Socio-economic Aspects of Peacebuilding: UNTAES and the Reintegration of Eastern Slavonia, 1996-2000

Jelena Smoljan
Lincoln College

Thesis submitted in fulfilment of the requirements for the degree of DPhil in International Relations in the Department of Politics and International Relations at the University of Oxford

Michaelmas 2004 [i.e 2005]

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This thesis examines the experience of the United Nations Transitional Administration for Eastern Slavonia, Baranja, and Western Sirmium (UNTAES), which was set up in 1996 with the task of administering the North-Eastern region of Croatia during its transition from rebel-Serb control to Croatian sovereign control. The thesis provides an assessment of UNTAES from the perspective of a developmental approach to peacebuilding, by examining UNTAES's record in three functional areas – employment, education, and housing and property – as examples of its more general approach to socio-economic policy. In addition to concentrating on the ways in which UNTAES addressed the regulation and reintegration of these policy areas within the Croatian system, and hence on the period covering the duration of its mandate (1996-1998), the effects of the mission's policy in the immediate post-reintegration phase up to 2000 are also considered. The thesis draws primarily on evidence collected through fieldwork in the territory formerly administered by UNTAES, including key documents concerning the reintegration of Eastern Slavonia, and interviews with participants and other individuals with close knowledge of the mission.

Development is increasingly recognised in scholarly and policy literature as a crucial element for achieving sustainable peace. Although the mission's mandate reflected this trend, the thesis argues that UNTAES was reluctant to interpret its developmental tasks in a comprehensive way, in particular when this involved initiating potentially destabilising and expensive policies. Rather, UNTAES's approach was dominated by short-term imperatives and expedience to the detriment of long-term processes, such as reconciliation and the establishment of an integrated multiethnic society. The conclusions drawn are that such a course of action has proved inadequate for building sustainable peace and the success of this mission can, in this respect, be questioned. Furthermore, the experience of UNTAES makes clear that development and peacebuilding, although increasingly integrated in peacebuilding theory and in UN rhetoric, in practice, still operate as largely distinct fields.

Acknowledgements

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List of Acronyms

BiH	Bosnia and Herzegovina
CIVPOL	International Civilian Police
CNN	Cable News Network
IDPs	Internally Displaced persons
EU	European Union
FRY	Federal Republic of Yugoslavia (Serbia and Montenegro)
HDZ	Croatian Democratic Union
HEP	Croatian Electricity
HHO	Croatian Helsinki Committee
HNS	Croatian People's Party
HPT	Croatian Post and Telecommunications
HRT	Croatian Radio-Television
HSLS	Croatian Socio-Liberal Party
HSP	Croatian Party of (Historical) Rights
ICTY	International Criminal Tribunal for the former Yugoslavia
IFOR	Implementation Force
INA	Croatian Oil Industry
JCM	Joint Council of Municipalities
JIC	Joint Implementing Committee
LS	Liberal Party
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NIK	Krajina Oil Industry
OSCE	Organisation for Security and Co-operation in Europe
ODPR	Office for Displaced Persons, Refugees and Returnees
OHR	Office of the High Representative
ONUSAL	United Nations Observer Mission in El Salvador
PIC	Peace Implementation Council
PRONI	Project Northern Ireland
RSK	Republic of Serb Krajina
SDP	Socio-Democratic Party
SDSS	Serbian Democratic Independent Party
SFRY	Socialist Federal Republic of Yugoslavia
SIPRI	Stockholm International Peace Research Institute
TA	Transitional Administrator
TCS	Transitional Customs Services
TPF	Transitional Peace Force
UN	United Nations
UNCRO	United Nations Confidence Restoration Operation in Croatia
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNESCO	United Nations Educational, Scientific, and Cultural Organisation

UNMIK	United Nations Interim Administration Mission in Kosovo
UNMOP	United Nations Mission of Observers in Prevlaka
UNPAs	United Nations Protected Areas
UNPF	United Nations Peace Forces
UNPREDEP	United Nations Preventive Deployment Force
UNPROFOR	United Nations Protection Force
UNTAC	United Nations Transitional Authority in Cambodia
UNTAG	United Nations Transitional Assistance Group (Namibia and Angola)
UNTAES	United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium
UNTAET	United Nations Transitional Administration in East Timor
UNTEA	United Nations Temporary Executive Authority
WHO	World Health Organisation
YPGD	Youth Peace Group Dunav
ZAP	Bureau for Financial Transactions

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1. Introduction

Since the mid-1990s a new trend in post-conflict peacebuilding has emerged: the establishment of interim international administrations with authority over territories recovering from violent conflict.[1] Administrations of this type have been given unprecedented authority over domestic matters of their host states and territories. The tasks mandated to these interim administrations have included overseeing the implementation of a peace agreement and assisting with nation-building, as in the case of the international administration in Bosnia and Herzegovina (BiH), administering a territory during its transition to independence, as in the case of the United Nations Transitional Administration in East Timor (UNTAET), and facilitating a political process to determine the future status of a territory and administering it in the intervening time, as in the case of the United Nations Interim Administration Mission in Kosovo (UNMIK).

This thesis examines the experience of one such operation, the United Nations Transitional Administration for Eastern Slavonia, Baranja, and Western Sirmium (UNTAES) in Croatia from 1996 to 1998. UNTAES was established in January

[1] Such operations include the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), set up in 1996 and closed in 1998; the international administration in Bosnia and Herzegovina, set up in 1996 and still ongoing; the United Nations Transitional Administration in East Timor (UNTAET), set up in 1999 and closed in 2001; and the United Nations Interim Administration Mission in Kosovo (UNMIK), set up in 1999 and still ongoing. On the origin and operation of these missions, see Richard Caplan, *A New Trusteeship? The International Administration of War-torn Territories*, Adelphi Paper 341 (Oxford: Oxford University Press, 2002); Richard Caplan, *International Governance of War-Torn Territories: Rule and Reconstruction* (Oxford: Oxford University Press, 2005); Simon Chesterman, *You the People: The United Nations, Transitional Administration, and State-Building* (Oxford: Oxford University Press, 2004); Ralph Wilde, 'From Danzig to East Timor and Beyond: The Role of International Territorial Administration,' *American Journal of International Law* 95, no. 3, July 2001; *Global Governance* 10, no. 1, Special Issue on the Politics of International Administration, Jan-March 2004.

1996 by UN Security Council Resolution 1037[2] further to a peace agreement between Croatia and representatives of the local Serbs.[3] The main task of the operation was to administer Eastern Slavonia, the last Serb-held region of Croatia, and oversee its transition to Croatian control.[4] Deployed in 1996, UNTAES was a contemporary of the international administration in BiH, and a precursor to the international administrations in Kosovo and East Timor, operations that extended the scope of peacebuilding functions to include the complete administration of a territory.

Despite the importance of UNTAES as one of the earliest instances of a new type of peace operation, the mission has received relatively limited attention in the academic literature. However, there are a number of reports that have considered the merits of the UN involvement in Eastern Slavonia. Two volumes (published only in Croatia) have dealt specifically with UNTAES and the process of peaceful reintegration, while the Lessons Learned Unit of the UN has compiled a comprehensive report on UNTAES.[5] Similarly, Christine Coleiro's *Bringing Peace to the Land of Scorpions and Jumping Snakes* has analysed the work and

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[2] Security Council Resolution 1037 (1996), UN Doc. S/RES/1037 (1996), 15 January 1996.

[3] Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, 12 November 1995; text reported in Report of the Secretary General to the Security Council, UN Doc. S/1995/951, 15 November 1995, Annex. The terms Basic Agreement and Erdut Agreement are used interchangeably to denote the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium.

[4] The region Eastern Slavonia, Baranja, and Western Sirmium is also referred to as Eastern Slavonia, the Croatian Danube region, or the Danube region. All four names are used interchangeably throughout this thesis.

[5] United Nations Lessons Learned Unit, Department of Peacekeeping Operations, 'Comprehensive Report on Lessons Learned from UNTAES,' last updated on 9 December 1999, accessed online at http://www.un.org/Depts/dpko/lessons/untaes.htm on 26 November 2001; Ivica Vrkić, *Istočno od zapada: politički putopisi hrvatskim istokom* (Zagreb: Interpublic, 1997); Vesna Škare-Ožbolt and Ivica Vrkić (eds.), *Olujni mir* (Zagreb: Narodne novine, 1998).

legacy of the UN in Eastern Slavonia.[6] In addition, a number of scholarly articles have either provided an overall assessment of the mission, or have focused on a specific aspect of its work in the field. To this end, Pjer Šimunović has examined the contextual factors that led to UNTAES's success,[7] while former Transitional Administrator Jacques Klein has discussed the significance of UNTAES for peace and stability in the region, as well as the principal features that set UNTAES apart from previous UN missions in former Yugoslavia.[8] Klein's deputy in Eastern Slavonia, Derek Boothby, has written specifically on the weapons buyback programme organised by UNTAES, as well as more generally on the mission and the political challenges of international administration.[9] Other reports have focused on the International Civilian Police (CIVPOL) operations in Eastern Slavonia, including the police reform under UNTAES, and reintegration within the health sector.[10] In addition, several authors have looked at UNTAES as part of wider studies of transitional administrations, notably Richard Caplan, Simon Chesterman, and Sally Morphet.[11]

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[6] Christine Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes: Legacy of the United Nations in Eastern Slavonia and Transitional Missions* (Clementsport: Canadian Peacekeeping Press, 2002).

[7] Pjer Šimunović, 'A Framework for Success: Contextual Factors in the UNTAES Operation in Eastern Slavonia,' *International Peacekeeping*, vol. 6, no. 1, Spring 1999, pp. 126-42.

[8] Jacques Klein, 'The Prospects for Eastern Croatia: the Significance of the UN's Undiscovered Mission,' *RUSI Journal*, vol. 142, no. 2, April 1997, pp. 19-24.

[9] Derek Boothby, 'The UNTAES Experience: Weapons Buy-back in Eastern Slavonia, Baranja and Western Sirmium (Croatia),' Brief 12 (Bonn: Bonn International Centre for Conversion, October 1998); Derek Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' Paper delivered for the Roundtable Meeting on *Applying Leverage: Lessons from the United Nations Operations in Mozambique and Eastern Slavonia*, 8 October 1999; Derek Boothby, 'The Political Challenges of Administering Eastern Slavonia,' in *Global Governance*, vol. 10, no. 1, Jan-March 2004, pp. 37-51.

[10] Tor Tanke Holm, 'CIVPOL Operations in Eastern Slavonia, 1992-98,' *International Peacekeeping*, vol. 6, no. 4, Winter 1999, pp. 135-56; Judith Large, 'Kafka meets Machiavelli: Post-War, Post-Transition Eastern Slavonia,' *Development in Practice*, vol. 9, no. 5, November 1999, pp.569-78.

[11] Caplan, *A New Trusteeship? The International Administration of War-torn Territories*; Caplan, *International Governance of War-Torn Territories;* Chesterman, *You the People;* Sally Morphet, 'Current International Civil Administration: the Need for Political Legitimacy', *International Peacekeeping*, vol. 9, no. 2, Summer 2002, pp. 140-162.

1.1. Conceptual approach

The aim of this thesis is to contribute both to an understanding of UNTAES and to the continued development of peacebuilding theory. Towards these ends, the thesis provides an assessment of UNTAES from the perspective of the developmental approach to peacebuilding. According to this approach, developmental, or socio-economic, issues play a key role in the peacebuilding process. Hence, peacebuilding and development, rather than being distinct methods for achieving distinct goals, are viewed as mutually reinforcing and capable of operating simultaneously. Although serious development projects and planning cannot be implemented effectively in the absence of legitimate political structures, it is arguable whether the latter can be achieved in the absence of equitable economic development. In this way, development underlies peacebuilding, which, ultimately, cannot succeed unless integrated within a developmental framework.

The theoretical origins of the developmental approach to post-conflict reconciliation and peacebuilding can be traced back to the contact hypothesis, which states that interaction between individuals belonging to different groups can contribute to the reduction of ethnic prejudice and inter-group tension, and to theories of perceived relative deprivation and horizontal inequality, according to which disparities between ideal and actual socio-economic circumstances, or negative comparisons with a reference group can lead to tension and conflict. Since the end of the Cold War, there has been an increased recognition of the importance of development within peacebuilding literature and practice. It has long been acknowledged that democratic institutions, respect for human and

minority rights, the enhancement of mechanisms for minority participation and the establishment of effective accountability between government and governed, are fundamental to successful post-conflict reconciliation.[12] In addition to this, however, a crucial role is played by initiatives addressing the socio-economic conditions in war-torn societies. Such initiatives combine with the building of institutions, the protection of human rights, demobilisation, and other activities, to form a comprehensive and multifaceted peacebuilding programme. Within this framework, initiatives in social and public policy sectors, such as education, employment, healthcare, housing and social welfare play a prominent role, contributing to the general economic wellbeing, decreasing perceptions of relative deprivation and hierarchical inequalities, and providing a forum for positive and rewarding interactions between individuals from different groups.

This thesis focuses specifically on three of these policy sectors, employment, education, and housing and property. This selection was influenced by the desire to portray policy sectors for which sufficient data was accessible and which would highlight the points of controversy of the particular case studied. Moreover, all three areas provide the environment and opportunity for contact and interaction between former enemies, i.e. the work place, the school, and the neighbourhood. Finally, the three policy sectors represent an overview of the diverse ways in which socio-economic policy can affect peacebuilding. Thus, employment is central to the provision of the means of subsistence, but also illustrates the

[12] See for example Frank S. Cohen, 'Proportional v. Majoritarian Ethnic Conflict Management in Democracies,' *Comparative Political Studies*, vol. 30, no. 5, June 1997, pp. 607-630; Ronaldo Dreyer, 'State Building and Democracy in Second Generation Peacekeeping Operations,' in Daniel Warner (ed.), *New Dimensions of Peacekeeping* (Dordrecht: Martinus Nijhoff, 1995), pp. 147-155; Andreas Klinke, Ortwin Renn, and Jean-Paul Lehners (eds.), *Ethnic Conflicts and Civil Society: Proposals for a New Era in Eastern Europe* (Aldershot: Ashgate, 1998).

importance of equality and non-discrimination among various groups. Education provides the means for gainful employment and, hence, enables social mobility. At the same time, however, it can serve to equalise individual circumstances of members of minority groups, and promote their inclusion into larger society. Housing and property policy addresses the need for shelter but it is also a policy area where an equitable conception of the law and the willingness of the authorities to provide the means necessary for its implementation come to bear.

Although this thesis adresses the role of these three socio-economic policy sectors in the implementation of UNTAES's mandate, its main focus is peacebuilding and, in particular, UNTAES's performance in Croatia. Hence, while the policy areas will be discussed, they will not be dealt with from the perspective of an employment policy specialist, an education specialist, a housing and property specialist, or a public policy specialist. That is to say, the contribution of these three case studies is primarily to the overall argument relating to peacebuilding, rather than to the specific policy areas. Moreover, there are many other policy areas that do not pertain to the socio-economic sphere, such as internal security, human rights, democratisation, and justice, but which also affect peacebuilding in war-torn countries. Although important, these other requirements fall outside of the purview of this study.

Two caveats should be added at this point. Firstly, this thesis employs the language of development for the analysis of events in what is not a developing country as commonly understood. More precisely, Croatia is a country in post-

communist transition, where the challenges faced in the socio-economic sphere are not those that typically dominate the agenda in developing countries, such as disease, illiteracy, and famine. Rather they consist of problems such as unemployment due to the privatisation and failure of state-owned industry, an education system that is not concerned with basic skill acquisition but with overcoming the legacies of totalitarianism, and the unresolved status of formerly socially owned property. However, development need not necessarily be understood narrowly, as a process associated with post-colonial history since 1945 and the practice of confronting poverty, unemployment, illiteracy, and disease in Africa, Asia, and Latin America.[13] Indeed, in this thesis, development is defined more generally as the progressive transformation of society and the means whereby the goal of universal human improvement can be attained. As such, it is not limited to post-colonial countries and can be applied to transitional countries, such as Croatia.[14] Secondly, the thesis addresses an element of the international response to the war in Croatia. This was not a purely internal war and a major element of the war was international, as local Serb rebels enjoyed support, assistance, and direction from the Federal Republic of Yugoslavia (FRY). The presence of an international dimension does not necessarily mean that a war may not be considered as an internal war. Indeed, a definition used by Frances Stewart sees internal war as any conflict where there are two or more major groups fighting within a country or part of it, even though other countries

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[13] Kathleen Staudt, *Managing Development: State, Society and International Contexts* (Newsbury Park, CA: Sage, 1991), pp. 28-9; Michael Cowen and Robert W. Shenton, *Doctrines of Development* (London and New York: Routledge, 1996), p. 6.

[14] Henry Bernstein, 'Introduction,' in Henry Bernstein (ed.), *Underdevelopment and Development: the Third World Today* (Harmondsworth: Penguin, 1973), p. 13; Cowen and Shenton, *Doctrines of Development,* p. 5.

may also be actively involved.[15] Moreover, as this thesis focuses on the consequences of the internal aspects of the war in Croatia - i.e. the reintegration and peaceful coexistence between former enemies living in the same country, rather than the normalisation of relations between countries formerly at war - it draws largely from the literature relating to countries torn by internal wars.

1.2. Synopsis of main argument

As the thesis will show, development and peacebuilding are increasingly being integrated in principle. However, it is important to question whether this is reflected in the operation of an actual UN mission. As UNTAES was made responsible for the overall administration of a territory, including socio-economic matters, it lends itself well to this question. Hence, the thesis considers the following questions: to what extent did UNTAES recognise and address the potential effects of education, employment, and housing and property upon the success of peacebuilding in Eastern Slavonia? Were initiatives in these policy sectors perceived as a responsibility of UNTAES? What motives and rationales were behind the attitudes and actions of UNTAES officials and of the international community more generally? What was the actual impact of education, employment, and housing and property policy on peacebuilding in Eastern Slavonia? What general lessons can be learnt regarding the influence of socio-economic policy on peacebuilding, and on the extent to which socio-economic development programmes have been integrated in UN peacebuilding missions in practice?

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[15] Frances Stewart *et al.*, 'Civil Conflict in Developing Countries over the Last Quarter of a Century: An Empirical Overview of Economic and Social Consequences,' *Oxford Development Studies*, vol. 25, no. 1, February 1997, p. 12.

As the thesis will make apparent, UNTAES's mandate took into consideration socio-economic aspects of the reintegration of Eastern Slavonia and, as a result, UNTAES was given wide-ranging tasks relating to socio-economic policy in the region. However, despite the widespread recognition of the need for extensive initiatives in the areas of socio-economic policy, UNTAES was largely reluctant to interpret its tasks in a comprehensive way, in particular when this involved initiating potentially destabilising and expensive policies. In addition, UNTAES's initiatives were misconceived as they concentrated on providing minority guarantees, rather than improving the living standards of the population in general, thus causing heightened competition for resources, feelings of resentment in the returning Croat and other non-Serb population and fear among resident Serbs, whilst poor socio-economic conditions acted as an inhibiting factor for the peacebuilding process. UNTAES's approach was dominated by short-term imperatives and expedience to the detriment of long-term processes - reconciliation and the establishment of a multiethnic society. The thesis will show that such a course of action proved inadequate, and the success of UNTAES can, in this respect, be questioned. Thus, it will also become apparent that, although they are increasingly integrated in peacebuilding policy guidelines and in UN rhetoric, in practice development and peacebuilding are not comprehensively integrated.

1.3. Methodological approach

The analysis is based on data gathered through extensive fieldwork in the territory formerly administered by UNTAES. Since many of the issues raised are emotionally charged and controversial, a wide variety of data types and sources

were consulted in order to present as balanced an account as possible: key official and unofficial UN documents concerning the reintegration of Eastern Slavonia, ranging from UN Resolutions to sectoral agreements negotiated by UNTAES; interviews with participants and other individuals with close knowledge (international and national officials, and minority representatives); statistical data, economic indicators, and commentaries; public and internal reports from international organisations and Non-Governmental Organisations (NGOs), official documents from the Croatian government, and newspaper commentaries.

It was not always possible to find compatible sets of statistics to provide exact comparisons with the pre-war period, as the administrative units in the region had been changed with the creation of the Croatian state, and the territory administered by UNTAES constitutes two parts, one belonging to the Vukovar-Srijem County and the other to the Osijek-Baranja County. Most current data refer to the two counties or to smaller units such as towns and villages, while pre-war data refer to 'communities of municipalities', which correspond roughly to towns and their surroundings. In order to provide as accurate a comparison as possible, resort was made to the smallest available units, which have experienced the least change.

Some information relating to the mission and, in particular, to attitudes towards reintegration was obtained from interviews and correspondence with participants. While interviews are invaluable for the insights, opinions, and attitudes they provide, they are not necessarily reliable as a sole source of factual information.

In addition, there is the potential interviewer effect, as the interviewer participates in the conversation and influences its direction. The social characteristics of the interviewer may have an effect on the results obtained and the nature of interviewing as a research method makes it extremely difficult, if not impossible, to avoid reactivity. Rather than to control the effects of the interviewer, it is advisable, therefore, to acknowledge his/her role in the analysis.[16] In the present case, the interviewer's nationality (Croatian) may have influenced the responses of Croatian, Serbian, and, possibly, foreign interviewees, and therefore needs to be acknowledged. It should be noted, however, that the interviewer's provenance within Croatia, i.e. a region that is distant from Eastern Slavonia and not directly affected by the conflict, as well as her long-term residence away from Croatia, both of which were known to the interviewees, are likely to have lessened the effect of any prejudices on the interviewees' responses. Nevertheless, wherever possible, the reliability of the information obtained in interviews was crosschecked with data from other sources and different types of investigations.

As this thesis focuses on the study of a single case, it is difficult to draw generalised conclusions, not least because the circumstances in Eastern Slavonia were different from those found in civil wars within developing countries. A large section of the thesis is dedicated to drawing up the record on the operation, in order to supplement and add weight to the official reports as well as to draw upon sources of evidence that had not been used before. Indeed, the originality of the thesis stems in part from the use of previously untapped sources, enabling an in-

[16] Cf. Fiona Devine, 'Qualitative Methods,' in David Marsh and Gerry Stoker (eds.), *Theory and Methods in Political Science* (London: Macmillan, 1995), p. 143.

depth analysis and assessment of an otherwise relatively under-researched UN mission. The presentation of a detailed case study of UNTAES ensures that data on this operation will not be lost to researchers. Case studies such as this one are a frequently used method for the study of peacebuilding, not only because they make available detailed information on such complex social phenomena as peace operations, but also because they provide valuable lessons for subsequent missions, and for building and improving policy best-practice.[17] While there can be no blueprint for a peacebuilding operation that would fit all situations, and responses have to be tailored to particular circumstances, as Michael Pugh pointed out,

> (…)This need not condemn analysts to a counsel of *ad hoc* improvisation or to impotence faced with discrete case studies for which the only sure generalisation is that one cannot generalise (...) Certain themes of general relevance can be highlighted, while at the same time acknowledging that particular policies have to be fashioned in the light of *sui generi* circumstances.[18]

Even if lessons drawn need to be adjusted for specific circumstances, UNTAES represents an important subject matter, the study of which can provide deeper knowledge and understanding of the UN's involvement in the administration of war-torn territories. Considering that one of the ways in which large-scale peace operations are developing is a move from keeping a cease-fire towards extensive territorial administration with the aim of establishing a peaceful society, studying

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[17] See for example United Nations Lessons Learned Unit, Department of Peacekeeping Operations, accessed online at http://www.un.org/Depts/dpko/lessons/untaes.htm on 26 November 2001.

[18] Michael Pugh, 'Post-Conflict Rehabilitation: Social and Civil Dimensions,' *Journal of Humanitarian Assistance*, accessed online at http://www.jha.ac/articles/a034.htm, posted on 3 June 2000, accessed on 7 January 2003, p. 3.

UNTAES, which is still a relatively under-researched mission, will help to understand the application of general principles pertinent to transitional administrations.

1.4. Thesis outline

The thesis is organised in two parts. The first part consists of two chapters on the relationship between development and peacebuilding, which present the state of peacebuilding ideas and practice at the time when UNTAES was deployed, with an indication, where relevant, of subsequent developments. Starting from a comprehensive definition of peace, the first chapter traces the evolution of the relationship between peacebuilding and development within the UN system and details how the synthesis of peacebuilding and development has become one of the key elements in post-Cold War peace operations. The second chapter considers the theoretical underpinnings of the developmental approach, the contact hypothesis and the theories of perceived relative deprivation and horizontal inequalities. In addition, it introduces the three policy areas on which the thesis focuses: employment, education, and housing and property.

The study of UNTAES forms the central part of the thesis, comprising an introductory chapter on UNTAES, followed by three chapters analysing respectively UNTAES's treatment of employment, education, and housing and property. They assess the mandate in its specific context, the extent to which the mandate was implemented and the roles played by the actors involved, namely UNTAES, the Croatian authorities, and the 'international community'. The final

chapter provides an overall assessment of UNTAES in light of the analysis of the three policy areas and addresses important evaluation dilemmas as well as matters concerning the nature and extent of UNTAES's authority. The thesis concludes by arguing that, in practical terms, the course of action taken by UNTAES on education, employment, and housing and property issues proved inadequate and that its success can, in this respect, be questioned. More generally, the conclusions suggest that, although they are increasingly integrated in UN policy deliberations and rhetoric, in practice, development and peacebuilding still operate as distinct fields.

2. Conceptual Framework: Peacebuilding and Development

The following two chapters provide a conceptual framework for the study of the UN mission in Eastern Slavonia that forms the central part of this thesis. This chapter begins by presenting the case in favour of a positive definition of and comprehensive approach to peace. It then traces the evolution of peacebuilding within the UN system, from its first inclusion as part of UN peace and security operations to the expansion of its scope. Particular emphasis is placed on the relationship between peacebuilding and development and their evolution from being perceived as distinct means for distinct goals, to being gradually integrated in policy planning and principles as well as in practice. It is argued that the synergy of peacebuilding and development has become one of the key elements in post-Cold War approaches to peace operations.

2.1. The concept of peace

Peace is an emotive and intangible concept that presents a scholar of International Relations with a formidable challenge of definition. One definition considers peace to be the absence of violent conflict or a situation in which physical violence does not occur.[1] Such a definition of peace is unsatisfactory on several accounts. Firstly, it fails to provide a constructive view of peace and, as a result, does not necessarily render its full value and meaning. While absence of war may

[1] The *Dictionary of Political Thought* defines peace in (so-called) negative terms, as the absence of war, and points out that a positive definition of peace is hard to produce. Similarly, *The Penguin Dictionary of International Relations* equates peace with the absence of war. Roger Scruton, *A Dictionary of Political Thought* (London: Macmillan, 1996), pp. 409-10; Graham Evans and Jeffrey Newham, *The Penguin Dictionary of International Relations* (London: Penguin, 1998), p. 423.

be a necessary condition for peace, it is not a sufficient one. A good example of this is the Cold War; although overt, violent, physical, and destructive belligerency did not occur between the superpowers, it would not be possible to attribute the term 'peace' to the US/USSR relationship at the time.[2] Secondly, placing the emphasis, in post-conflict situations, on the absence and control of violence tends to lead to policies that aim at the dissociation and separation of conflicting parties. Such policies deal with the manifestations of violence, but not with its causes. Consequently, they are unlikely to provide lasting conditions of peace and have the potential, instead, to lead to future violence, as the underlying causes of conflict resurface. Thirdly, according to negative definitions, one could assume that peace automatically follows after a cease-fire is brokered or a peace agreement is negotiated, whereas in reality, this is rarely the case. Peace agreements, such as those signed in Northern Ireland or Cyprus, can prove insufficient for conflict to be ended and can therefore be considered as marking the formal termination of war, but not necessarily effecting the consolidation of peace. In fact, negative definitions of peace fail to take into consideration feelings of mistrust and suspicion that often linger among the population after a war is formally ended. Post-conflict situations are often characterised by lingering tensions and small-scale, sustained violence, resulting in a prolonged state that can be classed neither as war nor as peace.

In light of these shortcomings, a positive definition of peace may prove more satisfactory. A positive definition of peace is, however, more difficult to construct.

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[2] That is, indeed, how Gaddis has characterised the Cold War in his history of the period; see John Gaddis, *The Long Peace: Enquiries into the History of the Cold War* (Oxford: Oxford University Press, 1987). See also Anne Deighton, *The impossible peace: Britain, the Division of Germany and the Origins of the Cold War* (Oxford: Clarendon Press, 1990).

Pugh defines 'positive peace' in terms of longer-term goals, such as reconciliation of antagonistic communities and preparation for social and economic development.[3] 'Positive peace' is usually seen as a pattern of cooperation and integration between individuals, groups, and nations, aimed at eliminating feelings of hostility, mistrust, and suspicion and solving the underlying causes of conflict. It requires active collaborative efforts designed to build bridges between former adversaries and fight together against common enemies: human rights abuses, poverty, inequality, and ignorance. Such mutually beneficial interactions help to develop trust, interdependence, and collaboration between former enemies, which ultimately can strengthen the state of peace and prevent a relapse into war. It may, therefore, be more pertinent to consider peace as not only the absence of open and armed conflict, but rather as 'something to be constructed in a continuous and sometimes arduous effort'.[4]

2.2. Peacebuilding as part of UN peace operations

Based on the two definitions of peace presented above, achieving peace in a post-conflict situation appears to require both the 'negative' task of preventing a relapse into overt conflict, and a 'positive' effort to construct a self-sustainable settlement that supports the prevention of a relapse into war.[5] This was recognised by the Secretary General of the UN, Boutros Boutros-Ghali, in *An Agenda for*

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[3] Michael Pugh, 'Post-conflict Rehabilitation: social and civil dimensions,' *Journal of Humanitarian Assistance*, accessed online at http://www.jha.ac/articles/a034.htm, posted on 3 June 2000, accessed on 7 January 2003, p. 1.

[4] Helmut Schafer, 'Welcome Address,' in Winrich Kuhne, *Winning the Peace* (Berlin: Stiftung Wissenschaft und Politik, Research Institute for International Affairs, 1996), p. xxx.

[5] Hugh Miall, Oliver Ramsbotham and Tom Woodhouse, *Contemporary Conflict Resolution: the Prevention, Management and Transformation of Deadly Conflicts* (Cambridge: Polity Press, 1999), pp. 188-202.

Peace, the landmark UN text that defined the UN's role in maintaining peace and security in the post-Cold War era.[6]

The end of the Cold War brought with it renewed hope and rising expectations for a more active and efficient involvement of the UN in international peace and security. As the Secretary General explained,

> (...) A conviction has grown, among nations large and small, that an opportunity has been regained to achieve the great objectives of the Charter – a United Nations capable of maintaining international peace and security, of securing justice and human rights and of promoting, in the words of the Charter, 'social progress and better standards of life in larger freedom'.[7]

Indeed, the Secretary General reported that, as the ideological barrier between East and West collapsed, new possibilities to meet successfully threats to common security were manifested, *inter alia,* in the absence of the use of the veto in the Security Council for the two years preceding *An Agenda for Peace.*[8]

An Agenda for Peace was written in response to an invitation from the members of the Security Council, meeting in January 1992 for the first time at the level of Heads of State and Government, to the Secretary General to prepare an 'analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations

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[6] *An Agenda for Peace: Preventive diplomacy, Peacemaking and Peace-Keeping,* Report of the Secretary General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992, UN Doc. A/47/277-S/24111, 17 June 1992

[7] *Ibid.*, para. 3.

[8] *Ibid.*, paras. 8, 15.

for preventive diplomacy, for peacemaking, and for peacekeeping'.[9] The report defined preventive diplomacy, peacemaking, and peacekeeping as integrally related; the first was to remove the sources of conflict before violence results, the second to resolve peacefully the issues that have led to conflict, and the third to preserve peace where fighting has been halted and to assist in implementing peace agreements.[10] In addition to these three areas that the Council specifically requested him to consider, the Secretary General included post-conflict peacebuilding in the analysis and recommendations. Thus, *An Agenda for Peace* officially introduced the concept of 'peacebuilding' as an aspect of peace operations.

An Agenda for Peace envisaged peacebuilding as an element of the conflict-to-peace continuum that comes into play once peacemaking and peacekeeping have achieved their respective objectives.[11] According to *An Agenda for Peace,* peacebuilding consists of sustained, cooperative work dealing with the underlying economic, social, cultural, and humanitarian problems responsible for, and resulting from, the conflict. As such, peacebuilding, as defined by *An Agenda for Peace,* is the process by which an achieved peace is placed on durable foundations and violent conflict is prevented from recurring.[12] Among peacebuilding responsibilities, *An Agenda for Peace* listed disarmament and the destruction of weapons, the restoration of order, support for security personnel, repatriation of refugees, election monitoring, protection of human rights, reform

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[9] *Ibid.*, para. 1.

[10] *Ibid.*, para. 20.

[11] *Ibid.*, paras. 15, 57.

[12] *Ibid.*, para. 57.

or strengthening of governmental institutions, and promotion of political participation.[13]

This broad and somewhat vague definition of peacebuilding tasks has been the subject of criticism and debate since its inception. Criticism has been voiced against the definition of peacebuilding contained in *An Agenda for Peace* as a modest and rather weak exposition of the concept, confined to demilitarisation, mine clearance, and democratisation.[14] At the same time, it has been criticised for being overly general and potentially including all forms of assistance available to societies that have experienced armed conflict, avoiding questions of priority, overlap, or even contradiction among the wide range of peacebuilding activities.[15] These two lines of criticism recall a long-standing debate among academics and practitioners on the relationship between development and peacebuilding. This debate and the evolution of the relationship between development and peacebuilding are considered below.

