28).

<sup>11</sup> *Letter of the Autonomous Province of Vojvodina's People's Council to Socialist Republic of Croatia's Ministry of Forestry* (Reba, 1999: 28).

<sup>12</sup> For details on this documentation see Reba (1999: 30) who cites the State Archive in Osijek as his source.

<sup>13</sup> Pronouncement of the People's Council in Osijek (see Reba, 1999: 30).

<sup>14</sup> *Letter of the Autonomous Province of Vojvodina's People's Council to Socialist Republic of Croatia's Ministry of Forestry* (Reba, 1999: 28).

<sup>15</sup> *Ibid.*

<sup>16</sup> *Communiqué from the Autonomous Province of Vojvodina's leadership to the Socialist Republic of Croatia's Ministry of Forestry* (Reba, 1999: 29).

The subsequent correspondence between the Federal Ministry of Forestry and its Serbian counterpart is particularly instructive. In a communiqué, the Yugoslav Federal Ministry informed Serbia's Ministry that it had "recommended" that the relevant ministries in Croatia and Serbia "solve this dispute by agreement", but that Croatia's Ministry had retained its initial position that the "adas in question territorially belong to Vukovar county and cannot be handed over to APV [Vojvodinan] authorities until the relevant commissions delimit the boundaries between the two republics."<sup>17</sup> In a document issued by local Vukovar authorities and sent to the presidency of Croatian government it was stated that the solution would accord with the existing situation, namely "this is the territory of the Vukovar district, i.e. People's Republic of Croatia."

Significantly, in the exchange of letters that followed, the Federal Ministry stated that "APV's [Vojvodina's] stance that according to the Law on the Constitution of the Autonomous Province of Vojvodina boundary between SRH [Socialist Republic of Croatia] and SRS-APV [Socialist Republic of Serbia-Autonomous Region of Vojvodina] should follow the mid-line of the main navigable channel, is erroneous, since the Law in question does not use such wording."<sup>18</sup> In the same communiqué, the Federal Ministry stated that while the mentioned Law maintains that the temporary boundary between Croatia and Serbia (Vojvodina) proceeds along the river Danube from the Hungarian border to Ilok (Article 1, Paragraph 3), "it does not mention the main navigable channel as a boundary and therefore the position of SRS [Serbia] that this matter can only be solved by the SRH-SRS-APV [Croatia-Serbia-Vojvodina] delimitation is correct."<sup>19</sup>

Furthermore, in a document dating from 1952, intended to delimit hunting areas, it was stated that the forest and pastures on Šarengrad island and Hagel island are located "within land of Šarengrad." Throughout the 19<sup>th</sup> century this administrative unit belonged to the county of Vukovar. Significantly, in 1947, forests had been nationalised and Šarengrad *ada* had been handed to the Vukovar branch of the public company *Hrvatske Šume*.

Hrvatske Šume's records provide detailed evidence of state practice relating to the four disputed *adas*. The company's *Basics of Administration over the administrative unit: Vukovar's Danube Adas for the period 1990-2000* offers valuable insights into the mechanism of control over the islands in question. The report provides a brief summary of the history of administration over the *adas* (Reba, 1999: 29).

One of the most telling events detailed in Hrvatske Šume's files relates to work carried out on Šarengrad *ada*: "during the year of 1970, the southern bank of Sarengrad's *Ada* eroded into Danube thus as an effect endangering the safety of navigation." Hrvatske Šume therefore sent a working party from Vukovar "to fortify *ada*'s southern bank so that full safety for navigation can be re-established" (Reba, 1999: 30).

Hrvatske Šume's documents offer further evidence of the strength of Croatia's presence in the disputed area. They state that in 1978, the administrative commission of Croatia's Parliament in Zagreb initialised the expropriation of 36 hectares of land on the island of Sarengradka

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<sup>17</sup> *Communiqué from the Federal Ministry of Forestry to authorities in Novi Sad* (Reba, 1999: 29).

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

Ada, with the purpose of constructing a canal that would halt erosion (Reba, 1999: 30). A separate document testifies to a motion to secure funds for this project. Funds were in fact secured but the construction never took place for unknown reasons.

Another particularly valuable source on the pockets and islands in question are two reports compiled within the Republican Bureau for Public Administration in Zagreb. The first of these documents, dating from 1970, is especially useful as the situation on the ground is described in detail, providing considerable information on the state of administration over the borderland. These reports make it clear that the disputed areas were administered by Croatia with most of the relevant taxes – relating to agriculture, water and health – being collected by Croatian republican authorities.

On the other hand, Vukovar navigation authorities had responsibility for only half of the river, with Vojvodinan authorities having responsibility for damage caused by floods on the left bank of the Danube.<sup>20</sup> Furthermore, evaluation of damages committed by wild animals was conducted by hunting societies and workers employed by Vojvodina's Ministry of Agriculture.

Notwithstanding certain uncertainties over jurisdiction, it can be concluded that the area on the left side of Danube, as well as the Danube *adas*, were primarily Croatia's responsibility. Occasional attempts by Vojvodina authorities to alter this state of affairs did not result in any change in the *status quo*. A further document issued by the Croatian Republican Bureau for Public Administration in 1975 reemphasises this point. Referring to the 1970 report it concluded that "*considering the issue of the boundary line changes, nothing has been done.*"<sup>21</sup>

The latter document is particularly valuable as it was prepared with the intention of helping both sides clarify the facts on the ground with a view to finding a permanent resolution to the dispute. Overall, it captured the problems associated with the Croatia-Serbia (Vojvodina) boundary at that time. It stated that the delimitation dispute between Croatia and Serbia was longstanding and continued by asserting that, because the issue had never been conclusively resolved, it gave rise to several disputes over the exact jurisdiction between the various legal representatives of *opcinas* from the two sides. According to these documents, most of the disputes highlighted were caused by the discrepancy between the cadastral boundaries and the boundary outlined in the Law on the Constitution of the Autonomous Region of Vojvodina.

The key legal facts concerning the boundary between the Croatia and Serbia (Vojvodina) on the Danube that the 1975 document brought to the fore were contained in Article 1, Paragraph 3 of the Law of the Constitution of APV that was voted by the Presidency of the People's Parliament of Serbia, which states that: "*...the borders of APV towards SRH are decided temporarily on the basis of recommendations of the Đilas Commission that state that border should follow the Danube from the Hungarian border to the town of Ilok*" (Reba, 1999: 32).

However, no further action was taken – no laws or regulations were passed at the federal or republican levels and only minor corrections made. The 1975 report nevertheless concluded that this meant that the boundary was considered as settled from the legal standpoint. It is significant, however, that the Croatian legislative bodies never confirmed such a description of

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<sup>20</sup> See Reba (1999: 31) citing the State Archive in Osijek as his source.

<sup>21</sup> *Information II on the disputed boundary in Danubeland* (see Reba, 1999: 31).

the boundary in any special decree or document. A certain degree of implicit recognition for the *de facto* boundary in the Danube can, however, be extrapolated from Article 4 of Croatia's *Law on River Police*. This law defines the area of authority of the Kapetanija Vukovar and states that it "*is responsible for the part of the river Danube from the Yugoslavia-Hungary boundary until the middle of the main navigable channel to the border of the SRS [Serbia] on the right side of Danube.*"<sup>22</sup>

The boundary as it was proclaimed (in the most general of terms) in the Law on the Constitution of the APV did not endorse cadastral boundaries. However, in 45 years these cadastral boundaries were never modified in order to conform with the line Yugoslav authorities claimed constituted the republic boundary. It seems likely that had "*the line in Danube*" been the boundary, there would have been a general restructuring of the cadastral boundary communes. Had this been the case, an exchange of the cadastral documentation between the two republics would have been carried out.

#### 4.4 Summary

Croatia contends that numerous documents from the Yugoslav era prove that the disputed Transdanube pockets and islands remained under Croatian control and were legally integrated into Croatia's infrastructure in the post-war period – that is, for almost half a century between 1945 and 1991. These documents, coupled with detailed historical cadastral evidence, have been employed by the Croatian authorities to underpin Zagreb's claim to the left-bank pockets and Danubian islands.

In contrast, the Yugoslav (Serbian) side has, thus far, proved to be reticent on the Danube dispute issue. This probably stems from Belgrade's opposition to the breakup of Yugoslavia and the recognition of former federal republican borders as international boundaries. Yugoslav officials have therefore tended to refer to boundaries only when absolutely necessary. Nevertheless, it is likely that the Serbian side will in due course argue that the *de facto* boundary along the present day course of the Danube represents the international border between the two states. It is furthermore likely that a claim will be made to either the thalweg or some form of median line between the opposing banks of the river as the precise course of the boundary line. One argument that may be mustered to support this claim is that the Danube represents an international inland waterway located between the two states and that it is logical and practical for the international boundary to reflect the existence of such an obvious natural division. It is also likely that, despite the historical evidence which generally underpins the Croatian claim, documents exist which, at least in a broad sense, support the contention that the boundary coincides with the Danube.

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<sup>22</sup> See Reba (1999: 32) citing the State Archive in Osijek as his source.

## 5. The Break-up of Yugoslavia and International Intervention

### 5.1 The Yugoslav Collapse and the Croatia-Serbia War

On 25 June 1991 Croatia (together with Slovenia) proclaimed its sovereignty and independence. Subsequently, Croatia and the other former republics of the Yugoslav federation intent on seceding – Bosnia-Herzegovina, Macedonia and Slovenia – gained international recognition as sovereign states within their republican boundaries. The legitimacy of the seceding states' independence and the integrity of their boundaries and territory was challenged by the remnant Serb-dominated Yugoslav state made up of Serbia and Montenegro. Using the existence of substantial Serb minorities in both Croatia and Bosnia as a justification, Serbia and Montenegro embarked on an aggressive, expansionist policy aimed at reshaping the political map of the region so as to create a state encompassing all Serbian populations – 'Greater Serbia'.

The Serbian minority within Croatia, understandably concerned at the sudden prospect of becoming a minority population within an independent Croatian state (having been part of the preeminent ethnic group in Yugoslavia), were all too readily convinced by propaganda emanating from Belgrade that the new Croatian government were no better than *Ustashes* (facists). This scenario generated fears of expulsion or even genocide and led Croatia's Serbs to initiate preparations for armed resistance to the authorities in Zagreb prior even to the first free multiparty elections in Croatia in early 1990. Serbian opposition to the Croatian government grew to such an extent that by the summer of 1990 the minority in Croatia were in a state of open rebellion, focused on the town of Knin and protected by the Serb-led federal Yugoslav army (JNA). By July 1991, full-scale hostilities erupted with Serbian forces launching an offensive into eastern Croatia as well as supporting the Croatian Serb minority's bid for secession (Vego, 1993).

The poorly equipped and ill-trained Croatian forces therefore faced the twin threats of an interior uprising by well-armed local Serb irregulars and a major attack by regular JNA forces in the east. Croatian resistance was also hampered by the arms embargo imposed on all parties in former Yugoslavia by UN Security Council Resolution 713 of September 1991. In practice the embargo froze an uneven distribution of forces, as the Serbs in effect controlled the JNA and its arsenal.

Eastern Croatia bore the brunt of the Serbian offensive in 1991, was the scene of some of the most intense fighting of the Croatia-Serbia conflict, and suffered the greatest degree of destruction of all the Croat-Serb war zones. In 1991, Serbs constituted a minority in all five border municipalities in eastern Croatia. Since the ethnic composition of Eastern Slavonia and Western Srijem did not meet the requirements of the Greater Serbian programme, the Serbs set about changing the ethnic balance by force – a process that became known by the term 'ethnic cleansing'.

Within the contested borderland, only the area between the towns of Osijek, Vukovar, and Vinkovci had a sizeable concentration of Serb settlements. However, even within this area many settlements existed with majority Croatian and Hungarian populations. The Serbian uprising began here with ethnic cleansing operations extending up to the Danube River in an attempt to form a link with Serbian territory. The immediate Serb objectives of control over the rightbank of the Danube and particularly the Batina bridge between Baranja and Bačka



(Vojvodina) and that between Erdut and Bogojevo further south, were swiftly achieved. During August 1991 the conflict gradually spread and the circle tightened around Vukovar, a town that was planned as the capital city of the Serbian province on the right bank of the Danube River. Direct attacks began in mid-August and lasted three months until the fall of Vukovar on 18 November 1991. Following the fall of Vukovar, some of the worst atrocities of

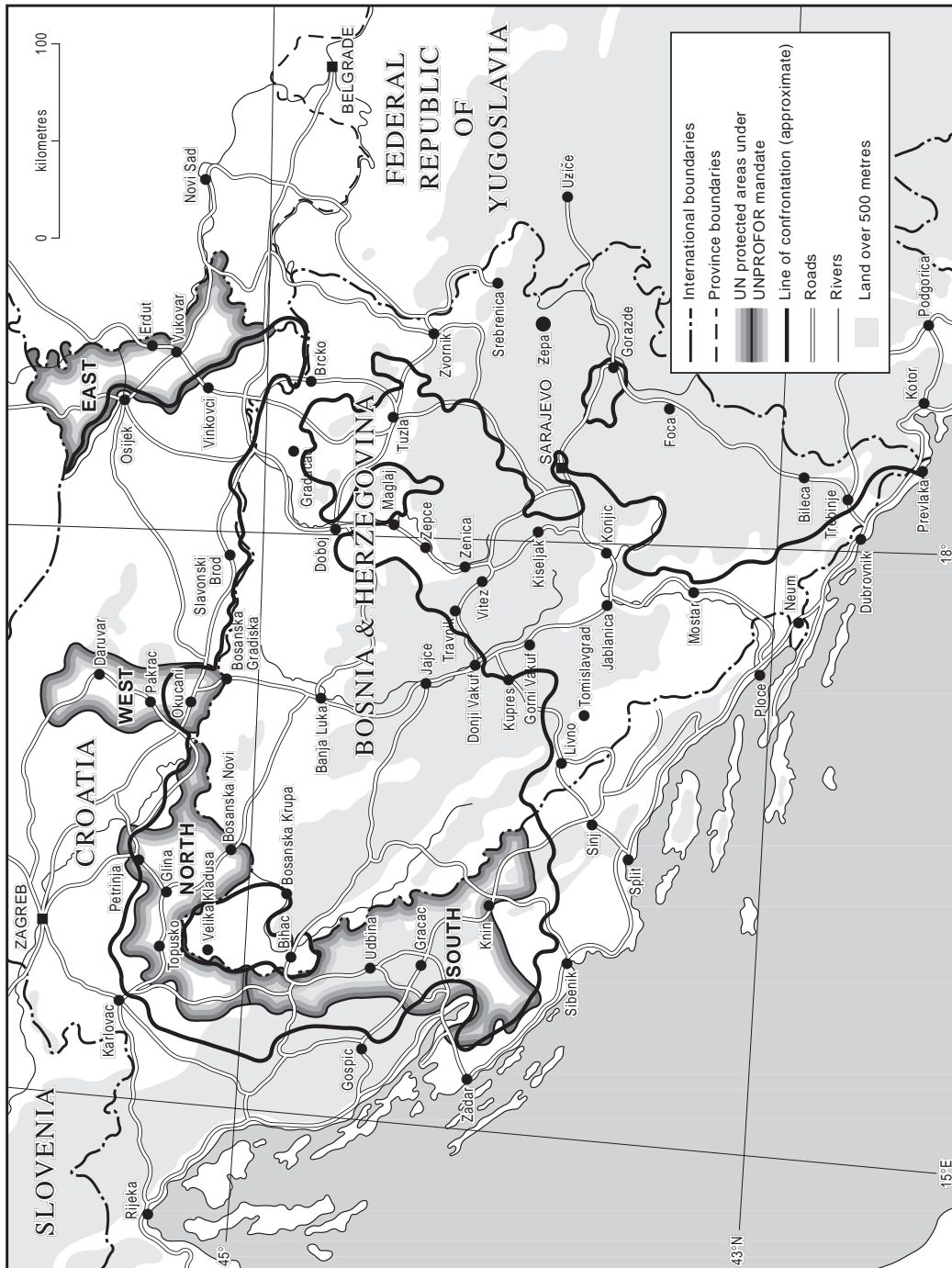


Figure 9: Occupied Areas and UNPAs in Former Yugoslavia, 1992-1995

the conflict were committed.<sup>23</sup> As a result of the Serb attacks and the sustained campaign of ethnic cleansing which accompanied them, approximately 90,000 people, predominantly Croats but also including many Hungarians from Baranja, were forced out of Eastern Slavonia which became an almost exclusively Serb-populated area.

Perhaps unsurprisingly, a high proportion of Croatia's military resources were diverted to stemming the Serb advance in eastern Croatia. As a result, Serbian militias operating around Knin were able to occupy large, peripheral and predominantly upland areas of Croatian territory adjoining Bosnia. Thus, by the time the first phase of the conflict concluded in January 1992, when the first peacekeepers arrived, around a quarter of Croatia was held by Serb forces (see Figure 9).

## 5.2 The Deployment of UNPROFOR

The collapse of the former Yugoslavia in 1991 seemed to take the international community by surprise. Attempts to mediate in the conflict started with European Community efforts in mid-1991 whereby a fact-finding mission of observers was dispatched to the scene of the crisis. As the conflict developed, the international community's involvement increased. In early 1992, the first contingent of UN peacekeepers was deployed in Croatia. The swift spread of the conflict saw the additional deployment of UN forces in Bosnia-Herzegovina and Macedonia.

A proposal for a UN peacekeeping operation in Croatia was published as Appendix III to the Secretary General's report of 11 December 1991. The plan had been devised by Cyrus Vance, the personal envoy of the UN Secretary General, and Marack Goulding, Assistant Secretary General for political issues, and became widely known as the *Vance Plan*. The UN peacekeeping operation, officially named the UN Protection Force (UNPROFOR) was intended as an interim arrangement with the main aim of creating conditions for political negotiations and the overall solution of the post-Yugoslav crises through those negotiations.

According to the Vance Plan, UN troops were stationed in parts of Croatia designated as UN Protected Areas (UNPA). It was stated explicitly that UNPAs were areas "*in which Serbs constitute the majority or substantial minority of the population and where inter-communal tensions have led to armed conflict in the recent past.*" UNPAs were to be demilitarised ("*all armed forces in them would be either withdrawn or disbanded*") and the role of UNPROFOR was to ensure that the areas remained demilitarised. UN police monitors were proposed to supervise the work of local police force, "*formed from residents of the UNPA in question, in proportions reflecting the national composition which lived in it before the recent hostilities.*" UNPROFOR, together with the humanitarian agencies of UN, would also ensure the safe and peaceful return of displaced persons to their homes within UNPA. The entire area under the UN's protection was divided for operational purposes into four 'sectors' (East, West, North, South). Eastern Slavonia was designated UNPA Sector East (see Figure 9).

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<sup>23</sup> The best known case relates to the execution of 250 staff and wounded persons at Vukovar hospital by Serbian forces. This incident has been investigated by the War Crimes Tribunal at the Hague which indicted the pre-war (1990-1991) mayor of Vukovar, Slavko Dokmanović, as well as the commander and two other officers of the Yugoslav army. Dokmanović, who was captured in June 1997 by the UN force in Eastern Slavonia and taken to the Hague, committed suicide in prison. The indicted officers (Veselin Šljivančanin, Mile Mrksić and Miroslav Radić) remain at large in Yugoslavia which, at the time of writing, had refused to discuss their extradition.

### 5.3 The ‘Cypriotisation’ of Croatia

The ambiguous nature of the Vance Plan concerning the role of the UN peacekeepers and future of the UNPAs was partially responsible for the shortcomings in the UN’s peacekeeping effort, at least from the parties’ perspectives. UNPROFOR was caught between the Croatian interpretation of the plan – that the UN’s role should be to assist the Croatian authorities to reassert their control over the Serb-occupied areas, to disarm the Serbs and to assist in the return of Croatian refugees to the UNPAs – and the Serb view, that the UN force was there to protect the Serb-held areas and ensure their autonomy. UNPROFOR, therefore, suffered the unenviable position of attempting to supervise an agreement which it had neither the mandate nor the resources to enforce, and ultimately was even unable to extend its own authority throughout the UNPAs which remained under the control of the local Serb authorities.

For more than three years UNPROFOR maintained a traditional peacekeeping role fulfilling a ‘disengagement’ mission by patrolling lines of confrontation and reporting incidents between opposing forces (Boutros-Ghali 1992). However, the UNPAs were by no means demilitarised, no discernible progress was made on the return of refugees in the Serb-occupied areas and no sincere talks on reintegration of the UNPAs into Croatia proper took place.

As a result UNPROFOR in Croatia was regarded, with some justification, as merely helping to preserve an unsatisfactory *de facto* situation analogous to the UN operation in divided Cyprus. The Croatian fear of this process, inelegantly referred to as ‘Cypriotisation’ and resulting in a permanent institutionalised partition of Croatia, coupled with repeated Croatian Serb calls for full independence and union with the self-styled Bosnian Serb Republic and Serbia proper, led to widespread frustration in Croatia and prompted a Croatian ultimatum to the UN.

On 12 January 1995, Croatian president Franjo Tudjman announced that UNPROFOR’s mandate in Croatia would not be renewed after its next expiry date on 31 March and that the UN force would therefore have to leave Croatia by the end of June. This radical Croatian move was brought about by what Croats perceived as major failings on the part of the UN force, although another, perhaps more oblique, explanation for the Croatian government’s announcement was a desire to boost to President Tudjman’s flagging popularity domestically.

Croatian criticism of the UN’s peacekeeping performance was clearly summarised in a resolution passed by the Croatian parliament on 23 September 1994. According to that resolution, the UN operation was judged unsuccessful because it had failed to secure:

- disarmament and disbanding of all armed groups operating on occupied territories of Croatia;
- safe return of all displaced persons;
- guarantees for the safety and protection for all those who inhabited presently occupied territories before aggression;

- immediate installation of Croatian government control in “*Pink zones*”, and later on the rest of the occupied territories in accord with the 1991 Constitutional Law which provides autonomy for the Serbs;<sup>24</sup>
- control of Croatian boundaries towards Serbia and parts of Bosnia-Herzegovina under the control of Bosnian Serbs.

Indeed, in his letter to the UN Secretary General relating to Croatia’s decision not to renew UNPROFOR’s mandate President Tudjman specifically cited the lack of progress over resolution of the Krajina issue stating that:

*...although UNPROFOR has played an important role in stopping violence and major conflicts in Croatia, it is an indisputable fact that the present character of the UNPROFOR mission does not provide conditions necessary for establishing lasting peace and order in the Republic of Croatia.*

Although the Croatian President went on to attempt to reassure the international community that Croatia would not seek to reintegrate the Serb-held areas by force and would pursue “*a constructive peace policy*”, he also stated that Croatia would “*defend its national and state interests with determination.*” In a statement issued on the same day the UN Secretary General stressed that while he was “*...painfully aware of the frustration of the Croatian people that a final political settlement has eluded us*”, he was also “*gravely concerned about the risk of renewed hostilities should UN peacekeepers be withdrawn from Croatia.*” The Secretary General’s earlier report to the Security Council on 17 September 1994 clearly indicated UNPROFOR’s shortcomings, however (UNPROFOR, 1994). In that report he stated that the original mandate had proved difficult to implement, that demilitarisation of the UNPA, the restoration of Croatian authority in the pink zones and the establishment of border controls and assistance for the return of displaced persons remained unfulfilled. The four points stressed by the Secretary General were exactly what Zagreb perceived as the key failings on the part of the UN force. Nevertheless, the Secretary General’s reaction to Tudjman’s statement was supported by the UN Security Council on 17 January which expressed the hope that the Croatian government would reconsider its decision.