2.3. The changing relationship between peacebuilding and development

2.3.1. The debate on the relationship between peacebuilding and development

Development, narrowly defined as the promotion of economic growth and increasing per capita income, is generally associated with post-colonial history

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[13] *Ibid*, para. 55.

[14] Michael Pugh, 'Introduction: The Ownership of Regeneration and Peacebuilding,' in Michael Pugh (ed.), *Regeneration of War-Torn Societies* (Basingstoke: Macmillan, 2000), p. 4.

[15] Elizabeth Cousens, 'Introduction,' in Elizabeth Cousens *et al.* (eds.), *Peacebuilding as Politics* (Boulder: Lynne Rienner, 2001), pp. 4-6.

since 1945 and efforts to combat poverty, unemployment, illiteracy, and disease in Africa, Asia, and Latin America.[16] However, when considered as the progressive transformation of society and the means whereby the goal of universal human improvement can be attained, development need not be limited to post-colonial countries.[17]

Both the way in which the relationship between development and peacebuilding is perceived in academic literature and policy-related documents, and the way in which it has been implemented in practice have evolved considerably since the end of the Cold War. Academics and practitioners have typically taken one of two contrasting approaches to peacebuilding and development. The first is the 'exclusivist' and the second is the 'inclusivist' approach.[18] According to the 'exclusivists', peacebuilding and development are two distinct stages of a phased process undertaken separately and under different conditions; peacebuilding is a political endeavour entered into in response to security problems for a limited period of time, whereas development is a long-term strategy that is carried out under generally peaceful conditions. Peacebuilding activities, therefore, are regarded by 'exclusivists' as 'a critical precondition for development in post-

[16] Kathleen Staudt, *Managing Development: State, Society and International Contexts* (Newsbury Park, CA: Sage, 1991), pp. 28-9; Michael Cowen and Robert W. Shenton, *Doctrines of Development* (London and New York: Routledge, 1996), p. 6.

[17] Henry Bernstein, 'Introduction,' in Henry Bernstein (ed.), *Underdevelopment and Development: the Third World Today* (Harmondsworth: Penguin, 1973), p. 13; Cowen and Shenton, *Doctrines of Development,* p. 5.

[18] The typology and the terms 'exclusivist' and 'inclusivist' are adopted from Charles-Philippe David, 'Does Peacebuilding Build Peace? Liberal (Mis)steps in the Peace Process,' *Security Dialogue*, vol. 30, no. 1, March 1999, p. 27. For an example of the exclusivist approach, see, for instance, Winrich Kuhne, *Winning the Peace* (Berlin: Stiftung Wissenschaft und Politik, Research Institute for International Affairs, 1996). For an example of the inclusivist approach, see, for instance, Kenneth Bush, 'Towards a Balanced Approach to Rebuilding War Torn Societies,' *Canadian Foreign Policy*, vol. 3, no. 1, Winter 1995, pp. 49-53. The typology and the terms 'exclusivist' and 'inclusivist' are adopted from Charles-Philippe David, 'Does Peacebuilding Build Peace? Liberal (Mis)steps in the Peace Process,' *Security Dialogue*, vol. 30, no. 1, March 1999, p. 27.

conflict environments' and, hence, development activities should not be undertaken in the immediate aftermath of conflict.[19] At an international colloquium on post-conflict reconstruction strategies in June 1995, former UN Under-Secretary-General Margaret Anstee expressed the opinion that 'once peace has been restored to a war-torn society... the overriding goal of the international community should be to assist in national efforts to ensure that conflict and chaos will not recur. This goal must be met over and above needs for relief, rehabilitation, and resumption of development'.[20]

The 'inclusivist' view, on the other hand, is based on the argument that development underlies peacebuilding and is complementary to its political and security elements. Thus, 'inclusivists' regard peacebuilding and development as mutually reinforcing and capable of operating simultaneously, rather than as distinct methods for achieving distinct goals. Just as development cannot be achieved without peace, in the same way lasting peace is unlikely to be achieved without development. Writing on US policy in the developing world, Anthony Lake stressed the importance for 'economists, diplomats, and political leaders (to)... think in each other's terms (...) as the diplomats fashion the political arrangements that could end the fighting, and as the economists plan the first stages of economic recovery'.[21] Similarly, based on Canadian involvement in peacebuilding initiatives, Robert Miller asserted the importance of moving

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[19] Nicole Ball and Tammy Halevy, *Making Peace Work: the Role of the International Development Community*, Policy Essay no. 18 (Washington, D.C.: Overseas Development Council, 1996), p. 104.

[20] Quoted in Jonathan Haughton, *The Reconstruction of War-Torn Economies*, CAER Discussion Paper no. 23, 1998, accessed online at http://www.hiid.harvard.edu/groups/macro/da21/papers/paper23.html on 18 October 2001.

[21] Anthony Lake *et al.*, *After the Wars, U.S.-Third World Policy Perspectives No.16* (New Brunswick: Overseas Development Council, Transaction Books, 1990), p. 19.

beyond the artificial separation between 'conflict' as belonging to the field of security issues and 'development' as the domain of economics.[22]

Before considering in more detail how the 'inclusivist' approach has been applied to post-conflict disaster relief, macroeconomic reform, and socio-economic reintegration, it is pertinent to first discuss the transformations brought about by the Cold War and the ways in which they have affected the perception within the UN system of the concept of peacebuilding and of its relationship with development.

2.3.2. The evolution of UN peacebuilding

Until the 1990s, peacebuilding was not officially recognised as a UN activity, although, in the field, UN peacekeepers engaged in small-scale projects that could be classified as peacebuilding.[23] When the concept was officially introduced in *An Agenda for Peace* in 1992, it reflected, to a large extent, the exclusivist approach. Since then, however, the notion of peacebuilding within the UN system has undergone a conceptual transformation, involving a widening of peacebuilding tasks and the inclusion of development as a means of building sustainable peace. The remainder of this section looks in more detail at the evolution of the relationship between peacebuilding and development policy during the Cold War, from strict separation of tasks to an increasing synthesis in the 1990s. It shows

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[22] Robert Miller (ed.), *Aid as Peacemaker: Canadian Development Assistance and Third World Conflict* (Ottawa: Carleton University Press, 1992).

[23] Pugh, 'Introduction,' in Pugh (ed.), *Regeneration of War-Torn Societies*, p. 4.

that this change was driven by transformations in the nature of the international system and the related changes in the nature of conflict.

Although the need to consider developmental issues was foreseen in the Charter and early General Assembly resolutions,[24] development did not acquire real prominence on the UN agenda until the 1960s and the creation of the main UN agency for development, the United Nations Development Programme (UNDP).[25] From the outset, however, a clear distinction existed between the arenas for development issues – the General Assembly and the Economic and Social Council (ECOSOC) – and the forum for peace and security, the Security Council.[26] Throughout the Cold War era, many officials in development cooperation institutions viewed peacebuilding as a diversion of resources from 'true development'. At the same time, UN peace operations during this period were characterised by narrowly defined security and political modes of thinking.[27] Peace operations were largely concerned with activities such as the supervision of ceasefires, the holding and/or monitoring of elections, the retraining of police forces, and humanitarian relief. According to Michael Pugh, in the context of Cold War East-West tensions, peacebuilding consisted mainly of inter-state

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[24] See for instance General Assembly Resolution 51(1), 14 December 1946, which authorises the Economic and Social Council to assume and continue non-political functions and activities of the League of Nations.

[25] Michele Griffin, 'The Helmet and the Hoe: Linkages between United Nations Development Assistance and Conflict Management,' *Global Governance*, vol. 9, no. 2, April-June 2003, p. 200.

[26] *Ibid.*, p. 199.

[27] Nicole Ball, 'The Challenge of Rebuilding War-Torn Societies,' in Chester A. Hampson and Fen Olser Crocker, with Pamela Aall, (eds.), *Managing Global Chaos: Sources of and Responses to International Conflict* (Washington D.C.: United States Institute of Peace, 1999), p. 614; Jeremy Ginifer, 'Development and the United Nations Peace Missions: a New Interface Required,' *International Peacekeeping*, vol. 3, *Special Issue Beyond the Emergency: Development within United Nations* no. 2, Summer 1996, p. 3.

confidence building, and was virtually synonymous with averting inter-state conflict by developing links between peoples across frontiers.[28]

Such strict divisions were largely induced by the nature of conflict and the concerns with state sovereignty that prevailed during the Cold War. The international security agenda was dominated by interstate war and the rights and relationships between states (rather than individuals and groups) enjoyed the spotlight.[29] The changes brought about by the end of the Cold War, namely, the increased capacity for international organisations to act and heightened global interdependence, affected the way in which the international community (the United Nations and other international organisations) reacted to conflict. Firstly, the ending of the global superpower rivalry created an opportunity for peace agreements to be achieved in countries such as Afghanistan, Angola, Namibia, and Cambodia that had previously been caught up in the bipolar conflict. According to the UN Millennium Report, three times as many peace agreements were negotiated and signed during the 1990s than in the previous three decades combined.[30] Secondly, the decline of superpower involvement in regional conflicts and the increased capacity of the UN Security Council to agree, both of which were the result of the end of the confrontational stance between the superpowers, led to an expansion and a deepening of international involvement in peace settlements. Thirdly, the balance between humanitarian concerns and state interests shifted somewhat in favour of the former. This was largely due to

[28] Michael Pugh, 'Peacebuilding as Developmentalism: Concepts from Disaster Research,' *Contemporary Security Policy*, vol. 16, no. 3, December 1995, p. 321.

[29] See, among others, Griffin, 'The Helmet and the Hoe,' p. 199.

[30] The report does not specify whether these are agreements negotiated by the UN only, or peace agreements generally. *We The Peoples: The Role of the United Nations in the 21st Century*, Millennium Report of the Secretary General, UN Doc. A/54/2000, 27 March 2000, para. 191.

growing global interdependence, manifested through the impact of the media reporting from parts of the world affected by wars (the 'CNN effect') and the economic disruptions caused by wars and the outflow of refugees.[31] As a result, the international community became more willing to take on larger responsibilities and to intervene in issues beyond the traditional functions of consensus building among warring parties and monitoring cease-fires or border agreements.

In addition, within the context of increased ability and willingness to intervene, an increase in the importance of intra-state conflict affected the perception of the relationship between peacebuilding and development leading to an increase in the need for development activities to be included in peace operations. Although there was no sudden surge in the occurrence of internal wars at the end of the Cold War, their number as a proportion of all wars has risen noticeably with the declining incidence of inter-state wars.[32] With the end of the Cold War, major armed conflicts have been almost exclusively internal. From 1989 to 1996, there have been ninety-six armed conflicts, of which only five have been inter-state wars. In 1993 and 1994 there were no inter-state wars, and in 1995 all thirty major

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[31] Gene M. Lyons and Michael Mastanduno (eds.), *Beyond Westphalia? State Sovereignty and International Intervention,* (Baltimore, London: John Hopkins University Press, 1995); James Mayall (ed.), *The New Interventionism 1991-1994: United Nations Experience in Cambodia, Former Yugoslavia and Somalia* (Cambridge: Cambridge University Press, 1996); Thomas G. Weiss, 'The United Nations and Civil Wars,' *The Washington Quarterly*, vol. 17, no. 4, Fall 1994, pp. 139-159.

[32] Steven R. David, 'Review Article: Internal War, Causes and Cures,' *World Politics*, vol. 49, no. 4, July 1997, p. 553. David refers to several data sets that demonstrate this claim, including Peter Wallensteen and Margareta Sollenberg, 'The End of International War? Armed Conlict, 1989-1995,'*Journal of Peace Research*, vol. 33, no. 3, August 1996, pp. 353-70; Ted Robert Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflict* (Washington, D.C.: United States Institute of Peace, 1993); Roy Licklider, 'The Consequences of Negotiated Settlement in Civil Wars, 1945-1993,' *American Political Science Review*, vol. 89, no. 3, September 1995, pp. 688-89; Michael E. Brown, 'Introduction,' in Brown (ed.), *The International Dimension of Internal Conflict* (Cambridge: MIT Press, 1996), pp. 4-7.

wars were intra-state conflicts, with only one minor inter-state war (between Ecuador and Peru).[33] In addition, the relative significance of internal wars for the international community was affected by the place where they were taking place: internal wars were no longer confined to remote regions in Africa, Asia, and Latin America.[34] Instead, the dissolution of the Soviet Union and of the Eastern bloc was marked by an outburst of ethnic rivalries within states in and near Europe. In a number of cases, including the Caucasus and former Yugoslavia, these resulted in intra-state conflict with considerable involvement from regional powers.

While it is widely recognised that wars in general have significant economic repercussions,[35] the economic consequences of intra-state conflict are even more considerable. Frances Stewart and Valpy FitzGerald have conducted extensive research on the social and economic consequences of wars in developing countries.[36] Based on a survey of countries affected by major civil wars (defined as those that led directly or indirectly to the death of more than 1000 people in a given year[37]) in the 1970s and 1980s, they have found that, in addition to *direct* damage to the physical and social infrastructure common to all countries that have been involved in war, the economy of countries that have experienced civil war is also likely to be *indirectly* affected by the conflict. Civil strife can lead to social

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[33] David, 'Review Article: Internal War, Causes and Cures,' p. 553; SIPRI *1996 Yearbook - Armaments, Disarmament and International Security*, (Oxford: Oxford University Press, 1996).

[34] David, 'Review Article: Internal War, Causes and Cures,' p. 554.

[35] Ball, 'The Challenge of Rebuilding War-Torn Societies,' in Hampson and Crocker, with Aall, (eds.), *Managing Global Chaos*, p. 609.

[36] Frances Stewart, 'War and Underdevelopment: Can Economic Analysis Help Reduce the Costs,' *Journal of International Development*, vol. 5, no. 4, May 1993, pp. 357-380; Frances Stewart *et al.*, 'Civil Conflict in Developing Countries over the Last Quarter of a Century: An Empirical Overview of Economic and Social Consequences,' *Oxford Development Studies*, vol. 25, no. 1, February 1997, pp. 11-41. Frances Stewart and Valpy FitzGerald (eds.), *War and Underdevelopment* Vols. 1-2 (Oxford: Oxford University Press, 2001).

[37] Stewart *et al.*, 'Civil Conflict in Developing Countries over the Last Quarter of a Century,' p. 12.

and cultural disintegration, as well as to the erosion of political stability, mutual trust, and respect for property and the rule of law, circumstances which in turn contribute to a break up of economic relations and conventions.[38] Moreover, widespread distrust and weak social ties further complicate the rebuilding of shattered economies and infrastructure. As a consequence, governments in countries torn by civil war often lack the capacity to carry out economic reconstruction and development programmes. In such situations, programmes devised, implemented, or aided by agents external to the state itself are necessary for the development of the country.[39]

In parallel with the changes in the international system since the end of the Cold War, the conception of peacebuilding within the UN, and in particular its relationship to development, has also evolved. This issue is of particular importance when considering the ways in which a specific UN mission addressed socio-economic matters and their bearing on the peacebuilding process. As noted above, development had always been part of UN tasks; in the 1990s, the novelty was in its introduction in the context of peacekeeping operations. While the main focus of peacebuilding in the 1992 *An Agenda for Peace* comprised demilitarisation and democratisation, the UN has since expanded peacebuilding tasks beyond the original proposals to encompass, *inter alia*, issues concerning socio-economic development.[40] The 1994 report of the Secretary General, *An*

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[38] See Stewart, 'War and Underdevelopment'; Stewart *et al.*, 'Civil Conflict in Developing Countries over the Last Quarter of a Century'; Stewart and FitzGerald (eds.), *War and Underdevelopment* Vols. 1-2.

[39] Similar problems also arise when an international war has had a significant internal component leading to a collapse of state structures, and an erosion of societal ties and political authority, as was the case, for instance, with European countries after the Second World War.

[40] See Pugh, 'Peacebuilding as Developmentalism,' p. 322.

Agenda for Development, advanced the argument that economic and social development is the most secure basis for lasting peace.[41] The report listed five dimensions of development: peace, economic growth, the environment, justice, and democracy.[42] Significantly, peace is the first of these to be considered by the report. It notes that traditional approaches to development, which presuppose that it takes place under conditions of peace, are not realistic insofar as most nations strive to achieve development against a background of past, present, or threatened conflict. In addition, many are faced with the burden of recent devastation and continuing ethnic strife. Hence, although development activities yield their best results in conditions of peace, they should not be halted pending consolidation of peace.[43] Indeed, in an endorsement of the 'inclusivist' approach to peacebuilding and development, *An Agenda for Development* stresses the need for sustained, cooperative work on the underlying economic, social, cultural, and humanitarian problems in the aftermath of conflict in order to place peace on a durable foundation.[44] Among the post-conflict development activities included in the report are the restoration of food production capacities, road and transport infrastructure reconstruction, mine clearance, the reintegration of combatants, the reform of civil and judicial systems, land reform, the establishment of common economic enterprise zones, and employment growth.[45]

Building on *An Agenda for Development*, the 1995 position paper presented by the Secretary General on the occasion of the 50th anniversary of the UN,

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[41] *An Agenda for Development,* Report of the Secretary General, UN Doc. A/48/935, 6 May 1994, paras. 3, 11.
[42] *Ibid.,* section II.
[43] *Ibid.*, paras. 16, 21.
[44] *Ibid.*, para. 22.
[45] *Ibid.*, paras. 25-30.

Supplement to An Agenda for Peace, highlighted areas where unforeseen difficulties had arisen regarding the structures and procedures included in *An Agenda for Peace*.[46] With respect to post-conflict peacebuilding measures, it cited the importance of social and economic development, together with demilitarisation, control of weapons, institutional, police, and judicial reform, monitoring of human rights, and electoral reform.[47] Similarly, the UN Millennium Report *We The Peoples* insisted on a more integrated approach to conflict prevention and development,

> Every step taken towards reducing poverty and achieving broad-based economic growth – is a step towards conflict prevention. All who are engaged in conflict prevention and development therefore – the UN, the Bretton Woods institutions, governments and civil society organisations – must address these challenges in a more integrated fashion.[48]

Another important statement of the UN's intentions towards peace operations, the report of the Secretary General to the Security Council *No Exit Without Strategy*, stated that development is indispensable for a sustainable domestic peace and that it is the role of the UN 'to facilitate the process that seeks to dismantle the structures of violence and create the conditions conducive to durable peace and sustainable development'.[49] Moreover, the document identified the promotion of economic and social rehabilitation and transformation, alongside consolidation of

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[46] *Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations,* Report of the Secretary-General on the Work of the Organisation, UN Doc. A/50/60 – S/1995/1, 3 January 1995

[47] UN Doc. A/50/60 – S/1995/1, para. 47.

[48] UN Doc. A/54/2000, para. 202.

[49] *No Exit Without Strategy: Security Council Decision-Making and the Closure or Transition of United Nations Peacekeeping Operations*, Report of the Secretary General, UN Doc. S/2001/394, 20 April 2001, para. 12.

internal and external security, and the strengthening of political institutions and good governance, as key objectives of peacebuilding.[50]

As the above suggests, peacebuilding, as conceptualised within the UN, is no longer exclusively concerned with military and diplomatic issues. A clear shift of focus away from the warriors, with whom peacekeepers are mainly concerned, and towards the attitudes and socio-economic circumstances of people in general can be observed.[51] In the 1990s, much of the attention within the UN had been on Chapter VII enforcement operations in places such as former Yugoslavia and Somalia. At the same time, however, a trend was developing that saw UN peacekeepers moving into civil administration, governance, and development tasks. Missions in Namibia, Cambodia, Mozambique, and El Salvador were characterised by an almost exponential expansion in the nature of tasks assigned to UN personnel.[52] A closer look at the peace operations in Cambodia (UNTAC) and El Salvador (ONUSAL) illustrates this new approach within the UN. Both missions were influenced to a large extent by the realisation that, in order for peace to take root, the military aspects of peacekeeping needed to be complemented by effective development programmes. In addition to traditional peacekeeping responsibilities, UNTAC was required to perform an extensive range of civilian duties, which included the facilitation of economic rehabilitation. As part of UNTAC's programme, important financial and administrative reforms were put in place, and hyperinflation, food shortages, and government bankruptcy

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[50] *Ibid*, para. 20.

[51] See Stephen Ryan, *Ethnic Conflict and International Relations* (Aldershot: Dartmouth, 1995), p. 129.

[52] Griffin, 'The Helmet and the Hoe,' p. 205.

were averted.[53] Similarly, one of the components of the Salvadoran peace accords was the establishment of a land transfer programme, which provided for voluntary transfers to ex-combatants and their supporters aimed at reintegrating them into society.[54] Thus, Cambodia and El Salvador represent early instances of the inclusion of developmental initiatives as part of peace operations, with an involvement in activities ranging from the demobilisation and reintegration of forces, to the return of refugees and the co-ordination of support for economic rehabilitation and reconstruction of war-torn countries.

As will become apparent below, however, UNTAC and ONUSAL were not without flaws. With respect to the mission's economic aspects, James Boyce and Manuel Pastor reported that the land transfer programme in El Salvador was running behind schedule, that agricultural credit and technical assistance were not readily available, and that the macroeconomic environment was unfavourable to agriculture.[55] In Cambodia, aid failed to reach the rural, disadvantaged people and local capacity was not built in a sustainable way. In addition, UNTAC suffered from unexpected negative side effects, such as price distortions, increasing geographic and income disparities, corruption, and the spread of AIDS.[56] Michael Doyle attributed the 1997 Cambodian crisis, which led to a coup, to the absence of institutional, social, and economic reforms that could have defused or

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[53] Michael W. Doyle, Ian Johnstone and Robert C. Orr , 'Introduction' in Michael W. Doyle, Ian Johnstone and Robert C. Orr (eds.), *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador*, (Cambridge: Cambridge University Press, 1997), pp. 15, 18.

[54] James Boyce and Manuel Pastor 'Macroeconomic Policy and Peace Building in El Salvador,' in Krishna Kumar (ed.) *Rebuilding Societies after Civil War* (Boulder: Lynne Rienner, 1997), p. 290.

[55] *Ibid.*

[56] See Doyle, Johnstone and Orr, 'Introduction' in Doyle, Johnstone and Orr (eds.), *Keeping the Peace,* p. 18.

peacefully resolved the conflict.[57] Subsequent UN operations in Eastern Slavonia, Kosovo, and East Timor, and the international administration in BiH have been more comprehensive, surpassing in this sense earlier efforts and establishing transitional administrations responsible for the implementation of public policy and the delivery of public services. For instance, the UN Interim Administration Mission in Kosovo (UNMIK) was mandated, *inter alia*, to perform basic civilian functions, support economic reconstruction and the delivery of humanitarian aid, and maintain civil law and order.[58] The UN Transitional Administration in East Timor (UNTAET), meanwhile, was 'endowed with overall responsibility for the administration of East Timor and... empowered to exercise all legislative and executive authority, including the administration of justice'.[59] Moreover, UNTAET was required to assist in the development of civil and social services, co-ordinate humanitarian and development aid, and assist in the establishment of conditions for sustainable development.[60] Thus, the more active attitude of the UN to transforming societies after conflict, including developmental issues, was reflected in increasingly farther-reaching operations.

2.4. Manifestations of an integrated approach to peacebuilding and development

Although there has been no formal classification of developmental initiatives with a bearing on peacebuilding, at least three different manifestations of the inclusivist approach can be found in the literature: first, the application of disaster

[57] Michael W. Doyle, 'Peacebuilding in Cambodia: the Continuing Quest for Power and Legitimacy,' *Asia Society Publications* (2000), accessed online at http://www.asiasociety.org/publications/cambodia/peacebuilding.html on 29 October 2001.

[58] Security Council Resolution, UN Doc. S/Res/1244 (1999), 10 June 1999, para. 11.

[59] Security Council Resolution, UN Doc. S/RES/1272 (1999), 25 October 1999, para. 1.

[60] *Ibid.*, para. 2.

management and recovery programmes to post-conflict situations; second, the economic reforms and adjustment required in countries emerging from civil war; third, the reintegration of former enemies, including the socio-economic reintegration of ex-combatants and returnees, as well as the reintegration of war-torn societies as a whole.[61] This thesis draws from and seeks to contribute to the latter strand of research. Thus, the former two will only be briefly presented below, before turning to a more detailed consideration of socio-economic reintegration.

2.4.1. Disaster relief in post-conflict situations

Within development literature, the body of research that most closely applies to war-torn societies is the work devoted to the ways in which societies recover from natural disasters. Indeed, based on the emerging realisation of the similarities between post-conflict and post-disaster situations, peacebuilding specialists, including Michael Pugh, have argued in favour of applying to man-made disasters insights from humanitarian emergencies brought about by natural catastrophe.[62] However, as Pugh points out, there are important distinctions between the two approaches, and the situations and problems that they address are different. In the case of natural disasters, there are identifiable communities to rebuild, recognised political authorities in the areas receiving aid, a legal system in place and, usually, a benign attitude on the part of the central government toward the aid-givers. In war-torn societies, few if any of these factors are present. Natural disasters, even

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[61] See Jelena Smoljan, 'The Relationship between Peace Building and Development,' *Conflict, Security and Development*, vol. 3, no. 2, August 2003, pp. 242-47.

[62] See Michael Pugh, *The Challenge of Peacebuilding: the Disaster Relief Model* (Plymouth: University of Plymouth, Centre for Foreign Policy Studies, 1995); Pugh, 'Peacebuilding as Developmentalism'.

if they occur frequently, tend to be of limited duration. Civil conflicts, in contrast, can last well over a decade and post-conflict transition is, therefore, likely to be highly unstable. Following prolonged civil war, the task is generally not that of rebuilding structures that have been destroyed. Rather, it involves creating alternatives to the structures, systems, and living patterns that gave rise to the conflict in the first place. In addition, a series of problems arise in situations of violent conflict which are absent from natural disaster situations. Ethnic and other tensions produced by war make rebuilding more difficult. The importance of principles of non-intervention and sovereignty tends to be more prominent in post-conflict situations, as does the potential political implications of assistance; there are greater risks involved for the lives of humanitarian workers in territories that have emerged from violent conflict than in those affected by natural disasters; and, if international peacekeepers are present, there needs to be co-ordination with the military component to tackle logistic problems.[63]

2.4.2. Macroeconomic reform in post-conflict environments

In the context of the economic aspects of peacebuilding, economists have devoted much attention to stabilisation and structural adjustment measures, including fiscal and budgetary policy, inflation and monetary policy, foreign exchange, savings and investment, trade policy, and agriculture.[64] Whilst there is general agreement that macroeconomic reform, price stability, and fiscal discipline are

[63] See Pugh, 'Peacebuilding as Developmentalism,' pp. 332-33.

[64] Paul Collier, and Jan Gunning, 'War, Peace and Private Portfolios,' *World Development*, vol. 23, no. 2, February 1995, pp. 233-241; Valpy FitzGerald, 'Paying for the War: Macroeconomic Stabilization in Poor Countries under Conflict Conditions,' *Oxford Development Studies*, vol. 25, no. 1, February 1997, pp. 43-64; Dipak K. Gupta, *The Economics of Political Violence: the Effect of Political Instability on Economic Growth* (New York: Praeger, 1990). See also Gilles Carbonnier, *Conflict, Postwar Rebuilding and the Economy - a Critical Review of the Literature*, Occasional Paper no. 2 (Geneva: WSP/UNRISD, 1998).

necessary for sustainable economic recovery, proponents of these measures have tended to advocate orthodox measures commonly applied to developing countries that have not suffered prolonged civil conflict. In El Salvador, for instance, which was one of the most comprehensive peace operations at the time, the government and the international financial institutions still pursued the same macroeconomic stabilisation and structural adjustment policies they would have followed even if the country had not been at war. [65]

Increasingly widespread, however, is the belief that, in the context of war-torn societies, orthodox economic adjustments may not be the optimal solution in the short term.[66] Often of more immediate importance are issues such as the disputes and uncertainty over land ownership and tenure, and the strains put on resources (e.g. food, shelter, labour opportunities) by large scale influxes of refugees and internally displaced persons (IDPs).[67] In addition, the necessity to redress macroeconomic imbalances often contradicts peacebuilding and reconstruction priorities. While peacebuilding inevitably involves increased public spending to cope with the pressing requirements of the peace agenda (although international aid may cover the costs, at least initially), economic stabilisation generally requires cuts in government expenditure and a tightening of fiscal, credit, and

[65] Boyce and Pastor, 'Macroeconomic Policy and Peace Building in El Salvador', in Kumar (ed.) *Rebuilding Societies after Civil War,* p. 287.

[66] FitzGerald, 'Paying for the War', pp. 57-8; Krishna Kumar, 'The Nature and Focus of International Assistance for Rebuilding War-Torn Societies,' in Kumar (ed.), *Rebuilding Societies after Civil War*, p. 32.

[67] Carbonnier, *Conflict, Postwar Rebuilding and the Economy*, p. 40.

monetary policy, the social costs of which may have detrimental effects on the peace process.[68]

Writing on war-torn countries, with particular relevance to Central America, Roland Paris argues the case against insisting on structural adjustment policies, involving economic liberalisation, the removal of controls and regulations, privatisation, and export-oriented policies, as part of peace missions.[69] Based on a critique of the market-oriented liberal democratic bias in peacebuilding, Paris warns against the resultant erosion of public institutions and the weakening of state capacity to mediate conflict, secure rule of law and order, and rebuild essential infrastructure and services.[70] Moreover, he also cautions against structural adjustments, which can have the tendency to widen inequalities and lead to large and abrupt shifts in income and wealth distribution, aggravating political tensions between groups.[71] A similar line of argument is put forward by Michael Pugh and Neil Cooper, who warn against the neo-liberal model of development, characterised by deregulation, open markets, and expansion of trade routes, as inherently unsuited to the needs and interests of war-torn societies. According to Pugh and Cooper, in the short term, neo-liberal development policies lead to even greater poverty among the poor who are forced to depend on aid, shadow economy, and emigration; in the medium term, they hamper the

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[68] Kumar, 'The Nature and Focus of International Assistance for Rebuilding War-Torn Societies,' in Kumar (ed.) *Rebuilding Societies after Civil War*, pp. 32-33.

[69] Roland Paris, 'Peacebuilding in Central America: Reproducing the Sources of Conflict?,' accessed online at http://socsci.colorado.edu/~parisr/PARIS_centamerica_Aug2002.pdf on 18 November 2002.

[70] Roland Paris, 'International Peacebuilding and the 'Mission Civilisatrice',' *Review of International Studies*, vol. 28, no. 4, October 2002, pp. 637-56.

[71] Paris, 'Peacebuilding in Central America.'

recovery of locally owned state institutions; and in the long term they increase the vulnerability to globally triggered financial and economic crises.[72]

2.4.3. Socio-economic reintegration of war-torn societies

Within the literature advocating an integrated approach to development and peacebuilding in post-conflict situations, a third strand of research can be identified. This body of research is concerned with the socio-economic reintegration of war-torn societies, and is the one to which this thesis seeks to contribute. The need for post-conflict socio-economic reintegration has been heightened by the prevalence of intra-state wars in the post-Cold War world and the divisive effect that they have on the social fabric of the states in question. The fragmented and divided societies that result from civil war are characterised by a high degree of fear, low levels of trust, and a breakdown of social relationships and of social capital. Robert Putnam describes social capital as the features of social organisation or social life – networks, norms, trust – that enable participants to work together more effectively to pursue shared objectives.[73] Based on studies of Italy and America, Putnam argues that there is a strong association between social capital and civic responsibility, as social capital strengthens democracy and political liberalism.[74] While the link between social capital and politics can be

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[72] Michael Pugh and Neil Cooper with Jonathan Goodhand, *War Economies in a Regional Context: Challenges of Transformation* (London: Lynne Rienner, 2004), pp. 2-4. For a criticism of the neo-liberal approach to post-conflict development and in particular the dangers associate with free market and globalisation, see also Mark Duffield, *Global Governance and the New Wars: the Merging of Development and* Security (London: Zed Books, 2001).

[73] Robert Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton, NJ: Princeton University Press, 1993).

[74] Putnam, *Making Democracy Work*; Robert Putnam, *Bowling Alone* (New York, NY: Simon & Schuster, 2000).

challenged,[75] its role in promoting societal integration is more immediately apparent. According to Putnam, networks of civic engagement – created through participation in various forms of associational and civic activity involving face-to-face interaction – foster norms of generalised reciprocity by creating the expectation that spontaneously given favours will be reciprocated; foster co-ordination and communication, by producing channels through which information about the trustworthiness of individuals and groups can flow; embody past success at collaboration, thus serving as a template for future cooperation on other issues; and increase potential risks of those who act opportunistically that they will not share in benefits of current or future transactions.[76]

In this context, social capital can be thought of as contributing to the development of a sense of social cohesiveness, or reintegration, among the war-torn population, with special emphasis on former enemies.[77] Indeed, with respect to post-civil war situations, reintegration has been identified as one of the most important tasks of the peacebuilding project. Nat Colletta of the World Bank's Post-Conflict Reconstruction Unit has identified five prominent legacies of conflict: displacement, militarisation, fragmented societies, weakened administrative capacity, and breakdown of the rule of law. The resolution of three of these five legacies – displacement, militarisation, and the breakdown of societal ties – is

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[75] See Carl Boggs, 'Social Capital and Political Fantasy: Robert Putnam's *Bowling Alone*,' *Theory and Society*, vol. 30, no. 2, April 2001, pp. 281-297.