In response, the Croatian government emphasised that its decision on UNPROFOR was non-negotiable but that it would consider “*other international mechanisms for controlling the implementation of the agreements and installing confidence building instruments*”, thus holding the door open for negotiations on the issue.

Although sources in Belgrade appeared confident that the Krajina Serbs could withstand any Croatian attack one source said, “*We take [Croatian President] Tudjman’s threats seriously and if the Krajina Serbs are really threatened, of course we will intervene to help them*” (*The Guardian*, 19/1/95). Furthermore, on 25 January, the UN Secretary General warned that Croatia’s decision threatened the UN operation in Bosnia: “*There is a concern that it would be very difficult to maintain the forces in Bosnia in the event of a withdrawal from Croatia. The withdrawal from Croatia would be a disaster...*” His warning was echoed by Serbian President Milosevic who said such a pull-out would “*re-open the possibility of a new*

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<sup>24</sup> The so-called “*pink zones*” were those areas beyond the limits of the UNPAs but which remained under Serb control after the cessation of hostilities in January 1992. The most extensive pink zones were located around UNPA Sector South.

*conflagration*” between Serbia and Croatia and by a UN military observer who expressed the fear that if the UN were to withdraw the two sides would rush to fill the vacuum, leading to dozens of skirmishes that in the absence of the UN’s mediating role would be “*bound to escalate.*” As one Canadian UN officer stated: “*No one can argue otherwise; if we pull out of here, war will resume*” (quoted in *The Guardian*, 4/3/95).

Paradoxically the Croatian move came against the background of progress in negotiations between Zagreb and the Serb leadership in Knin. The two sides signed a four-point economic agreement on 2 December 1994 aimed at achieving a restoration of water supplies, the opening of the 27km stretch of the Zagreb-Lipovac motorway passing through Western Slavonia (UNPA Sector West) and ending in Eastern Slavonia (UNPA Sector East), the return of generator poles for the power plant at Obrovac in Krajina (UNPA Sector South) by the Croatian government and the opening of the southern part of the Adriatic pipeline from Krk on the Adriatic via Krajina (UNPA Sector North) to Sisak. The economic agreement was seen as the second stage of a three stage process which started with the March 1994 ceasefire agreement and was due to culminate with political negotiations on the final status of the Serbian population in Croatia. Little progress was evident on the final phase of the negotiations process. The majority of the economic agreement provisions had, however, been fulfilled by the time of the Croatian President’s declaration on the ejection of UNPROFOR on 12 January.

Croatia’s ultimatum to the UN also served as a spur to diplomatic developments. On 30 January the so-called Zagreb-4 Ambassadors group, consisting of the US and Russian ambassadors in Croatia plus representatives from the EU and UN, presented a long-awaited draft peace plan for a political settlement for Croatia (the ‘Z-4 Plan’). The plan proposed considerable autonomy for Serb-dominated areas (then known as UNPA sectors North and South), transitional international control for Sector East, and immediate reestablishment of Croatian control in Sector West.<sup>25</sup>

Croatia expressed reservations over the plan, with certain elements of the government alleging that it was utterly unacceptable as it amounted to the creation of a bi-national federation in the country, but agreed to further talks using the Z-4 Plan as a basis (Culic, 1995). The Serbian authorities in Knin refused even to consider the plan because it appeared to be forcing them to recognise Croatian sovereignty. The Croatian Serbs subsequently asserted their desire for full independence from Croatia with an ultimate goal of union with the Bosnian Serb state and Serbia proper. The Z-4 group also wanted to go to Belgrade to try to get President Milosevic’s support for the plan, but the Serbian leader declined to see them.

Croatia’s decision to expell UNPROFOR shocked the international community and the UN, raising as it did the grim prospect of a serious escalation of the conflict in former Yugoslavia. Should the UN be forced to leave, a renewed Serbo-Croatian war appeared inevitable with Croatian forces attempting the reintegration of the UNPAs by force with Serbia and the Bosnian Serbs intervening on behalf of the Croatian Serbs. Frantic Western diplomatic efforts to avoid a UN withdrawal, which the US Assistant Secretary of State, Richard Holbrooke said “*could trigger the most dangerous situation Europe has seen since 1945*”, culminated in a

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<sup>25</sup> Under the Z-4 plan, an interim period of five years was envisaged prior to reintegration. During this interim period a UN authority was proposed which would encourage refugee returns and organise elections. Self-governing status was envisaged for administrative areas having Serb majorities.

joint announcement by President Tudjman and US Vice-President Al Gore on 12 March 1995 at the World Conference on Social Development in Copenhagen that a general agreement had been reached whereby the UN peacekeepers would remain in Croatia but with significantly fewer troops and a radically altered mandate.

On 1 April 1995 the Security Council finally approved three resolutions by which UNPROFOR was divided into three different operations. The original name was kept only for the UN operation in Bosnia-Herzegovina (UNPROFOR). The operation in the former Yugoslav republic of Macedonia was renamed in UNPREDEP (UN Preventive Deployment Force), while the operation in Croatia was renamed UNCRO (UN Confidence Restoration Operation in Croatia). The redefinition of the peacekeeping mandate came after prolonged and sometimes dramatic diplomatic negotiations. The biggest problem was with the UN operation in Croatia.

The Croatian government insisted on a new name for the operation and new tasks for peacekeepers. Croatia finally succeeded in getting the operation renamed. Resolution 981 did not, however, propose any essential changes in the mandate but defined UNCRO as an interim arrangement tasked with creating the conditions conducive to a negotiated settlement consistent with the territorial integrity of Croatia. The Croatian demand for effective control of its international boundaries was not built into the new mandate. Only “*help in controlling, by monitoring and reporting, the crossing of military personnel, equipment, supplies and weapons*” across Croatia’s boundaries was mentioned. The UN Secretary General subsequently (on 18 April) reported to the Security Council on the detailed arrangements for implementation of the new mandates and recommended a reduction in peacekeeping personnel in Croatia from around 15,000 to 8,750.

A statement by Croatian foreign minister Mate Granić summarises both Croatian expectations and the contents of the resolution:

*UN Security Council Resolution 981 follows the spirit of the Copenhagen agreement, President Tudjman’s recent contacts in Washington and New York, as well as conclusions of Croatian Parliament. There is no more UNPROFOR. The UNPROFOR mandate in Croatia is over, there are no more UNPA’s, no more Yugoslavia in the resolution. This is a new peacekeeping mandate in the Republic of Croatia. This resolution strongly stresses territorial integrity and sovereignty of Croatia. It promotes mechanisms of control of Croatian boundaries. The Vance plan does not exist as a basis for resolution anymore. Only some of its parts are still active, such as the return of refugees and demilitarisation. This resolution also brings new elements: a cease-fire agreement and an economic agreement and leads towards peaceful reintegration. It calls on Belgrade to recognise Croatia within its internationally recognised boundaries and on the other hand it directs Knin to negotiate political issues and peaceful reintegration.*

Observers were, however, critical of the new mandate, for example, pointing out that “*The UN’s mandate in Croatia has always seemed a stretch, and the new mandate slashes its personnel while burdening it with increased responsibilities*” (Culic, 1995). The Croatian Serb refusal to accept any effective UN presence on Croatia’s international boundary was also highlighted as one of the “*...many reasons to assume that the renewed UN force mandate in Croatia is going to be every bit as unsuccessful as its predecessor*” (Gorinsek, 1995).

Unfortunately the new name and revised mandate did not resolve the problems facing the peacekeepers. To be fair to the UN peacekeepers and negotiators, it became abundantly clear over three years of fruitless negotiations that the Krajina Serbs, having achieved their aim of effective (if unrecognised) independence, were simply not interested in remaining part of Croatia, whatever form of autonomy they were offered. This was particularly clear when the so-called Z-4 Plan was summarily rejected by the Knin authorities.

#### **5.4 Consolidation by Force**

The existence of major Serb-held areas, particularly the self-proclaimed ‘Republic of Krajina’, in the heart of the state, virtually slicing the continental and coastal parts of Croatia in two, was a critical obstacle to the country’s prospects for political and economic security. Not only did the large Serb-occupied areas pose a significant military threat, forcing the Croatian armed forces to defend an extremely long line of confrontation, but the unresolved status of these regions deterred international investment and virtually precluded viable economic development. For example, a revival of the once significant Dalmatian tourist industry was stymied by the threat of Serb shelling.

This unsatisfactory state of affairs, coupled with a very significant enhancement in the capabilities of Croatia’s armed forces since 1991, led Zagreb to change tack, essentially taking the matter into its own hands. As a result of this policy shift towards ‘realpolitik’, Croatia launched two offensives against the Serb-held areas.

##### *Operation Flash*

On 1 May 1995, Croatian police, backed by elements of the Croatian armed forces, launched an offensive into the Serb-controlled portion of UNPA Sector West, Western Slavonia, brushing aside the UN peacekeeping presence. The action, code-named *Operation Flash*, coinciding with the formal end on 1 May of the tattered four month cessation of hostilities in Bosnia, was apparently triggered by the stabbing of a Croatian motorist by a Serb and an incident on 28 April when Serb forces fired on Croatian vehicles passing along the recently reopened Zagreb-Lipovac highway, which runs through the region in question. The Croatian assault had, however, clearly been long planned. By 3 May, Croatian forces gained effective control over the entire formerly Serb-occupied area of Western Slavonia including the regional centre, Okučani, and the northern end of the bridge linking Western Slavonia to Serb-held regions of Bosnia. The Croatian Ministry of Defence stated that 33 soldiers and nine police officers had been killed in the operation and that Serb losses were estimated at 450 dead and 1,200 wounded.

The Croatian Serbs based in Krajina retaliated on 2 and 3 May by launching attacks on Zagreb with rockets equipped with cluster anti-personnel munitions, leaving seven dead and nearly 200 wounded in the Croatian capital. The Croatian towns of Karlovac, Sisak and Novska were also shelled. On 3 May the UN special envoy, Yasushi Akashi, managed to broker a verbal ceasefire between Zagreb and Knin. Despite Croatian calls for the Serb inhabitants of Western Slavonia to stay in the region, the vast majority opted to join those who fled the Croatian advance to the Bosnian Serb Republic over the Sava River to the south. Their departure was facilitated by UNCRO’s operation *Safe Passage* in cooperation with UNHCR and the Red Cross. By the end of June, it was estimated that of the 12,000-15,000 Serbs who lived in the former Serb-held part of Western Slavonia only 2,000-2,500 remained.

Croatia attracted considerable criticism from the international community over its action in Western Slavonia, particularly when it was alleged by the UN in Zagreb that Croatian forces were guilty of firing on fleeing civilians – a charge hotly denied by the Croatian government.<sup>26</sup> The Krajina Serbs' indiscriminate use of cluster munitions over the Croatian capital also brought condemnation, however, with US Ambassador to Croatia, Peter Galbraith, denouncing the rocket attacks as "...an outrageous and disproportionate response to the Croatian [military] action" (quoted in *The Guardian*, 3/5/95). In sum:

*The rocket attacks failed to stop the offensive and rebounded on the Serbs by handing the moral high ground to Zagreb, despite reports of human rights abuses by its forces in Western Slavonia (The Guardian, 15/5/95).*

UNCRO, meanwhile, continued to prove unsuccessful in attempts to promote the reintegration of Krajina and effectively monitor Croatia's international boundaries. This apparent failure, together with Croatia's enhanced military capabilities (buoyed by the success in Western Slavonia) and advances by Bosnian Croat and Bosnian Muslim forces, raised the strong possibility that Croatia might once again lose patience with the UN force's inability to overcome Croatian Serb intransigence and resort to military action in order to achieve forced reintegration of the Krajina. This view was reinforced by outspoken Croatian general Anton Tus, the chief military adviser to President Tudjman:

*We would very much prefer to recover the occupied territory peacefully, but we are coming to the conclusion that the international community is not going to bring us a solution...We have to do it ourselves. If we do nothing, we are essentially giving away part of our country and permitting the establishment of a Serb-run state on our territory (International Herald Tribune, 17/7/95).*

Nevertheless, it is likely that action against the Krajina Serbs would have been delayed had it not been for events in Bosnia in July 1995 which forced Croatia's hand (at least from Zagreb's perspective). The Croatian operation came in the aftermath of the failure of UN forces to protect the so-called UN safe havens of Srebrenica and Žepa in Bosnia. Both enclaves were overrun by Bosnian Serb forces despite the presence of UNPROFOR contingents, resulting in some of the worst incidences of mass-killings witnessed throughout the Bosnian conflict. The direct international response was, however, minimal – consisting of a few 'pin-prick' air strikes.

Tension mounted considerably in July 1995 with a concerted Serbian offensive against another misnomered UN 'safe-haven', Bihać, not only from Serbian-held parts of Bosnia but also from Serbian-held positions in Croatia. The Serbian offensive across the international border into Bihać, backed by rocket and artillery bombardment from within Croatia resulted, by the end of July, in serious losses of territory on the part of the Bosnian government forces defending the enclave as well as generating an estimated 3,000-plus new refugees. Bihać, with its 150,000-strong mainly Muslim population, had received no aid or medicine since May and the first deaths caused by starvation were reported in June. The enclave was therefore hard-pressed to

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<sup>26</sup> In fact subsequent reports indicated that it was far from clear how the civilians concerned had died. The Croatian government maintained that they had been killed in crossfire between Croat and Serb forces and by no means deliberately targeted by the Croatian army or police. The UN later retreated from its claim with Mr Akashi stating that: "There were some alarming reports, but we may have sent signals perhaps louder than the situation justified itself."



withstand such an offensive on all fronts even with all men of fighting age drafted to the frontlines.

The loss of the Bihać enclave and the Bosnian Fifth Army Corps defending it would have been a great strategic blow to Croatia. At a stroke the fall of Bihać would have consolidated Serb territories in Bosnia and Croatia, released substantial numbers of troops tied up containing the Fifth Corps and unleashed a new round of ethnic cleansing, atrocities and a potential humanitarian catastrophe. The dire threat of the demise of the Bihać enclave and the minimal prospects of international action to prevent its fall, therefore precipitated the Croatian offensive on Krajina.

The possible loss of Bihać was viewed by both The Croatian and Bosnian governments as a potential disaster. As a consequence, on 22 July, Croatian President Tudjman and Bosnian President Izetbegovic met in Split, Croatia and signed a joint military agreement known as the *Split Declaration*. The Declaration made provisions for joint military action to counter Serb attacks, particularly on Bihać. This led directly to Croatian advances, in coordination with Bosnian forces, in the vicinity of the Croatian-Bosnian international boundary, providing the platform for the offensive against Krajina.

#### *Operation Storm*

Following another round of abortive negotiations in Geneva, Croatia launched *Operation Storm* on 4 August with the aims of breaking the siege of Bihać and establishing Croatian government rule in former UN sectors North and South. In his letter the same day addressed to the President of the Security Council, Croatian Foreign Minister Granic explained that his Government had been “*forced to resort to decisive measures*” because of a number of reasons, including the “*failure to implement the mandate of UNCRO which has been proven totally ineffective*” and the “*policy of appeasement of the international community towards the Belgrade Government, the sponsor of the occupation of parts of Croatia and Bosnia-Herzegovina.*”

Croatian forces advanced on several fronts and on 5 August entered Knin, the ‘capital’ of the Serbian statelet. By 7 August, Croatian forces had occupied the entirety of the formerly Serb-held territory in regions of northern Dalmatia, Lika, Kordun, and Banija, and established contact at the international boundary with the Bosnian Army Fifth Corps operating in the Bihać pocket. Altogether more than 150,000 men were engaged on the Croatian side. The number of Serb troops was estimated between 30,000 and 50,000. Croatian forces thus recaptured more than 10,000km<sup>2</sup> of Croatian territory.

The Krajina Serb authorities, including self-styled ‘President’ Mile Martić, fled Knin. They also ordered the evacuation of civilians from Krajina. In order to avoid direct contact between the troops on the ground and Serbian civilians, Croatia left ‘open’ two corridors to enable civilians to leave the area. Within a few days between 150,000 and 180,000 (UNHCR estimates) refugees crossed into Serb-held northern Bosnia. A group of some 15,000 Serbs were trapped in Sector North during the fighting and could not flee to northern Bosnia. After UNCRO brokered a cease-fire, the Croats organised a convoy monitored by UNCRO and UNHCR on 9 August to allow the group to travel to Serbia via the Lipovac (Croatia-Serbia boundary) crossing.



**Figure 10: Serb-held Territory in Croatia and Bosnia-Herzegovina, January-September 1995**

Croatia contended that these population movements represented flight rather than ethnic cleansing as the refugees were not forced out by Croatian troops at gunpoint. This seems an exercise in semantics, however, as the unfortunate truth is that the end result was the same. As a result, the Croatian offensive was strongly criticised by international organisations and mediators. In addition, several peacekeepers were caught in the cross-fire between the opposing forces and four were killed. The strongest critical comments were those of the EU peace envoy and former Swedish prime minister, Carl Bildt.

In response, the Croatian government vigorously denied any accusations of atrocities on the part of its forces and stated that Mr Bildt had lost his negotiating credibility. Despite Zagreb's denials it was revealed in late September that the European Community Monitoring Mission (ECMM) had compiled a report that concluded that the Croatian government was "*largely responsible*" for a "*deliberate hostile policy which included killings, burning of houses, looting of property and various legal obstacles*" aimed at preventing the return of non-Croats

to Krajina. The ECMM team estimated that 60-80% of Serb houses in the region were partially or totally destroyed. On 6 August Yasushi Akashi signed an agreement with the Croatian government on the new role of UNCRO in the former sectors North and South. The agreement envisaged a post-conflict peace-building role for UNCRO.

The demise of the Serb-occupied parts of Croatia in Western Slavonia and the Krajina slashed the Serb-held proportion of Croatian state territory from around one quarter to under 5% – only Eastern Slavonia remained occupied (see Figure 10).

## **6. The Reintegration of Eastern Slavonia**

### **6.1 Brokering an Agreement – From Erdut to UNTAES**

After the fall of self-proclaimed Krajina and the Serb-held part of Western Slavonia (former UN Sectors North, South and West), Eastern Slavonia (UNPA Sector East) was the only occupied part of Croatia remaining. These events, coupled with the successes of Bosnian and Croatian forces in western and central Bosnia, considerably strengthened Zagreb's negotiating position over Eastern Slavonia.

The international diplomatic climate also favoured the resolution of the Eastern Slavonian 'problem' as this was viewed by the American authorities as a necessary precondition for the Dayton negotiations and peace in Bosnia. According to Ó'Tuathail (1996), in the 1991-94 period the US administration was virtually paralysed by divisions between two geopolitical visions of Bosnia – one as a place where the US, traumatised by its Vietnam experience, should avoid involvement (particularly in terms of troops on the ground), and one which viewed Bosnia as a modern-day holocaust demanding US intervention. Once this debate was at least partially resolved in favour of the latter standpoint, the US was able to take decisive action on Bosnia, thereby facilitating a resolution to the Eastern Slavonia dispute, as this was perceived as removing an obstacle to peace in Bosnia, leaving the road to Dayton open and paved.

Despite reports of military forces of both sides moving towards the frontline in eastern Croatia in the immediate aftermath of *Operation Storm*, the tense situation was defused by a local ceasefire agreement in late August. The peaceful reintegration of Eastern Slavonia was based on an agreement reached in November 1995 between the Croatian government and the local Serb leadership and can be considered as one of the outcomes of the Dayton negotiations.

The key mediator in achieving this breakthrough was the US Ambassador to Croatia, Peter Galbraith, supported by International Conference on former Yugoslavia (ICFY) co-chairman, Thorvald Stoltenberg. An initial agreement was reached on 3 October when the *Guiding Basic Principles for Negotiations on a Settlement of Eastern Slavonia, Southern Baranja and Western Sirmium* was concluded (see Appendix 1). The agreement consisted of 11 points which in generalised terms proposed a transitional authority, demilitarisation, joint police forces, the return of refugees, protection of human rights, compensation for lost property, an international presence and local elections.

The Dayton process resulted in the drafting of a further document, the *Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium*, of 12 November 1995 (see Appendix 2). This agreement, consisting of 14 points, proposed a staged peaceful reintegration of the region into Croatia within one year, with the possibility of an extension of not more than another year. All refugees from the region would be allowed to return, while the pre-existing Serb population would be able to remain. This document was signed by the Serbian side at the Eastern Slavonian village of Erdut and quickly became known as the *Erdut Agreement*.

The agreement was accepted and confirmed by UN Security Council Resolution (UNSCR) 1025 of 30 November 1995. On 15 January 1996, UNCRO's prolonged mandate in Croatia expired and on the same day the Security Council adopted Resolution 1037 (see Appendix 3) establishing the UN Transitional Authority in Eastern Slavonia (UNTAES) for an initial 12 month period. Retired US General Jacques Klein was appointed as Transitional Administrator and took up his duties on 11 February. The headquarters of UNTAES were established in Vukovar and a parallel office was set up in Osijek, eastern Croatia's largest town, where the Croatian government opened an Office for the Reintegration of Danubeland.

The military component of UNTAES, comprising 5,000 troops, was made up of the Belgian, Russian and Slovak troops already present in the region as part of the defunct UNCRO mission, together with additional contingents from Jordan, Ukraine, Norway, Indonesia and Argentina. On 6 February, Belgian General Jozef Schoups was nominated as commander of the UNTAES's forces.

## **6.2 The Process of Reintegration**

The UNTAES mission can be readily divided into several stages. The first stage, lasting roughly until September 1996, involved initial meetings of 'executive committees' tasked with addressing various infrastructural problems in fields such as telecommunications, road and rail traffic, agriculture and municipal and health services. These committees consisted of Croatian and Serbian technical experts, assisted by international mediators. Although these negotiations were by no means always harmonious, they did take place as scheduled and this step-by-step approach ultimately yielded significant results. One of the first major indications of progress on the peaceful reintegration of Eastern Slavonia and a return to normality between Croatia and Serbia was the 7 May reopening of the motorway between Zagreb and Belgrade, a 7km section of which runs through the UNTAES-controlled area.

One significant problem related to informing the local population of developments in order to promote the peaceful reintegration of the region. UNTAES took on this task, with General Klein leading the way with forthright statements directed at Eastern Slavonia's Serbs such as:

*Gentlemen, there are two ways out, the easier and the more difficult one. The path that I propose to you is the easier one. If you will be willing to cooperate with me, I shall do my best to sort out your position with the Croatian authorities. If you rebel again, you will have played all your cards and will lose the game. If you do not help me, you will have taken the more difficult path. I will then go away and the Croats will complete the job themselves.*

Plans for the demilitarisation of the region were agreed upon on 15 April and on 21 May 1996 General Klein announced the start of a 30-day demilitarisation period. According to UNTAES sources, when UN forces took control of Eastern Slavonia, they found 14-18,000 Serbian troops equipped with more than 100 tanks. Most heavy weapons were, however, withdrawn across the Danube before the UNTAES demilitarisation programme commenced. These demilitarisation efforts met with qualified success – the concentration of weapons in the region certainly decreased significantly but the collection of small arms remained incomplete.

The demilitarisation campaign was followed by the deployment of a Transitional Police Force (TPF) from July 1996. The TPF was a mixed Croat and Serb force trained at a US police academy in Budapest. Initially, the TPF consisted mainly of Serbian members, but over time the number of Croats increased.<sup>27</sup> Croatian government payments to the region's pensioners, whatever their nationality, were also introduced, paid in Croatian *kuna*. In addition, in August, the Croatian national petroleum company, INA, took over responsibility for production from Eastern Slavonia's oilfields near Đeletovci.