[76] Giles Mohan and John Mohan, 'Placing Social Capital,' *Progress in Human Geography*, vol. 26, no. 2, April 2002, pp. 192-93.

[77] World Bank, 'The Transition from War to Peace: An Overview,' 1999, accessed online at wbln0018.worldbank.org/essd/essd.nsf/postconflict/home on 3 June 2001, p. 7.8.

reliant upon social and economic reintegration of returning refugees and displaced persons, former combatants and war-torn societies in general.[78]

The reintegration of returnees requires the provision of adequate living and working conditions for returnees as well as for their receiving community. Refugees and IDPs often return to situations of fragile peace where tensions remain high, where political instability persists, and where the infrastructure is devastated. Under such conditions, a large and sudden influx of returnees can impose a substantial burden on an area, resulting in heightened competition for resources and the threat of social conflict. If returnees find it impossible to establish new livelihoods and are obliged to depend on humanitarian assistance, if they are unable to gain access to agricultural land, or if they experience harassment and discrimination, the prospects for a sustainable peace are weakened.[79]

Similar problems and needs arise with respect to the reintegration of former combatants. In peacekeeping operations, the military aspects of demobilisation programmes have often been planned and implemented separately from activities generally considered to be in the humanitarian or developmental domain. An analysis of the demobilisations in Angola, Chad, Mozambique, Namibia, Nicaragua, Uganda, and Zimbabwe conducted by the World Bank highlight the

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[78] Nat Colletta in World Bank, 'Press Briefing on the Report 'Economic Causes of Civil Conflict and Their Implications for Policy',' 15 June 2000, accessed online at http://www.worldbank.org/html/extdr/extme/pr061500.htm on 3 June 2001.

[79] UNHCR, 'State of the World's Refugees 1997', accessed online at www.unhcr.ch/refworkd/pub/state/97 on 15 August 2001.

shortcomings of this approach.[80] If demobilisation is conducted poorly and is not accompanied by viable reintegration programmes, unemployed, unpaid or undisciplined troops may turn to banditry or, in some cases, re-mobilise against the established regime.[81] In El Salvador, for instance, failures to fulfil the expectations of demobilised ex-combatants regarding land transfers have had serious implications for public security, and ex-combatants are widely cited as a major factor contributing to the rise in crime rates in the late 1990s.[82] In Mozambique, since early 1995, urban areas have seen a steady stream of demobilised soldiers moving back in from rural communities, where they were transported in 1994 as part of the demobilisation programme, in search of employment, and this has coincided with a marked increase in social unrest and criminal activity.[83] Similarly, in Nicaragua, the rise of the 're-Contra' resulted from the incapacity of the government to provide land and economic assistance to the demobilised force, and to address adequately the social and economic repercussions of demobilisation.[84]

With respect to societies as a whole, the breakdown in trust that occurs as a result of civil conflict can be a major obstacle to successful reintegration. The replenishment of social capital involves social reintegration initiatives whereby

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[80] World Bank, *Demobilisation and Reintegration of Military Personnel in Africa: the Evidence from Seven Country Case Studies*, Africa Regional Series Discussion Paper (Washington, D.C.: The World Bank, 1993).

[81] World Bank, 'The Transition from War to Peace,' p. 5.5.

[82] Boyce and Pastor, 'Macroeconomic Policy and Peace Building in El Salvador', in Kumar (ed.) *Rebuilding Societies after Civil War,* p. 290.

[83] Mats Berdal, *Disarmament and Demobilisation after Civil Wars*, Adelphi Paper 303 (Oxford: Oxford University Press, 1996), p. 40.

[84] Stephen Baranyi and Liisa North, *Stretching the Limits of the Possible: United Nations Peacekeeping in Central America* (Ottawa: Canadian Centre for Global Security, 1992), pp. 15-16, cited in Berdal, *Disarmament and Demobilisation after Civil War,* p. 40.

communities formerly at war with each other come to share respect for common social institutions. These may include shared beliefs in the ability of the police to guarantee physical security from violence and of the judicial system to protect all citizens, or belief in the existence of non-discriminatory education and health services. In line with this reasoning, the experience of the World Bank suggests that measures for achieving social reintegration should include, *inter alia*, reducing poverty, equitably distributing project benefits, eliminating social exclusion, and increasing social cohesion.[85] Such initiatives can serve to eliminate dependence on humanitarian assistance and promote economic self-sufficiency in such a way as not to threaten the economic rights of other members of the community.

2.5. Conclusion

This chapter has traced the evolution of peacebuilding and of the role of development within UN peace missions during and after the Cold War. Starting as two very separate activities, peacebuilding and development have become increasingly integrated to the extent that socio-economic development is now actively perceived as a key contribution to the establishment of a sustainable peace. The chapter identified three distinct ways in which development and peacebuilding can be integrated. It is on the latter of the three – socio-economic reintegration – that the present thesis concentrates. The following chapter looks more closely at this synthesis of peacebuilding and development as one of the crucial aspects of post-Cold War peace operations. It investigates its theoretical foundations and explores the three elements of socio-economic reintegration that

[85] World Bank, 'The Transition from War to Peace,' pp. 7.2-7.3 and 7.8.

are used in the thesis to analyse the UN mission in Eastern Slavonia – employment, education, and housing and property.

3. Conceptual Framework: The Peacebuilding Role of Socio-Economic Reintegration

The previous chapter demonstrated that the need for development in post-conflict situations heightened following the end of the Cold War. The argument advanced in this thesis, however, is not merely that the need for development can coincide with post-conflict peacebuilding because of the requirement to deal with the economic consequences of the conflict, and that, hence, the two can be carried out simultaneously. Rather, it is argued here that development itself can also make a valuable contribution towards the creation of a sustainable peace. As will be shown below, and drawing on theories put forward by Ted Gurr and Frances Stewart, even if the initial cause of war was not economic, a lack of socio-economic development can prevent the establishment of a sustainable peace as real or perceived inequalities lead to tensions between groups in society. Internal conflicts divide communities along ethnic, religious, or linguistic lines and, in this context, socio-economic reintegration plays a dual role. First, socio-economic reintegration entails initiatives that engage the population, directly providing former enemies an opportunity to work together towards a common and constructive goal, which can indirectly contribute to the building of peace. At the same time, initiatives directed at socio-economic reintegration may improve economic conditions in war-affected areas, reducing real or perceived economic inequalities between groups and hence lessen tensions. This chapter elaborates these two ideas further considering their respective theoretical foundations, the theories of perceived relative deprivation and horizontal inequalities, and the contact hypothesis. It then explores the three elements of socio-economic

reintegration that are used in the second part of the thesis to analyse the UN mission in Eastern Slavonia - employment, education, and housing and property.

3.1. Root causes of civil conflict: perceived relative deprivation and horizontal inequalities

In their study of the root causes of post-colonial war, Luc Van de Goor, Kumar Rupesinghe, and Paul Sciarone identify a number of causal factors, namely historical circumstances, nationalism and ethnicity, religion, state formation and collapse, democratisation, institutional weakness, and armament.[1] Of these, ethnic, religious, racial, and nationalistic tensions are probably the most commonly referred to as causes of civil war. Yet, although tribal, religious and ethnic enmities have resulted in violent conflict and civil war in relatively poor countries, French nationalism in Quebec, and racial tension in the US have led to conflict, but not to civil war. This disparity might be explained, in part, by the existence, or lack, of political culture, institutions, and norms that favour the peaceful resolution of tensions. However, J.K. Galbraith provides strong evidence to suggest also the relevance of the economic situation in the regions concerned. Among the economic factors that can contribute to political instability and civil war are unequal or negative economic growth; competition over scarce resources such as food, water, capital, health, and education; abrupt shifts in income and wealth; and lack of regional economic integration.[2] Galbraith argues that in

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[1] Luc Van de Goor, Kumar Rupesinghe, and Paul Sciarone (eds.) *Between Development and Destruction: An Inquiry into the Causes of Conflict in Post-Colonial States* (New York,: St. Martin's Press, 1996).

[2] Alberto Alesina and Roberto Perotti, *Income Distribution, Political Instability and Investment*, NBER Working Paper no. 4486 (Cambridge, MA: National Bureau of Economic Research, 1993); Wayne Nafziger, *The Economics of Complex Humanitarian Emergencies: Preliminary Approaches and Findings*, Working Paper no. 119 (Helsinki: World Institute for Development Economics Research, The United Nations University, 1996); Van de Goor, Rupesinghe, and Sciarone (eds.), *Between Development and Destruction*.

Canada and the US, nationalism and racism are contained by the relative well-being of the population and the scope for improving one's living standards, which can significantly reduce social tension by improving general satisfaction levels among the population and by providing an alternative focus of attention. In relatively poor countries, on the other hand, deprivation can exacerbate the situation and lead potentially to civil war.[3]

While neither ethnic tension nor economic hardship *per se* may be sufficient cause for civil war, the combination of these two factors may contribute to the formation of subjective perceptions of relative deprivation, which, in turn, can lead to conflict. Psychosocial theories of political conflict focus on the causal link between expectations and gratification, on the one hand, and conflict, on the other.[4] In Ted Gurr's seminal work on the subject, *Why Men Rebel*, relative deprivation is defined as a perception of disparity between the 'goods and conditions of life' to which individuals feel entitled – 'value expectations' – and those they are actually able to obtain – 'value capabilities'. This gap can arise in three types of situations: when expectations remain constant while actual conditions deteriorate, when expectations rise while actual conditions remain static, or when both variables change simultaneously with expectations rising and conditions worsening. The perceived discrepancy between expectations and gratification has the potential to produce frustration of sufficient intensity to motivate people to engage in political protest and violence. The degree of

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[3] J.K. Galbraith, 'The Outline of an Emerging World' in 'Year in Review 1995' *Encyclopaedia Britannica Online*, accessed online at http://search.eb.com/bol/topic?en=122119&sctn=1 on 24 October 2001.

[4] James C. Davies, 'Toward a Theory of Revolution,' *American Sociological Review*, vol. 27, February 1962, pp. 5-19; Ivo K. Feierabend and Rosalind L. Feierabend, 'Aggressive Behaviour within Polities,' *Journal of Conflict Resolution*, vol. 10, September 1966, pp. 249-271.

frustration and, hence, the probability of violence varies according to the magnitude of the expectations-capability gap, the duration of the gap, the number of areas in which the gap exists (e.g. income level, freedom of movement, opportunity for political participation, etc.), and the value that the individual places on these areas. However, even the widest gap is only a permissive condition for violence. It is possible that, over a period of time, expectations decrease in line with capabilities or that the perceptions of disparity are passed on for generations without violent conflict. The standard, or point of reference, against which deprivation is perceived, may either be the individual's own past condition, an abstract ideal, or the standards articulated by a leader or a 'reference group'.[5]

A theory that shares many common points with Gurr's theory of relative deprivation is the horizontal inequalities theory advanced by Frances Stewart. Stewart argues that horizontal inequalities – i.e. inequalities among groups as opposed to inequalities among individuals, which Stewart terms vertical inequalities – are a fundamental source of civil conflict.[6] Indeed, a number of studies have indicated that the incidence of political instability and the likelihood of conflict are greater in polarised societies with large income inequality and a small middle class.[7] According to Stewart, however, it is when groups are defined by features other than just these material conditions, such as ethnic, religious,

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[5] Ted R. Gurr, *Why Men Rebel* (Princeton: Princeton University Press, 1970), pp. 24-5, 46, 59, 80, 83.

[6] Frances Stewart, *The Root Causes of Conflict: Some Conclusions*, Queen Elizabeth House Working Papers no. 16 (1998), p. 1.

[7] Wayne Nafziger and Juha Auvinen, 'The Economic Causes of Humanitarian Emergencies,' in Wayne Nafziger, Frances Stewart and Raimo Vayryen (eds.), *War, Hunger and Displacement: the Origins of Humanitarian Emergencies Vol.I: Analysis* (Oxford: Oxford University Press, 2000), pp. 91-145; Alesina and Perotti, *Income Distribution, Political Instability and Investment.*

linguistic, regional, or racial identity, that real, or perceived, economic, political and social inequalities between these groups have the potential to lead to war.[8]

What distinguishes Stewart's horizontal inequality theory from Gurr's relative deprivation theory is precisely this focus on comparisons between groups in society, rather than between actual and ideal, or present and past standards. Moreover, horizontal inequalities encompass not only economic assets, but also political power and participation, employment and incomes, and access to social services like health and education.[9] A similarity with Gurr's theory is the importance of the subjective element. For Gurr, relative deprivation is defined by expectations, perceptions, and interpretations of one's objective situation, and the determination of a standard of entitlement. For Stewart, perceptions of group identity are enhanced or even constructed by manipulative leaders, who can cultivate a sense of unjust suffering and discrimination within the group by emphasising horizontal inequalities.[10] This is likely to result in a situation where members of one group do not notice the actual conditions of the other group and, thus, see their own hardship as resulting from the other group's wealth.

'Peace through development' has been criticised as a reiteration of 1960s modernisation theory and as a simplistic theory in itself. It has been argued that it overstates the power of economic development to transform identities and

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[8] Frances Stewart, *Crisis Prevention: Tackling Horizontal Inequalities*, Queen Elizabeth House Working Papers no. 33 (2000), pp. 4-5.

[9] *Ibid.*, p. 8, table 1.

[10] *Ibid*, p. 4.

underestimates the strength of and attraction to ethnic identity.[11] Modernisation theory joined liberal and Marxist theories in sharing the belief that ethnic solidarity would decline as a significant factor in societal development; that technological advancement, the secularisation of values and beliefs, the imperatives of urban life, and the speed of communication systems would combine to reduce the importance of social differences.[12] However, the focus here is not on changing identities – i.e. transcending ethnic identity in favour of material gains. Indeed, relative deprivation theory highlights the extent to which economic inequalities, which may result not only from economic crisis but also from unequal economic development, may reinforce ethnic divisions. Hence, development is not regarded as a cure-all for social conflict; rather, it is one element that needs to be combined with peacebuilding and reconciliation measures.

John Cockell is among those that caution against the complete synthesis of peacebuilding and development. He argues that this would present conflict as a development issue and imply that the root causes of protracted violence are 'apolitical' issues, such as poverty, scarcity of resources, and unemployment.[13] However, even if the initial causes of conflict were not economic, post-conflict competition over resources can still prevent the establishment of peaceful relations and, in some cases, cause the situation to relapse into war, thereby

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[11] Stephen Ryan, 'Peacebuilding Strategies and Inter-Communal Conflict: Approaches to the Transformation of Divided Societies,' *Nationalism and Ethnic Politics*, vol. 2, no. 2, March 1996, p. 226.

[12] Milton J. Esman, 'Economic Performance and Ethnic Conflict,' in Joseph V. Montville (ed.), *Conflict and Peacemaking in Multiethnic Societies* (Lexington, MA: Lexington Books, 1991), pp.479-80.

[13] John Cockell, 'Conceptualising Peacebuilding: Human Security and Sustainable Peace,' in Pugh (ed.), *Regeneration of War-Torn Societies*, p. 18.

initiating a vicious circle of poverty and war. Even Cockell acknowledges this point, noting that 'failed or limited human development can exacerbate deprivation and disparities between different groups in plural societies', and that 'this backlog in access to power and economic opportunities can lead to violence'.[14] Indeed, political instability may be the result of a disappointing economic performance, and poor economic development may stem from a high degree of insecurity and violence, as Galbraith's comment on the civil conflicts that marked the 1990s in Africa (Rwanda, Burundi, Zaire, Somalia, Liberia) suggests, 'out of poverty came the forces of disorder and conflict that ensured further poverty'.[15] Hence, by alleviating poverty and depredation, the insertion of developmentalism in peacebuilding operations can reduce the sources of dysfunctional behaviour that underpin conflict and, therefore, the potential contribution of development to peacebuilding efforts cannot be overestimated.[16]

The theory of perceived relative deprivation has established itself within peacebuilding literature. Minimising perceived hardship, through the reduction of disparities between groups and the fair distribution of scarce resources, is now seen by authors such as Donald Horowitz and Gareth Evans as an essential component of efforts at conflict resolution and peacebuilding.[17] As Evans points

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[14] Ibid, p. 21. See also *Human Development Report 1994* (New York: UNDP/Oxford University Press, 1994), p. 23.

[15] Galbraith, 'The Outline of an Emerging World'.

[16] Jeremy Ginifer, 'Development and the United Nations Peace Missions: a New Interface Required,' *International Peacekeeping*, vol. 3, no. 2 *Special Issue Beyond the Emergency: Development within United Nations*, Summer 1996, p. 5.

[17] Donald L. Horowitz, *Ethnic Groups in Conflict,* (Berkley: University of California Press, 1985), p. 132; Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond*, (St Leonards: Allen & Unwin, 1993), p. 39; Gareth Evans, 'Preventive Action and Conflict Resolution,' in Olara A. Otunnu and Michael W. Doyle (eds.), *Peacemaking and Peacekeeping for the New Century*, (Lanham: Rowman & Littlefield, 1998), pp. 83-4.

out, although many conflict-ridden states lack the means by which to deliver material well-being to their people, they have the potential, if not the will, to deliver distributive justice, reduce the gap between rich and poor, extend basic human rights to all people (including minorities), promote sustainable development, and advance a just and fair society.[18]

3.2. Inter-group collaboration: the contact hypothesis and the indirect route to peace

Socio-economic development projects that promote inter-group collaboration have the potential to enhance dialogue and mutual recognition, thereby contributing to the restoration of peace. This claim is based on the so-called 'contact hypothesis', according to which interaction between individuals belonging to different groups can contribute to the reduction of ethnic prejudice and inter-group tension.[19] In their elaboration of this hypothesis, Miles Hewstone and Rupert Brown suggest a number of conditions under which interaction can lead to reduced ethnic tension and contribute to the reconciliation process: if the interaction is between individuals of equal status, if it occurs in a favourable and non-conflictual social environment, if it is regulated and continuous rather than casual, and if it is pleasant and rewarding, and results in the achievement of a common goal.[20] Activity in the sphere of socio-economic development, reconstruction, and revitalisation of the economy has the potential to satisfy these

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[18] Evans, 'Preventive Action and Conflict Resolution,' in Otunnu and Doyle (eds.), *Peacemaking and Peacekeeping for the New Century,* pp. 83-4.

[19] Stephen Ryan, *Ethnic Conflict and International Relations* (Aldershot: Dartmouth, 1995), p. 131.

[20] Miles Hewstone and Rupert Brown (eds.), *Contact and Conflict in Inter-Group Encounters*, (Oxford: Blackwell, 1986).

criteria and promote long-term conditions in which collaborative and valued relationships endure, thus preventing a relapse to war.

The validity of the contact hypothesis has been questioned on several accounts. The theory appears to suggest that inter-ethnic conflict is merely a mistake due to misperception, misunderstanding, and ignorance, rather than due to a genuine clash of interests. Moreover, it assumes that unfavourable attitudes are the cause of conflict, without considering that, on the contrary, conflict may be the cause of unfavourable attitudes. Lastly, the contact hypothesis is based on the assumption that contact at the individual level can resolve inter-group conflict. This does not take into account group dynamics and the problems faced, within their own group, by individuals whose attitudes towards the other group have changed (the re-entry problem).[21]

Ashutosh Varshney has identified a specific type of contact – associational networks – that, if inter-communal, can promote peace between groups, but that, when lacking or weak, can open up space for communal violence.[22] Pre-existing local networks of civic engagements between two communities stand out as the single most important *proximate* cause of communal peace in the face of ethnic tension. By promoting communication between members of different communities, civic networks can make neighbourhood-level peace possible. Routine engagement allows people to come together and form temporary organisations in times of tension. A multiethnic society with few interconnections

[21] *Ibid.*

[22] Ashutosh Varshney, *Ethnic Conflict and Civic Life* (New Haven and London: Yale University Press, 2002), p. 3.

across ethnic boundaries, on the other hand, is very vulnerable to ethnic disorders and violence.[23] Varshney proved this theory with a comparison of three pairs of cities in India, each pair consisting of a peaceful city and a city that has experienced considerable ethnic violence. The three pairs were characterised by similarity in ethnic structure; in one of the pairs, both cities had previously been under Muslim rule and shared reasonable cultural similarities, and in another both cities came from the same state, sharing history, language, and culture.[24] Varshney found that what accounted for the difference between communal peace and violence was the presence, or lack, of local networks of civic engagement between the two communities and of associations, such as inter-communal business organisations.[25] A similar rationale has also been applied to the case of Northern Ireland. John Darby studied three local communities in Greater Belfast, each with mixed populations but only two having experienced major violence. Darby found that although churches, schools, and political parties were segregated in all three communities, the community where there was no ethnic violence had distinctive features, notably mixed clubs and associations – e.g. mixed Rotary, Lions, and sports clubs - not shared by the other two.[26]

As the earlier discussion on the meaning of peace suggested, even when a formal agreement is achieved, the consolidation of peace, and the transformation of the collective conscience on which it depends, will take some time.[27] One way to

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[23] *Ibid.*, pp. 9, 12.

[24] *Ibid.*, p. 8.

[25] *Ibid.*, pp. 9-10.

[26] John Darby, *Intimidation and the Control of Conflict in Northern Ireland*, (Dublin: Gill and MacMillan, 1986). See also Varshney, *Ethnic Conflict and Civic Life*, pp. 298-99.

[27] See Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilisation* (London: SAGE Publications, 1996).

achieve this is through increased intensity of interaction and contacts. Contact may not be a sufficient method of reconciliation, and may sometimes even lead to increased friction between communities that had previously been segregated; it is, however, likely to be effective when combined with other instruments such as confidence building, economic development, and social and economic justice.[28] The alternative, separation of ethnic groups may serve to contain ethnic tension in the short term. In the long term, however, it is likely to promote it. British policy in Nigeria, for instance, which encouraged separate development of the various ethnic groups with as little mutual contact as possible, imposed borders between ethnic groups that prevented the kind of interethnic contacts that prevailed in pre-colonial times.[29]

The predominantly French-speaking province of Quebec presents an exception to the observation that ethnic segregation and perceived socio-economic disparities may lead to violent ethnic conflict. Despite a segregated educational system, with English dominance in the private sector, French dominance in the public administration, and French linguistic ethnocentrism, ethnic conflict remains seemingly in the sphere of institutionalised, routine collective action without escalating into overt clashes. While a thorough investigation of the peculiarities that set Quebec apart falls outside the remit of this thesis, it should be noted that the single most important theme in Quebec's history since its acquisition by the British in 1763 has been the continuous attempt to achieve accommodation between the numerically dominant French-speaking population and the

[28] Ryan, *Ethnic Conflict and International Relations*, pp. 134-49.

[29] Rodolfo Stavenhagen, *Ethnic Conflict and the Nation State*, (Basingstoke: Macmillan, 1996), p. 260.

economically dominant English speaking one. Although both sides have tried to find a lasting solution, economic and social inequalities have created a growing nationalism among French Canadians and tensions that the social, economic, and political institutions of Canada and of Quebec have not always been able to resolve, as terrorist bombings and kidnappings of the 1960s and 70s suggest.[30]

3.3. Elements of socio-economic reintegration

So far, this chapter has examined the theoretical foundations of socio-economic reintegration. A way of achieving such reintegration in practice is through initiatives in social and public policy sectors, such as education, employment, healthcare, housing, and social welfare. By targeting everyday activities that address a fundamental human need, the aim is to provide the foundations for self-sustained development and, at the same time, promote inter-group co-operation. This thesis focuses specifically on three policy sectors, namely employment, education, and housing and property.[31] These three areas provide insights into the different ways in which socio-economic policy can affect peacebuilding. Employment is crucial for the provision of the means of subsistence but it is also a sector that illustrates the importance of equality and non-discrimination among various groups. Education provides the means for self-improvement and, hence, enables social mobility. At the same time, it can serve to level differences between members of minority groups and promote their inclusion into larger society. Housing and property corresponds to the need for shelter but is also a

[30] 'Canada' *Encyclopaedia Britannica* from Encyclopaedia Britannica Online, accessed at http://search.eb7article?eu=119752 on 20 July 2004; 'Quebec' *Encyclopaedia Britannica* from Encyclopaedia Britannica Online, accessed at http://search.eb7article?eu=119763 on 20 July 2004.

[31] A wide array of needs, which do not pertain to the developmental sphere, such as internal security, human rights, and justice, affect peacebuilding in war-torn countries. However important, the latter fall outside of the scope of this thesis, which focuses on socio-economic aspects.

policy area where an equitable conception of the law and the willingness of the authorities to provide the means necessary for its implementation come to bear. Moreover, all three provide the environment and opportunity for contact and interaction between former enemies: the working place, the school, and the neighbourhood. The remainder of this chapter considers in more detail the role of employment, education, and housing and property within developmental peacebuilding.

3.3.1. Employment

The key role that inequitable development, exclusion, and unemployment play in conflict creation can be illustrated by the case of Sri Lanka, where the deep-rooted conflict between Tamils and Sinhalese is tinged with religious and language differences but also imbalances in economic advantages. Tamils enjoyed distinct advantages in terms of employment during the colonial era. However, when the Sinhalese gained power in 1948 they introduced exclusionary policies that sharply reduced the number of Tamil-speakers in public employment. According to a study by the World Bank, economic depression and high unemployment among young Tamils in the 1970s were important elements leading to the formation of Tamil militant groups and, with the build up of ethno-political tensions, to violent conflict in the early 1980s.[32]

The example from Sri Lanka shows that the generation of jobs, following years of conflict and militarisation, is important not only to begin the process of economic

[32] World Bank, 'The Transition from War to Peace: An Overview,' 1999, accessed online at wbln0018.worldbank.org/essd/essd.nsf/postconflict/home on 3 June 2001, p. 4.8.

development but also to reintegrate ex-combatants, displaced persons, and other people affected by war and to underpin a return to the routine of normal peacetime life. One of the ways in which employment can contribute to social reintegration efforts is by providing mixed working environments. The interactions and contacts established in the workplace between members of groups formerly at war with each other are an important contribution to their reconciliation. A mixed working environment has the potential to provide the necessary background for contacts that satisfy criteria for the contact hypothesis. They are regular and continuous contacts between equals that can lead to the formulation of shared goals (such as increased efficiency in the workplace, company growth, greater earnings), and provide a mutual sense of accomplishment and reward conducive to reconciliation.

Employment can also have a very practical input. With respect to ex-combatants, in particular, successful long-term reintegration into peaceful roles in society is achieved through employment. In such cases, employment, by which former combatants assume productive roles in their community and contribute to its economic growth, is an alternative to paramilitary involvement, criminal activity and violence. Similarly, the provision of employment for refugees and displaced persons in areas they were once forced to flee serves as an incentive for their return and enables them to rebuild their lives in their original homes.

Employment policy in the context of a peacebuilding effort would need to be based on a balance of proportionality and merit. Because discrimination in the

educational system is common during civil conflicts, in the post-conflict period, employment based on merit is unlikely to bring about social integration and more probably will lead to the predominance of one group over the other(s).[33] On the other hand, basing employment solely on proportionality can lead to inefficiency. This underlines the importance of a non-discriminatory and inclusive education system, which will be considered in more detail below.

The promotion of employment depends not only on the skills of the population but also on the macro-economic, political, and social situation in a country or region. In fact, in many cases, the absorption of ex-combatants and returnees into the workforce is contingent on factors such as economic growth, levels of unemployment, availability of public sector jobs, land tenure and land use issues, producer prices, and access to raw material and markets.[34] Hence, initiatives of the International Labour Organisation and the World Bank have included the promotion of reintegration through training, as well as operations specifically designed to promote economic adjustment and recovery leading to employment creation and capacity building in war-torn countries.[35] In addition to the restoration of the economic system other initiatives have been identified that are more specific to the problems of reintegration and operating at the individual or community level. In rural areas, these may entail the de-mining of agricultural land, the resolution of land tenure disputes, and the provision of seeds and agricultural tools, enabling farmers to begin the process of recovery by planting

[33] See, for instance, Stavenhagen on the situation in Burundi. Stavenhagen, *Ethnic Conflict and the Nation-State*, p. 250.

[34] World Bank, 'The Transition from War to Peace,' p. 5.7.

[35] World Bank, *Post-Conflict Reconstruction: The Role of the World Bank* (Washington, D.C.: The World Bank, 1998), p. 32; Ramesh Srivastava, *Reintegrating Demobilised Combatants: A Report Exploring Options and Strategies for Training Related Interventions*, (Geneva: ILO, 1994).

and harvesting their own crops. More generally, economic reintegration methods include micro-credit programs, enabling entrepreneurs to start-up small businesses, and job training providing the skills needed to obtain employment in local labour markets.[36]

3.3.2. Education

Education is a crucial element of social and economic development, providing a skilled labour force and educated human capital. At the same time, the importance of education and the school system in the reconciliation of groups formerly at war with each other, and, thus, in post-conflict peacebuilding, cannot be overstated.[37] Although education on its own cannot be expected to manage or resolve identity-based violent conflicts - just as diplomatic and peacekeeping initiatives on their own cannot be expected to resolve militarised conflict in the absence of complementary political, economic, and social initiatives – education can contribute to the building and maintenance of peace.[38] Along with the media and political and religious leaders, education is one of the key ways in which psycho-cultural factors of ethnic conflict - inter-group perceptions and images – can be influenced.[39] It is a social and cultural institution used by society to transmit and instil language, culture, attitudes, moral values, and social organization in the

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[36] World Bank, 'The Transition from War to Peace,' pp. 7.2-7.3.

[37] See for instance *No Exit without Strategy: Security Council Decision-Making and the Closure or Transition of United Nations Peacekeeping Operations*, Report of the Secretary General, UN Doc. S/2001/394, 20 April 2001, para. 18.

[38] Kenneth Bush and Diana Saltarelli, *The Two Faces of Education in Ethnic Conflict: Towards a Peacebuilding Education for Children* (Firenze: UNICEF/Innocenti Insight, August 2000), p. viii.

[39] Sean Byrne and Laraleigh Keashly, 'Working with Ethno-Political Conflict: A Multi-Modal Approach,' *International Peacekeeping*, vol. 7, no. 1, Spring 2000, pp. 102-04.

youngest generation, leading to a particular identity, which students carry into the broader community. As such, education often has a strong political role.[40]

The effect of education on society can be both positive and negative. According to Kenneth Bush and Diana Saltarelli, segregated education and the manipulation of history and textbooks can be a dangerous source of conflict. On the other hand, ethnically mixed schools, and an education that fosters and sustains ethnic and linguistic tolerance, can be a powerful factor for peace, stability, and development.[41] Educational institutions in post-conflict situations, in particular, need to bridge the cultural and ethnic divide between former enemies. In order to avoid friction that may result from the unregulated contact between former enemies, integrated education requires an educational system that is attentive to equity and diversity issues, and a curriculum that promotes reconciliation, tolerance, and multi-culturalism. While such an educational system is beneficial for all societies and not merely those that have experienced violent conflict, it can serve to prevent war and foster a peaceful society; its contribution can be healing and restorative as well as proactive and preventive.[42]

Segregated schools are often a feature of multi-ethnic societies. One of the reasons for this is that they are seen by some as a guarantee of minority rights. However, integrated schools need not be assimilatory if they are multi-cultural and multi-lingual. Multi-cultural education has been defined as education for

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[40] Bush and Saltarelli, *Two Faces of Education in Ethnic*, p. ix.

[41] *Ibid.*

[42] Mary Joy Pigozzi, *Education in Emergencies and for Reconstruction: A Developmental Approach*, UN Doc. UNICEF/PD/ED/99-1 (New York: UNICEF, 1999).

empathy, solidarity, and inter-cultural respect, and education against extreme nationalistic orientations.[43] Multi-cultural and multi-lingual education promotes cultural pluralism in societies and encourages all individuals to learn about other groups, thereby contributing to mutual knowledge and understanding.[44] In addition, it has been observed that multi-cultural and multi-lingual education has a positive effect on several aspects of social development, reducing ethnocentric tendencies and increasing adaptability and linguistic and cultural tolerance.[45] It is a means of integration into larger society, and an equaliser of individual circumstances and of chances for employment.[46]

In post-conflict situations, the case against separate education is even stronger. Most children in war-torn countries learn at a very young age to form stereotypes about other ethnic groups and this can only be exacerbated by a segregated educational system. In integrated school settings, children are routinely exposed to other groups and, as a result, learn about their differences as well as their similarities. The value of integrated education in a post-conflict environment has been recognised by policy planners in Northern Ireland. Although a parallel

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[43] Helmut Essinger, *Fünf Prinzipien für eine Interkulturelle Pädagogik in einer zivilen Gesellschaft,* accessed online at http://www.essinger.net/5-Prinzipien.htm on 15 January 2004.

[44] The idea is developed on the case of Latin America in Sheila Aikman, 'Intercultural Education in Latin America,' in David Coulby, Jagdish Gundara and Crispin Jones, *World Yearbook of Education: Intercultural education* (London: Kogan Page, 1997). See also Bush and Saltarelli, *Two Faces of Education in Ethnic Conflict*, p. 18; and Vlatko Previšić, 'Interkulturalizam u odgoju europskih emigranata,' *Napredak,* vol. 3, no. 42, 1987, p. 309.