The second phase of UNTAES's activities lasted roughly from September through to the end of 1996. The main actions undertaken in this period related to the full reintegration of public services. From September onwards, the Croatian government started opening offices in the region so that Croatian documents could be issued to the local inhabitants. By the end of the year, 21 offices had been opened. This process was not without problems, however, as on several occasions such offices were closed as a result of Serb protests over the fate of Eastern Slavonia and Serb rights once reintegration with Croatia was completed.

The autumn of 1996 also saw the start of Croatian demining efforts, initially concentrated on villages close to the former division line. As a result Croatia was able to resume control over five villages in the so-called 'Sirmium triangle' (Nijemci, Lipovac, Podgrađe, Donje Novo Selo and Apševci) on 31 October, making these the first settlements to be reintegrated. As soon as Croatian control was reestablished, displaced persons were allowed to return.

Tensions ran high in Eastern Slavonia in early 1997 ahead of local elections scheduled for 16 March as the Serb population prepared itself for the region's reintegration into Croatia, due on 17 July 1997. There were also widespread fears of a Serbian exodus from the region on transfer to Croatian control.

In an effort to reassure the Serb population and the UN that any such exodus would not be their fault, on 13 January the Croatian government presented a document to UNTAES head, Jacques Klein, outlining the Serbs' future rights. The proposals, which went significantly beyond existing agreements: guaranteed that ethnic Serbs would be exempt from military service with the Croatian army for two years after reintegration, allowing a long-term strategy to be agreed; reserved two seats for Serbs in Croatia's upper house of government; promised advisory positions for Serbs in the interior, justice, education and culture ministries; cultural and educational autonomy; and full voting rights to all Serbs who obtained Croatian papers. While the proposals seemed to have met with most of the demands issued by Croatian Serb leaders, and were endorsed by the UN, they did not grant the Serbs full local autonomy, which both Zagreb and the UN had rejected. Local Serb leaders were apparently "*very disappointed*"

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<sup>27</sup> On 15 December 1997 the TPF consisted of 829 Croats, 834 Serbs and 52 persons of other ethnic affiliation (Škare-Ožbolt and Vrkić, 1998: 326).

with the UN Council's decision to support Zagreb's *Memorandum on the Completion of Peaceful Reintegration*.

A rash of violent incidents beginning over Christmas 1996 highlighted the increasing tension. On Christmas Eve itself, 50 Orthodox Serbs were reported to have laid siege to 200 Roman Catholic Croats, who had been displaced from the region in 1991, as they attended Mass in the town of Ilok. The Serbs were alleged to have vandalised the Church after the service. A month later, on 28 January, another group of about 50 Serbs in the town of Borovo Selo stoned local Croatian civil servants and police and the next day prevented access to offices distributing Croatian pensions in Borova Selo and Trpinja. The incidents were condemned by local Serb leaders, who turned down UN offers of help and promised to deal with the situation themselves. Nevertheless, a Belgian UN soldier was shot and killed on 30 January, although this was later described as a "*criminal rather than political act*." Then on 1 February a recently reopened railway connecting the region to Croatia was damaged by an explosive device, and a hand grenade was thrown at the Croatian pension office in Jankovci. On 3 February, there was an explosion outside the office that distributed Croatian identity papers in the town of Tenja.

On the political front, on 4 February it was reported that the UN Council had endorsed a Croatian move to hold the local elections in Eastern Slavonia simultaneously with elections throughout Croatia, its only condition being that the Zagreb authorities must complete the issuing of citizenship and identity documents to the Eastern Slavonian Serbs to allow them to vote. UNTAES meanwhile urged the Serbs to "*cooperate for their own sake*", a call which moderate Serbs seemed to be heeding. Unfortunately, radical Serb leaders continued to threaten a Serb exodus, comparable to that of the Krajina Serbs in 1995. Opinion on whether such an exodus would occur was divided, but tellingly, the UN made it clear that anyone who voluntarily left their home would not be regarded as a refugee by the UNHCR. Nevertheless, it was reported on 14 February that a total of 15,000 Serbs had left the area by that date, out of a peak wartime population of 130,000. Meanwhile, the 'Union of Refugees of Croatia' called on Zagreb to ensure that the Croats who had fled the area at the start of the conflict were given their full rights, and demanded that only those Serbs who had lived in Eastern Slavonia before the war be allowed to vote. The Croatian refugees feared that the Serbs might try to concentrate their votes in Eastern Slavonia to strengthen their demands for autonomy.

Serbian protesters responded to these Croatian moves with a march through Vukovar on 18 February. 5,000 gathered in a bid for local autonomy, demanding that Eastern Slavonia become one county, that Croatia have an open border with Serbia and that they be granted dual Croatian-Yugoslav citizenship, many of them saying that they would rather leave the area than stay under Croatian rule. Nevertheless, cautious optimism was raised by UNTAES' Jacques Klein's report that over 40,000 Serbs had in fact obtained Croatian citizenship, ensuring their right to vote and that they would retain their property and jobs. A number of moves were then undertaken in an apparent effort to reassure the Serb population. On 18 February, the UN's special envoy for human rights, Elisabeth Rehn, called for the international community to maintain a strong presence on the area to ensure peace, while Klein requested that the Croatian government publish a complete list of those it considered 'war-criminals' so that those not on it would know that they could stay in the area. The Croatians published their list on 18 March, with the names of 150 who would not receive amnesty for their activities during the war.

On 10 March, it was announced that local elections in the region would be held on 13 April, with voters to register by 25 March. This evoked a storm of protest among the Serbs, who claimed that this did not allow them enough time to prepare. It was also reported that Serb leaders had announced their intention to hold a referendum on 6 April on the issue of the division of Eastern Slavonia into two counties. However on 11 March, the UN reported that over 37% of the Serbian population had applied for Croatian citizenship, suggesting that Jacques Klein may have been at least partially correct when he said that: *“those who will leave are Serb nationalists who simply cannot live in a Croatian Catholic State – and they include war criminals, and people with guilty consciences.”*

Late March also witnessed agreement between senior Croatian and UN officials on cooperation towards the *“two-way”* return of an estimated 150,000 people displaced by the war in Croatia. This would allow around 80,000 Croats to return to their homes in Eastern Slavonia and 60,000 Serb refugees to return home to western Croatia. On 25 March Croatian President Franjo Tudjman stated that the Serb minority in Croatia would be guaranteed rights and protection if they accepted Croatian citizenship saying: *“We have to open our arms to Serbs who have not committed war crimes...Serbs who stay here will be protected.”*

Voting took place in Eastern Slavonia on 13-14 April as part of Croatia’s local elections, with the local Serbian leadership deciding their parties would participate at the last minute. General Klein pronounced the voting *“free and fair”* despite irregularities, resulting in the polls being open longer than planned, and stated that this represented *“a victory for reconciliation [refugees’] return, and a better future.”* The election results provided some indirect information on the ethnic make up of the population then present in Eastern Slavonia – there being no reliable figures available during the UNTAES period (January 1996-January 1998).

Eastern Slavonia’s population, it was observed, voted along clear ethnic lines. The Serbs voted for a coalition of Serbian parties, the Independent Democratic Serbian Party (SDSS), and the Croats primarily, but not exclusively, for the ruling Croatian Democratic Union (HDZ). The elections were held within the framework of the Croatian counties of Vukovar-Syrmium and Osijek-Baranja, both of which stretch beyond the UNTAES-controlled zone. In that part of Eastern Slavonia within Vukovar-Syrmium County, there were 37,125 votes: 34,402 for SDSS candidates, 2,077 for the HDZ and 646 for other Croatian parties. In that part within Osijek-Baranja County, there were 29,777 votes: 24,406 for the SDSS and 5,231 for the HDZ and other ‘Croatian’ parties. Displaced persons were, however, able to cast their votes at polling stations outside Eastern Slavonia and this resulted in Croatian parties securing 16 out of Eastern Slavonia’s 27 districts to the SSDS’s 11.

This was followed in early July by an announcement that Croatian refugees had begun to return to their old homes in Eastern Slavonia, with as many as 40,000 expected to return to their homes by the end of the year.

On 14 July 1997, the UN Security Council voted to extend the mandate of UNTAES for a further six months, to 15 January 1998. This proved to be the final extension of the UN mission’s mandate. UNTAES head, Jacques Klein took the opportunity to claim a large measure of success for the mission, pointing out that Eastern Slavonia had been reintegrated into the Croatian electricity and telephone networks, local elections had been completed successfully, 98% of the region’s population had now accepted Croatian identity papers and a 776-man Croat-Serb joint police force had been set up in the region, with 700 Serbs involved.

The following month it was announced that General Klein, moving on to assist the UN's work in Bosnia, would be replaced by US diplomat William Walker.

The key event related to Eastern Slavonia, which took place in late 1997, was the negotiation of a soft border regime between Croatia and Yugoslavia. The two sides signed six agreements in Belgrade on 15 September dealing with transportation, border regions, social insurance and legal aid. This was represented as the most significant step towards normalisation that the parties had taken. The hardest agreement to reach concerned cross-border local traffic. Under the accord, citizens of both countries living in the border area would be able to cross the border with a special pass and would not need a visa. The final session of the talks was reported to have concentrated on the issue of "*reciprocity*", whereby an equal area and equal numbers of people on each side of the border were included in the agreement.

Implementing the agreement proved problematic and was repeatedly delayed. Eventually, however, on 14 December 1997, the "*cross-border local traffic agreement*" came into effect. At the time the agreement went into operation it was reported that 8,000 Eastern Slavonian residents had been issued with the special passes (Tanjung, Belgrade, 14/12/97). This 'soft border' regime worked effectively and proved to be an important component in the overall reintegration process. Indeed, the opportunity for the local population, and in particular Eastern Slavonia's Serbs, to cross the border with relative ease was especially significant given the context of Yugoslavia's international isolation, including sanctions and border restrictions.

The latter half of 1997 also witnessed international criticism of Croatia concerning its policies in Eastern Slavonia, with the UN Security Council expressing its concern in September over Zagreb's "*lack of substantial progress*" towards creating conditions for the repatriation of Serbian and other refugees. The following month, UN Secretary General Kofi Annan went on to say that Croatia had failed in confidence-building and reconciliation efforts in the region but still had time "*to comply fully with its obligations*" before the UN handover. UNTAES head William Walker also clearly linked the peaceful reintegration of Eastern Slavonia with the integration of Croatia as a whole into Western institutions: "*how Croatia... completes its reintegration process will most likely determine whether and how quickly it takes its rightful place in its European home and in the international community of nations.*" The run-up to the handover was also marred by a number of violent incidents, including hand grenade attacks and bombs.

It was announced on 5 January 1998 that Croatia would not deploy its army to the border with Yugoslavia in Eastern Slavonia when UNTAES left. This was described as a gesture to help avoid an exodus of Serbian refugees across the border. However, Croatian officials made it clear that Croatia would have been within its rights to deploy the army to the Eastern Slavonian border because the FRY had refused to demilitarise its side of the border.

Ten days later, on 15 January, the UN Administrator for Eastern Slavonia, William Walker, presented a UN flag to Croatian Presidential aide Hrvoje Sarinic at Borovo Naselje as part of a ceremony marking the return of the region to full Croatian control. Croatian President Franjo Tudjman stated that his country would continue its policies aimed at peacefully reintegrating Eastern Slavonia into Croatia and that international aid would be vital in achieving this aim. A UN police force stayed on for a further six months at the request of both Croatian and local Serb authorities.