[45] Ana Sekulić-Majurec, 'Interkulturalizam u obrazovanju kao metodologijski izazov,' *Društvena istraživanja*, vol. 5, no. 5-6, September-December 1996, p. 888.

[46] David Kirp, 'Elusive Equality: Race, Ethnicity and Education in the American Experience,' in Nathan Glazer and Ken Young (eds.), *Ethnic Pluralism and Public Policy* (Lexington: Lexington Books, 1983), p. 89.

system of Protestant and Catholic schools still dominates,[47] in the 1980s the Department of Education began to address community-relations issues directly by encouraging cross-community contact and through curricular initiatives. The cross-curricular themes of Educational for Mutual Understanding and Cultural Heritage became statutory in 1992, and Common History and Religious Education were also introduced in 1990 and 1993, respectively. These programmes sought to encourage respect for oneself and others, the building of relationships, an understanding of conflict, an appreciation of interdependence, and greater cultural understanding. In addition, the 1990s witnessed a growth in the number of integrated schools, with equal numbers of Protestant and Catholic pupils. Integrated schools have proved to be safe and it has been observed that the opportunity to learn about the culture, history and religion of the other groups, as well as their own, has helped children develop a shared identity.[48]

The importance of integrated education in societies recovering from war has also been recognised in BiH where an OSCE-sponsored reform of the education sector was initiated in 2003. The reform was aimed at abolishing the existence of separate, parallel educational systems and so-called 'two schools under one roof', where children of different ethnicity share a common school building but use separate entrances, and attend lessons in classrooms on different floors, so as to not meet. Among the motives for this reform was the desire to end the costly duplication of facilities and administrative structures but also to end the social segregation of schoolchildren and, hence, de-politicise education, promote respect

[47] In 2003 mixed schools catered for only 4% of the school population. *Curriculum Change and Social Cohesion in Conflict-Affected Societies,* Colloquium (Geneva: UNESCO, International Bureau of Education, 3-4 April 2003), pp. 49-50.
[48] Byrne and Keashly, 'Working with Ethno-Political Conflict,' p. 109.

for diversity, and advance nation building in BiH.[49] In reality, local authorities in BiH have so far used the school system to promote their own sectarian interests.[50] Although obliged to implement the reform by the end of 2003, they have regularly obstructed the process and there remained as many as 52 cases of 'two schools under one roof' in BiH by mid-2004.[51] As a result, the High Representative, Lord Paddy Ashdown, gave local authorities a new deadline to unify their divided classrooms, which expired in the summer of 2004. Moreover, Lord Ashdown cut the Croatian Democratic Union (HDZ) party's budget in BiH by five percent as a punishment for its role in obstructing the integration of education in the country, illustrating the seriousness with which this issue is regarded in the Office of the High Representative (OHR).

A second aspect of an education system that can contribute to the restoration of peaceful relations is an educational programme for peace and human rights. Again, the relevance of this issue is not reserved solely for societies that have experienced violent conflict but it assumes particular importance in such situations. Indeed, the Universal Declaration of Human Rights requires that all its signatories provide an education that promotes understanding, tolerance and friendship among all nations, racial, and religious groups, and that supports the

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[49] 'Bosnia Launches Integrated Education,' RFE/RL Balkan Report vol. 7, no. 28, 29 August 2003; 'More on the Bosnian Education Reform,' RFE/RL Balkan Report vol. 7, no. 30, 12 September 2003; 'Education Issues in Bosnia: An RFE/RL Roundtable,' accessed at http://www.regionalanalsyiy.org/specialreports/specialreports/en/2003/02/273824ee-98a8-4585-ac12-42173215d3f4.asp on 4 April 2003.

[50] Bosnia and Herzegovina's civil affairs minister Safet Halilović cited in Marija Arnautović, 'Bosnia: Call for End to Sectarian Education,' IWPR's Balkan Crisis Report no. 501, accessed online at www.iwpr.net on 3 June 2004.

[51] OSCE mission spokesperson Elmira Bayrasli cited in Arnautović, 'Bosnia: Call for End to Sectarian Education.'

activities of the UN for the maintenance of peace.[52] Although there is no defined content for a programme of peace education, one can assume that the curriculum would cover conflict resolution skills, non-violent communication, co-operation, negotiation and mediation skills, ways of addressing grief and psycho-social stress, civic education delineating obligations and responsibilities as well as rights for all citizens, and different interpretations of history and their contemporary relevance. This type of peace education need not be a separate course; rather it can be considered as a core value and method of the education system, allowing students to articulate, accommodate and accept differences between and within groups, and to construct positive inter-group relations, and marginalise and deconstruct negative ones.

The teaching of history is a crucial element of a peace-oriented educational curriculum. What is taught in history class and how it is taught is highly political and can foster either animosity or peaceful relations. In the segregated schools of Sri Lanka in the 1970s and 1980s, for example, Sinhalese textbooks were scattered with images of Tamils as the historical enemies of the Sinhalese, while heroes who had vanquished Tamils in ethnic wars were celebrated. Ignoring historical facts, these textbooks tended to portray Sinhalese Buddhists as the only true Sri Lankans, with Tamils, Muslims, and Christians seen as non-indigenous and extraneous to Sri Lankan history. According to Elisabeth Nissan, this version

[52] Universal Declaration of Human Rights, General Assembly Resolution, UN Doc. 217 A (III), 10 December 1998, Art. 26. See also Margaret Sinclaire, *Planning Education in and after Emergencies*, Fundamentals of Educational Planning 73 (Paris: UNESCO, International Institute for Educational Planning, 2002), p. 76.

of national history has been deeply divisive in the context of the wider state.[53] A similar realisation led to the 1990 History Programme of Study in Northern Ireland, which specified that an investigative approach was to be used that allowed for the incorporation of different views. Consequently, for the first time, history teachers had to confront controversial issues related to the conflict.[54]

An integrated school system conducive to reconciliation and peacebuilding is a challenging endeavour, which requires appropriate physical and human infrastructure: school buildings (which may have been destroyed in the war), trained and open-minded teachers committed to peace and reconciliation, and special curricula suitable for post-conflict situations and conducive to reconciliation. Both teachers and curricula need to be able to encourage a multi-cultural outlook rather than ethno-centrism, and to integrate the various ethnic or religious groups whilst at the same time protect their idiosyncrasies.

3.3.3. Housing and property

While housing and property policy plays a fundamental role in post-conflict situations, because of war-time property destruction and population displacement, its role is not limited to providing shelter for the returning population and people whose houses and flats have been destroyed. When conducted in an equitable way, housing and property initiatives can contribute to peacebuilding efforts, by reducing disputes over property ownership, providing the conditions to promote

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[53] Elisabeth Nissan, *Sri Lanka: A Bitter Harvest* (London: Minority Rights Group, 1996). See also Bush and Saltarelli, *Two Faces of Education in Ethnic Conflict,* p. 13.

[54] *Curriculum Change and Social Cohesion in Conflict-Affected Societies,* p. 52.

the reintegration of returnees and the resident population, and encouraging inter-group reconciliation and dialogue through cooperation in reconstruction projects.

The protection of housing and property rights is of threefold importance to post-conflict peacebuilding and normalisation.[55] Firstly, housing and property rights are increasingly seen as a human right protected under international law. The Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights both guarantee the rights to adequate housing, and the International Covenant on Civil and Political Rights protects individuals from arbitrary or unlawful interference with their homes.[56] Secondly, ensuring housing and property restitution is an essential component of efforts to prevent future conflict and not to allow the results of arbitrary displacement, protracted civil conflict, ethnic cleansing, uncompensated expropriation, or discriminatory confiscation to remain in place.[57] Thirdly, the UN has recognised the unique role that housing and property restitution plays in securing the safe and dignified return of refugees and IDPs to their homes and places of origin. Significantly, the right to return is now understood to encompass not merely returning to one's country, but also to one's home.

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[55] See United Nations Economic and Social Council, Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, *Economic, Social and Cultural Rights: The Return of Refugees' or Displaced Persons' Property*, UN Doc. E/CN.4/Sub.2/2002/17, 12 June 2002, paras. 9-11, 14, 22-24.

[56] Universal Declaration of Human Rights, adopted by General Assembly Resolution UN Doc. 217A (III), 10 December 1948, Art. 25; International Covenant on Economic, Social and Cultural Rights, adopted by General Assembly Resolution UN Doc. 2200A (XXI), 16 December 1966, Art. 11.1; International Covenant on Civil and Political Rights, adopted by General Assembly Resolution UN Doc. 2200A (XXI), 16 December 1966, Art. 17.1.

[57] UN Doc. E/CN.4/Sub.2/2002/17, para. 15.

Some authors have argued that the Dayton Agreement was unprecedented in calling not only for the return of refugees and displaced persons to their countries or areas of origin but, significantly, also to their 'homes of origin'.[58] However, a number of UN documents preceding the signing of the Dayton Agreement suggest that, in principle at least, this was not a defining moment for refugee returns. In 1980, for instance, the UN General Assembly affirmed the 'right of refugees to return to their *homes* in their homeland'.[59] This right was also mentioned in several UN Security Council resolutions addressing displacement in countries and regions such as Cyprus in 1974, where the Security Council urged the parties 'to permit persons who wish to do so to return to their *homes* in safety';[60] BiH prior to the Dayton Agreement, where support was expressed for efforts 'to assist the voluntary return of displaced persons to their *homes*';[61] Armenia and Azerbaijan in 1993, where the Security Council requested the Secretary General and relevant international agencies 'to assist displaced persons to return to their *homes*';[62] Abkhazia and Georgia in the same year, where 'the right of refugees and displaced persons to return to their *homes*' was affirmed and the parties called on

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[58] General Framework Agreement for Peace in Bosnia and Herzegovina, 14 December 1995, Annex 7, Art. 1, para. 1. See Elizabeth Cousens and Charles Cater, *Toward Peace in Bosnia: Implementing the Dayton Accords* (Boulder, CO: Lynne Rienner, 2001), pp. 71-72. Similarly to Cousens and Cater, Sophie Albert argues that the Dayton Agreement is the first peace agreement to mention return to homes rather than just countries or areas as do the Final Act of the Paris Conference on Cambodia or the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons for Georgia and Abkhazia. Sophie Albert, 'The Return of Refugees to Bosnia and Herzegovina: Peacebuilding with people,' *International Peacekeeping*, vol. 4, no. 3, Autumn 1997, pp. 10-12.

[59] General Assembly Resolution on International Co-operation to Avert New Flows of Refugees, UN Doc. A/RES/35/124, 11 December 1980, italics added.

[60] Security Council Resolution on Cyprus, UN Doc. 361 (1974), 30 August 1974, para. 4, italics added.

[61] Security Council Resolution on Bosnia, UN Doc. 752 (1992), 15 May 1992, para. 7, italics added.

[62] Security Council Resolution on Armenia and Azerbaijan, UN Doc. S/RES/853 (1993), 29 July 1993, para. 12, italics added.

to facilitate it[63] and again in 1995, where the Security Council reaffirmed 'the rights of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on voluntary return of refugees and displaced persons signed in Moscow on 4 April 1994';[64] and Tajikistan in 1995, where the parties were called upon to intensify efforts 'to ensure the voluntary return, in dignity and safety, of all refugees and displaced persons to their *homes*' and the obligation assumed by Tajikistan to do so was welcomed.[65]

East Timor presents a useful illustration of the way in which housing and property ownership issues can affect peacebuilding; it witnessed several episodes of dispossession, corresponding respectively to Portuguese colonisation, Japanese occupation, and Indonesian invasion, which created multiple competing claims to property. In addition, the country experienced problems common to most post-conflict situations: the return of refugees needing shelter, devastation of housing and infrastructure, and destruction of property records.[66] Faced with this problem of secondary occupation of property and conflict over housing, UNTAET failed to develop any detailed policy as to the place of refugee return, and this contributed to the housing problems witnessed in East Timor. UNTAET also failed to provide

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[63] Security Council Resolution on Abkhazia and Georgia, UN Doc. S/RES/876 (1993), 19 October 1993, para. 5, italics added.

[64] Security Council Resolution on extension of the mandate of UN Observer Mission in Georgia, UN Doc. S/RES/971 (1995), 12 January 1995, italics added. See also Report of the Secretary-General on Abkhazia, Georgia, UN Doc. S/1994/ 397, April 1994, Annex II.

[65] Security Council Resolution on extension of the mandate of the UN Mission of Observers in Tajikistan and Process of National Reconciliation, UN Doc. S/RES/999 (1995), 16 June 1995, paras. 8, 14, italics added.

[66] Daniel Fitzpatrick, *Land policy in Post-Conflict Circumstances: Some Lessons form East Timor*, New Issues in Refugee Research Working Paper No. 58, (Geneva: UNHCR, 2002), accessed online at http://www.unhcr.ch/cgi-bin/texis/vtx/home on 15 December 2002, p. 4.

a formal mechanism to resolve or manage housing conflicts, other than a court system that was already overburdened by criminal cases. Furthermore, it did not provide any public housing for the East Timorese or any systematic incentives for refugees and IDPs to return to their original areas. Admittedly, the provision of housing was beyond the mission's mandate of reconstruction and preparation for independence. However, according to Daniel Fitzpatrick, by simply delivering the refugees to their preferred destination – in most cases Dili - without asking about their places of origin or intended places of shelter, UNTAET and UNHCR contributed to the housing problem. In fact, as a consequence of the returns policy, a significant proportion of housing in Dili was occupied by persons other than their former owners and occupied houses were extremely overcrowded.[67] The resulting competition for the scarce accommodation that was available, the secondary occupation of property, and contending claims to ownership led to sometimes-violent conflict over housing, causing social unrest. This was further exacerbated by attempts at solving the situation through forceful evictions, denials of ownership, and relocations.

Settling property ownership disputes is a particularly volatile process if war-time population movements occurred in multiple directions. In the former Yugoslavia, for instance, the return of refugees and IDPs to their pre-war homes has been hampered by the presence of refugees and IDPs from other areas who cannot return to their own property for the same reasons. In many cases, secondary occupation is encouraged or facilitated by authorities for the purposes of demographic manipulation, or for legitimate humanitarian reasons such as the

[67] *Ibid.*, pp. 10-12.

need to provide housing for IDPs. Reversing this particular obstacle to restitution is very difficult since forced evictions, which can easily cause social tension, are often inevitable. However, the need to ensure that current occupants are protected against eviction, homelessness and unreasonable relocation, while upholding property rights of the original owners and occupiers is now recognised by the UN.[68]

A further problem arises as a result of abandonment laws and policies, by which persons who vacate their housing for a certain period are deemed to have relinquished their housing and property rights. These are often employed against refugees and IDPs to punish them for fleeing, or to facilitate and entrench policies of ethnic cleansing and demographic manipulation.[69] Should such provisions or discriminatory clauses - not allowing, for instance, some groups to own property - be contained in local tradition or laws of property ownership, a reform of property laws may be necessary.

In order to avoid grievances of an ethnic nature, it is essential to provide a legal framework and a conception of justice that is acceptable to all groups and their political leadership. Thus, when ascertaining ownership, objective criteria and an ultimately equitable and non-discriminatory approach need to be used. Even if judicial remedies exist in principle, they are often ineffective or inaccessible due to corrupt or overloaded judiciaries, which limits the utility of pursuing judicially

[68] UN Doc. E/CN.4/Sub.2/2002/17, paras. 46-48.

[69] *Ibid,* paras. 49-50.

based solutions as a means of restoring rights to housing and property.[70] Success also depends on the availability of property registration and official land records giving proof of ownership or occupancy rights, which may have been destroyed during the conflict.[71] The situation is further complicated when it involves more than one country, and, consequently, more than one set of laws regulating returns and property restitution or compensation.

In order to avoid hostilities, special care needs to be taken to provide acceptable alternative housing to secondary occupants. However, in post-conflict situations this is far from straightforward as available accommodation is scarce and a large part of the infrastructure may have been destroyed during war or looted. In such cases, reconstruction can alleviate some of the burden in settling housing disputes. An important issue, however, is the availability of funding for housing reconstruction. External funding is often insufficient for both reconstruction and economic revitalisation and a compromise of priorities is unavoidable. Furthermore, housing, like employment, is a benefit that has to be distributed without discrimination. As such, the equitable distribution of reconstruction funding is crucial if perceptions of relative deprivation and privileges are to be avoided.

3.4. Conclusion

While the claim that socio-economic factors alone can lead to war would be simplistic, they undoubtedly have important implications for and influence on the

[70] *Ibid,* para. 44.
[71] *Ibid,* para. 53.

peacebuilding process, particularly in countries and regions affected by civil conflict. This chapter has stressed the fundamental importance for peacebuilding of developmental strategies that address inequity and exclusion. Competition for scarce resources, large disparities of income, or social exclusion are often the spark that ignites the flames of violence, in particular when the target of the anger or frustration can be characterised as an identifiable enemy such as a national, religious, or ethnic group.[72] The fragile peace that often characterises post-civil war situations can be vulnerable to inequalities and perceptions of asymmetrical privilege of groups by the government or by intervening international and non-state actors. In fact, post-civil war situations are often characterised by widespread poverty and destruction of capital, as well as by polarisation of the society.

Without international intervention or government action to modify inequitable access to resources or the rules governing access to them, development projects can potentially distort the availability of resources, including shelter, education, or employment, leading to increased marginalisation of certain population groups and contributing to a reversion to conflict.[73] It is therefore imperative that peace-directed development programmes protect the interests of minority groups, but also present themselves as free of prejudice and willing to contribute to improving the welfare of society in general. An equitable distribution of economic and social goods is therefore pivotal for the establishment of peaceful and meaningful coexistence between groups formerly at war with each other. Elements of such

[72] World Bank, 'The Transition from War to Peace,' p. 2.6.

[73] *Ibid.*

efforts are fair and non-discriminatory employment, education, and housing and property, which assure equitable access to means of subsistence and play a crucial role in the post-war reintegration of the population. The chapters that follow will consider these aspects of developmental peacebuilding in the context of the UN mission in Eastern Slavonia, Baranja, and Western Sirmium in Croatia.

4. UNTAES: Mission Overview

4.1. The origins of the mission

During the second half of 1991, local Serb forces, together with Serb paramilitaries and regular troops of the Yugoslav National Army, took control of large areas of Croatia, including Eastern Slavonia, Baranja, and Western Sirmium. The region is located to the west of the river Danube at the easternmost tip of Croatia, and borders Hungary and the Serbian province of Vojvodina. It constitutes 4.5% of the territory of Croatia or, more precisely, 2,580 square kilometres, extending approximately 30 kilometres from East to West and 140 kilometres from North to South. The border with Serbia and Montenegro stretches for 231 kilometres, 138 of which extend along the river Danube.[1] Administratively, the territory is divided between two counties: Osječko-baranjska in the North and Vukovarsko-srijemska in the South. The region's fertile agricultural land (it is agriculturally the richest in Croatia), the oil deposits that are found in the area, and its position on the border with Serbia and Hungary have contributed to significant migrations of population throughout history. As a result, the region is very diverse demographically. According to the 1991 census, out of approximately 200,000 inhabitants, 45% were Croat, 35% Serb, and 20% were members of numerous ethnic minorities, including Hungarians, Ruthenians, Slovaks, Ukrainians, Germans, Czechs, Italians, Roma, and Muslims.[2]

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[1] Ivica Vrkić, *Istočno od zapada: politički putopisi hrvatskim istokom* (Zagreb: Interpublic, 1997) p. 5.

[2] 'Etnička struktura stanovništva Hrvatske po općinama,' *Popis stanovništva 1991. godine,* (Zagreb: Republički zavod za statistiku, 1992). In former SFRY, the religious affiliation 'Muslim' was used as an ethnic identity, and generally referred to the population in Bosnia and Herzegovina that did not identify with either the Croat or the Serb ethnic group.

In late 1995, Eastern Slavonia remained the only part of Croatia still under Serb control (first seized in 1991). As such, the liberation of the region appeared to be the next objective of the Croatian Army, which, already that year, had retaken control of Western Slavonia and the hinterland in the central and south-eastern parts of the country. Eager to avoid a third Croatian offensive, and to avert the possible intervention of Federal Yugoslav military forces from neighbouring Serbia, the five-nation Contact Group (France, Germany, Russia, the United Kingdom and the United States) supported fully the signing of the Basic Agreement on Eastern Slavonia, Baranja, and Western Sirmium, by the Croatian Government and local Serb representatives, in November 1995, which the US helped to negotiate.[3] The Basic Agreement - also referred to as the Erdut Agreement after the town in which it was signed - followed an informal agreement on the framework for a peaceful reintegration of the region within Croatia reached between the Presidents of Serbia and Croatia, Slobodan Milošević and Franjo Tuđman, who were meeting in Dayton, Ohio at the time, for the Bosnian peace negotiations.[4] Local Serb leaders and representatives of the displaced Croat population were largely opposed to such a settlement and the acceptance of the settlement by Milošević and Tuđman was crucial to ensuring their compliance.[5] Local Serbs were opposed to the hand-over of the region to Croatia, and displaced Croats favoured a military offensive to retake the region, in

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[3] Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, 12 November 1995, Arts. 1-2. Text reported in Report of the Secretary General to the Security Council, UN Doc. S/1995/951, 15 November 1995, Annex.

[4] See United Nations Lessons Learned Unit, Department of Peacekeeping Operations, 'Comprehensive Report on Lessons Learned from UNTAES,' last updated on 9 December 1999, accessed online at http://www.un.org/Depts/dpko/lessons/untaes.htm on 26 November 2001, para. 8.

[5] Derek Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' Paper delivered for the Roundtable Meeting on *Applying Leverage: Lessons from the United Nations Operations in Mozambique and Eastern Slavonia*, 8 October 1999, p. 3.

line with the successful military operations earlier that year. The threat of such an alternative to a negotiated settlement served as an important incentive for the local Serbs to accept the Erdut Agreement.

In the Basic Agreement, the parties requested the UN to set up a Transitional Administration to govern Eastern Slavonia during a transitional period of 12 months with allowance for a further 12 months.[6] Although the Croatian and Serbian leadership, as well as the Contact Group mediators, were generally in favour of a negotiated settlement and a peaceful reintegration of the territory into Croatia, as opposed to a military solution, there was a difference of opinion concerning the nature of the transitional administration:

> The Serbs expressed a strong preference for a transitional administration with executive authority under the United Nations. The Croatian Government, for its part, sought to balance the role of the United Nations, and to see greater involvement by the OSCE and the European Union, and also to see the transitional administration play a supervisory, rather than an executive, role. As to the military aspects of the agreement, again the Serbs preferred a United Nations force while the Croatians favoured a NATO force.[7]

The negative attitude of the Croatian authorities towards a UN-led mission derived, in part, from a lack of confidence in the UN following the organisation's previous missions in Croatia, the United Nations Protection Force (UNPROFOR) and the United Nations Confidence Restoration Operation (UNCRO).

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[6] Basic Agreement, Arts. 1-2.

[7] Lessons Learned Unit, 'Comprehensive Report on Lessons Learned from UNTAES,' para. 9.

UNPROFOR was established in February 1992, primarily to foster the conditions of peace and security required for the negotiation of an overall settlement of the crisis in the territories of former Yugoslavia. UNPROFOR was originally deployed in designated areas of Croatia known as United Nations Protected Areas (UNPAs): Eastern Slavonia, Western Slavonia, and Krajina. In March 1995, the Security Council restructured UNPROFOR, replacing it with three separate missions under the single command of the United Nations Peace Forces (UNPF). These missions were UNCRO in Croatia; UNPROFOR in BiH; and the United Nations Preventive Deployment Force (UNPREDEP) in the Former Yugoslavia Republic of Macedonia. UNCRO was mandated to facilitate the implementation of a 1994 ceasefire agreement, to monitor the crossing of military personnel and equipment over Croatia's international borders with BiH and the FRY, and to facilitate the delivery of international humanitarian assistance to BiH through Croatian territory.[8]

Both UNPROFOR and UNCRO were largely traditional peacekeeping operations, which sought to prevent a recurrence of fighting while a negotiated solution was being sought, rather than to provide solutions to the conflict. Throughout this period, the efforts of the UN were limited to trying to find a diplomatic solution, while at the same time monitoring a ceasefire along the front line, or zone of separation, that neither the Croatian Army nor the local Serbs particularly wanted to keep. A tense military standoff persisted, with local Serb forces occupying the region and refusing to allow the return of Croatian refugees and IDPs. As large Croatian forces were massed across the front line, skirmishes and incidents

[8] *Ibid.*, paras. 2-5.

between the two forces were regular occurrences, in spite of the presence of approximately 1,600 UN peacekeeping troops.[9] As a consequence, the UN was perceived by Croatia as an international device for the maintenance of the *status quo*, and one that perpetuated Serb occupation. Among the wider audience, the image of the UN missions in Croatia was that of a feeble force, lacking the political will or the means to enforce restraint on the belligerents, and powerless in the face of violence.[10]

Given that UNPROFOR and UNCRO had proved to be a strain on the resources of the UN system and were widely perceived as enormous failures that damaged the UN's reputation, there was a feeling within the UN Secretariat that UN peacekeepers were once again going to be sent into an unmanageable situation.[11] The UN Secretary General was sceptical of the capability of the UN to implement the peace agreement in Eastern Slavonia. In his report preceding the adoption of the resolution that established UNTAES, the Secretary General noted his preference for a UN transitional administration supported by a multinational force under a lead nation, similar to the NATO Implementation Force in Bosnia and Herzegovina (IFOR).[12] In addition, the Secretary General strongly recommended a force of 9,300 combat troops and 2,000 logistic support troops operating under

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[9] *Ibid.*, para. 6.

[10] 'United Nations Protection Force (UNPROFOR), February 1992 - March 1995' in *The Blue Helmets: A Review of United Nations Peace-Keeping 1996,* (New York: United Nations Department of Public Information, 1996), p. 515; Marcus Tanner, *Croatia: A Nation Forged in War* (New Haven: Yale University Press, 1997), pp. 278-282; Christine Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes: Legacy of the United Nations in Eastern Slavonia and Transitional Missions* (Clementsport: Canadian Peacekeeping Press, 2002), pp. 63, 72.

[11] Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' p. 4.

[12] Report of the Secretary General on Croatia pursuant to Security Council Resolution 1025 (1995), UN Doc. S/1995/1028, 13 December 1995, para. 23.

Chapter VII.[13] Given that the parties to the Basic Agreement had invited the UN to set up a peace implementation operation and had, thus, given their consent to its presence in the region, Chapter VII authorisation, which is usually associated with situations where the consent of the parties is not forthcoming, might have seemed unnecessary.[14] The Secretary General supported his recommendation by reference to the imprecise nature of the Basic Agreement, the risk of differing interpretations of some of its provisions and the past record of the local parties, which made it 'unwise to assume that compliance will be readily forthcoming'.[15] Indeed, while the Basic Agreement defined the duration of the 'transitional period' of twelve months with the possibility of extension to another 12 months, and requested that the UN set up a Transitional Administration for Eastern Slavonia during this period,[16] it never actually mentioned that Eastern Slavonia was to be reintegrated into Croatia. Moreover, one of the signatories of the Basic Agreement, the local Serb leadership, was not a recognised state entity, which created some doubt about the legal value of the document. Hence, if a party wished to revoke the agreement, these conditions would have provided ample room for argument.[17]

Contrary to the recommendations of the Secretary General, the United States, which was heavily involved in the peace implementation process in BiH at the time, was not ready to extend its responsibility to Croatia, and insisted on the

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[13] *Ibid.*, paras. 8-9.

[14] See Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes*, p. 77.

[15] UN Doc. S/1995/1028, para. 22.

[16] Basic Agreement, Arts. 1-2.

[17] Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes*, p. 75.

deployment of a UN force.[18] Eventually, the task of administering the territory and enabling its reintegration within Croatia was given to a UN peacekeeping force authorised under Chapter VII of the UN Charter,[19] and headed by a career member of the American Senior Foreign Service of the Department of State and a Major General in the United States Air Force Reserves, Jacques Paul Klein. With the authorised strength of 5,000 troops, 100 military observers, 600 civilian police, 317 international civilian staff and 686 local staff, it could also rely on the additional operational support and military back up of IFOR.[20] The mission disposed of a total budget of $159,039,400 gross ($157,109,500 net) for the first six months, and $140,484,350 gross ($136,087,550 net) for the following six month period.[21]

4.2. Relations with Croatian authorities

Since it was based on a negotiated agreement, UNTAES had, at least in principle, the support of the government of Croatia, which was one of the signatories of the Basic Agreement. According to former Deputy Administrator Souren Seraydarian, the Croatian President, Tuđman, understood the importance of peaceful reintegration in order to increase the international acceptance of his

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[18] Richard Holbrooke, *To End a War* (New York: Random House, 1998), p. 260.

[19] See Security Council Resolution 1037 (1996), UN Doc. S/RES/1037 (1996), 15 January 1996. The Chapter VII provision was contained in a preambular paragraph and linked to ensuring the security and freedom of movement of United Nations personnel. This was due to Chinese reluctance to approving the mission under Chapter VII and became known as 'Chinese Chapter VII'. See Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' p. 5; Derek Boothby, 'The Political Challenges of Administering Eastern Slavonia,' in *Global Governance*, vol. 10, no. 1, Jan-March 2004, p. 45.

[20] 'UNTAES website - Background,' accessed online at http://www.un.org/Depts/DPKO/Missions/untaes_b.htm on 28 May 2001.

[21] *Ibid.*

regime and to avoid political, diplomatic, and economic isolation of the country.[22] However, while Jacques Klein had the overall support of the Croatian President, there were still differences of opinion and attitude over certain important issues. For instance, when the Transitional Administrator set out to introduce the Croatian currency in the Danube region, he met with resistance from the central bank of Croatia. The leadership had to be convinced that through the introduction of the Croatian currency, and through the payment of pensions and salaries, Croatian authorities would gain a degree of loyalty from the local Serb population. Moreover, individuals made accusations against UNTAES and attempted to obstructed its initiatives, such as the minister for reconstruction, whose manner and the policies he promoted were very anti-Serb, and the Osiječko-baranjska County prefect who closed down the Saturday Market on the Osijek-Klisa road organised by UNTAES as a meeting place for individuals from both sides, for alleged health and safety reasons.[23]

The minister of foreign affairs at the time, Mate Granić, recognises that 'not all the government ministers co-operated with equal success.'[24] According to Granić, there were problems with extremists on both sides, and especially at the local level; among Croats, as well as Serbs, there were those who favoured military action and, thus, did not accept the peaceful model of reintegration.[25] Both Granić and Seraydarian, however, note the commitment of the Croatian officials who

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[22] Souren Seraydarian, former Deputy Transitional Administrator and former Head of UN Police Support Group, interviewed by the author, Sarajevo, 19 November 2002.

[23] *Ibid.*

[24] Mate Granić, former Croatian foreign minister, interviewed by the author, Zagreb, 3 July 2001.

[25] *Ibid.*

worked most closely on the reintegration, Vesna Škare-Ožbolt and Ivica Vrkić.[26] According to Ivica Vrkić, the Croatian representative in the reintegration process, the resistance to UNTAES was the result of a lack of faith in the peace process shared by the Croatian population and by the leadership in Zagreb. For instance, investments in agriculture in the region were not considered to be reliable, as there was widespread belief that local Serbs would take crops to Yugoslavia. The leadership in Zagreb did not understand, to the same extent as officials working directly on reintegration, that without input from the Croatian side, and without communication and co-operation, the territory could not be reintegrated. Moreover, the Croatian government failed to appreciate that the increase in the general standard of living in the region was essential in order to convince the Serb population that reintegration under Croatian sovereignty was a positive development from which all people, regardless of their ethnicity, would benefit. Vrkić and his close associates recognised this and, as a result, Vrkić often signed measures without the knowledge or support of Zagreb.[27] The attitude of Vrkić and his close associates clashed with those of other Croats, and the assault on Mirko Tankosić, Vrkić's deputy in the Government's Office for Transitional Administration in Osijek, in October 1996, was only one, albeit the most serious, of many attacks by Croatian IDPs on Croatian officials working on reintegration.[28]

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[26] Seraydarian, interview; Granić, interview.

[27] Ivica Vrkić, former Head of the Croatian government's office for Transitional Administration, interviewed by the author, Osijek, 11 July 2001.

[28] See Vrkić, *Istočno od zapada,* p. 157.

The attitude of a larger segment of the Croatian population can be inferred from discussions in the Croatian Parliament, which made reference to UNTAES in September 1997 during the discussion on the Law on Convalidation. The Law on Convalidation regulated the validity under Croatian law of the judicial and administrative decisions of the Serb authorities in the Danube region and was one of the conditions for the reintegration of the judiciary.[29] The validation of such acts and decisions was a controversial issue as it implied the recognition of the existence and legality of the structures of Serbian authority that were established in the region during its occupation. As such, it prompted a heated debate in the Croatian Parliament, which was also a rare opportunity for the Parliament to discuss UNTAES and the possible peaceful reintegration of the Danube region. Opposition representatives objected to the way in which the proposed statute had been agreed between the government and the Transitional Administration and then brought to the Parliament for approval, and to what they perceived as a submissive position of the government *vis-à-vis* the Transitional Administration.[30] It is significant that such views were voiced by representatives of all the major opposition parties, both on the left and on the right, including those who were at the time regarded as more pro-Western oriented parties, such as the Socio-Democrats (SDP) and the Liberals (HSLS). At the end of the discussion, the law was passed solely on the strength of the votes from the governing HDZ and Serbian representatives.

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[29] Declaration by UNTAES and the Government of the Republic of Croatia on the Conditions for the Reintegration of the Judiciary of the Region under the authority of UNTAES into the Judicial System of the Republic of Croatia, Vukovar, 30 September 1997, Art. 5.

[30] Mato Arlović for the Social-Democrat Party (SDP), Luka Trconić for the Croatian Peasant Party (HSS), Jozo Radoš for the Croatian Social-Liberal Party (HSLS) and Ante Đapić for the Croatian Party of (Historical) Rights (HSP), transcript from the 59th item on the agenda of the 21st sitting of the 1996 session of the Croatian Parliament, H-186/97, ZD-F-21/97, Zagreb, 24 September 1997.

It is clear, therefore, that although UNTAES was invited by Croatia to administer the territory and oversee its reintegration under Croatian sovereign control, it was perceived by most sectors of the Croatian population and the country's political elites as an external force, whose actions were not always understood as serving the interest of Croatia and its people. As will become evident in the following chapters, UNTAES was frequently faced with resistance from the population and from the local leadership. Furthermore, despite the commitment of particular officials, UNTAES officials could not always count on ready cooperation from the Croatian government.

4.3. The mandate

The documents that defined the UNTAES mandate, the Basic Agreement and Security Council Resolution 1037, specified a wide range of tasks and objectives for the mission, ranging from security to reconstruction. The Basic Agreement was a short document of only 14 articles, which explicitly addressed not only the international force and transitional administration, but also the Croatian government and the 'international community'. In addition, it defined the rights guaranteed to all the pre-war and present residents of the region. With respect to the international force and the transitional administration, the Basic Agreement stated that the international force should be responsible for maintaining peace and security in the region and for demilitarising it within 30 days of deployment, and instructed the transitional administration to 'ensure the possibility for the return of

refugees and IDPs to their homes of origin', 'establish and train a temporary police force' and to organise elections for 'all local governmental bodies'.[31]

Security Council Resolution 1037 reiterated and developed the objectives and tasks contained in the Basic Agreement. The military component of UNTAES was designated to supervise and facilitate demilitarisation, to monitor the return of refugees and displaced persons in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), and 'to contribute by its presence to the maintenance of peace and security in the region and otherwise to assist in the implementation of the Erdut Agreement'.[32] The civilian component of UNTAES was required to establish a temporary police force, define its structure and size, and develop and oversee its training programme; to undertake tasks relating to civil administration and the functioning of public services; and to facilitate the return of refugees and displaced persons. Furthermore, the civilian component was required to organise elections, assist in their conduct, and certify the results; and to assist in the co-ordination of development and economic reconstruction plans for the region.[33] In addition to this, UNTAES was mandated to undertake tasks such as monitoring respect for human rights and fundamental freedoms on the part of the parties to the Erdut Agreement, promoting an atmosphere of confidence among all local residents irrespective of their ethnic origin, and monitoring and facilitating mine clearance, as well as co-operating with the International Criminal Tribunal for the former Yugoslavia (ICTY).[34] As

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[31] Basic Agreement, Arts. 3, 4, 5, 12.

[32] UN Doc. S/RES/1037 (1996), para. 10.

[33] *Ibid.*, para. 11.

[34] *Ibid.*, paras. 12, 21.

such, UNTAES was the most comprehensive mission of its type at the time, a precursor of international administrations in BiH, Kosovo, and East Timor.

In addition to the responsibilities detailed above, UNTAES was mandated to 'govern the region during the transitional period'.[35] There was, however, no indication of what 'to govern' was intended to mean. This was a source both of great opportunity and of potential problems. On the one hand, it meant that the Transitional Administrator enjoyed considerable freedom to choose the modes of implementing the Basic Agreement and reintegrating the region. On the other hand, the absence of a clear definition allowed for competing interpretations: Croats wanted UNTAES to assert authoritative control over local government, whilst local Serbs wanted as little interference as possible.[36] This ambiguity was in many ways a defining feature of the UNTAES mandate. Contrary to the hundreds of pages of annexes and maps that constitute the Dayton Agreement, the Erdut Agreement consisted of only 14 articles. Resolution 1037, which established the operation, was equally brief and concise in its wording. In neither document, notably, was there any reference as to *how* the Transitional Administrator was to govern the region, or *how* UNTAES's tasks, including demilitarisation, the organisation of the transitional police force, or the reintegration of public services, were to be carried out.[37] Nonetheless, the aim and the general objectives of the mission were clear: the reintegration of the region,

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[35] Basic Agreement, Art. 2.

[36] Boothby, 'The Political Challenges of Administering Eastern Slavonia,' p. 40.

[37] As will become apparent below, more guidance as to the method for the implementation of mandate was provided by the Report of the Secretary General Pursuant to Security Council Resolution 1025 (1995) where the Secretary General submitted to the Security Council his considerations and observations regarding the establishment of an operation to implement the provisions of the Basic Agreement. See UN Doc. S/1995/1028.

including both territory and people, within the Croatian political, administrative, and economic system, with a view to the long-term and more challenging goals of reconstruction and reconciliation of the population.[38] Indeed, the Transitional Administrator applauded the mission's mandate, as embodied in the Erdut Agreement and Resolution 1037, for its clarity, achievable agenda, realistic objectives, and specific time frame.[39]

Peaceful reintegration of the population - consisting of the reintegration of the local population and the return of the displaced persons - was, because of the atrocities committed during the war in Croatia, probably the most difficult task faced by UNTAES, requiring reconciliation and the establishment of confidence and mutual trust between former enemies. It was not, however, explicitly mentioned in the Basic Agreement. This led some observers to conclude that the Basic Agreement 'ignored the reintegration of people into a post-conflict multi-ethnic society'.[40] However, the emphasis on the protection and restoration of the multi-ethnic character of the region embodied in the Basic Agreement itself suggest a different interpretation.

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[38] See Jacques Klein, 'The Prospects for Eastern Croatia: the Significance of the UN's Undiscovered Mission,' *RUSI* Journal, vol. 142, no. 2, April 1997, p. 20.

[39] *Ibid.* See also Lessons Learned Unit, 'Comprehensive Report on Lessons Learned from UNTAES, para. 11; Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' p. 6. In sharp contrast, the contemporaneous Dayton Agreement on Bosnia empowered the High Representative, at least in the initial stages of the mission, merely to monitor implementation of the peace settlement and to promote compliance with it (General Framework Agreement for Peace in Bosnia and Herzegovina, 14 December 1995, Annex 10, Art. II.1(a)(b)). Moreover, while the High Representative in Bosnia was not authorised to order the deployment of troops in support of the exercise of his mandate, the UN Transitional Administrator in Eastern Slavonia had authority over both military and civilian components. In the summer of 1996, Jacques Klein exercised his authority when he ordered the rapid deployment of UN forces to take over the Đeletovci oil fields from the Serb paramilitary group 'Scorpions'. See Richard Caplan, *A New Trusteeship? The International Administration of War-torn Territories*, Adelphi Paper 341 (Oxford: Oxford University Press, 2002), p. 26.

[40] Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes*, p. 118.

Article 2 of the Basic Agreement required the Transitional Administration to govern the region 'in the interest of all persons resident or returning to the Region'. Article 4 called for the Transitional Administration to 'ensure the possibility for return of refugees and displaced persons', and asserted that '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'. Moreover, Article 7 of the Agreement stated the right of all Croatian citizens to remain in the region regardless of their ethnicity.[41] This meant that Serbs from Eastern Slavonia and those who had come to the region from other parts of Croatia had the right to remain in the region, and that displaced Croats, Hungarians, Slovaks and members of other minorities had the right to return to their homes in Eastern Slavonia. It also meant that all these people were to enjoy the same rights and live in conditions of security, making the reintegration of the population, confidence building and reconciliation programmes part of the reintegration process, albeit in an implicit way.

Both Security Council Resolution 1037 and the Report of the Secretary General of the 12 December 1995, which preceded the Resolution and set the foundation for the mandate, referred to the need to build confidence and mutual trust. Moreover, the Report of the Secretary General drew attention to the need to address the deep-rooted mistrust between the parties, recognising that significant population movement would present 'enormous problems of housing, property compensation, economic reconstruction, and rehabilitation in an environment in which reconciliation and confidence building will need to be fostered at every

[41] Basic Agreement, Arts. 2, 4, 7.

level'.[42] Arguably, Boutros-Ghali did not state that the UN was necessarily responsible for reconciliation and confidence building in the region.[43] However, in paragraph 5 of Resolution 1037, the parties to the Basic Agreement were encouraged, 'to continue to adopt confidence-building measures to promote an environment of mutual trust', and, in paragraph 12, it extended the task of promoting 'an atmosphere of confidence among all local residents irrespective of their ethnic origin' to UNTAES.[44] Hence, despite being somewhat understated, the reintegration of the population was an integral part of the mandate, but its ambiguous position in the documents defining UNTAES's mandate placed it in a position where it could easily be neglected in favour of other more tangible tasks. A similar problem was encountered with respect to socio-economic aspects of reintegration.

4.4. UNTAES and socio-economic reintegration

Socio-economic issues were not explicitly mentioned in the documents defining UNTAES's mandate. A possible explanation for this could be the desire on part of the UN to avoid becoming embroiled in an infinitely elastic mission with complex long-term goals.[45] However, the main objective of the mission, the reintegration of the territory and people of Eastern Slavonia within Croatian authority, also included the re-connection of public administration, services, utilities, and

[42] UN Doc. S/1995/1028, para. 6.

[43] Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes*, p. 119.

[44] UN Doc. S/RES/1037 (1996), paras. 5, 12.

[45] Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes*, pp. 119, 127.

enterprises in the region with those in the rest of Croatia.[46] The Basic Agreement tasked the Transitional Administration with the restoration and normal functioning of all public services in the region.[47] This was reconfirmed in Security Council Resolution 1037 with a reference to the Report of the Secretary General; UNTAES was to undertake tasks relating to civil administration and to the functioning of public services as set out in the Secretary General's report.[48] These tasks required, *inter alia*, UNTAES's involvement in the regulation of socio-economic issues.

The extent to which UNTAES was tasked with economic development and reconstruction as well as with the re-connection of enterprises and services, represented a further ambiguity of the mandate. It was not mentioned in the Basic Agreement, but in Resolution 1037 UNTAES was mandated to assist in the coordination of plans for development and economic reconstruction in the Danube region.[49] The Secretary General, in his report preceding Resolution 1037, suggested that the Transitional Administrator make himself 'aware of the overall plans for the redevelopment and reconstruction of Croatia' and seek 'to ensure that initial plans for the redevelopment and reconstruction of the region were in harmony with these overall plans'. In addition, the Secretary General mentioned the need for UNTAES to 'oversee the rebuilding of houses damaged or destroyed

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[46] Uniquely in communist Yugoslavia, all the economy was 'socially owned', i.e. it, at least in principle, belonged to society and was managed by society. With the change of regime in 1991, privatisation was initiated in most enterprises. Those enterprises that were not privatised, either because of their importance to the state (energy sector, transport, telecommunications) or because of lack of interest from potential buyers, became owned by the state and referred to as 'state' or 'public' enterprises.

[47] Basic Agreement, Art. 4.

[48] UN Doc. S/RES/1037 (1996), paras. 11b, 11c.

[49] *Ibid.*, para. 11f.

during the conflict'.[50] Hence, while UNTAES was not explicitly required to undertake economic reconstruction and development tasks, there were several references to some type of involvement in these issues in its mandate. The appreciation on the part of the UN of the importance of socio-economic issues and development was maintained throughout the duration of UNTAES. The first report of the Secretary General on UNTAES in June 1996 reiterated the mission's objectives, including the preservation of the multiethnic character of the region, the promotion of an atmosphere of confidence among all local residents irrespective of their origin, the free return of all refugees and displaced persons to their homes in conditions of security, and the promotion of redevelopment and reconstruction of the region.[51] In the Secretary General's report of September 1998, it was restated that economic revitalisation and reconstruction in the region were important elements in creating an environment that would support the return of IDPs to the region.[52] Similarly, the Transitional Administrator identified economic reconstruction, rehabilitation, and social reintegration, together with the holding of elections, as key elements of the durable peaceful reintegration of the region.[53]

As pointed out above, UNTAES was one of the most comprehensive UN missions at the time, with wide-ranging tasks from the maintenance of peace and security to civil administration and confidence building. Neither the reintegration of the population nor socio-economic reintegration, however, was given a sufficiently

[50] UN Doc. S/1995/1028, paras. 15, 16c.

[51] Report of the Secretary General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN Doc. S/1996/472, 26 June 1996, para. 4.

[52] Report of the Secretary General on the United Nations Police Support Group, UN Doc. S/1998/887, 23 September 1998, para. 30.

[53] Klein, 'The Prospects for Eastern Croatia,' p. 23.

explicit and unambiguous role in the mandate. This is symptomatic of the conflict that existed between the realisation of what was required for the peaceful transition of Eastern Slavonia and the unwillingness of the international community to get drawn into a high-resource and long-term mission in the Balkans. The ambiguity stemming from this tension could easily have been translated into neglect of socio-economic issues during the implementation stage of the mandate. How and by what means reintegration was implemented is discussed below.

4.5. Implementation mechanisms

As noted above, the Transitional Administrator was given considerable latitude with respect to the choice of operational methods for the implementation of the mandate's tasks. Following the recommendations in Boutros-Ghali's Report, the Transitional Administrator established a system of Joint Implementation Committees (JICs), composed of Croat and Serb representatives and chaired by UNTAES officials. Thirteen committees, each with numerous sub-committees, operated in all the areas that required reintegration and were broken down into three sub-groups. There were predominantly technical JICs on agriculture, railways, roads, utilities, and municipal services; administrative JICs on education and culture, civil administration, and health; and political JICs on human rights, elections, and refugees and IDPs.[54] The reasons for delegating implementation were twofold. Firstly, although UNTAES had the authority to govern the region, it did not have the expertise and capacity required for taking over responsibility

[54] Robert Gravelle, *UNTAES: A Successful United Nations Mission*, unpublished manuscript, p. 6.

for the functioning of public services and institution.[55] Secondly, by delegating implementation, the reintegration of Eastern Slavonia within Croatian political, economic, and social structures was carried out in consultation with the Croatian and local Serb parties, rather than being imposed by the UN mission through the authority of the Transitional Administrator.[56] The JICs were intended to 'both manage the process of transition in their respective sectoral areas, and to monitor and (where necessary) administer governmental process in the area'.[57] They served as a means for bringing together Croats and Serbs to negotiate and agree the processes of transition, ensuring that they would be as inclusive, orderly, and efficient as possible and placing the ownership of peacebuilding in the hands of the people directly affected by it. As such, the JICs were an innovative mechanism for bringing the parties to a conflict together to negotiate the process of transition to peace.[58]

Initially, the functioning of JICs was marred by the parties' mutual mistrust and hatred. Often meetings could not be arranged; delegations of local Serbs and Croatian authorities would not turn up to them, or would turn up very late. When meetings did take place, dialogue could not always be established as the delegations sometimes refused to speak to each other. A further problem was that the composition of the delegations was unregulated, depending largely on the judgement of the parties, and, often, one party would send persons at the ministerial level while the other sent technical experts. This made negotiations

[55] Boothby, 'The Political Challenges of Administering Eastern Slavonia,' p. 4.

[56] UN Doc. S/1995/1028, paras. 15, 16.

[57] 'UNTAES Standard Operating Procedures for the Joint Implementation Committees,' cited in Gravelle, *UNTAES*, p. 6.

[58] Judith Large, 'Kafka meets Machiavelli: Post-War, Post-Transition Eastern Slavonia,' *Development in Practice*, vol. 9, no. 5, November 1999, p. 571.

difficult as one of the parties might lack the authority to make decisions and would have to seek political guidance.[59] Indeed, a major problem throughout the JIC system was the lack of political guidance from the Serb Regional Executive Council to the respective delegation.[60] As a result, efforts to obtain agreement on, for instance, a proposal for the educational curriculum for Serbs from the Serb delegation were frustrated as the delegation insisted it was a political decision that had to be made at a higher level. Similarly, the Serb delegation to the JIC on civil administration failed to provide an operational plan for the integration of the region into Croatia as it deemed it a political rather than a technical issue.[61]

The predominantly technical JICs on agriculture, railways, roads, utilities, and municipal services functioned well at the micro level, initiating small projects that built trust, confidence, and a basic co-operative approach to problem solving. In these sectors, reintegration proceeded within a functional, rather than political, framework, focusing on day-to-day practical tasks. Although they lacked an overall strategic perspective, the technical nature of the problems tackled allowed these JICs to make significant progress towards reintegration. Progress within more administrative JICs on education/culture, civil administration, and health was less smooth. This was largely due to the emotional factors involved, such as nationalism and job security, and because many of the issues required political decisions. In addition, the Serb delegation was uncompromising with respect to its demands for regional integrity. The record of accomplishment of the political JICs

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[59] Gravelle, *UNTAES*, pp. 6-7.

[60] The Serb Regional Assembly and the Serb Regional Executive Council were respectively the legislative and executive bodies of the 'Republic of Serb Krajina'.

[61] Gravelle, *UNTAES*, pp. 11-12.

on human rights, elections, and refugees and IDPs was mixed. While the Committee on human rights was efficient and professional in establishing mechanisms for monitoring human rights violations, the Committee on refugees and IDPs was consumed with individual cases to the detriment of an overall strategic policy.[62] The JIC on elections struggled to achieve agreement on the institutions for which elections were to be held, on voter eligibility and the timing of elections. The main issue here was the administrative future of the region under UNTAES authority. The local Serb Regional Assembly declined to make any concessions on its demand for a single region despite the willingness of the Croatian authorities to offer substantial additional guarantees to local Serbs.[63]

A series of agreements were negotiated by the JICs that, in most cases, took the form of 'letters of agreement' or, less frequently 'memoranda of understanding' and 'declarations' (see Table 1 on page 102). The agreements were neither officially legislated parliamentary statutes nor decrees issued by the government. Rather, they were official declarations and guarantees made by the relevant Croatian authorities or public enterprises to residents of the Danube region who were Croatian citizens or were going to acquire Croatian citizenship. While all the agreements were witnessed by a representative of UNTAES, the Croat and local Serb representatives varied. Some documents were signed by government representatives and officials at ministerial level, others by representatives of the management of the public enterprise in question. Nor did the Serb and Croat representatives signing the agreement always hold corresponding posts. For

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[62] *Ibid.*, pp. 8-10.

[63] Letter dated 20 January 1997 from the Secretary General to the President of the Security Council, UN Doc. S/1997/62, 22 January 1997.

instance, the Letter of Agreement on railways was signed by a representative of the management of Croatian Railways, on the Croatian side, and by the regional Secretary for Transport, on the Serb side. Significantly, the agreements were never published in the Croatian official bulletin and their text remained unknown to the public. All this affected the status of the agreements and the extent to which they were perceived as binding on the parties.

4.6. A successful mission?

As noted in the Introduction, UNTAES is generally regarded as a successful UN mission in the Balkans. Indeed, UNTAES contributed to containing the conflict in the region and limiting the number of casualties;[64] despite possessing both the willingness and the military strength to reclaim Eastern Slavonia, as evidenced by operations 'Storm' and 'Flash' in 1995, Croatia took no military action in the region. UNTAES also facilitated the resolution of the wider conflict between Croatia and FRY,[65] as the peaceful transition of Eastern Slavonia to Croatian authority played an important role in the normalisation of relations between the two countries, formalised in the Agreement on the Normalisation of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23rd August 1996. At the local level, UNTAES helped to foster dialogue between Serbs and Croats through the activity of the JICs, and contributed to ethnic reconciliation and confidence building, through initiatives like the Sunday market held on the road between Osijek and Klisa from August 1996 to July 1997. UNTAES also made other significant achievements in Eastern Slavonia, starting

[64] See Pjer Šimunović, 'A Framework for Success: Contextual Factors in the UNTAES Operation in Eastern Slavonia,' *International Peacekeeping*, vol. 6, no. 1, Spring 1999, pp. 127-29.
[65] *Ibid.*

with demilitarisation, which was completed on 20th June 1996, and landmine clearance, which was begun during its mandate. An ethnically mixed Transitional Police Force was established and, by the end of the mandate, incorporated within the Croatian police. The political and institutional framework for the reintegration of civil administration and public services was finalised. Conditions permitting free and fair elections were created and local and regional elections were conducted successfully on 13th and 14th April 1997. New multi-ethnic administrative bodies were created and, on 15th January 1998, two years after the beginning of the reintegration process, Eastern Slavonia, Baranja and Western Sirmium became integral parts of the Republic of Croatia. The people of the region accepted Croatian citizenship and statehood, and territorial and institutional reintegration was carried out peacefully.[66]

Towards the end of the UNTAES mandate, in his reports to the Security Council, the UN Secretary General stated that, while the institutional reintegration of the territory of the region was close to being finalised, the reintegration of its people had barely begun.[67] Indeed, progress on this last point has not been satisfactory as the lack of meaningful ethnic coexistence in the region indicates. As will be noted in Chapter Seven, the process of return of Serb IDPs from the region has been somewhat slower than the Croatian authorities admit to and the return of Croat IDPs to the Danube region has been disappointing, even according to official

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[66] Report of the Secretary General on the situation in Croatia, UN Doc. S/1997/487, 23 June 1997, para. 42; Report of the Secretary General on the United Nations transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN. Doc. S/1997/953, 4 December 1997, para. 6.

[67] UN Doc. S/1997/487, para. 42; Report of the Secretary General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN Doc. S/1997/767, 2 October 1997, para. 47.

Croatian data.[68] What statistics do not show is the trend, particularly among young people, of migration out of the region. In September 1998, the UN Secretary General noted in a report to the Security Council that a number of Croat returnees had again departed from the Danube region, and that there was little evidence of young people returning to their pre-war homes.[69] An ethnographic study conducted in Vukovar in 2001 confirmed the observations of the Secretary General, recording high levels of dissatisfaction among the returnees, and a desire and trend among Croats and Serbs to leave the region and move to other parts of Croatia and foreign countries, respectively.[70]

A silent exodus of Serbs from the region has been taking place since the beginning of the reintegration process. While it is difficult to determine the exact number of Serbs that left the region immediately before and after reintegration, in his last report on UNTAES in 1997, the UN Secretary General estimated the number to be 10% of a total population of 130,000.[71] The OSCE refers to estimates, provided by the UNHCR office in FRY, that since mid-1996, 47,000 Serbs have left the region for FRY and other countries, of which 18,000 were domicile, and 29,000 were displaced from other parts of Croatia.[72] Despite urging from UNTAES for Serbs, whether indigenous to the region or displaced from elsewhere in Croatia, to remain in Croatia and accept Croatian citizenship, many

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[68] *Breaking the Logjam: Refugee Returns to Croatia*, ICG Balkans Report no. 49 (Zagreb/Sarajevo: International Crisis Group, 9 November 1998), p. 5. See pp. 208-11 below.

[69] UN Doc. S/1998/887, para. 20.

[70] Kruno Kardov, *Etnografski izvještaj iz Vukovara II: Perceptions of Justice and Social Reconstruction Processes in Vukovar* (Unpublished draft version, 2001), p. 21.

[71] UN Doc. S/1997/953, para. 6.

[72] Information provided by Fernando Castedo of the OSCE Return and Integration Unit in Vukovar, personal correspondence with the author, 29 August 2001.

thousands have left since the termination of UNTAES in 1998.[73] According to the Croatian Helsinki Committee (HHO), in January 1998 alone, 4,800 Serbs left for third countries, mainly Norway.[74]

Several years after the completion of the UNTAES mission, an atmosphere of ethnic animosity and intolerance persists among residents of the region in their day-to-day activities. While there are no incidents of overt violence that would make the headlines in national, regional, or even local newspapers, inter-ethnic tension persists and reports of the Croatian Helsinki Committee have noted a series of minor but recurring incidents in the Danube region.[75] Moreover, the results of local elections in the region administered by UNTAES, which took place in April 1997 simultaneously with elections throughout Croatia, indicated overwhelming support for the two nationalist parties, President Tuđman's HDZ and the local Serb Democratic Independent Party (SDSS).[76] Similar results were obtained in the 2001 local elections.[77]

Today in Eastern Slavonia, ethnic division is evident in every sector of social life, with ethnically exclusive sports clubs, restaurants, shops, and cafés (particularly significant because of their position in the Balkan culture as a social focus of day-to-day life). The local media is also divided according to ethnicity. Of the two

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[73] Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' p. 19.

[74] Croatian Helsinki Committee HHO, *Bilten* n. 2, 28 March 1998, accessed online at http://www.open.hr/com/hho/bilten22.htm on 1 September 2001.

[75] Croatian Helsinki Committee, *Izvještaji o kršenju ljudskih prava 2000,* accessed online at http://www.open.hr/com/hhoaktizvj01.htm on 15 March 2002.

[76] Letter dated 29 April 1997 from the Secretary General Addressed to the President of the Security Council, UN Doc. S/1997/343, 29 April 1997, Annex.

[77] *Lokalni izbori – privremeni službeni rezultati*, accessed online at http://www.hrt.hr/izbori/2001/rezultati4/tablica.html on 28 February 2002.

radio stations in Vukovar, *Radio Danube* has an exclusively Serb staff and audience, while *Croatian Radio Vukovar* is staffed by Croats and representatives of ethnic minority groups (excluding Serbs).[78] In addition to this, differences in the Croatian and Serbian languages are much more evident than before the war, as are different greetings, which have assumed great importance in expressing ethnicity and difference, especially given the absence of physical or geographical separation between Croat and Serb communities in the towns and villages.[79]

It appears, therefore, that conclusions about the success of the UN's mission in Eastern Slavonia depend on the time frame used and the particular aspects of the mission considered. As Jacques Klein's deputy in Eastern Slavonia, Derek Boothby, recognised, in the short term and the medium term UNTAES was a success; the long-term success of the mission, however, can be questioned.[80]

4.7. Conclusion

By introducing UNTAES, the context in which the mission was set up, its mandate, and the methods designed for its implications, as well as presenting a brief overview of its successes and limitations, this chapter has provided the background for the analysis and assessment of the mission's activities in the fields of employment, education, and housing and property. The three chapters that follow will consider each of the three policy areas in detail and show that UNTAES made strong efforts to protect the rights of the Serbian population in the

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[78] Kardov, *Etnografski izvještaj iz Vukovara II,* pp. 6-7, 10-11.

[79] *Ibid.*, pp. 17-18, 20.

[80] Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' pp. 18-9; Boothby, 'The Political Challenges of Administering Eastern Slavonia,' pp. 49-50.

Danube region, especially with respect to employment and to educational rights. Relatively less attention was given to policy elements that would have contributed to reconciliation and the restoration of a multi-ethnic community. This was evident not only in the reluctance to embark on a large-scale return programme, to solve the property logjam and provide active guidance for a reconstruction programme, but also in the absence of a reconciliatory educational programme and of an appreciation for the potentially disruptive effect positive discrimination in employment could have in the absence of sufficient opportunities for the population as a whole.

The chapters that follow consider available alternatives, constraining factors, motivations for decisions made by the Transitional Administration, and the consequences of these decisions. By assessing, respectively, the mandate in its specific context, the extent to which the mandate was implemented and the roles played by the actors involved, namely UNTAES, the Croatian authorities and the international community, they seek to provide a detailed analysis and assessment of education, employment, and housing and property as elements of the reintegration of Eastern Slavonia.

Table 1: List of public agreements negotiated by UNTAES

1. Affidavit on the Rights of Public Employees (16-19 December 1996)
2. Letter of Intent from the Government of Croatia (13 January 1997)
3. Annex to the Affidavit on the Rights of Public Employees (14 February 1997)
4. Declaration on Educational Certificates (11 March 1997)
5. Letter of Agreement by the Croatian Highway Administration (Hrvatske Ceste) (21 March 1997)
6. Letter of Agreement by Croatian State Radio and Television (Hrvatska Radiotelevizija) (2 April 1997)
7. Agreement on the Joint Working Group on Returns (23 April 1997)
8. Letter of Agreement by the Croatian Post and Telecommunications Administration (Hrvatska Pošta i Telekomunikacije) (9 May 1997)
9. Letter of Agreement by the Croatian Water Administration (Hrvatske Vode) (22 May 1997)
10. Organization of the Joint Council of Municipalities (23 May 1997)
11. Agreement by the Croatian Pension Fund on Pension Services (29 May 1997)
12. Letter of Agreement by Croatian Railways (Hrvatske Željeznice) (6 June 1997)
13. Agreement by the Ministry of Health on Regional Health Services (6 June 1997)
14. Letter of Agreement by the Croatian Forestry Commission (Hrvatske Šume) (25 June 1997)
15. Letter of Agreement by the Croatian Electricity Company (Hrvatska Elektro Privreda) (22 July 1997)
16. Agreement on the Distribution of Principals' Positions (4 August 1997)
17. Decision on Curriculum Content (4 August 1997)
18. Declaration on Minority Education Rights (6 August 1997)
19. Letter of Agreement by the Ministry of Education (7 August 1997)
20. Joint Statement on Reintegration of the Tax Department (4 September 1997)
21. Joint Statement on Reintegration of the Employment System (11 September 1997)
22. Joint Statement on Reintegration of the Social Welfare System (11 September 1997)
23. Law on Convalidation (26 September 1997)
24. Agreement on Recognition and Handover of Record Books (25 September 1997)
25. Memorandum of Understanding on Restructuring the Transitional Police Force (undated)
26. Declaration on Conditions for Judicial Reintegration (30 September 1997)

Source: Report of the Secretary General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN. Doc. S/1997/953, 4 December 1997, Annex 1.

5. The Reintegration and Regulation of Employment

This chapter looks at the way in which UNTAES organised employment during its administration of Eastern Slavonia. It first provides an overview of the relevant regulations, agreements, and legislations sponsored by UNTAES and which affected employment in the region. It then turns to an evaluation of the validity and appropriateness of the measures introduced by UNTAES – namely employment guarantees for the Serbian population and ethnically proportionate employment - to the situation at hand. Whilst the guarantees of continued employment for the Serb population in Eastern Slavonia were an important element in the reintegration process, protecting Serbs from possible Croatian vengeance and persuading them of the benefits of remaining in Croatia, the present chapter identifies some of the shortcomings of this policy. These were, in particular, the policy's unrealistic goals of ethnically proportionate employment, on the one hand, and guaranteed employment for members of one ethnic community; the lack of clarity as to the criteria to be used to ensure ethnic proportionality in employment; and the lack of initiatives aimed at employment creation. The latter is identified as a key failing of the UN mission, but also of the Croatian government, which, albeit reluctantly, largely respected the guarantees given to the Serbian minority, but fell short of providing a programme of development that would include job creation. As this chapter will show, such an approach led to heightened competition for scarce employment opportunities, which adopted an ethnic dimension.

5.1. UNTAES and the reintegration and regulation of employment

The reintegration of public administration, utilities, and services required UNTAES's involvement in employment issues, regulating the status of employees in public institutions and enterprises in the region after they had been reconnected to their respective equivalents in the Republic of Croatia. Thus, during UNTAES's administration, employment policy in the Danube region was concerned with integrating the Serb population into the Croatian system. The UN also recognised the importance of economic revitalisation, including the creation of jobs. In his report preceding the setting up of UNTAES, the Secretary General suggested that the Transitional Administrator made 'him/herself aware of the overall plans for the redevelopment and reconstruction of Croatia' and sought 'to ensure that initial plans for the redevelopment and reconstruction of the (Danube) region were in harmony with their overall plans'.[1] Moreover, one of the tasks assigned to UNTAES in Security Council Resolution 1037 was to assist in the coordination of plans for the development and economic reconstruction of the region.[2] In his reports to the Security Council, the Secretary General often spoke about the role of economic development and employment in building and maintaining multi-ethnic communities.

> A key element in building and maintaining multi-ethnic communities is economic development. Although reconstruction is an important element in this, it is not sufficient to provide housing for residents. Without employment opportunities, the original

[1] Report of the Secretary General on Croatia pursuant to Security Council Resolution 1025 (1995), UN Doc. S/1995/1028, 13 December 1995, para. 15.

[2] Security Council Resolution, UN Doc. S/RES/1037 (1996), 15 January 1996, Art. 11(f).

> residents in the region are unlikely to remain, and Croat displaced persons are unlikely to wish to return.[3]

However, as will be shown below, UNTAES did very little to increase job opportunities. Rather, its policies in this area focused mainly on protecting the status of Serb employees within institutions and enterprises that were being reintegrated. The two different aspects of the employment policy, job guarantees and job creation, will be considered in turn in the following two sections.

5.1.1. Employment guarantees in the public sector

A major issue dealt with by the JICs responsible for reconnecting public services in the Croatian Danube region, i.e. public services of the 'Republic of Serb Krajina', to those of the Republic of Croatia concerned employment security for the region's population. According to the report by the head of the Transfer of Authority, Robert Gravelle, ten (out of thirteen) JICs regarded employment security as their first priority.[4] Hence, the public agreements aimed at integrating public institutions and services were prepared in accordance with employment guarantees contained in the text of the Affidavit on the Rights of Public Employees of 16-19 December 1996. The Affidavit, which was signed on behalf of the Government of Croatia by the head of the Government's Office for Transitional Administration and the Croatian Ombudsman, and witnessed by the Transitional Administrator, stated that,

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[3] Report of the Secretary General on the United Nations Police Support Group, UN Doc. S/1998/500, 11 June 1998, para. 44.