**The Village of Batina in Baranja and Bridge across the Danube to Serbia**



**‘War Landscape’ in Central Vukovar (July 1998)**



**Signs of Multiculturality and Hatred: Trilingual (Croatian, Serbian, Hungarian) plates at the Court in Beli-Manastir (above); Graffiti “Kill Serb/Kill Ustasha” on a wall near the railway station in Beli Manastir (below)**



## 7. Beyond Reintegration

The key challenge faced by the region in the aftermath of reintegration into Croatia was and remains the implementation of the refugee return programme encompassing the return of displaced persons, predominantly Croatians and Hungarians, to the region; the corresponding return of Croatian Serbs resident in Eastern Slavonia to other parts of Croatia (notably the Krajina); and the return of Croatian Serb refugees in Bosnia and Yugoslavia to Eastern Slavonia and other parts of Croatia. Fundamentally linked to this process was the vital issue of retaining the local Serb population who had resided in the Danube region throughout the 1990s, in order to preserve (or recreate) the multi-ethnic character of the region. Post-war reconstruction and economic recovery can also be regarded as vital to this process. US President Bill Clinton observed at the time of the handover of Eastern Slavonia to Croatian control that Croatia had “*acknowledged that it could not be whole and united unless it was also tolerant and diverse*”, and that he expected “*Croatia to fulfil its responsibilities to guarantee equal treatment and full protection of the rights of all Croatia’s citizens.*”

Although ominous predictions of a massive flight of Eastern Slavonia’s Serbian population to Yugoslavia proved to be unfounded, a gradual exodus of ethnic Serbs from the region was observed in the immediate post-reintegration period. While OSCE and UN representatives in Croatia acknowledged that the situation in Eastern Slavonia was generally stable, significant concerns were raised from early 1998 over the fact that Serbs were continuing to leave the region, often under direct pressure from spontaneously returning Croatian refugees keen to regain possession of property occupied by Serbian families.<sup>28</sup> OSCE and UN sources cited growing feelings of insecurity on the part of the Serbs and a conviction that the government in Zagreb was not committed to seeing them stay as the chief reasons for the population movement. The latter perception was reinforced by the fact that although Serbs formed a substantial minority in Croatia prior to 1991, amounting to approximately 12% of the total population, in 1999 that figure stood at nearer 6%.

Substantial and sustained international diplomatic pressure was therefore subsequently brought to bear on Croatia to facilitate the return of Croatian Serb refugees to their homes and to prevent the Serb population of Eastern Slavonia from fleeing to Yugoslavia. For instance, the group of 11 ambassadors monitoring the reintegration of eastern Slavonia issued a statement on 16 February 1998 noting the “*growing feelings of insecurity in the Serbian community.*” A few days later, the number of Serbs leaving Eastern Slavonia was put at 25-30 per day and Croatia was heavily criticised for its policy on Serb refugees. Indeed, Germany’s chief of refugee affairs went so far as to raise the prospect of sanctions against Zagreb on 23 April 1998 if the situation persisted.

In this context, the Croatian government’s initial programme, designed to facilitate the return of refugees to Eastern Slavonia and which linked the right of return to provision of housing and international aid, was greeted with protests. The apparently ambivalent nature of the Croatian government’s policy towards its minorities did little to reassure the ethnic Serbs of

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<sup>28</sup> For example, Hina, Zagreb, 1/4/98; RFE/RL Newline, 3/7/98. In the latter report quotes a UN Security Council statement noting a rise in “*ethnically related incidents, evictions and housing intimidation cases*” which if continued “*could have a seriously negative effect on the restoration of a multi-ethnic society in the Republic of Croatia.*”



Eastern Slavonia whose leaders complained of discrimination and harassment of Serbs in the region, particularly on the part of Croat returnees. A spokesman for the OSCE meanwhile commented that “*return is an individual right and...cannot be made dependent on other conditions.*”<sup>29</sup>

In May 1998, however, the US Ambassador to Zagreb stated that Croatia had yielded to all the criticisms made by the international community related to the return of Serbian refugees. Croatia’s revised plans for the return of refugees, guaranteeing “*all citizens*” the right to return home, was approved by the Croatian parliament on 26 June. The plan envisaged as many as 220,000 people returning to their homes inside and outside Croatia by the year 2003, with 24,000 ethnic Serbs expected to return to Croatia in 1998 alone. The new plan was welcomed by the leader of the Serb community in Croatia, Vojislav Stanimirovic, in early July 1998.

Several factors served to undermine Croatia’s economy as a whole and encourage a gradual Serb exodus from Eastern Slavonia. The essentially nationalist character of the Croatian regime, President Tudjman’s leanings towards authoritarianism, the limitations on the democratisation of political life in Croatia (emphasised by the ruling party’s dominance of access to the printed and particularly electronic media) and persistent allegations of cronyism and corruption at high levels severely hampered Croatia’s professed aspirations for integration into Euro-Atlantic institutions.

In this context, the most significant post-reintegration developments in Croatia were the demise of President Tudjman in December 1999 and change of government in January 2000 when Tudjman’s ruling HDZ party was swept from power.<sup>30</sup> The first priority of the new Croatian government has been to improve the economic lot of its citizens.<sup>31</sup> In order to achieve this and end Croatia’s international isolation, a policy of positive engagement with Western states has been adopted. Alongside efforts towards enhancing democratisation, freedoms of the press and anti-corruption moves, a key component of this process has been to guarantee minority and refugee rights.

Thus, on 11 May 2000 the Croatian parliament passed a minority rights law guaranteeing minority rights and freedoms in line with European standards. The new law deals with minorities’ cultural, educational and linguistic rights and restored an earlier law guaranteeing proportional representation in parliament for minorities constituting more than 8% of the population. As previously noted, the Serbian proportion of Croatia’s population fell drastically in the wake of Croatia’s military actions of 1995. However, many Serbs have returned and should they constitute 8% or more of the population by the time of the next census they could secure 19 out of 151 legislative seats. Additionally, just under US\$3 million of the

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<sup>29</sup> See RFE/RL Newswire, 2/4/98.

<sup>30</sup> In parliamentary elections on 3 January the Social Democratic-Liberal coalition won 71 seats, while its allied coalition of four smaller centrist parties won 24 seats. The HDZ, in power since 1990, were reduced to 40 seats. Iвица Račan became Croatian Prime Minister. Subsequently, on 7 February Stipe Mesić of the four centrist parties in government defeated the challenge of Dražen Budiša of the Social Democrats-Liberal coalition to become the successor to President Tudjman (RFE/RL Newswire, 12/1/00, 8/2/00).

<sup>31</sup> In January 2000 it was reported that the unemployment rate in Croatia was in excess of 20% while monthly per capita income was approximately US\$400 (RFE/RL Newswire, 4/1/00).

government's new budget was reported to have been earmarked for minority affairs, the largest part of which is destined for the Serbs.<sup>32</sup>

Such moves accompanied the ongoing and successful execution of the so-called "two-way return process." According to figures provided by Croatia's Office for Displaced Persons and Refugees (ODPR), the official body charged with conducting the programme, by 1 May 2000 the total number of formerly displaced who had returned to the region (former refugees, mainly Croats and other non-Serbs) stood at 48,995. The number waiting to return (predominantly awaiting the completion of reconstruction activities) was 32,429. Complementing this movement of population, the ODPR had also assisted in the return of 31,717 people (mainly Serbs temporarily settled in Eastern Slavonia) from the Danube region to other parts of Croatia. In addition, approximately 4,500 people were still waiting to return – 2,600 to other parts of Croatia and 1,900 internally displaced within the region and awaiting return to their homes. On 14 July 2000 the Croatian parliament also confirmed the right of all citizens to the property they owned before the 1991-1995 war. Where citizens are unable to reacquire a former home or property, the government pledged assistance for them to obtain something similar.<sup>33</sup> Furthermore, on 11 September, Prime Minister Račan promised that the government would have completed its programme to rebuild or repair homes destroyed or damaged during the conflict by the beginning of 2003.<sup>34</sup>

It is worth observing that the dynamics of the population composition of Eastern Slavonia is also closely related to the success of efforts in the fields of reconstruction and economic revitalisation in the region. According to Croatian officials, the international community has exhibited a notable lack of enthusiasm towards underpinning the reintegration of Eastern Slavonia into Croatia economically, where ultimately it may be most significant. While the Croatian government has initiated a significant number of projects in the region, Eastern Slavonia remains economically depressed and this has promoted substantial population shifts. Although economic stagnation can be partially blamed on over-concentration on housing and infrastructure projects rather than economic restructuring, privatisation and facilitating business start-ups, this situation can be to a large extent attributed to donor fatigue.<sup>35</sup> Aid, attention and resources have been diverted to other, more pressing crises such as Kosova, to Eastern Slavonia's detriment.

The multi-ethnic character of Eastern Slavonia has, therefore, for the present at least, been retained. In addition, the new Croatian administration has secured some notable foreign policy successes as a result of its more liberal policies. Significant among these was Croatia's 24 May 2000 admission into NATO's Partnership for Peace programme and the Euro-Atlantic Partnership Council (something denied to the previous regime).<sup>36</sup> Furthermore, on 19 July, EU Commissioner for Foreign Affairs Chris Patten announced that Croatia was set to become the second western Balkan country (after Macedonia) to initiate talks with Brussels over the terms of a Stabilisation and Association Agreement. Patten commented that: "*this proposal is a great step forward in our efforts to stabilise the region. It is a tribute to the courageous steps taken by the new Croatian government in the short time it has been in office; the EU is determined to support Croatia.*"<sup>37</sup>

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<sup>32</sup> See RFE/RL Newline, 12/5/00.

<sup>33</sup> See RFE/RL Newline, 17/7/00.

<sup>34</sup> See RFE/RL Newline, 12/9/00.

<sup>35</sup> See RFE/RL Newline, 10/11/99.

<sup>36</sup> See RFE/RL Newline, 25/5/00

<sup>37</sup> See RFE/RL Newline, 20/7/00.

As a result of these moves, Croatian President Stipe Mesić and Prime Minister Ivica Račan were rewarded with an invitation to visit Washington D.C. on 7-10 August. In the course of their visit they met US President Bill Clinton, Secretary of State Madeleine Albright as well as top officials of the IMF and World Bank. Their stay in Washington yielded considerable praise from the US administration, together with promises for US\$30 million in economic assistance aimed at assisting small and medium-sized businesses, implement refugee returns and modernise Croatia's armed forces.<sup>38</sup> The Croatian administration further endeared itself to the West in September 2000 by arresting "dozens" of suspected war criminals.<sup>39</sup>

Croatia has therefore significantly enhanced its international image. Further progress in this regard is dependent on advances in the development of democracy, human and minority rights, freedom of the press, economic liberalisation, the fight against corruption and in terms of cooperation with the Hague-based War Crimes Tribunal. The new government in Zagreb appears determined to continue the progress achieved during its first few months in office.

## 8. Borderland Identities

In many ways Croatia as a whole can be viewed as a borderland state. This is certainly the case in terms of the Croatian nationalist perception of the country's historical role. The Croatian national identity was suppressed for most of the 20<sup>th</sup> century, as a consequence of incorporation within the Serbian-dominated Kingdom of Yugoslavia and later communist Yugoslavia. Following the demise of communism and break-up of Yugoslavia, however, Croatia finally reemerged and established its place on the political map of Europe. Having secured its sovereign space in 1991, President Tudjman's government embarked on a programme of nation-building. The aim of reforging the Croatian national identity was to promote solidarity, national security and, ultimately, ensure that nation and state become spatially congruent.

Following independence many Croats regarded themselves as finally being 'on their own land'. Tudjman's policies in the first decade of the 'new' state's existence reflected this, promoting the concept of an ethnically Croatian nation-state and a desire to match ethnic to political boundaries. For Tudjman's government, boundaries and territory, the key issues at stake in Eastern Slavonia, were fundamental to establishing or reinforcing a distinctive Croatian national identity – a means of defining the distinction between 'us' and 'them' (Passi 1996: 10). In this case the 'us' were perceived as Croats and 'them' as other nationalities, particularly the Serbs. Indeed, the traditional Croatian nationalist view is one of Croatia as a barrier with Serbs and Serbia portrayed as the prime threat to Croatia and ultimately the West as a whole, in their role as representatives of the 'hostile' East.

The prevailing national narratives of the Tudjman regime drew on a definition of Croatia as a borderland poised on the West-East division line, but one oriented towards the West throughout its history – a role that Croatia played in particular in the course of the Ottoman conquest of Southeastern Europe. The term applied to Croatia in the Ottoman period, when

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<sup>38</sup> See RFE/RL Newswire, 10/8/00.

<sup>39</sup> See RFE/RL Newswire, 13/9/00.

Croatia formed the bulwark of Austro-Hungary's military frontier as *antemurale christianitatis* or the "defender of Christianity." If Croatia can be regarded as a borderland state then Eastern Slavonia, positioned as it is in direct contact with Serbia and thus viewed as representing the 'front-line', can be regarded as the critical borderland within that state.

Similarly, if Croats in general are seen as *antemurale christianitatis*, then Croats from Eastern Slavonia have been viewed as some sort of *antemurale Croatiae* – a view promoting a radically nationalised community, hostile to the 'others' represented by the Serbs and one recreated and reinforced by the Serb-Croatian conflict of 1991. This has provided the Croatian community of Eastern Slavonia, often focused through groups representing displaced people, with a distinctive borderland identity which has proved itself to be highly sensitive in relation to any moves towards an increase in transboundary cooperation between Croatia and Serbia. Many Eastern Slavonian Croats opposed the cross-border local traffic agreement on this basis and the Croatian nationalist lobby has repeatedly blocked the new government's reconstruction bill which would make funds available to Serbian as well as Croatian refugees on the basis that this would "give the Serbian aggressors rights equal to those of the Croatian victims."<sup>40</sup>

Croats, and those from Eastern Slavonia in particular, are perhaps best characterised as "national borderlanders" (Martinez 1994: 6). That is, although they may be subject to transboundary economic and cultural influences they have "low-level or superficial contact with the opposite side of the border owing to their indifference to their next-door neighbours or their unwillingness or inability to function in any substantive way in another society" – in this case Serbia. In contrast, Serbs may be regarded as "transnational borderlanders": "individuals who maintain significant ties with the neighbouring nation; they seek to overcome obstacles that impede such contact and they take advantage of every opportunity to visit, shop, work, study or live intermittently on the 'other' side" (Martinez, 1994: 6).

Although the Serbian community of Eastern Slavonia has had to come to terms with the reality of the existence of the Croatia-Yugoslavia international boundary, many remain dependent on Serbia as their 'mental homeland'. Many therefore accept Croatia only formally while maintaining a distinctive Serbian identity. It is therefore of crucial importance to them that the international border remains permeable. Many have relatives and friends across the border, while some maintain properties or take advantage of educational and employment opportunities in Yugoslavia. The cross-border local traffic agreement is therefore of great significance to Eastern Slavonia's Serbs as it provides the legal framework to develop transboundary activities. The region's geographical proximity to Serbia-proper, coupled with ease of access across the international boundary, provided a sense of security which was probably decisive in the majority of the Serbian community's decision to remain in Croatia.

Besides the Croats and Serbs, other ethnic groups exist in the region in smaller numbers, such as Hungarians and Ruthenians. Clearly the Croat-Serb conflict has overshadowed developments for these communities in the last decade. While many Hungarians left Eastern Slavonia for nearby Hungary proper as a consequence of the conflict, many Ruthenians, far from their psychological ethnic homeland of Transcarpathia (part of Ukraine), were displaced within Croatia. Both communities appear to accept Eastern Slavonia's existence within the Croatian political-geographical framework. Furthermore, Croatia's legal provisions regarding

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<sup>40</sup> See RFE/RL Newline, 22/5/00.

minority rights, particularly in the post-Tudjman period, seem to provide an acceptable framework for their continued existence in the region. Their ethnic identity is recognised by law and support is provided for cultural and educational activities, together with the possibility of representation in parliament.

## 9. Conclusions

The location and status of the Croatia-Serbia boundary has varied substantially in the course of its evolution. However, in the aftermath of World War II, a delimitation exercise was undertaken by the Đilas Commission which in large part defines the course of the modern boundary between the two states. While the Đilas Commission succeeded in delimiting the boundary on land in some detail, its findings failed to prevent the emergence of a dispute on the Danube River section of the border.

No negotiations have taken place on the Danube delimitation issue. Indeed, it is unlikely that Belgrade will acknowledge that there is anything to discuss. It seems highly unlikely given the history of animosity between the parties, coupled with the present political climate (despite the recent changes in government in both Zagreb and Belgrade) that Serbia would consider handing back the pockets/islands on the left bank to Croatian control. It seems similarly unlikely that Croatia would favour a Serbian presence on the right bank of the river. In light of this, one way forward might be for the two states to adjust the boundary elsewhere in order to reach agreement on matching the international boundary with the modern course of the Danube. However, under this scenario the disparity in the area of the Croatian pockets on the left bank as compared with the Serbian pockets on the right bank of the river, would require the transfer of territory from Serbia to Croatia elsewhere along the boundary. At the present time it is difficult to envisage this sort of deal being seriously considered. Furthermore, even if this type of settlement was proposed as the basis for the resolution of the dispute, it is likely that Croatia would press for its retention of the adas which, unlike the pockets on the left bank, have traditionally been functionally integrated with the right bank.<sup>41</sup>

Thus, while it may be possible to reach a settlement in future, particularly in the context of the soft border regime and in light of the limited value of the territory at stake, there seems little incentive to do so and no imminent resolution to the dispute is on the horizon.

The peaceful reintegration of Eastern Slavonia into Croatia has rightly been viewed as a significant success. Indeed, when set against the dismal record of failure of other international peacekeeping and peacebuilding efforts elsewhere in the former Yugoslavia, UNTAES's achievements in Eastern Slavonia take on an added lustre. Although Eastern Slavonia saw extensive ethnic cleansing and a radical change in the region's ethnic composition, the 'final' outcome under UN guidance has been a gradual return to the pre-war situation.

The UN's success in Eastern Slavonia can in large part be traced to the clear, achievable mandate of the UN mission in the region. In contrast to the general framework and vagueness

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<sup>41</sup> Vukovar island has in the past been functionally integrated as a recreational area for the town of Vukovar and a similar relationship has existed between Šarengrad and Šarengrad island. In November 2000 citizens of Šarengrad staged a protest over the presence of the Yugoslav army on Šarengrad Island and sent a petition to the Croatian government demanding that more attention be paid to the issue.



of UNPROFOR's mandate, UNTAES had clear-cut goals and forceful leadership in the shape, primarily, of General Jacques Klein.

The UN's performance in Eastern Slavonia should, however, be seen in the context of former Yugoslavia and its disputes as a whole – particularly the course of the war in Bosnia. The peaceful reintegration of the region was only possible in the wake of the profound military reversals suffered by Serbian forces elsewhere in Croatia and in Bosnia in 1995, coupled with a major shift in the international community's, and especially the US's, approach to the problems of the region. Ultimately, despite the fact that it appeared in 1995 that Croatian forces were poised to retake the region by force, all the actors concerned had an interest in the resolution of the Eastern Slavonia issue, as a peaceful compromise there provided the potential for trade-offs elsewhere. The apparent success of UNTAES has, however, been called into question by events in Eastern Slavonia following its full reintegration into the Croatian state. In particular, concerns have been raised over a gradual exodus of the Serb population of the region and continuing inter-community tension.

In the immediate aftermath of reintegration, although Eastern Slavonia remained multi-ethnic, the atmosphere in the region resembled more of a cessation of hostilities rather than a real peace. Ethnic tensions were pronounced and inter-community relations characterised by suspicion. Serbs have tended to take a jaundiced view of Croatian actions, for example in relation to education, as attempts to promote ethnic assimilation and have complained of discrimination and intimidation. These attitudes were allied to a perception that Tudjman's nationalist-oriented government lacked the political will to rebuild a multi-ethnic Croatian society – a situation exacerbated by economic difficulties. Meanwhile, Tudjman's government exhibited intense suspicion with regard to international mediation efforts – fearing an international conspiracy to somehow resurrect Yugoslavia. Indeed, this was one of the chief factors believed to have been behind the stalling of the soft border regime for Eastern Slavonia.

While at present there seems to be relatively little indication that Eastern Slavonia and Serb-Croat relations in general are entering a post-nationalist era, the end of the Tudjman-era in Croatian politics provides considerable hope for the prospects of Eastern Slavonia evolving into a peaceful multi-ethnic borderland. The new government's commitment to minority and refugee rights as a central pillar in its drive towards integration with Euro-Atlantic institutions and economic recovery bodes well for Eastern Slavonia's minorities. Similarly, the new Croatian government's willingness to engage in regional cooperation (while simultaneously rejecting any new "*Balkan or neo-Yugoslav*" state) represents another positive sign.<sup>42</sup>

In this context it is worth noting that the fall of Milosevic's regime and the change of government in Belgrade is also likely to have a positive influence on inter-ethnic relations in Eastern Slavonia and reinforce the trend towards a gradual rapprochement in bilateral relations. This is the case not least because the new Yugoslav government's priorities, notably that of reestablishing and enhancing ties with the international community, are not dissimilar to Croatia's own. In the longer term it is therefore possible to envisage (and hope for) the eventual emergence of a unique and sustainable multi-ethnic borderland identity in Eastern Slavonia.

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<sup>42</sup> Comment by Croatian Prime Minister designate Ivica Račan on 7 January 2000 when outlining his new government's priorities (RFE/RL Newswire, 12/1/00).

One factor that could certainly derail such a scenario is that of war crimes. The new Yugoslav government's attitude to the International War Crimes Tribunal in the Hague shows no indication of being dissimilar to the non-cooperative stance of the previous regime. It is very difficult, if not impossible, to see how normal inter-ethnic relations can be established without responsibility being shouldered for at least some of the crimes that were committed. Failure to bring the war criminals to justice is likely to lead to this issue remaining an open wound in inter-ethnic relations, precluding reconciliation between the communities involved.

At present the inhabitants of Eastern Slavonia still tend to define themselves on the basis of their ethnic backgrounds and there is little indication that a distinctive identity linked to the emergence of Eastern Slavonia as a separate borderland region is being formulated. Croats and Serbs from the region may be aware of their special position within their respective communities but clearly continue to identify themselves first and foremost as Croats or Serbs.

In reality, an Eastern Slavonian borderland identity will take a considerable period of time to develop and it seems clear that at present no unified regional identity exists. However, distinct regional identities may emerge and eventually interrelate or even merge. From a Croatian perspective, returnees to the region will in time have to accept their Serbian neighbours as equal citizens and there are positive signs that this is taking place. The geographical proximity of Serbia, currently viewed as a threat and geopolitical disadvantage may in future be perceived as an opportunity and even advantage, particularly in economic terms. From the Serbian perspective, a transboundary identity may well be forged, with easy access to Serbia across a soft border representing a key component. In this regard, the fact that the cross-border local traffic agreement is in place and operating successfully is significant. Indeed, it has been observed that the special passes allowing easy access to Yugoslavia have been taken up by some Croat residents of Eastern Slavonia so that they may take advantage of price differentials across the border. The fact that for some, at least, the border is beginning to be perceived as an opportunity rather than a constraint is an encouraging sign – even if the scale of the transactions is limited.<sup>43</sup>

It is therefore conceivable that the present alienated Croatia-Yugoslavia border will in time shift towards one that is coexistent or even interdependent (Martinez 1994: 1-5). The importance of this process and the progress of inter-ethnic relations in Eastern Slavonia should not be underestimated as it has the potential to profoundly influence bilateral relations. On the one hand, progress in Eastern Slavonia may serve to stimulate a normalisation in contacts between Croatia and Serbia; on the other, a deterioration in relations could have a correspondingly negative influence on the two states – ultimately with the potential to generate renewed conflict.

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<sup>43</sup> It is worth noting here that transboundary trade and interaction has been severely hampered by the fact that the bridges across the Danube between Croatia and Yugoslavia were either destroyed or severely damaged in the 1999 Kosova NATO air campaign. In July 2000 the EU released funds to cover part of the cost of clearing the bridge debris from the river.