[4] Robert Gravelle, *UNTAES: A Successful United Nations Mission*, unpublished manuscript, p. 12.

> The rights of the employees of the public enterprises and institutions presently existing in Eastern Slavonia, Baranja and Western Sirmium, for whom the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium confirms that were employed on 30 September 1996, shall be protected in accordance with the legislation of the Republic of Croatia and in conformity with the relevant international standards, including those of the International Labour Organization.[5]

Guarantees of Serb employment in equivalent Croatian structures, made specific in the Affidavit, were derived from principles established by the Erdut Agreement, which stated that, '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.'[6] As is clear from the Affidavit, these rights were intended to include social rights such as employment. The president of the Serb National Council in Croatia, Milorad Pupovac, explained the importance of the guarantees for the local Serb population: they provided Serbs with reassurance and, at the same time, prevented revanchism on the part of Croats by securing jobs and proportional representation in the police and the courts.[7]

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[5] Affidavit on the Rights of Public Employees, 16-19 December 1996, text reported in Letter dated 20 January 1997 from the Secretary General to the President of the Security Council, UN Doc. S/1997/62, 22 January 1997, Annex.

[6] Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, 12 November 1995, Art. 4, text reported in Report of the Secretary General to the Security Council, UN Doc. S/1995/951, 15 November 1995, Annex.

[7] Milorad Pupovac, President of the Serb National Council, interviewed by the author, Zagreb, 4 July 2001.

Proportional representation of Serbs at the senior level in the regional health services, police, and judiciary was guaranteed in the government's letter to the UN Security Council of January 1997 (Letter of Intent), signed by the Deputy Prime Minister.[8] The document also reasserted the commitments expected of the government contained in the Affidavit.[9] However, despite the fact that the Croatian authorities had signed the Affidavit and the Letter of Intent, the guarantees did not automatically translate into practice. In order to ensure the implementation of the declared obligations, UNTAES drew up an Annex to the Affidavit on the Rights of Public Employees, which was presented to the Croatian authorities and signed, on 14 February 1997, by the head of the Government's Office for Transitional Administration in the presence of the Transitional Administrator. The document referred to the implementation of the guarantees stated in the Affidavit and restated the guarantee of continued employment of all employed persons who fulfilled official work requirements, as defined by the Croatian authorities, for positions within public services and institutions, or employers, for jobs in privately owned enterprises. The Annex also provided that the years of employment service in the territory under Serbian control from 1991 to 1996 were to be recognized for calculations of length of service, a factor which affected the determination of salary levels, seniority, and future pension benefits. In addition, employees who did not possess Croatian citizenship were assured issuance of temporary work permits, whilst employees whose work positions

[8] Letter from the Government of Croatia addressed to the President of the Security Council (Letter of Intent), Art. 4, text reported in UN Doc. S/1997/27, Annex, 13 January 1997.

[9] *Ibid.*, Art. 12.

were no longer required were guaranteed the rights to education or retraining for other positions.[10]

The commitment on the part of the Croatian authorities, contained in the above-mentioned statements and declarations, was obtained as a result of considerable effort and pressure from UNTAES. As the Transitional Administrator explained, he often found it necessary to persuade Croatia's leaders to grant rights to the Serbian population in Eastern Slavonia.[11] With respect to the Affidavit and its Annex, Croatian representatives attempted to evade the issue by arguing that the guarantees were not necessary, as public employees in the UNTAES region were to become Croatian citizens and, as citizens, their rights would automatically be protected. According to Robert Gravelle, this stance by the Croatian government served to confirm that the rights of public employees were at risk. UNTAES's response was to press Croatian representatives in the matter of a written guarantee arguing that such a written declaration would facilitate the smooth reintegration of public enterprises and would send a signal to the local population that Croatia wished to foster reconciliation in the region. To ensure that negotiations would result in a positive outcome and to allow the least amount of stalling by the Croatian authorities, the UN decided that the Croats would only be allowed to revise the wording but not to negotiate the terms of any agreement. Hence, as

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[10] Annex to the Affidavit on the Rights of Public Employees, 14 February 1997, Articles 1-2, 6.

[11] Jacques Klein, former Transitional Administrator of Eastern Slavonia, interviewed by the author, Sarajevo, 19 November 2002. Klein mentioned, for instance, his efforts to persuade the Croatian President to grant passports to young Serbian men who were denied passports by Croatian laws on military service, according to which men between 18 and 27 cannot leave the country before they complete military service unless they postpone it to pursue higher education. Klein's arguments appealed to President Tuđman: if Serbs were given passports, they were likely to leave the country, whereas if they were not given them, they had to stay in Croatia.

Gravelle explained, UNTAES was not negotiating but rather presenting a document for signature.[12]

The approach taken by UNTAES was confirmed by the Croatian representatives in the reintegration process, Ivica Vrkić and Ivica Kostović. The Head of the Government's Office for Transitional Administration, Vrkić, reported Gravelle's insistence on the terms of the Affidavit and Annex, which left him no choice but to sign the documents.[13] According to the representative of the government in the process of reintegration, Kostović, UNTAES's approach was to draft the agreements and declarations, which sometimes the government was allowed to amend and other times was only asked to sign. Kostović also points out that UNTAES presented the agreements as being in Croatia's long-term interest and that Croatian officials signed them mainly for political reasons rather than out of an appreciation of justice and fairness.[14]

Additional documents guaranteeing by law rights derived from employment status, such as pension and disability insurance and child allowance, as well as those rights based on unemployment and social welfare were also required. The Law on Convalidation, passed by the Croatian Parliament in September 1997, recognized the validity under Croatian law of all the decisions and enactments taken by the public institutions of 'Republika Srpska Krajina' ('RSK'), consistent

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[12] Gravelle, *UNTAES,* pp. 15-16.

[13] Ivica Vrkić, *Istočno od zapada: politički putopisi hrvatskim istokom* (Zagreb: Interpublic, 1997), p. 299.

[14] Ivica Kostović, former representative of the Croatian government in the process of peaceful reintegration, interviewed by the author, Zagreb, 29 June 2001.

with the Croatian Constitution.[15] An administrative directive outlining the procedure for implementation of the Law, the Decree on the Implementation of the Law on Convalidation, issued by the government in April 1998, pertained specifically to the above listed rights, and assured, at least in principle, their implementation.[16] The Law on Convalidation presented a rare occasion for the Croatian Parliament to discuss UNTAES and the peaceful reintegration of the Danube region, and provide insights into the negative attitude of Croatian opposition representatives to the UN missions and, in particular, to the submissive position of the government *vis-à-vis* the mission.

The guarantees stated in the Affidavit, its Annex and the government's Letter of Intent were the basis for a series of public agreements, aimed at integrating public institutions and services. Each agreement followed a similar structure; it included a list of the current employees who were offered continued employment and a sample of employment contracts offered, which had to be approved by UNTAES officials. Moreover, the agreements included provisions relevant to the management structure and positions, according to which representatives from the regional management of the respective entities were to be appointed to managerial level positions after reintegration. Restating the commitments contained in the *Annex*, individuals employed by the regional public service and enterprises who did not have the sufficient qualifications required for their particular work positions in the Republic of Croatia were guaranteed new employment or

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[15] Parliament of the Republic of Croatia, *Zakon o konvalidaciji* (Convalidation Law), klasa: 016-01/97-02/05, 26 September 1997.

[16] Government of the Republic of Croatia, *Uredba o provedbi Zakona o konvalidaciji* (Decree on the Implementation of the Law on Convalidation), April 1998.

retraining for other positions within the same service, and relocation was only possible with the individual's consent.

The agreements on the police, education, and the regional health sector were somewhat exceptional. In July 1996, UNTAES established the Transitional Police Force (TPF). Its structure and size were defined by the JIC on police matters, according to which the TPF was to be a balanced multi-ethnic force reflecting the ethnic composition of the region.[17] Special care was taken to exclude from the police force both Croat and Serb alleged war criminals and known perpetrators of criminal acts.[18] When, in order to facilitate reintegration in the Croatian police structure, the TPF had to be restructured, its new structure was agreed under a Memorandum of Understanding between UNTAES and the government of Croatia. It was decided that, by the end of April 1998, the police would be downsized to match the needs of a society at peace and, at the same time, its ethnic composition would be maintained proportionately to that of the region's population. Proportionate ethnic representation was to be applied in all stations and positions, including senior posts. Furthermore, future employment was guaranteed to all current TPF officers and administrative staff, regardless of their ethnic origin, who agreed to sign employment contracts with the Croatian police. Except for those police officers willing to serve in other parts of Croatia at the end of UNTAES's mandate, all Serb police officers were to be deployed in the region. Finally, TPF officers of Serb ethnicity who had signed contracts and had the

[17] While the principle of proportionality was crucial to the creation and restructuring of TPF, it was unclear what was the benchmark in relation to which proportionality was to be measured. This issue and the difficulties it created for reconciliation will be considered with in greater detail below.

[18] Tor Tanke Holm, 'CIVPOL Operations in Eastern Slavonia, 1992-98,' *International Peacekeeping*, vol. 6, no. 4, Winter 1999, p. 146.

necessary qualifications were not required to take the state vocational exam usually prescribed in Croatian law.[19]

Education and health were arguably the most difficult and emotive areas. The reintegration of the education system was intertwined with issues relating to the educational and cultural rights of minorities.[20] With respect to employment and the distribution of principal positions, it was explicitly stated that they were to be equitable and fair, based upon the evolving demographics of the population and, at the same time, protecting minority education rights.[21] The reintegration of the health sector was a particularly delicate issue, in light of the grave atrocities suffered at the Vukovar Hospital during the Serb takeover of the city in the autumn of 1991. After several months of negotiations, the introduction of a World Health Organisation (WHO) representative to chair the JIC on health and an appeal from UNTAES to the President of Croatia, an agreement on the reintegration of health services was reached.[22] With respect to the regulation of employment, the agreement stated a commitment to the Affidavit and the Annex, and it proceeded to guarantee ethnically proportionate employment in the health sector, including senior medical and administrative positions. Employment itself was not automatic; it was made conditional upon possession of Croatian documents, or of a foreign residence permit, 'nostrification', that is, recognition of equivalence to Croatian standards, of diplomas and educational certificates obtained at institutions outside the jurisdiction of the Republic of Croatia, and

[19] Memorandum of Understanding on Restructuring the Transitional Police Force, undated.

[20] On the reintegration of education, see Chapter Six below.

[21] Agreement on Distribution of Principal Positions for Schools in the UNTAES Administered Region, 17 July - 4 August 1997.

[22] Judith Large, 'Kafka meets Machiavelli: post-war, post-transition Eastern Slavonia,' *Development in Practice*, vol. 9, no. 5, November 1999, pp. 372-73.

successful completion of state examinations and specialist examinations required by Croatian law for medical professions.[23]

5.1.2. Employment creation in the economy

As mentioned above, employment creation was not explicitly mentioned in the UNTAES mandate, nor were funds provided for economic revitalisation programmes that would have assisted it. Employment creation was, however, tackled indirectly by UNTAES through its efforts towards the coordination of economic reintegration and development of the region, including the reopening of the Zagreb-Belgrade highway, the reconnection of the Adriatic Oil Pipeline between Croatia and the FRY, and the turnover of the Đeletovci Oil fields, first from the Scorpion paramilitary unit to UNTAES and then to the Croatian oil company INA. Trade links between the region and other parts of Croatia were re-established by the JIC on agriculture, which organised the barter of fertilizer for food grains and pesticides for wine, the first anti-mosquito spraying in five years and the financing of the spring sowing. Soon after, in July 1996, de-mining of agricultural land started in Western Sirmium.[24] Road maintenance, railways, electricity supply, telecommunications and postal services, water supply and flood control were all successfully reintegrated as part of the reintegration of public services, whilst talks between Croatian and regional managers of large agricultural and industrial companies, aimed at reconnecting enterprises, began in August 1996.

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[23] Agreement by the Ministry of Health on Regional Health Services, 6 June 1997.

[24] See Vrkić, *Istočno od zapada*, pp. 69, 83, 95-6, 401; 'UNTAES website,' accessed online at http://www.un.org/Depts/DPKO/Missions/untaes_b.htm on 28 May 2001; Lessons Learned Unit, United Nations Lessons Learned Unit, Department of Peacekeeping Operations, 'Comprehensive Report on Lessons Learned from UNTAES,' last updated on 9 December 1999, accessed online at http://www.un.org/Depts/dpko/lessons/untaes.htm on 26 November 2001, para. 124.

By October 1997, the basic conditions for economic reintegration were created with the introduction of the Croatian currency, the establishment of a modified Croatian customs regime, the reintegration of the financial and banking system, the opening of the region to Croatian commercial traffic, and the promotion of trade between the region and the rest of Croatia.[25] Little, however, was done with respect to economic development and job creation. Admittedly, operational plans were included in the agreements on the management of roads, the broadcasting services, the supply of electricity, the postal and telecommunications services and forestry, and the latter three agreements contained a proposed development plan for the electricity system, the telecommunications network and the management of the forests, respectively.[26] Moreover, the Memorandum of Understanding on Agriculture, signed in October 1996, was an effort to solve economic problems in agriculture. Aimed at encouraging viable economic activity in the agricultural sector, it set out the principles for connecting the branches of agricultural enterprises by the mutual exchange of information, co-ordination of business policies and the establishment of property ownership. Furthermore, it provided for the implementation of autumn planting through interest-free credits from the Croatian State Board for Material Reserves, and aimed at implementing the exchange of agricultural goods between individuals and companies in Eastern Slavonia and the rest of Croatia.[27]

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[25] Report of the Secretary General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN Doc. S/1997/767, 2 October 1997, para. 17.

[26] Letter of Agreement by the Croatian Highway Administration, 21 March 1997; Letter of Agreement by Croatian State Radio and Television, 2 April 1997; Letter of Agreement by the Croatian Post and Telecommunications Administration, 9 May 1997; Letter of Agreement by the Croatian Forestry Commission, 25 June 1997; Letter of Agreement by the Croatian Electricity Company, 22 July 1997.

[27] Memorandum of Understanding on Agriculture, 11 October 1996; Vrkić, *Istočno od zapada*, p. 146.

A similar agreement was not devised for the industrial sector, the exception being the Memorandum of Understanding on INA, regulating the reintegration of the local Serb petrol company NIK and its Croatian counterpart INA, negotiated by UNTAES in June 1997. The Memorandum included provisions on the return to INA of all of its assets - gas stations, fuel depots and administrative buildings - as well as the guarantee, on the part of INA, of employment for all NIK employees. Employment was offered for an initial four-month period, during which time a commission, under UNTAES monitoring, would determine long-term solutions for these workers, including temporary employment, retraining, early retirement, severance pay, or transfer to other employment opportunities, based on their qualifications. The Memorandum did not, however, include operational and development plans for the industry and the functioning of the Đeletovci oil fields.[28] While the linkage between economic development and investment, and employment security was acknowledged by the UN as an important factor that could not be overlooked, in dealing with this problem the UN relied on a Croatian economic development programme.[29] As the Secretary General pointed out in September 1998, 'in its resolution 1037 (1996) of 15 January 1996, the Security Council entrusted UNTAES with the responsibility of assisting in the co-ordination of the development and economic reconstruction of the region'.[30] Yet UNTAES's role in the development sector was not clearly defined and it appears that the mission took a narrow definition of its tasks in this area.

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[28] Memorandum of Understanding on INA, 18 June 1997.

[29] Gravelle, *UNTAES,* p. 14.

[30] Report of the Secretary General on the United Nations Police Support Group, UN Doc. S/1998/887, 23 September 1998, para. 31.

Within its development-related activities, UNTAES showed clear efforts in trying to raise funds for the region without ever achieving satisfactory results. In a report by the UN Secretary General, it was recognised that the paramount economic challenge for the region was to identify sources of funding for de-mining and reconstruction programmes. As more than 700,000 mines were placed in the region, and the infrastructure and housing in entire villages were destroyed during the conflict, it was estimated that approximately $1.2 billion was required for de-mining and reconstruction.[31] The 1996 and 1997 United Nations Consolidated Interagency Appeal for the territories of the former Yugoslavia requested funds for humanitarian projects in Croatia, most of which were earmarked for Eastern Slavonia. The appeals, however, fell short of the target.[32] Two donors' conferences, attended by representatives of embassies, capitals, NGOs and international organisations, as well as Croatian state and local authorities, were organised in an attempt to obtain funds for projects within the region. The conferences, however, failed to raise the funds necessary for longer-term economic revitalisation and development programmes. At the first donors' meeting, in December 1996, $37m was pledged, whilst the second donors' meeting, which took place in March 1997, generated an additional $21.8m in

[31] Report of the Secretary General on the Situation in Croatia, UN Doc. S/1997/487, 23 June 1997, para. 18.

[32] While specific figures for Eastern Slavonia are not available, the financial target of the 1996 Revised Consolidated Inter-Agency Appeal for the entire former Yugoslavia amounted to $825 million. As of 29 April 1996, total funds available stood at $291 million, leaving a shortfall of $534 million. See 'UNTAES website' at http://www.un.org/depts/dpko/missions/untaes_b.htm, accessed on 28 May 2001.

pledges.[33] By December 1997, however, $38 million of uncommitted international pledges remained to be fulfilled.[34]

All the aforementioned were crucial steps in the reintegration of the regional economy within the Croatian system, and provided the foundation on which to start a programme of socio-economic revitalisation and employment creation. The latter, however, was a task that the UNTAES mandate did not address in a proactive manner. Instead, it was perceived as the responsibility of the Croatian authorities to devise and implement a programme of socio-economic reconstruction, transition, and revitalisation that would include employment creation.

5.2. Assessment of UNTAES's employment policy

This section will consider the content of the policy provisions on employment, found in the Affidavit, its Annex, the Letter of Intent, and the sectoral agreements negotiated by UNTAES. As this section will demonstrate, the policy of focusing efforts on employment guarantees for the Serb population in the absence of employment creation initiatives was inadequate for a number of reasons. Firstly, the policy objectives - guaranteed employment to all current employees and ethnically proportionate employment - were mutually incompatible because of limited employment opportunities. Secondly, the standards for determining ethnic proportionality in employment were unclear. Thirdly, there was no formal

[33] Jacques Klein, 'The Prospects for Eastern Croatia: the Significance of the UN's Undiscovered Mission,' *RUSI Journal*, vol. 142, no. 2, April 1997, p.23.

[34] Report of the Secretary General on the United Nations transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN. Doc. S/1997/953, 4 December 1997, para. 18.

UNTAES initiative on employment creation, which was left to Croatian authorities despite indications that such a course of action was not going to yield the desired results.

5.2.1. Attainable objectives?

Employment guarantees, as set out in the Affidavit, its Annex, the Letter of Intent, and the sectoral agreements, referred to all those employed in public enterprises and institutions in the region by September 1996. Their positions were secured, provided that they had obtained the necessary qualification and accepted Croatian citizenship.[35] At the same time, the agreements on the reintegration of the TPF, schools and the health sector contained provisions on proportionate, equitable, and fair ethnic representation among the employees. For instance, Article 2.k of the Memorandum of Understanding on the Restructuring of the TPF stated that the ethnic composition of the force would be on a proportional basis, while Article 3.a of the same Memorandum stated that all current TPF officers, regardless of their ethnic origin, would be guaranteed continued employment in the police.[36] Similarly, the Agreement on the Reintegration of the Regional Health

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[35] Obtaining Croatian citizenship was made difficult by Croatian authorities and was also a sensitive issue for Serbs. The problem came to the fore at the time of elections, as Croatian citizenship was a precondition for voting. At first, the government was very slow to issue citizenship and other Croatian documents to Eastern Slavonia Serbs and required to see a whole array of documents, such as birth certificates. When, through pressure from the Transitional Administrator, the government changed its policy, lifted all administrative barriers to the documentation process, and made the procedure easier, Serbs adamantly refused to accept the documents, as symbols of Croatian authority over them. The Transitional Administrator had to convince the population of the practical reasons for seeking and accepting Croatian citizenship – the right to vote, to claim their property and secure their rights - in which he eventually succeeded, but the situation remained delicate. See Christine Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes: Legacy of the United Nations in Eastern Slavonia and Transitional Missions* (Clementsport: Canadian Peacekeeping Press, 2002), pp. 114-16.

[36] Memorandum of Understanding on the Restructuring of the TPF, undated, Arts. 2.k, 3.a.

Sector stipulated, in Article 6.a, that the ethnic composition of the workforce in the health sector would be on a proportional basis.

> After the re-absorption of the regional health care workers into the Ministry of Health and the return of Croatian health care workers currently residing outside the region, the Ministry of Health guarantees that appropriate proportional representation will be maintained in the region.[37]

In Article 6.c, the same Agreement guaranteed that all employees in the regional healthcare sector would receive contracts provided they showed proof of Croatian citizenship, application for Croatian citizenship or foreign residence status.[38]

These two aims – guaranteed employment to the local, predominantly Serb, population and ethnically proportionate employment - were incompatible, since the ethnic structure of the population was bound to change with the return of Croat IDPs. Under such circumstances, a policy based on both proportionate representation and guaranteed employment would require an increase in the workforce. Any alternative, replacing Serb employees by incoming Croat returnees or barring Croatian returnees from returning to their pre-war jobs taken by Serbs, had the potential to aggravate inter-ethnic tensions. The introduction of provisions on proportionality in the agreements on police, education, and health service was motivated by concerns about equality of treatment and opportunity for all citizens of Croatia regardless of ethnic identity, without considering the potential effects of the competition for employment. As a result, problems arose

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[37] Agreement on the Reintegration of the Regional Health Sector into the Republic of Croatia Ministry of Health, 15 January 1998, Art. 6.a.

[38] *Ibid.*, Art. 6.c.

in the implementation of employment guarantees, particularly in situations that involved concerns of proportionate employment or overstaffing.[39]

5.2.2. Proportionate to what?

A second weakness of the employment policy as drafted by UNTAES regarded the determination of proportionality, i.e. the standard against which the composition of the workforce was to be regulated. The collapse of the Socialist Federal Republic of Yugoslavia (SFRY), and the armed conflicts that followed, resulted in a substantial movement of population, into and out of the Croatian Danube region, as well as within the region itself. This border region was one of the areas in Croatia where the ethnic composition had changed most drastically due to constant war-time population movement. As a consequence, several possible benchmarks existed for the determination of the ethnic composition of the population. The pre-war ethnic structure, as provided by the 1991 census, was an option that had been used by the international community elsewhere in the former Yugoslavia, notably in BiH. This option was adopted by the Croatian authorities with respect to the local civil service.[40] Similarly, according to the JIC on police matters, the structure of the TPF was supposed to reflect the population ratio in line with the 1991 census.[41] The 1991 census was not anymore, however, a valid representation of the ethnic structure of the region since, because of the

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[39] See below, pp. 129-30.

[40] Vladimir Štengl, Mayor of Vukovar, interviewed by the author, Vukovar, 9 July 2001.

[41] Tanke Holm, 'CIVPOL Operations in Eastern Slavonia,' p. 146. Eventually, the ratios for the TPF were determined at 40% Croats, 40% Serbs and 20% other minorities (*Ibid.*). The actual proportions as provided by the 1991 census were 43 – 36 – 20 (Information obtained from Fernando Castedo of the OSCE Return and Integration Unit in Vukovar, personal correspondence with the author, 29 August 2001).

drastic population shifts of the 1990s, the ethnic composition of the population no longer corresponded to that of 1991.[42]

An alternative was to base employment on the current population ratios and make adjustments in proportion to the changes therein. According to Škare-Ožbolt, former adviser to the President of Croatia and representative of the government of Croatia in the reintegration process, this was the option agreed to by the parties involved.

> Employment would be guaranteed until the situation was normalised. In other words, all those Serbs that worked in the public sector would keep their jobs. This, however, was limited to a certain time-period, roughly one year, during which time Serbs would get used to the new situation and until Croat IDPs started returning to the Danube region.[43]

In the educational system, for instance, while the Croatian plan was to base appointment of principals on the 1991 census,[44] the Agreement on the Distribution of Principal Positions stipulated that there would be 'equitable and fair distribution of principal positions... based upon the evolving demographics of the population'.[45] This required the constant adjusting of the ethnic composition in the public sector to that of the population at large. As mentioned above, with the return of Croat IDPs, it meant making increasing numbers of Serbs redundant.

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[42] See Table 11 on p. 203 below.

[43] Vesna Škare-Ožbolt, former representative of the government of Croatia in the reintegration process, interviewed by the author, Zagreb, 3 July 2001.

[44] Internal UNTAES report, 5 September 1997.

[45] Agreement on the Distribution of Principal Positions for Schools in the UNTAES Administered Region, 17 July – 4 August 1997.

5.2.3. Lack of employment creation initiatives

In the context of the difficulties in reconciling the aims of employment guarantees and proportionate employment, job creation appears as a necessary ingredient for their reconciliation. Unlike employment guarantees, the creation of employment opportunities was not included in the agreements negotiated by UNTAES. Employment creation, together with development and economic revitalisation, was largely left to the Croatian authorities. It was hoped within the UN that Croatia would devise an economic development programme whereby workers that were redundant could be trained in order to be employable for other private or public sector positions.[46]

There is an additional reason as to why employment programmes were indeed necessary in Eastern Slavonia. The report on UNTAES compiled by the Lessons Learned Unit of the UN pointed out that, at the beginning of the UNTAES mandate, 'every able-bodied male over age 18 years was serving in the so-called Army of the RSK'.[47] One of the tasks of the UNTAES military component specified in Security Council Resolution 1037 was to demilitarise the region, and resources were provided for this purpose. Disarmament and demobilisation programmes were carefully considered and planned, and the UNTAES disarmament programme was supported financially by the Government of Croatia. However, the reintegration of former combatants into the economy appeared not to have been considered as part of the continuum and sufficient

[46] Gravelle, *UNTAES*, p. 14.

[47] Lessons Learned Unit, 'Comprehensive Report on Lessons Learned from UNTAES,' para. 34.

resources were not provided for it.[48] The absence of financial resources made it very difficult to retrain former soldiers to pursue more productive activities. As Deputy Transitional Administrator Derek Boothby commented,

> An authorisation for the Transitional Administrator to spend at his discretion up to 1-2% of the six monthly budgets, amounting to some $1.5 to $3 million (...) would have given UNTAES the ability to pump immediate lifeblood into much needed projects such as clearing rubble and basic reconstruction. In turn, such projects would have provided work for jobless, demilitarised young men from the local Serb army and injected money into the local economy.[49]

As has been explained in Chapter Two, disarmament, demobilisation, and reintegration of ex-combatants in post-conflict situations should be regarded as a continuum. In order to avoid a relapse into conflict, rebellions, or protests, ex-combatants need to be provided with gainful employment and this process should be initiated together with disarmament and demobilisation programmes, and continue thereafter. Furthermore, to consolidate peace and remove the incentive for people to keep weapons, the programmes need to be supplemented by long-term confidence-building measures.

The relationship between reconciliation and favourable economic conditions was recognised by a number of officials working on the reintegration process in Eastern Slavonia. The Transitional Administrator Jacques Klein, for instance,

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[48] *Ibid.*, sections I.20, I.21, paras. 33, 40, and 43.

[49] Derek Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' Paper delivered for the Roundtable Meeting on *Applying Leverage: Lessons from the United Nations Operations in Mozambique and Eastern Slavonia*, 8 October 1999, p. 12.

acknowledged the importance of the economic reconstruction of Eastern Slavonia as the basis for lasting peace and reconciliation. Klein stated that economic development and reconciliation between Serbs and Croats were even more important than de-militarisation.[50] According to Škare-Ožbolt, who as adviser to the President of Croatia was actively involved in the reintegration process and, from October 1997, was in charge of the Programme for Confidence Building, Speedy Return and Normalisation of Life, employment opportunities have a key psychological function in the process of post-conflict reconciliation; 'if people are given jobs, regardless of the horrors they had gone through, they will not think about the past, but will concentrate on the future. On the other hand, unemployed people will keep thinking about the past and become destructive'.[51] Talking in 1998 about return and coexistence in Eastern Slavonia, Škare-Ožbolt remarked that the psychological difficulties were grave and that to alleviate them, it was necessary to create favourable economic conditions and increase employment opportunities.[52]

In reports on the situation in the Croatian Danube region, the UN Secretary General identified the absence of economic revitalization, the lack of employment opportunities and the low level of confidence among the population in the prospects for long-term return as the key factors impeding returns and the re-establishment of multi-ethnic communities. The Secretary General remarked that, without employment opportunities, the original residents in the region were

[50] Quoted in 'UNTAES website - Economic Rehabilitation as Basis for Peace,' accessed online at http://www.un.org/depts/dpko/missions/untaes_b.htm on 28 May 2001.

[51] Škare-Ožbolt, interview.

[52] Vesna Škare-Ožbolt quoted in Andrija Moskovic 'Političarka za 21. stoljeće,' *Dom i svijet, Informativni tjedni prilog za iseljenike,* no. 233, 1998, accessed online at http://www.hic.hr/dom/233/dom04.htm on 31 August 2001.

unlikely to remain, and Croat displaced persons were unlikely to wish to return to Eastern Slavonia.[53] Indeed, by September 1998, large numbers of Croatian returnees were departing from the region again because of difficulties in finding work, and very few young people were returning to their pre-war homes. The same lack of employment prospects also prompted numerous Serb residents to leave the region.[54] Škare-Ožbolt agreed that the region's economic problems and unemployment in particular are among the biggest problems for Croatia.

> There has not been much progress with respect to the structure of the economy nor has there been much investment, foreign or domestic. In the absence of capital, job opportunities are scarce. This, and not inter-ethnic friction, is the greatest problem today, although the former may be receiving more publicity. Regardless of whether they are Croats, Serbs, Hungarians, or members of other minorities, people will not be able to stay in the Croatian Danube region if there are no jobs.[55]

Škare-Ožbolt identified high rates of unemployment as the main reason why residents move to foreign countries, why Serbs move to Yugoslavia, and why Croats look for jobs in Zagreb or do not return to their homes in the region.[56] This opinion was shared by Ivica Kostović, former representative of the Government of Croatia in the process of peaceful reintegration. He specified that the problem was most acute in areas that, before the war, were industrial centres. Areas that had not suffered as much war damage and where people mainly live off their land,

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[53] UN Doc. S/1998/500, para. 44.

[54] UN Doc. S/1998/887, para. 20.

[55] Škare-Ožbolt, interview.

[56] *Ibid.*

like Baranja, did not have such difficulties. 'The problem is the industrial worker who does not have a job to come back to anymore.'[57]

Despite the widespread recognition of the need for employment provision, in practice, the measures taken by UNTAES were limited to guarantees of employment security and ethnic proportionality, leaving employment creation to the Croatian government. Such a course of action proved inadequate as it left a crucial aspect of the peace process unaddressed. The remainder of this chapter will consider in turn the role of the Croatian authorities and that of the international community. While the implementation of the sectoral agreements was a task for the Croatian authorities, assisted by the local Serb leaders, economic development and revitalisation depended both on the Croatian Government and on the financial support of the international community.

5.3. Implementation by Croatian authorities

5.3.1. The Croatian authorities and employment guarantees

While the resolution of employment issues was initially slow (see Table 2), in May and September 1998, internal UN reports assessing the compliance of the Croatian authorities with agreements reached with UNTAES concluded that 'the Government of Croatia has, overall, complied with agreements on reintegration in regard to employment guarantees.'[58] Continued employment was offered to all employees who fulfilled work requirements, and training courses or alternative work positions were offered to those who did not. No worker was relocated

[57] Kostović, interview.

[58] Internal UNTAES report, 20 May 1998.

outside the region without his or her approval, and of those who left employment the majority did so voluntarily, not wishing to remain under Croatian authority. Others retired, whilst some were dismissed because of non-performance.[59] Based on these findings, the report of the Secretary General to the Security Council of September 1998 concluded that the Croatian authorities had generally complied with agreements relating to employment guarantees in public enterprises and institutions.[60]

Table 2: Dates when full compliance with agreements was achieved by public services and enterprises

5 Sept 1997	12 Sept 1997	19 Sept 1997	10 Oct 1997	4 Nov 1997	1998
HRT - Radio and TV	Hrvatske ceste - Roads	HPT - Post and Telecom	Judiciary	TPF Police	INA - Oil and Gas
Hrvatske vode - Water Management	Hrvatske šume - Forestry	Pension Services	Taxation Services	Education	Hrvatske željeznice - Railways
HEP - Electricity		ZAP - Payment Services	Employment Bureaus	Health Services	Record Offices
TCS - Customs			Social Welfare Services		

Source: Adapted from internal UNTAES reports 5 September1997 – 2 September 1998.

The Affidavit and Annex, which, as 'cornerstones of the reintegration of public enterprises and institutions,'[61] served as benchmarks for compliance, were respected, but not without exceptions. The first concerned the recognition of 1991-96 as years of service, which was guaranteed in the February 1997 Annex and subsequently upheld in the Law on Convalidation of September 1997 and its

[59] *Ibid.*

[60] UN Doc. S/1998/887, para. 23.

[61] Internal UNTAES report, 20 May 1998.