## **Appendix 1: Guiding Basic Principles for Negotiations on a Settlement of Eastern Slavonia, Southern Baranja and Western Sirmium**

1. A transition period shall be established for the region.
2. A transitional authority shall be established by the United Nations Security Council to administer the region during the transition period. Such authority shall include a mechanism to represent the interests of the Government of Croatia, the local Serbs, returning Croatian refugees and displaced persons, and ethnic minorities.
3. International forces shall be stationed within the region during the transition to maintain the peace and enforce compliance with the final settlement. The region shall otherwise be demilitarized during the transition.
4. The transitional authority will facilitate the return of refugees and displaced persons to their homes. It will also take steps to reestablish Croatian institutions in the region (such as telephone service, post offices, banks, utilities, pension offices, passport and citizenship offices, etc.).
5. The transitional authority shall establish a transitional police force in which Croats and Serbs are represented. Other ethnic groups shall also be represented in the police force in the regions where they are present.
6. Internationally recognized human rights and fundamental freedoms will receive the highest respect from all levels of government throughout the Republic of Croatia.
7. All Croatian citizens and persons eligible for Croatian citizenship, including all refugees and displaced persons, have the right to return freely to their places of residence and reside there in conditions of security.
8. All persons have the right to have restored to them any property of which they were deprived by unlawful acts or forced to abandon and to be compensated for any property which cannot be restored to them.
9. The right to return, to recover property, to receive compensation for non-recoverable property, and to receive assistance in reconstruction of damaged property shall be equally available to all Croatian citizens and persons eligible for Croatian citizenship, without regard to ethnicity.
10. The international community will provide guarantees of the terms of and of the human rights protections established in the settlement. These guarantees would include the presence of international monitors for an agreed period of time in the region both during and following the transition. This work shall not be impeded.
11. After the end of the transitional period, elections for local administration shall be held.

Source: Text from the United Nations

## **Appendix 2: The Basic Agreement in the Region of Eastern Slavonia, Baranja and Western Sirium (Erdut Agreement), November 12, 1995**

The Parties agree as follows:

1. There shall be a transitional period of 12 months which may be extended at most to another period of the same duration if so requested by one of the parties.
2. The U.N. Security Council is requested to establish a Transitional Administration, which shall govern the Region during the transitional period in the interest of all persons resident in or returning to the Region.
3. The U.N. Security Council is requested to authorize an international force to deploy during the transitional period to maintain peace and security in the Region and otherwise to assist in implementation of this Agreement. The Region shall be demilitarized according to the schedule and procedures determined by the international force. This demilitarization shall be completed not later than 30 days after deployment of the international force and shall include all military forces, weapons, and police, except for the international force and for police operating under the supervision of, or with the consent of, the Transitional Administration.
4. The Transitional Administration shall ensure the possibility for the return of refugees and displaced persons to their homes of origin. All persons who have left the Region or who have come to the Region with previous permanent residence in Croatia shall enjoy the same rights as all other residents of the Region. The Transitional Administration shall also take the steps necessary to reestablish the normal functioning of all public services in the Region without delay.
5. The Transitional Administration shall help to establish and train temporary police forces, to build professionalism among the police and confidence among all ethnic communities. The highest levels of internationally-recognized human rights and fundamental freedoms shall be respected in the Region.
6. All persons have the right to return freely to their place of residence in the Region and to live there in conditions of security. All persons who have left the Region or who have come to the Region with previous permanent residence in Croatia have the right to live in the Region.
7. All persons shall have the right to have restored to them any property that was taken from them by unlawful acts or that they were forced to abandon and to just compensation for property that cannot be restored to them.
8. The right to recover property, to receive compensation for property that cannot be returned, and to receive assistance in reconstruction of damaged property shall be equally available to all persons without regard to ethnicity.

9. Interested countries and organizations are requested to take appropriate steps to promote the accomplishment of the commitments in this Agreement. After the expiration of the transition period and consistent with established practice, the international community shall monitor and report on respect for human rights in the Region on a long-term basis.
10. In addition, interested countries and organizations are requested to establish a commission, which will be authorized to monitor the implementation of this Agreement, particularly its human rights and civil rights provisions, to investigate all allegations of violations of this Agreement, and to make appropriate recommendations.
11. Not later than 30 days before the end of the transitional period, elections for all local government bodies, including for municipalities, districts and counties, as well as the right of the Serbian community to appoint a joint Council of municipalities, shall be organized by the Transitional Administration. International organizations and institutions (e.g. the organization for Security and Cooperation in Europe, the United Nations) and interested states are requested to oversee the elections.
12. The Government of the Republic of Croatia shall cooperate fully with the Transitional Administration and the international force. During the transitional period the Croatian Government authorizes the presence of international monitors along the international border of the Region in order to facilitate free movement of persons across existing border crossings.
13. This Agreement shall enter into force upon the adoption by the U.N. Security Council of a resolution responding affirmatively to the requests made in this Agreement.

DONE this Twelfth day of November, 1995.

SIGNED:

Hrvoje Sarinic  
Head, Croatian Government Delegation  
Milan Milanovic  
Head, Serb Negotiating Delegation

WITNESSED:

Peter W. Galbraith  
United States Ambassador  
Thorvald Stoltenberg  
United Nations Mediator

Source: Text from the United Nations

### **Appendix 3: UN Security Council Resolution 1037**

*Adopted by the Security Council at its 3619th meeting, on 15 January 1996*

*The Security Council,*

*Recalling* its earlier relevant resolutions, and in particular its resolutions 1023 (1995) of 22 November 1995 and 1025 (1995) of 30 November 1995,

*Reaffirming* once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

*Stressing* the importance it attaches to full respect for human rights and fundamental freedom of all in those territories,

*Expressing* its support for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (S/1995/951, annex), signed on 12 November 1995 between the Government of the Republic of Croatia and the local Serbian community (the Basic Agreement),

*Having considered* the report of the Secretary-General of 13 December 1995 (S/1995/1028\*),

*Stressing* the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

*Desiring* to support the parties in their effort to provide for a peaceful settlement of their disputes, and thus to contribute to achievement of peace in the region as a whole,

*Stressing* the obligations of Member States to meet all their commitments to the United Nations in relation to the United Nations peace-keeping operations in the former Yugoslavia,

*Determining* that the situation in Croatia continues to constitute a threat to international peace and security,

*Determined* to ensure the security and freedom of movement of the personnel of the United Nations peace-keeping operation in the Republic of Croatia, and to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to establish for an initial period of 12 months a United Nations peace-keeping operation for the Region referred to in the Basic Agreement, with both military and civilian components, under the name "United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium" (UNTAES);
2. *Requests* the Secretary-General to appoint, in consultation with the parties and with the Security Council, a Transitional Administrator, who will have overall authority over the civilian and military components of UNTAES, and who will exercise the authority given to the Transitional Administration in the Basic Agreement;

3. *Decides* that the demilitarization of the Region, as provided in the Basic Agreement, shall be completed within 30 days from the date the Secretary-General informs the Council, based on the assessment of the Transitional Administrator, that the military component of UNTAES has been deployed and is ready to undertake its mission;
4. *Requests* the Secretary-General to report monthly to the Council, the first such report to be submitted within one week after the date on which the demilitarization is scheduled to be completed pursuant to paragraph 3 above, regarding the activities of UNTAES and the implementation of the Basic Agreement by the parties;
5. *Strongly urges* the parties to refrain from any unilateral actions which could hinder the handover from UNCRO to UNTAES or the implementation of the Basic Agreement and *encourages* them to continue to adopt confidence-building measures to promote an environment of mutual trust;
6. *Decides* that, no later than 14 days after the date on which demilitarization is scheduled to be completed pursuant to paragraph 3 above, it will review whether the parties have shown a willingness to implement the Basic Agreement, taking into consideration the parties' actions and information provided to the Council by the Secretary-General;
7. *Calls upon* the parties to comply strictly with their obligations under the Basic Agreement and to cooperate fully with UNTAES;
8. *Decides* to reconsider the mandate of UNTAES if at any time it receives a report from the Secretary-General that the parties have significantly failed to comply with their obligations under the Basic Agreement;
9. *Requests* the Secretary-General to report to the Council no later than 15 December 1996 on UNTAES and the implementation of the Basic Agreement and expresses its readiness to review the situation in the light of that report and to take appropriate action;
10. *Decides* that the military component of UNTAES shall consist of a force with an initial deployment of up to 5,000 troops which will have the following mandate:
  - (a) To supervise and facilitate the demilitarization as undertaken by the parties to the Basic Agreement, according to the schedule and procedures to be established by UNTAES;
  - (b) To monitor the voluntary and safe return of refugees and displaced persons to their home of origin in cooperation with the United Nations High Commissioner for Refugees, as provided for in the Basic Agreement;
  - (c) To contribute, by its presence, to the maintenance of peace and security in the region; and
  - (d) Otherwise to assist in implementation of the Basic Agreement;
11. *Decides* that, consistent with the objectives and functions set out in paragraphs 12 to 17 of the Secretary-General's report of 13 December 1995, the civilian component of UNTAES shall have the following mandate:

- (a) To establish a temporary police force, define its structure and size, develop a training programme and oversee its implementation, and monitor treatment of offenders and the prison system, as quickly as possible, as set out in paragraph 16 (a) of the Secretary-General's report;
  - (b) To undertake tasks relating to civil administration as set out in paragraph 16 (b) of the Secretary-General's report;
  - (c) To undertake tasks relating to the functioning of public services as set out in paragraph 16 (c) of the Secretary-General's report;
  - (d) To facilitate the return of refugees as set out in paragraph 16 (e) of the Secretary-General's report;
  - (e) To organize elections, to assist in their conduct, and to certify the results as set out in paragraph 16 (g) of the Secretary-General's report and in paragraph 12 of the Basic Agreement; and
  - (f) To undertake the other activities described in the Secretary-General's report, including assistance in the coordination of plans for the development and economic reconstruction of the Region, and those described in paragraph 12 below;
12. *Decides* that UNTAES shall also monitor the parties' compliance with their commitment, as specified in the Basic Agreement, to respect the highest standards of human rights and fundamental freedoms, promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, monitor and facilitate the demining of territory within the Region, and maintain an active public affairs element;
13. *Calls upon* the Government of the Republic of Croatia to include UNTAES and the United Nations Liaison Office in Zagreb in the definition of "United Nations Peace Forces and Operations in Croatia" in the present Status of Forces Agreement with the United Nations and requests the Secretary-General to confirm urgently, and no later than the date referred to in paragraph 3 above, on whether this has been done;
14. *Decides* that Member States, acting nationally or through regional organizations or arrangements, may, at the request of UNTAES and on the basis of procedures communicated to the United Nations, take all necessary measures, including close air support, in defence of UNTAES and, as appropriate, to assist in the withdrawal of UNTAES;
15. *Requests* that UNTAES and the multinational implementation force (IFOR) authorized by the Council in resolution 1031 (1995) of 15 December 1995 cooperate, as appropriate, with each other, as well as with the High Representative;
16. *Calls upon* the parties to the Basic Agreement to cooperate with all agencies and organizations assisting in the activities related to implementation of the Basic Agreement, consistent with the mandate of UNTAES;
17. *Requests* all international organizations and agencies active in the Region to coordinate closely with UNTAES;
18. *Calls upon* States and international financial institutions to support and cooperate with efforts to promote the development and economic reconstruction of the Region;



19. *Underlines* the relationship between the fulfilment by the parties of their commitments in the Basic Agreement and the readiness of the international community to commit financial resources for reconstruction and development;
20. *Reaffirms* that all States shall cooperate fully with the International Tribunal for the Former Yugoslavia and its organs in accordance with the provisions of resolution 827 (1993) of 25 May 1993 and the Statute of the International Tribunal and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the Statute;
21. *Stresses* that UNTAES shall cooperate with the International Tribunal in the performance of its mandate, including with regard to the protection of the sites identified by the Prosecutor and persons conducting investigations for the International Tribunal;
22. *Requests* the Secretary-General to submit for consideration by the Council at the earliest possible date a report on the possibilities for contributions from the host country in offsetting the costs of the operation;
23. *Decides* to remain actively seized of the matter.

Source: Text from the United Nations

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