Implementation Decree of April 1998. This provision was not always respected even when the other requirements were fulfilled. The road-management company, the Forestry, Croatian Post and Telecom (HPT), Croatian Railways and the state electricity enterprise (HEP) complied with the agreements, but were not consistent in recognising years of service. HPT was reported to have categorically stated that it would not honour the agreement concerning years of service. As the UN observed:

> The issue on the years in service of persons employed in the Republic of Croatia who have accumulated a certain number of years in service after 8 October 1991 in other countries established after the collapse of SFRY will be resolved based on separate agreements between the Republic of Croatia and those countries, since these years are considered as years in foreign service.[62]

By September 1998, however, HPT was recognising, albeit reluctantly and inconsistently, years of employment from 1991 to 1996. Years of service were recognised for employees who had retired, or were soon to retire, and in those instances when employees demanded that their records be updated. HEP, Croatian Railways and other enterprises continued to refuse to update records, justifying their attitude by reference to the lack of administrative instructions on the matter from the Ministry of Social Welfare, i.e. the Croatian Pension Fund. This, however, was not the responsibility of the Pension Fund; it was the responsibility of the employers, who were provided with work records for the 1991-1996 period as part of the reintegration agreements.[63]

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[62] *Ibid.*

[63] Internal UNTAES report, 2 September 1998, pp. 2-3.

Another frequent complaint was that Serb managers of the former regional enterprises were bypassed or marginalised in the decision-making process in favour of Croats.[64] Further difficulties were encountered in specific sectors, namely the judiciary, civil service, health, and education. Although the agreement on the reintegration of the judicial system guaranteed proportional representation for the appointment of judges, this was not without difficulties as few local Serb lawyers were able to afford the Croatian Bar Association membership fee.[65] The employment status of several hundred municipal workers of the previous Serb local administration remained unresolved for most of 1997 as the government of Croatia stood firm on its decision as to the number of Serbs that would be employed in local administration. By December of that year, ministries had generally complied with commitments to proportional representation in employment, stated in the government's letter of 13 January, and a severance package had been agreed for eligible former employees not hired as Croatian civil servants. [66] Still, some municipal governments, especially those temporarily operating outside the region, were reported to be unwilling to fulfil employment commitments towards Serb municipal civil servants.[67]

A major difficulty for the reintegration of workers in education and health was the issue of 'nostrification', i.e. the recognition by the Croatian Ministry of Science and Technology of diplomas and educational certificates acquired in foreign countries. The agreements negotiated by UNTAES stipulated that only those

[64] UN Doc. S/1997/487, para.14; UN Doc. S/1997/767, para. 8.

[65] UN Doc. S/1997/487, para. 16.

[66] Letter of Intent, text reported in UN Doc. S/1997/27 Annex, Art. 4.

[67] UN Doc. S/1997/767, para. 8; UN Doc. S/1997/953, para. 14. During the Serb occupation of the territory, Croatian local authorities, elected by Croatian IDPs, operated 'in exile' in other parts of Croatia, mainly in Zagreb.

employees who were qualified would receive permanent contracts, while those whose qualifications had to be reviewed would receive fixed-term contracts until their credentials had been verified. The nostrification process, a complicated bureaucratic procedure, required five to eight months. When the deadline for nostrification in the education sector elapsed in January 1998, some 32 out of 40 requests were still pending. In the health sector, by January 1998, of 106 health workers requiring nostrification, only six had completed the process. This, however, was largely due to the late application by approximately 80 employees who did not submit their documents until January and February 1998. Temporary work contracts were, however, extended to cover for the time necessary for the nostrification process to be completed.[68]

Nevertheless, Serb employees complained that proportional representation, particularly in senior posts, had not been achieved and that major downsizing, resulting from reforms required by the processes of economic transition, was being implemented in a discriminatory manner.[69] According to representatives of the Croatian government who were actively involved in the reintegration process, the change in the ethnic composition of companies and institutions in the region did not result from discrimination on an ethnic basis. Rather, it was conditioned by objective factors. Chief among these was the unnecessarily and unprofitably large number of employees in inefficient factories and in the gargantuan public administration. Indeed, both Croat and Serb managers agreed that over-staffing

[68] Internal UNTAES report, 21 May 1998.

[69] UN Doc. S/1997/953, para. 18.

was a recurrent problem and that it would be aggravated with the return of Croat IDPs expecting to resume their pre-war positions.[70]

For instance, the war-time public administration of the 'RSK' was organised on three levels: the state level ('oblast'), the county level and the town level. According to the mayor of Vukovar, Vladimir Štengl, with the reintegration of the region into Croatia, the state level became superfluous and, hence, the number of employees in the public administration became several times greater than was necessary.[71] Similarly, governmental agencies in the region, such as the Bureau for Financial Transactions (ZAP), became subsidiaries to larger county branches and consequently the number of staff required decreased.[72] Arguably, the greatest difficulties were encountered in public enterprises. Factories, with their industrial capital almost entirely destroyed in the war, still kept large numbers of employees on the payroll. Not only was this not profitable, it was also inconsistent with the transition from planned economy to market capitalism and with the privatisation process.

Both administrative reintegration and the processes of economic transition required major downsizing of the workforce in public services and enterprises. Bearing in mind the nationalistic attitude and controversial treatment of Serbs by Croatian authorities, the risk of discrimination in the implementation of such downsizing represented a major problem. According to the president of the

[70] Internal UNTAES report, 19 September 1997, p. 1.
[71] Štengl, interview.
[72] Internal UNTAES report, 19 September 1997, p. 2.

Serbian National Council in Croatia, Milorad Pupovac, Serb anxieties proved justified: 'In a number of public enterprises, Serb employees lost their jobs allegedly because of economic rationalisation, but actually those positions were freed to employ Croat returnees, and satisfy the principle of proportionality'.[73] The response of the Croatian Government to such claims was that it guaranteed for all residents who registered as citizens of Croatia the same employment rights as all other citizens of Croatia but that governmental guarantees were only possible in the public sector.[74]

A second difficulty encountered in the implementation of employment guarantees was the lack of required qualifications. For example, in 1997, 40% of the 721 employees of the Medical Centre 'St. Sava' (which, after reintegration became the General Hospital Vukovar and the Health Centre Vukovar) were not qualified medical workers.[75] With regard to public enterprises, a major problem, Štengl observed, was the relocation of the population within the Danube region that took place after Croatian military operation 'Storm', when another military offensive was expected. According to Štengl, Serb leaders concentrated their population around industrial and agricultural sites without regard for their qualifications. As a result, there were factory workers employed as tractor drivers and tractor drivers as factory workers, workers from the rubber factory employed in the textiles industry, and former employees of the textiles factory working in the post offices

[73] Pupovac, interview.

[74] Kostović, interview. A further point of controversy was that the rights specified in the agreements negotiated by UNTAES were more extensive than workers rights under Croatian law. See p. 133 below.

[75] Štefan Biro (ed.), *Vukovarska bolnica* (Vukovar, 2000), p. 39.

and the hospital.[76] As previously mentioned, employment was guaranteed to those employees who had the required qualifications or were willing to retrain, take state examinations and obtain nostrification of qualifications.

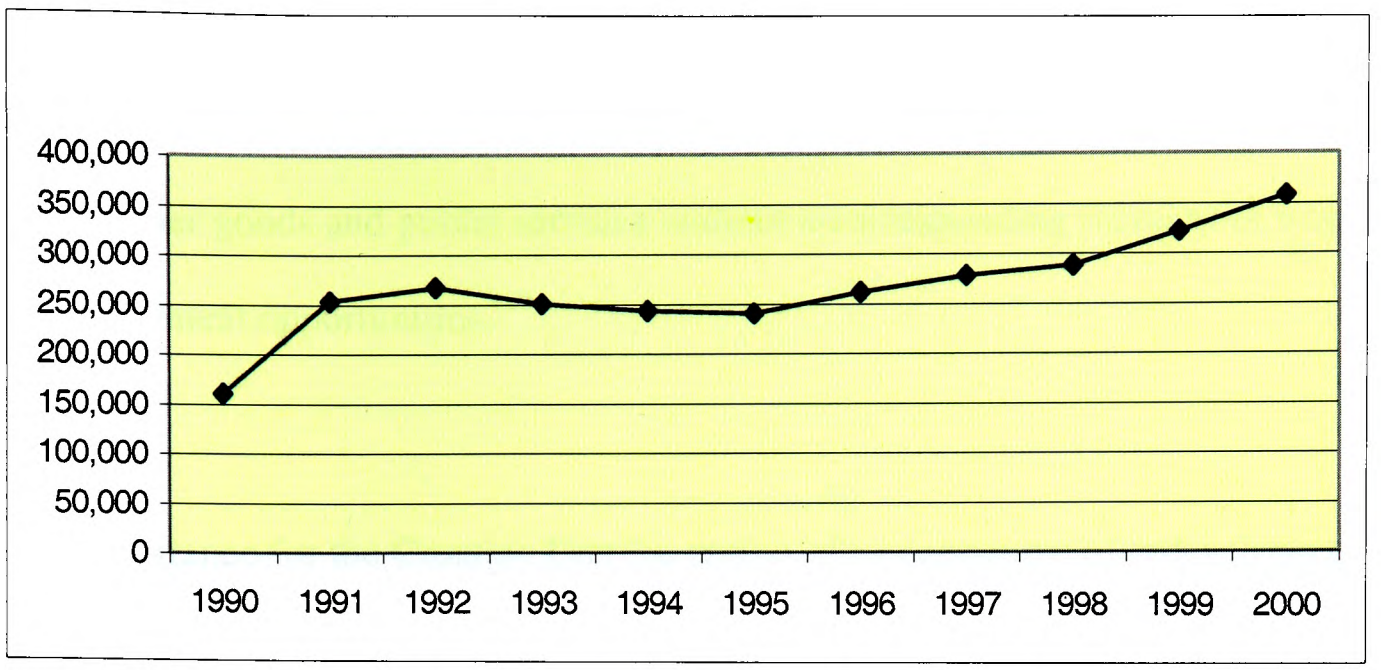
The context in which these conflicting demands on employment were found was defined by a general negative economic trend in Croatia as a whole. During the 1990s, unemployment figures for the entire country more than doubled (see Figure 1). In a country with an active population, or labour force (all persons above the age of 15 working or looking for work), of under 2 million, unemployment figures of 200,000 or 300,000 constitute a considerable percentage of the population.[77] This had adverse effects on developments in the Danube region, as the ability to provide employment was limited by Croatia's financial circumstances. In addition to this, there was the issue of equity. It was difficult to justify to the population why the Danube region should have a different employment regime from other parts of the country, where people had similar difficulties in finding employment and did not have guaranteed salaries. Both of these factors – a high countrywide rate of unemployment and equity considerations - affected the creation of employment opportunities as well as employment security. The following section looks at this aspect of employment policy, an area that received very limited attention in the UNTAES-sponsored agreements.

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[76] Štengl, interview; Internal UNTAES report, 2 September 1998, p. 3.

[77] *Statistical Yearbook 2000,* Central Bureau of Statistics, Republic of Croatia, accessed online at http://www.dzs.hr/StatInfo/RADSNAGA.htm on 31 August 2001.

Figure 1: Registered unemployed persons in Croatia (annual average)



Source: Republic of Croatia, Central Bureau of Statistics, Statistical Yearbook 2000, accessed online at http://www.dzs.hr/StatInfo/NEZAPOSL.htm on 31 August 2001.

5.3.2. Croatian authorities and employment creation

Croatia was often criticised for not having a policy that would deal with the economic aspects of reintegration. While the agreements negotiated by UNTAES assured the institutional aspects of economic reintegration, for technical, legal and political reasons, progress on economic revitalisation was slow. In his report on the situation in Eastern Slavonia in October 1997, the UN Secretary General pointed out that Croatian authorities and the national business community were slow in taking advantage of positive developments stemming from UNTAES's work in Eastern Slavonia, such as the introduction of the Croatian currency, the reintegration of the financial and banking system, the opening of the region to Croatian commercial traffic, and the promotion of trade.[78] The Secretary General criticised Croatia not only for lacking a strategy for the development of Eastern Slavonia and for attracting investment to the region, but also for neglecting the

[78] UN Doc. S/1997/767, para. 17.

problems of unemployment and the high costs of living. 'Substantially higher nation-wide charges for utilities and the collection of Croatian customs on goods imported across the borders have had the effect of substantially increasing the cost of consumer goods and public services without a corresponding increase in wages or employment opportunities.'[79]

The importance for the Croatian Danube region of a programme of redevelopment is emphasised by the contrast in the pre-war and post-war economic conditions in the region. As the United Nations Lessons Learned Unit pointed out, before the war, the Danube region was among the most affluent in the former Yugoslavia, second only to the Maribor region in Slovenia, with an industrial capacity of US$250 million. This figure had declined by about 90% by the time UNTAES arrived. The region's rich agricultural sector, once a major exporter, suddenly found it difficult to feed its local population because of a lack of funding for equipment, pesticides, and fertilizers. There was little economic activity beyond basic agriculture and exploitation of the local oil fields. Unemployment was running at 40-50% and was expected to rise with the demobilization of local soldiers and police.[80]

While all segments of the economy had suffered from war-time physical destruction, war and the proximity of the fighting caused indirect damage to the economy though the discontinuity of many projects and investments. This resulted in the loss of trade links and contracts, and a high rate of migration of the

[79] *Ibid.*, para. 18.

[80] Lessons Learned Unit, 'Comprehensive Report on Lessons Learned from UNTAES,' paras. 34, 123.

qualified workforce. Furthermore, the costs of reconstruction, and those of transport during the closure of the motorway and railway, as well as higher business and investment risks, made production more expensive and resulted in economic stagnation.[81] Ten years after the war, the region was still struggling to counter the effects of the war on its economy and finances, and there had been little progress since 1996: Eastern Slavonia remains one of the poorest, if not the poorest, region in the country. A comparison of the figures relating to imports and exports in the UNTAES mandated region before the war to those ten years after illustrates the decline in economic activity (see Tables 3 and 4).

Table 3: Import and export figures for former Municipality Beli Manastir

In thousands US$ (adjusted for inflation)

	1990	2000
Imports	21,751	5,469
Exports	16,184	2,961

Sources: Priopćenje Državnog zavoda za statistiku Republike Hrvatske, Robna razmjena Republike Hrvatske s inozemstvom, po općinama, nos. 12.03.04. xxvii 30 January 1991, and 4.2.6. xxxviii 29 June 2001.

Table 4: Import and export figures for former Municipality Vukovar

In thousands US$ (adjusted for inflation)

	1990	2000
Imports	98,297	19,409
Exports	112,704	3,648

Sources: Priopćenje Državnog zavoda za statistiku Republike Hrvatske, Robna razmjena Republike Hrvatske s inozemstvom, po općinama, nos. 12.03.04. xxvii 30 January 1991, and 4.2.6. xxxviii 29 June 2001.

[81] Information provided by the Osijek-Baranja County Public Information Office, Osijek, 4 July 2001.

While the Baranja region was mostly agricultural, and most of its population was able to continue their economic activity as soon as agricultural land was cleared of mines, difficulties were more severe in the region surrounding Vukovar. Before the war, 33,000 of the 90,000 inhabitants of this industrially developed town and the region surrounding it were employed.[82] In July 2000, Vukovar City Council estimated the number of employed persons in the same area at 4,223.[83] Table 5 provides examples of the decrease in numbers of employees in some of the largest companies and public institutions in Vukovar.

Table 5: Number of employees in a sample of legal entities in Vukovar

	1991	2000
Borovo	16,855	503
Vupik	1,720	931
General Hospital Vukovar	737	499
Velepromet	703	145
Čazmatrans	330	147
Drvopromet	127	50
Elip	105	35
Croatian Electricity	105	102
Forrest Administration Vukovar	104	62
Bureau for Financial Transactions (ZAP)	103	73
Croatian Telecom Vukovar	83	375
Second Elementary School	64	67
Vučedol	60	36
Vodomaterijal	42	15
Veterninary station	40	38
Vuprojekt	23	9
Town Library	12	7
Customs control Vukovar	9	12
Office of the Municipal Attorney	9	13

Sample of 19 out of 392 legal entities in Vukovar.

Source: Vukovar Town Council, Informacija o zaposlenima i nezaposlenima na području grada Vukovara, July 2000.

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[82] Stipo Šeremet, Deputy Mayor of Vukovar, quoted in Slavica Mrkić-Modrić, 'Vratit će se oni, samo budi strpljiv,' *Novi list,* Rijeka, 3 August 1998.

[83] *Informacija o zaposlenima i nezaposlenima na području grada Vukovara*, (Vukovar: Vukovar Town Council, July 2000).

The scarcity of employment opportunities, despite the considerable decrease in the population in general, is evident from the comparison of the number of unemployed persons before and after the war; according to official Croatian sources, the number of unemployed people in the Osijek-Baranja County more than doubled from 14,405 in 1990 to 33,051 in 2000, reflecting the general trend throughout the country. In the same period, the average number of unemployed persons in the Vukovar-Srijem County trebled, from 7,318 to 21,624.[84]

The absence of an active economic policy of development and promotion of investment can be explained as stemming from the general attitude of Croatian leaders, its president, and a majority of his party, the HDZ, towards Serbs. Aggression in 1991 and the resulting war, coupled with a history of animosity between Serbs and Croats, led to the notion of Serbs as the 'enemy'. The rhetoric of Croatian leaders and pro-government media was replete with terms associating all Serbs with the Serbian extreme nationalists Chetniks. The 1995 military operations in Western Slavonia, and Eastern and Southern hinterland were followed by a mass departure of Serbs living in those areas. Return was subsequently hindered by laws, issued by the Croatian Parliament, legislating the temporary appropriation by state authorities of property on territories retaken during operations 'Storm' and 'Flash', and the subsequent settlement of Croatian refugees from BiH in those areas (although the laws were repealed in 1998, their

[84] Figures relate to the entire territory of the two counties, including data from more developed areas, which were not under UNTAES administration. *Unemployed Persons by Counties 1995-2004,* Website of the Croatian Employment Bureau, http://www.hzz.hr/docslike/statistike/tablica%2027.xls, accessed on 31 July 2004; *Statistička Informacija* (Vukovar: Vukovar-Srijem County Bureau of Statistics, 1999); *Statistička Informacija* (Osijek: Osijek-Baranja County Bureau of Statistics, 2000).

legacies continued to affect the Serb population).[85] In addition to this, returns were discouraged by the arrest of Serbs, which was contrary to the spirit of the amnesty granted to all Serbs who served under civil or military command in rebel-Serb held parts of Croatia and had not committed war crimes.[86]

In such a climate, and following such decisions by the Croatian authorities, several observers and participants saw the reluctance of the leadership to promote development and investment in Eastern Slavonia, Baranja, and Western Sirmium as aimed at discouraging Serbs from staying in the region upon its return to Croatian control. Milorad Pupovac, for instance, feels that suspicions that the authorities intentionally delayed investment in Eastern Slavonia were justified.[87] Similarly, the Deputy Transitional Administrator of the region, Derek Boothby, is of the opinion that the Croatian government was not interested in encouraging a revival of the economy of the region because 'as perceived in Zagreb, a continuation of the more than 70% unemployment would probably lead to Serbs leaving the region of their own accord which, from a Croat point of view, was the preferred result'.[88] As Boothby has observed:

> UNTAES made a number of efforts to encourage the Croatian authorities to re-employ Serbs, such as those who had worked on

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[85] Parliament of the Republic of Croatia, *Zakon o privremenom preuzimanju i upravljanju određenom imovinom* (Law on Temporary Take-over and Administration of Certain Property), klasa 370-01/95-01/11, 20 September 1995; Parliament of the Republic of Croatia, *Zakon o davanju u najam stanova na oslobođenom teritoriju* (Law on the Lease of Flats in Liberated Areas), klasa 310-01/95-01/15, 20 September 1995; Parliament of the Republic of Croatia, *Zakon o prestanku važenja zakona o privremenom preuzimanju i upravljanju određenom imovinom* (Law on the Cessation of Validity of the Law on Temporary Take-over and Administration of Certain Property), klasa 370-01/95-01/11, 10 July 1998. These statutes and issues concerning property rights are considered in more detail in Chapter Seven.

[86] Parliament of the Republic of Croatia, *Zakon o općem oprostu* (Amnesty Law), klasa 740-02/92-01/06, 20 September 1996.

[87] Pupovac, interview.

[88] Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' p. 13.

> the railway, in the hospitals and in the police, but there were always difficulties, obstructions, and delays. It became abundantly clear that Croatia did not wish to restore the economy by providing employment to Serbs.[89]

The Croatian journalist Drago Hedl expressed a similar view. According to Hedl, the economy was purposefully neglected, the aim of the leadership being the creation of the worst possible situation, making Serbs leave the Danube region. Hedl referred to Croatian President Tuđman's plans to resettle Croats from BiH in the region should the displaced local Croatian population not want to return because of the appalling economic situation.[90]

Zagreb's reluctance and its effective lack of initiatives led to the present situation in which, in the words of Ivica Kostović, former representative of the government of Croatia in the reintegration process,

> People, regardless of their ethnicity, are all in the same position. Elderly Serbs have stayed in the region and work on the land; younger Serbs either work in the public services or have left the region looking for employment elsewhere. Similarly, elderly Croats who live off their land and younger Croats employed in public institutions have returned. Others found employment elsewhere in Croatia.[91]

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[89] Derek Boothby, former Deputy Transitional Administrator of Eastern Slavonia, personal correspondence with the author, 2 June 2001.

[90] Drago Hedl, 'Hrvatska opcija 'spašava' Vukovar,' *Aim*, Zagreb, 05 November 2000, accessed online at http://www.aimpress.org/dyn/pubs/archive/data/200011/01105-008-pubs-zag.htm on 31 August 2001.

[91] Kostović, interview.

It is debatable whether this situation is, as Kostović suggests, evidence of the equal treatment of all Croatian citizens regardless of their ethnicity, i.e. whether it is the consequence of factors external to the volition of the Croatian leadership. An alternative explanation could be that Croatia's intentional neglect of the economic needs of Eastern Slavonia, aimed at discouraging the Serbian population from staying in the region, had unintended consequences insofar as it affected the life of Croats. According to this view, which prevails among the critics of Tuđman's Croatia, a large number of Serbs stayed in the region only because they owned fertile agricultural land and the alternative of moving to FRY was even less attractive. On the other hand, this same policy made Croats, who were supposed to return to the region, reluctant to do so.[92]

As with the implementation of employment guarantees, in the area of job creation there were objective factors that made action on part of the Croatian authorities more difficult and less effective. Because of the extent of war-time destruction - the direct costs of repairing war damage were, in fact, estimated at $1.2 billion - the funds required for the reconstruction and investment in the economy were greater than Croatia's resources.[93] Moreover, due to war damage, devastation, and debts incurred during occupation, factories such as Borovo could not be restored to their pre-war size.[94] Such gigantic enterprises, typical of the socialist era, were no longer viable; instead, they needed to be reformed or even liquidated. It cannot be disputed that a strategic decision was required as to what to do with the

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[92] See Pupovac, interview; Boothby, personal correspondence.

[93] UN Doc. S/1997/953, para. 18.

[94] Borovo's costs of production under Serbian management were huge as the energy and water systems were kept at pre-war levels while production was minimal. See Štengl, interview.

outdated structures of the economy in the region, which at the time was still based on the socialist model. In the meantime, investment was impossible. While the structure of ownership in Croatia had changed from 'social ownership' to private ownership, the situation in Eastern Slavonia remained unresolved and there was no interest from private investors in such an unstable area.[95]

Whilst the Croatian authorities did initiate many programmes, housing and the reconstruction of the infrastructure took precedence over economic restructuring, privatisation and business start-ups.[96] There existed an alternative option of first restoring the economy in the Danube region and securing enough jobs for all those who lived in the region and those who were returning to it. Had this option been pursued, individual loans for the reconstruction of houses could be made available and guaranteed through employment earnings. While some government officials, namely Škare-Ožbolt, preferred this alternative, the government decided not to follow it. Instead, reconstruction concentrated on housing reconstruction. In villages and agricultural areas, this proved effective, as the population was able to return to agriculture as soon as the land was cleared of mines. In industrial areas such as Vukovar, however, the alternative strategy would have been more appropriate. As a result of the strategy chosen, unemployment soared and emigration was high.[97]

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[95] Kostović, interview.

[96] See Nevenka Čučković quoted in Christopher Walker, 'Four Years After Erdut, Eastern Slavonia Continues To Lag,' RFE/RL Balkan Report 03, no. 219, Part II, 10 November 1999. For more detail on housing reconstruction, see Chapter Seven.

[97] Škare-Ožbolt, interview.

Regardless of the will of its political leaders, Croatia did not have the financial capability to undertake both housing reconstruction and economic redevelopment at the same time. Domestic sources of finance were already stretched to the limit in financing the reconstruction of war-torn areas in other parts of Croatia and dealing with large-scale unemployment throughout the country. It was recognised even by Transitional Administrator Klein that, in view of the severe constraints on Croatian resources, economic reconstruction represented a long-term process requiring an integrated approach and significantly increased support from the international community.[98] The following section will consider the performance of the international community in supporting Croatia in the sphere of economic development, including employment creation.

5.3.3. Assistance from the international community

Although the importance of economic reconstruction and rehabilitation for the durable peaceful reintegration of the region was recognised by the Secretary General of the UN,[99] economic revitalisation, including employment creation, was, as shown above, not included in the UNTAES mandate. Instead, it was perceived as the responsibility of the Croatian government. Despite Croatian ambivalence towards this task and the dire economic situation in the country, throughout the process of peaceful reintegration, the international community failed to play a constructive role in this respect. External financial aid and the process of economic revitalisation in Eastern Slavonia were linked to political developments in Croatia and, at the time, there were several criticisms levelled at

[98] Klein, 'The Prospects for Eastern Croatia,' p. 23.

[99] UN Doc. S/1998/500, para. 44; UN Doc. S/1998/887, para. 20.

the Croatian leadership. In addition to the treatment of Serbs following the military operations in the summer of 1995 and the subsequent adoption of discriminatory legislation by the Croatian Parliament on property confiscation and resettlement, the international community also disapproved of the support of Croatia's leaders for the Croat secessionist element in BiH and their resistance to the reunification of Mostar. Insufficient cooperation on the part of the Croatian authorities with the International Criminal Tribunal for the former Yugoslavia (ICTY) was another factor contributing to international disapproval of Croatia. Moreover, lack of freedom of the media and court prosecutions against the independent press, as well as lack of respect for freedom of thought and expression as epitomised by attacks on, and threats to, human rights activists, damaged Croatia's image abroad. The leadership was further criticised for refusing to recognise the opposition-dominated Zagreb City Council in 1996 and for failing to accept the results of the election of the mayor of Zagreb as they brought the victory of an opposition candidate that same year.

Croatia's democratic deficit and nationalistic policies, thus, had serious implications for the way in which the country was perceived by the international community. In 1996, Croatia's failure to implement a programme of democracy and human rights, agreed with the Council of Europe, led to a delay in its acceptance for membership by the Council. In June 1997, the failure to implement provisions of the Dayton Agreement regarding facilitation of the return of Serbian refugees and cooperation with the war crimes tribunal in The Hague, led to the decision by the United States to veto a $30 million World Bank loan to Croatia and to its indefinite postponement. Similarly, in December of that same year, the

European Commission decided to freeze $2.4 million of aid to Croatia because of its confrontational attitude towards the independent media and NGOs, in particular the Croatian Helsinki Committee, the Open Society Institute, and the independent weekly Feral Tribune.[100]

Another reason for the international community's reluctance towards assisting Croatia financially was strategic. Making Croatia cover a large part of the expenses of reintegration was a way in which the international community sought to leverage on the country.[101] Croatia had to provide for all of its citizens, Serbs and Croats alike. The provision of international assistance for the economic development of areas of return in Croatia was conditioned upon the production of a transparent, comprehensive, and non-discriminatory reconstruction plan, and on progress in the implementation of the return programme.[102] These plans were to address the creation of employment opportunities, particularly for young people, the stimulation of community links, and the promotion of reconciliation, encouraging displaced persons of all ages to return to their homes throughout Croatia and promote shared interests and confidence between ethnic communities. They would also encourage original residents to remain in the region, thus helping to ensure that its multi-ethnic character was maintained.[103]

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[100] 'Council of Europe Makes Unprecedented Move Against Croatia,' RFE/RL Newsline, no. 094, Part II, 15 May 1996; 'Council of Europe to Set Five Conditions for Croatian Membership,' RFE/RL Newsline, no. 108, Part II, 4 June 1996; 'Washington Blocks Loan for Croatia,' RFE/RL Newsline 01, no. 122 (060), Part II, 25 June 1997; 'World Bank Loan to Croatia Indefinitely Postponed,' RFE/RL Newsline 01, no. 127 (065), Part II, 2 July 1997; 'European Commission Freezes Aid to Croatia,' RFE/RL Newsline 01, no. 245 (183), Part II, 19 December 1997.

[101] Ivica Vrkić, former Head of the Government's Office for Transitional Administration, interviewed by the author, Osijek, 11 July 2001.

[102] UN Doc. S/1998/887, para. 30.

[103] *Ibid.*, para. 43.

By the time the government had adopted a plan incorporating the suggestions of the major Western powers and the UN, the full and non-discriminatory implementation of which was supposed to underpin the return programme and encourage donor support,[104] international donor indifference to Eastern Slavonia had limited the scope of reconstruction in the region.[105] According to Klein's deputy, Boothby, one of the ways in which UNTAES was let down by the international community was in the provision of funds.[106] Financial grants rarely benefited Eastern Slavonia, as much-needed international assistance was stretched to its limits by the onset of new crises, in BiH and later Kosovo, which absorbed critical aid that might otherwise have been used in Eastern Slavonia.[107]

5.4. Conclusion

The rights that UNTAES sought to protect, namely those concerning continued employment for the Serb population in Eastern Slavonia, were an important element of the reintegration process. They were aimed at protecting Serbs against possible Croatian vengeance and persuading them of the benefits of remaining in the region and in Croatia. However, by failing to provide a programme of development that would go beyond merely guaranteeing present employment to include job creation, UNTAES failed to address a key issue in the facilitation of reintegration and the establishment of peaceful coexistence. As a consequence, limited employment opportunities in the Danube region caused heightened competition for jobs, feelings of resentment in the returning Croat population and

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[104] Final Report of the Secretary General on the United Nations Police Support Group, UN Doc.S/1998/1004, 27 October 1998, para.7.

[105] Klein, 'The Prospects for Eastern Croatia,' p. 23.

[106] Bootbhy, 'Probing the Successful Application of Leverage in the UNTAES Operation,' p. 12.

[107] Walker , 'Four Years After Erdut, Eastern Slavonia Continues To Lag.'

fear among resident Serbs, whilst the state of the economy acted as a discouraging factor for the peacebuilding process. Thus, employment was not a mere practical issue, but one with significant political connotations and effect on inter-ethnic relations in the region.

The importance of economic regeneration for the peaceful reintegration of Eastern Slavonia, has been widely recognised, based on the theory that improving the quality of life in the region would have de-fused political and ethnic confrontation.[108] Despite the widespread recognition of the need for employment provision, it appears that, in practice, the measures taken by UNTAES were insufficient. UNTAES's initiatives were limited to guarantees of employment security and ethnic proportionality, leaving employment creation to the Croatian government. Such a course of action proved inadequate as it left a crucial aspect of the peace process unaddressed.

Several commentators have blamed the nationalistic leanings of the Tuđman government for the lack of an active economic development policy and of a reconciliation programme that would have attracted foreign assistance. While such claims are easily substantiated, it also appears that, in view of the severe economic constraints on the country's resources, economic reconstruction and development required more substantial support from the international community. Had there been a genuine long-term commitment to peacebuilding and to the people of Eastern Slavonia, it would have been possible to find ways of acting

[108] See Pjer Šimunović, 'A Framework for Success: Contextual Factors in the UNTAES Operation in Eastern Slavonia,' *International Peacekeeping*, vol. 6, no. 1, Spring 1999, p. 131.

without allowing concerns over the political acceptability of the administration to be such a barrier for international involvement. However, this was not the case and, as a consequence, the long-term success of an otherwise commendable mission is far from assured.

6. The Reintegration and Regulation of Education

This chapter looks at the way in which the educational system in Eastern Slavonia was reintegrated into the Croatian educational system. It begins with a presentation of the agreements signed by representatives of the Croatian authorities and of local Serbs, followed by an analysis of the content and implications of the agreements. It then turns to consider the implementation record of the Croatian government and their activity in the sphere of education, focusing on three aspects: minority education, reconciliation as an element of educational curricula, and the general post-reintegration organisation of schools and teaching in Eastern Slavonia. The analysis will show that the agreements on education negotiated by UNTAES paid insufficient attention to reconciliation. It will be argued that, in the absence of a national reconciliation programme and of a coherent governmental approach to the organisation of education in Eastern Slavonia, the otherwise commendable efforts to protect minority educational rights contributed to the preservation of an ethnically divided society in the region.

6.1. UNTAES and the reintegration and regulation of education

UNTAES's task to reintegrate the regional public services of Eastern Slavonia within the Croatian national system included involvement in the organisation of the educational sector. This task was not specifically mentioned in the Basic Agreement or in Resolution 1037. The Secretary General, however, referred to education in the Report preceding the adoption of Resolution 1037 as one of the

areas of activity of the implementation committee on the restoration of public services, together with health, communications, transport, energy supply, water, sanitation, and waste disposal.[1] In addition, he suggested setting up a separate implementation committee on education and culture with two tasks: the establishment of procedures and regulations relating to the educational curriculum, and the support of minority education, culture, and language use.[2] Hence, the role of education in the protection of minority rights was acknowledged in the report of the Secretary General and, as will become apparent below, received considerable attention in the implementation of the mandate. The potential effect of education, positive or negative, on the reconciliation and restoration of trust among former enemies, however, was not explicitly recognised in any of the documents that defined the UNTAES mandate. This was despite the inclusion of reconciliation and confidence building as key elements of the peaceful reintegration of Eastern Slavonia in the Transitional Administration's mandate. The way in which these two aspects of education policy, minority rights and reconciliation, were addressed in the reintegration process is presented below.

6.1.1. Protection of minority educational rights

The Government's Letter of Intent of January 1997 endorsed educational rights for the Serbian minority in Croatia. Article 7 guaranteed a post in the Ministry for Education, at a level not below that of assistant minister, to a representative of the

[1] Report of the Secretary General on Croatia pursuant to Security Council Resolution 1025 (1995), UN Doc. S/1995/1028, 13 December 1995, para. 16c.

[2] *Ibid.*, para. 16d.

Serbian minority.[3] Moreover, the Serbian minority was given the same rights as other minorities in Croatia, including the right to prepare and carry out an educational programme that fostered cultural identity, history, and heritage, in accordance with rights and privileges guaranteed by international education and cultural standards as well as Croatian legislation.[4]

The reintegration of the educational system was regulated by the JIC on Education and Culture. According to Gravelle, this was one of the implementation committees where progress was slowest, mainly because of lack of agreement on curriculum issues.[5] In August 1997, the Letter of Agreement between the Ministry of Education and the Regional Education System was signed by the Croatian Minister for Education and a representative of the Serbian Regional Education System in the presence of an UNTAES official.[6] This agreement covered decisions on educational curriculum for Serbian minority schools and broader concerns of cultural autonomy and consisted of four separate documents: the Agreement on the Distribution of Principal Positions (mentioned in the previous chapter), the Declaration on Certification and Recognition of Qualifications, the Declaration in Recognition of Educational Rights for Minorities, and the Decision on Temporary Educational Curriculum for the Serbian Ethnic Community.

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[3] Letter from the Government of Croatia addressed to the President of the Security Council (Letter of Intent), text reported in UN Doc. S/1997/27, Annex, 13 January 1997, Art. 7.

[4] *Ibid.*, Art. 8.

[5] Robert Gravelle, *UNTAES: A Successful United Nations Mission*, unpublished manuscript, pp. 25-7.

[6] Letter of Agreement between the Ministry of Education and Sport and the UNTAES Regional Education System, 7 August 1997.

The Declaration on Certification and Recognition of Qualifications signed by a representative of Croatian authorities in the presence of an UNTAES official on 12 March 1997 recognised the qualifications obtained in the schools in Eastern Slavonia from the academic years 1991/92 to 1997/98. To recognise educational achievements, certificates issued in the schools in the region administered by UNTAES during the stated period were to be replaced by bilingual certificates (in Latin script and Croatian language and Cyrillic script and Serbian language) issued by the Croatian authorities. While differential examinations were not required in any subject, non-obligatory supplementary educational programmes were offered to interested students.[7]

The Declaration in Recognition of Educational Rights for Minorities contained four provisions. Firstly, it stipulated that schools in the region administered by UNTAES would bear neutral names for at least three years. Secondly, schools that were present in the region at the time of signing were to continue to function until the school system was reviewed by the Ministry of Education in consultation with the minority group representatives. Thirdly, the right of minorities to be educated in their own language and script was reaffirmed. Lastly, a moratorium on the teaching of recent history, namely that referring to the dissolution of former Yugoslavia and the wars in its former constituent republics, was to be

[7] Declaration by the Government of the Republic of Croatia on Certification and Recognition of Qualifications within the Framework of Educational Rights in Eastern Slavonia, Baranja and Western Sirmium, 11-12 March 1997.

maintained for five years. The Declaration was signed by the Minister for Education and Sport in the presence of an UNTAES officer.[8]

The final part of the Letter of Agreement on Education, the Decision on Temporary Educational Curriculum for the Serbian Ethnic Community, set out the elements of minority education for the academic year 1997/98. The Ministry of Education recognised the right of the Serbian minority to education in Serbian language and Cyrillic script and to teaching of FRY geography, Serbian national history, orthodox religion, and Serbian art and music, in addition to the standard syllabus taught in schools throughout Croatia.[9]

6.1.2. Education as an element of post-conflict reconciliation

Without questioning the right of minorities to education in their own language and with an emphasis on their own national history and culture, it can be noted that the regulation of education, as negotiated by UNTAES, failed to consider the role of education in the reconciliation of the population in the Danube region. The need for a reconciliation programme that would rebuild a functioning multi-ethnic community was repeatedly emphasised in the Secretary General's reports to the Security Council, in particular when increasing numbers of Croats started to return to the region and tensions between them and the Serbian population were

[8] Declaration by the Government of the Republic of Croatia as represented by the Ministry of Education and Sport in Recognition of Educational Rights for minorities in Eastern Slavonia, Baranja and Western Sirmium, 6 August 1997.

[9] Decision on temporary educational curriculum for members of the Serbian national minority or ethnic community in Republic of Croatia for 1997/1998 academic year, 4 August 1997.

registered by UNTAES.[10] The Secretary General stated in his reports that the restoration of the multiethnic character of the region, through the return of refugees and displaced persons, and the establishment of confidence and respect for human rights, was one of the objectives of the Basic Agreement.[11] The report of December 1997 went further by stating that national reconciliation was the essential factor in the ultimate success of peaceful reintegration.[12] Education, however, was never explicitly mentioned in connection with a reconciliation and confidence-building programme. Consequently, during the reintegration of the educational system, the emphasis was on the promotion of minority rights, whilst the potential reconciliatory elements of education - integrated schools, multicultural education, a conciliatory interpretation of history, and the inclusion in the educational programme of values, such as tolerance and diversity, and skills, such as conflict resolution, negotiation, and mediation - were not addressed.

The civil affairs component of UNTAES did not address the challenges of education in a post-conflict environment. Its contribution to ethnic reconciliation and confidence building consisted of arranging family reunions, organising the Sunday-market on the road between Osijek and Klisa, and conducting a public affairs and information campaign. In addition, the implementation system devised by UNTAES – the Joint Implementation Committees - helped to foster dialogue between Serbs and Croats at the local level. Ultimately, however, reconciliation

[10] Report of the Secretary General on the Situation in Croatia, UN Doc. S/1997/487, 23 June 1997, para. 45.

[11] *Ibid.*, para. 46.

[12] Report of the Secretary General on the United Nations transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN. Doc. S/1997/953, 4 December 1997, para. 8.

was perceived to be the responsibility of the Croatian authorities. Security Council Resolution 1120 of July 1997 reaffirmed the importance of Croatia's commitment in the Basic Agreement 'to promote an atmosphere of confidence among local residents regardless of their ethnic origin' and called upon the Croatian authorities to initiate a 'public programme of national reconciliation'.[13] Croatia was made solely responsible for such a programme in statements from the Secretary General and the Security Council. Resolution 1120 identified as 'the essential prerequisite for the successful completion of peaceful reintegration (...) the full cooperation of the Government of the Republic of Croatia, which bears the responsibility for convincing the local population that the reintegration of the people of the Region is sustainable and that the process of reconciliation and return is irreversible'.[14] Similarly, the Secretary General observed that, 'in the final analysis, it is the Croatian authorities that are responsible for the successful completion of peaceful reintegration of the region and the true reconciliation of the people.'[15]

In October 1997, under international pressure and following persistent encouragement by the Transitional Administrator, the Government adopted the Programme for Confidence Building, Accelerated Return, and Normalisation of Living Conditions. Its goals included the creation of a general climate of tolerance and security, the realisation of equality of all citizens, the establishment of trust between all citizens and authorities, the creation of conditions for normalisation of life, the return of all Croatian citizens to their homes, and the building of a

[13] Security Council Resolution, UN Doc. S/RES/1120 (1997), 14 July 1997, paras. 2, 16.
[14] Ibid, para. 18.
[15] UN. Doc. S/1997/953, para. 33.

democratic society.[16] The Programme for Confidence Building identified as its areas of competence the political and legal fields, administration and policing, economic and social affairs, media, culture, reconstruction, return, and education.

In the political field, the activities envisaged by the Programme for Confidence Building were limited to public statements by various state officials expressing their commitment to the Programme and recommending to the media and professional and religious associations that they promote tolerance, reconciliation, and coexistence. In the legal sphere, in addition to public statements reiterating the government's commitment to human rights, the Programme for Confidence Building called for increased efforts in the implementation of the Amnesty Law, for the preparation of a public information programme regarding the role of the Ombudsman within the state administration and for the prosecution of war criminals. In Administration and Internal Affairs, the Programme for Confidence Building included an internal informational campaign on the importance of treating all citizens equally, measures against state employees and officials that acted contrary to the Programme, renewed commitment to an equitable ethnic composition of the police force in the reintegrated areas and special training for police officers working in areas of return. Prioritising the reconstruction and economic development of the reintegrated areas, organising a donors' conference, implementing active policy measures regarding employment and redeveloping agriculture and tourism were, together with public statements by government

[16] Government of the Republic of Croatia, Programme for Confidence Building, Accelerated Return and Normalisation of Living Conditions in the War Affected Areas of the Republic of Croatia, 2 October 1997; henceforth referred to as Programme for Confidence Building. *Odluka o osnivanju nacionalnog odbora za ostvarivanje programa uspostave povjerenja, ubrzanog povratka i normalizacije života na ratom stradalim područjima Republike Hrvatske,* br. 081-97-1596/1, 9 October 1997. See also UN. Doc. S/1997/953, para. 8.

ministers about equality of access to government funding and employment, the elements of the Programme in the economic sphere. Reconstruction of the infrastructure and equality of access to employment and to social and health services constituted the activity of the Programme in the area of social welfare. With respect to the media, the Programme recommended the promotion of equality, coexistence, tolerance, and respect for human rights, while its cultural policy focused on the respect for cultural heritage and the preservation of national and ethnic identity. In addition to this, the government pledged to take necessary measures to accelerate the reintegration of the area under UN administration and to bring about the fastest, most secure, and well-organised return of Croatian citizens.[17]

The Programme for Confidence Building reserved limited attention for the educational system in Eastern Slavonia. It tasked the Ministry of Education with the organisation of seminars for teachers and school principals, of student competitions, of meetings and field days for students, and of special programmes and activities for gifted students. While the topics and themes for seminars, competitions, and special activities were not specified, in its last provisions on education the Programme for Confidence Building did call for the introduction of educational programmes that promoted tolerance, equality, and respect for human rights. Thus, the possibility of introducing topics appropriate to a post-conflict situation into the education curriculum in the region administered by UNTAES was recognised, on paper at least. The Programme did not specify what education that promotes tolerance, equality, and respect for human rights would consist of or

[17] *Ibid.*

in what form it should be introduced in the school system. Indeed, beyond merely stating that the Ministry of Education should give special attention to peace education, the Programme gave very little indication as to necessary approach. Moreover, after a brief period of activity, the Programme for Confidence Building soon became dormant and many of its provisions, including those relating to an educational programme that would promote tolerance, equality, and respect for human rights, were never initiated.[18]

6.2. Assessment of UNTAES's education policy

This section assesses the content and implications of the agreements that regulated the reintegration of education. The focus of the analysis is on three features of the approach taken, which are considered in greater detail below. First, while the agreements set high standards of protection for the educational rights of the Serbian minority, the role of education in promoting reconciliation was not addressed. Second, the agreements set the preconditions for the education of the Serbian minority to be carried out in separate classes, which promoted ethnic separation among children and had, hence, an adverse effect on the reconciliation process. Third, the policy was dominated by the short-term imperatives of reaching an agreement rather than the long-term aspects of the policy and its consequences. It can be argued that all three features derived from a key fault-line, the choice between minority protection and reconciliation. While, in principle, the two need not be mutually exclusive, it will become apparent below why and how they turned out such in the case of Eastern Slavonia.

[18] See section 6.3.2 below.

6.2.1. No reconciliation programme

The agreements regulating the reintegration of the educational system did not call for the inclusion, in the educational curriculum, of a peace education programme that would promote reconciliation through the promotion of human rights and the value of diversity, tolerance and the multicultural character of the region, as well as the teaching of skills such as conflict resolution, negotiation, and mediation. As the discussion on education presented in Chapter Three suggests, it has been increasing recognised that an educational curriculum incorporating these elements can contribute to the creation of a peaceful multiethnic society and of a common civic identity in addition to the ethnic identity.[19]

A reconciliation programme within the schools, however, was not devised despite the fact that the region had experienced fierce inter-ethnic conflict, and that one of the aims of peaceful reintegration, as argued in Chapter Four, was the establishment of a multi-ethnic society. In fact, beyond stating that the curriculum for minority education needed to contain themes from the literature, culture, and history of the minority, the four documents regulating the reintegration of education did not mention any other educational programmes that might or needed to be included in the curriculum.

[19] Sean Byrne and Laraleigh Keashly, 'Working with Ethno-Political Conflict: a Multi-Modal Approach,' *International Peacekeeping*, vol. 7, no. 1, Spring 2000, pp. 97-120; Elisabeth Nissan, *Sri Lanka: A Bitter Harvest* (London: Minority Rights Group, 1996); Sheila Aikman, 'Intercultural Education in Latin America,' in David Coulby, Jagdish Gundara and Crispin Jones, *World Yearbook of Education: Intercultural Education* (London: Kogan Page, 1997). See the discussion on education in Chapter Three.

The JIC on Education introduced a five-year moratorium on the teaching of history referring to the former Yugoslavia and its former constituent republics during the period 1989 to 1997 inclusive. It is unclear whether the moratorium was introduced in order to protect schoolchildren from one-sided interpretations of the break-up of Yugoslavia and the ensuing wars or as a stopgap measure to overcome the inability of the JIC to reach a constructive agreement.[20] The leader of the local Serbs, Vojislav Stanimirović, interpreted the moratorium as a means of protecting the Serb population and ensuring that Serbian children would not be exposed to an interpretation of the events that incriminated their ethnic group.[21] However, the moratorium also meant that the causes of the conflict and the atrocities committed would not be addressed in an educational environment. By banning such topics from schools, the parties involved in the reintegration of Eastern Slavonia – the Croatian and Serbian representatives as well as the international community - missed an opportunity to educate future generations and try to encourage them to take a positive stance on reconciliation. Instead, these issues were addressed by other elements of society (parents, media, pressure groups), which because of the general atmosphere of hatred and mistrust, were likely to promote one-sided interpretations incriminating one or the other side. As Mirko Marković, a history teacher of Serbian ethnicity from Baranja, pointed out:

> The lack of information about the events from 1989 to 1997 raises a lot of questions from students, who are confused by the information they receive from their families and the media, and not from schools in which they are supposed to be educated. Lack of knowledge, together with the selective and subjective

[20] This issue is discussed further in the section on the short-term nature of the agreements. See section 6.2.3. below.

[21] Vojislav Stanimirović, President of SDSS and former Serb representative in the process of peaceful reintegration, interviewed by the author, Vukovar, 10 February 2003.

> information from families and the media have the potential to cause inter-ethnic tension.[22]

On the one hand, by introducing the moratorium, conflict at the JIC negotiations was avoided, as were one-sided interpretations and accusations by schoolteachers. On the other hand, an important opportunity was missed to promote a conciliatory interpretation of history as an alternative to nationalistic interpretations of the events prevailing in the society.

6.2.2. Promoting segregation

A key shortcoming of the educational policy agreed for Eastern Slavonia was that, in addition to not containing any provisions for the inclusion of educational programmes that would encourage reconciliation, the policy actually contributed to the continued separation of society along ethnic lines. The agreements that regulated the reintegration of education in Eastern Slavonia within the Croatian educational system asserted the right of the Serbian minority to be educated in their own language and script. This right was exercised by setting up separate and parallel classes with teaching in the Serbian language and those with teaching in the Croatian language. While the protection of minority educational rights is an undisputed priority of a democratic system, when the society in question had experienced violent ethnic conflict leading to ethnic polarisation, separate

[22] Mirko Marković, 'History teaching in Croatia', seminar organised by the Council of Europe, Zagreb, 5 April 2003.

education can perpetuate divisions and stall the creation of an integrated multi-ethnic society.[23]

According to the 1992 Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia, minority education, or the programme of education through which members of national minorities can develop knowledge of their language, culture, geography and history, can take two forms. The first is 'mother tongue education', where all lessons take place in the language and script of the minority except for the teaching of Croatian language and literature which is carried out in Croatian. The second model is the introduction of so called 'nurturing classes', which are additional to standard school lessons and cover the language, literature, history, geography and culture of the minority. Teaching under both models follows the Croatian national curriculum with the inclusion of topics important to the minority.[24]

After reintegration, education for the vast majority of Serbian children in Eastern Slavonia followed the first model and was carried out in the Serbian language and Cyrillic script, from kindergarten to the completion of secondary school. As explained by the local Serb leader Stanimirović, after reintegration, Serb minority teaching in the Danube region followed the educational syllabus defined by the Croatian Ministry of Education, with textbooks translated in Serbian language and

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[23] See discussion on education, above pp 59-65.

[24] Parliament of the Republic of Croatian, *Ustavni zakon o ljudskim pravima i slobodama i o pravima etničkih i nacionalnih zajednica ili manjina u Republici Hrvatskoj* (Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities), klasa 016-02/91-01/02, 3 June 1992, Arts. 14-15.

Cyrillic script. For those topics on which necessary literature was not available in Croatia, such as Serbian national history, literature, and culture, textbooks and programmes from the FRY were used.[25] Combined with the right of ethnic minorities to education in their own language and script, such a programme assured a high level of educational autonomy in accordance with Croatian legislation.[26]

A negative consequence of the agreed policy on minority education, however, was that, with the return of Croats, schools or sections within schools with an educational programme in the Croatian language had to be established in parallel with those with teaching in the Serbian language. As a consequence, in the academic year 2001-02 only one out of seven primary schools in Vukovar offered classes in both languages in the same building, and then in different shifts. The only primary school in Vukovar in which children of different nationalities attend classes together is the school for children with special needs. The extent of ethnic separation among the children is evident from the ethnic structure in a sample of schools in Vukovar in 2001 where 81.7% of pupils in Croatian language sections were Croatian, and 89% of students in Serbian language sections belonged to the Serbian minority (see Tables 6 and 7).[27] A similar division can be observed among teachers, where, in 2001, 74% of teachers in Croatian language sections

[25] Stanimirović, interview.
[26] See Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities.
[27] Dean Ajduković and Dinka Čorkalo, *Attitudes toward education in Vukovar, Study Report*, unpublished manuscript (Zagreb, November 2002). The sample included 25% of the primary school population and 15% of the secondary school population. See *Ibid.*, p. 4.

were Croatian and 62.2% of teachers in Serbian language sections were Serbian (see Tables 8 and 9).[28]

Table 6: Nationality of pupils in Croatian language programme in a sample of schools in Vukovar, 2001

NATIONALITY	Number	Percentage
Croats	282	81.7
Ruthemians	21	6.1
Serbs	14	4.1
Ukrainian	9	2.6
Hungarians	2	0.6
Others	4	1.2
Uncommitted	1	0.3
Undeclared	12	3.5
TOTAL	345	100

Source: Ajduković and Čorkalo, Attitudes toward education in Vukovar, Study Report, p. 6.

Table 7: Nationality of pupils in Serbian language programme in a sample of schools in Vukovar, 2001

NATIONALITY	Number	Percentage
Serbs	332	89.0
Mixed	5	1.3
Ukrainians	5	1.3
Ruthenians	3	0.8
Croats	2	0.5
Hungarians	1	0.3
Bosniacs	1	0.3
Uncommitted	9	2.4
Undeclared	15	4.0
TOTAL	373	100

Source: Ajduković and Čorkalo, Attitudes toward education in Vukovar, Study Report, p. 7.

[28] *Ibid.* The sample includes teachers of the so-called national group of subjects (language and literature, history, geography, music and art), school principals, and their deputies. See *Ibid.*, p. 4. Note the relatively high percentage of teachers in both Croatian and Serbian sections (22% and 26.7% respectively) that decided not to disclose their ethnic affiliation.

Table 8: Nationality of teachers in Croatian language program in a sample of schools in Vukovar, 2001

NATIONALITY	Number	Percentage
Croats	37	74
Ruthenians	2	4
Undeclared	11	22
TOTAL	50	100

Source: Ajduković and Čorkalo, Attitudes toward education in Vukovar, Study Report, p. 8.

Table 9: Nationality of teachers in Serbian language program in a sample of schools in Vukovar, 2001

NATIONALITY	Number	Percentage
Serbs	28	62.2
Croats	2	4.4
Others	3	6.6
Undeclared	12	26.7
TOTAL	45	100

Source: Ajduković and Čorkalo, Attitudes toward education in Vukovar, Study Report, p. 8.

The discussion of the theoretical foundations of the approach underlying this thesis, and more precisely the contact hypothesis, emphasised that while segregation may in the short term contain ethnic tension, in the long term it perpetuates divisions and can contribute to ethnic tension. Interethnic contact, on the other hand, is an important tool for the reconciliation of conflicting groups and the maintenance of peaceful relations. Empirical evidence for the above can be found in mixed Muslim-Hindu communities in India and parts of Northern Ireland.[29] Mixed or integrated schools are one way of promoting integration in society. They provide the opportunity for non-conflictual, constructive, and rewarding relationships to develop between individuals from different groups.

[29] Ashutosh Varshney, *Ethnic Conflict and Civic Life* (New Haven and London: Yale University Press, 2002); John Darby, *Intimidation and the Control of Conflict in Northern Ireland*, (Dublin: Gill and MacMillan, 1986).

Moreover, schools provide learning opportunities beyond the content formally taught in the lessons, and, as a consequence, if the message children receive from the way the educational system is organised is the need for ethnic separation, this message can be transferred outside the school environment and influence inter-ethnic relations in general.[30] This phenomenon is further exacerbated when, as in Eastern Slavonia, because of space constraints, different class divisions are assigned different shifts within a single school. This makes inter-ethnic contact outside schools difficult as while Croatian children are in the playgrounds, Serbian children are at school, and vice-versa.

Separate education for Croats and Serbs stands in sharp contrast to the situation before the war. The former Yugoslavia promoted an integrated school system. As there was no common language that had the status of official language in the country, all the languages belonging to nations and nationalities had equal status in all the Republics.[31] The right to mother tongue education was guaranteed in the 1974 Constitution of the SFRY to all the nations and nationalities as a manifestation of their equality within the Yugoslav federation.[32] As a consequence, members of each nation or nationality had the right to mother tongue education in whichever of the Yugoslav republics they lived in. However,

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[30] See Ajduković and Čorkalo, *Attitudes toward education in Vukovar,* p. 22.

[31] The SFRY was officially made up of nations, nationalities, and ethnic groups. The term 'nation' designated a national group, resident wholly, or mainly, in Yugoslavia – Slovenes, Croats, Serbs, Montenegrins, Macedonians, and Muslims from Bosnia; 'nationalities' were groups which resided mainly in a neighbouring nation or some other country, such as Albanians, Italians or Hungarians, who, at least in principle, enjoyed a high level of autonomy (The situation of the Albanian minority in Kosovo and Macedonia shows the extent to which practice failed to meet the standards set in principle). 'Ethnic groups', such as Romanies and Vlachs were an exception to the principle of equality and were perceived as people at a lower level of ethnic organisation, with a primarily oral tradition and no written literary language.

[32] *Ustav SFRJ – Ustav SRH* (Zagreb: Pregled, 1974). See also Jadranka Čačić-Kumpes, 'Odgojno-obrazovni sustav i etnički konflikt (primjer bivše Jugoslavije),' *Migracijske teme*, vol 8, no. 1, 1992, p. 6.

while the 1979 Law on the Upbringing and Education in the Languages of Nationalities[33] regulated the rights of members of nationalities, the education of members of nations who lived outside the territory of their own Republic, for instance Serbs living outside Serbia, was not regulated by a similar statute, although according to the 1974 Constitution, the members of any constitutive Yugoslav nation who lived outside their own Republic had the *right* to mother tongue education.[34] Despite this Constitutional provision, they generally lacked the *opportunity* to exercise that right, as there were no arrangements in practice for the teaching of their mother tongue, history, and culture. As an example, because they were members of a 'constituent nation' category, Serbs or Slovenes in Croatia were not provided with their own schools and textbooks. They were, in other words, denied the possibility to develop their own ethnic identity through mother tongue education, cultural and art societies, publishing and media activities, while such an opportunity was available to national minorities, such as Italians and Hungarians, who were able to educate their children in minority schools, following special textbooks in their mother tongue, had cultural centres and maintained publishing and media activities. Paradoxically, the rationale behind such a distinction was the belief that 'constituent nations' of Yugoslavia had all their national rights guaranteed wherever they were and, hence, did not need special protection, which was given to nationalities, i.e. national minorities.[35]

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[33] Parliament of the Socialist Republic of Croatia, *Zakon o odgoju i obrazovanju na jezicima narodnosti* (Law on the Upbringing and Education in the Languages of Nationalities), broj: 718-79, 4 June 1979.

[34] 'Members of the nations and nationalities of Yugoslavia shall, on the territory of each Republic and/or Autonomous Province, have the right to instruction in their own language in conformity with statute.' *Ustav SFRJ – Ustav SRH*, Ch. III, Art. 171.

[35] Čačić-Kumpes, 'Odgojno-obrazovni sustav i etnički konflikt', p. 7, n. 2. See also the discussion of the educational curricula in former Yugoslavia on pp. 181-82 below.

While educational autonomy is indeed a right of the Serbian population in a country, such as Croatia, where they are not considered a constitutive nation, separate education for Serbs in Eastern Slavonia had a number of negative consequences, not only for the progress of reconciliation in the region but also for the status of the Serbian minority itself, as separation contributed to their marginalisation and made minority education less attractive to the members of the minority. In fact, since reintegration, Serbian language schools and sections have experienced a general decline in the number of students, leading to the closure of Serbian language sections in some schools. For instance, after reintegration and until the year 1999-2000, the school in the village of Čakovci, offered both Serbian and Croatian language education. By 1999, the number of Serbian language students had fallen from about 100 to 12. In a survey of parents of children in Serbian classes, some parents decided that their children would follow Croatian language education in their local school, while others preferred that their children be transferred to a Serb language only school in the nearby village of Negoslavci (see Table 10).[36] The main reason for this decline was the return of Serbian IDPs from other parts of Croatia back to their homes, as well as emigration to FRY and other countries. In addition, whilst, during the 'RSK' years, it was common practice for young people from Eastern Slavonia to go to universities and even find employment in Serbia, this alternative has proved much less popular since reintegration, not least because of the economic situation in Serbia. Hence, there is a limited but increasing number of Serbian pupils,

[36] Information provided by Richard Gowan, formerly of the OSCE Field Centre in Vukovar, on basis of interview with principal of Čakovci Primary School, 1 July 2003. This Chapter draws heavily on interviews conducted by Richard Gowan for the purposes of an OSCE report by Steve Degeneve and Richard Gowan, *Minority Education in the Republic of Croatia: a Case-Study in Vukovar-Sirmium County,* OSCE Field Centre Vukovar, August 2003, accessible online at http://www.osce.org/croatia/human_rights/minotiry_education.php3.

especially in secondary schools, that enrol in Croatian language class divisions because of the belief that this would better prepare them for Croatian universities and employment in Croatia.[37]

Table 10: Number of students in Serbian language class divisions in Vukovar-Srijem County, 1998-2003

SCHOOL	1998-9	1999-2000	2000-1	2001-2	2002-3
Mirkovci	125	107	108	104	93
Stari Jankovci	83	74	74	77	70
Ilaca-Banovci	32	30	26	28	30
Mixed schools outside Vukovar	**240**	**211**	**208**	**209**	**193**
Bobota	295	291	266	265	255
Borovo	426	386	382	393	350
Markusica	241	236	219	227	244
Negoslavci	204	185	175	144	137
Trpinja	134	127	130	130	131
Schools in Serb-majority municipalities	**1300**	**1225**	**1172**	**1159**	**1117**
Vukovar 2	291	251	212	190	167
Vukovar 4	327	216	200	150	143
Vukovar 5	604	534	441	381	361
Vukovar Schools	**1222**	**1001**	**853**	**721**	**671**
TOTAL	**2762**	**2437**	**2233**	**2089**	**1981**

Source: Ured državne uprave u Županiji Vukovarsko-Srijemskoj (State Administration Office in Vukovar-Srijem County), Vukovar, 2003.

While, in Croatia, the right to minority education is guaranteed by law, the decision on the setting up of separate class divisions, sections or even minority schools should take into consideration their likely effect on the local community as a whole and the position of the minority within it. Distinct minority sections

[37] Information provided by Richard Gowan on basis of interview with principal of Economics Secondary School Vukovar, 23 June 2003.

and schools are a way of protecting the minority from assimilation; however, by including children from the majority population, such schools can actually encourage multi-culturalism and the integration of the minority in the wider community. Both the majority and the minority can then learn about each other's history and culture. An integrated school can provide an opportunity for children and youth to meet and communicate in a safe environment, to reduce prejudice and foster interethnic and inclusive societal relations. In Croatia, a positive example of such an arrangement is provided by the Italian minority, whose schools are open and attractive to children from the majority as well as the Italian minority. The reputation of minority schools does not depend solely on the schools as such, but also on the majority-minority relationship, which in the case of the Italian minority is positive and constructive. If there are tensions between the minority and the majority, as is the case with the Serbian minority in Eastern Slavonia, separate education can, in the short term, reduce the opportunities for and occurrences of violent conflict by reducing contact. In the long term, such an approach is not conducive to reconciliation and a multiethnic society, as it contributes to the projection of segregation into the future and the marginalisation of the minority. In fact, in such situations, minority schools are not attractive to members of the majority and may, as the trend of decreasing numbers of pupils in Serbian language sections suggests, not be attractive to members of the minority either, who may wish to be integrated more fully in society.[38]

These observations notwithstanding, there is no consensus on the effect of education on society. Indeed, the opposite argument that the educational system,

[38] *Ibid.*

its organisation, and the teaching curriculum are merely the product and reflection of society has also been expressed with reference to Eastern Slavonia. For instance, the President of the Serb National Council in Croatia, Milorad Pupovac, noted that in Eastern Slavonia separate schools are the result of overall segregation that is present not only in schools but in society as a whole, and not vice-versa.[39] Such an interpretation of the role of education in society is deterministic and emphasises the domination of structure over agency. Moreover, there are examples that illustrate how relations in society can be transformed by deliberate action. The organisation of the police force in Eastern Slavonia, for instance, provides a positive example of how insistence on multi-ethnicity in police patrols contributed to the rebuilding of societal ties.

The Transitional Police Force (TPF), set up by UNTAES in July 1996, was originally composed of 2038 police officers, of which 1150 Serbs, 836 Croats and 52 officers belonging to another ethnic group.[40] The Memorandum of Understanding on the Restructuring of the TPF, signed by the Croatian Minister of the Interior and the Transitional Administrator Jacques Klein in June 1997, set the objective of achieving a balance between Croats and Serbs in the police force, reflecting the population ratio in the region in accordance with the 1991 census. Hence, at the end of UNTAES's mandate, the multi-ethnic TPF comprised 815

[39] Milorad Pupovac, President of the Serb National Council, interviewed by the author, Zagreb, 12 December 2002.

[40] Robert Gravelle, *The United Nations Police Support Group Croatia: After- Mission Report*, unpublished manuscript, p. 1.

Croat officers, 811 Serb officers and 52 officers from other ethnic groups.[41] Both the local Serb leader Stanimirović and former Deputy Transitional Administrator Souren Seraydarian - who was later Head of the UN Police Support Group in Eastern Slavonia - confirmed that the multiethnic character was respected in all the police stations and that police patrols were, as far as possible, multiethnic.[42] According to the Transitional Administrator Klein, ethnically mixed patrols were crucial for gaining the trust of the population and rebuilding social ties.[43]

Learning from the experience of the police force, it could be argued that, had education been organised as primarily multiethnic, with integrated schools and special educational programmes promoting ethnic tolerance and peace, it too would have had a more positive role in the promotion of reconciliation in Eastern Slavonia. Admittedly, there are considerable differences between police patrols and schools and the effects would not have been identical. One important difference is that education is often used to communicate political messages. Stanimirović confirmed this view by describing education as a vessel for the communication of 'truth', and as in Eastern Slavonia there are two different and irreconcilable 'truths' this would have been a key obstacle to a more constructive approach to education.[44] This statement highlights two possible motives of the

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[41] United Nations Lessons Learned Unit, Department of Peacekeeping Operations, 'Comprehensive Report on Lessons Learned from UNTAES,' last updated on 9 December 1999, accessed online at http://www.un.org/Depts/dpko/lessons/untaes.htm on 26 November 2001, para. 50.

[42] Stanimirović, interview; Souren Seraydarian, former Deputy Transitional Administrator and former Head of UN Police Support Group, interviewed by the author, Sarajevo, 19 November 2002.

[43] Jacques Klein, former Transitional Administrator of Eastern Slavonia, interviewed by the author, Sarajevo, 19 November 2002.

[44] Stanimirović, interview.

agreed educational policy, the politicisation of education, and the difficulties in reaching agreement, which are considered in the next section.

6.2.3. Short-term focus of policy provisions

The third characteristic of the agreements regulating the reintegration of the educational system considered here is their short-term focus. It appears that the long-term prospects of reconciliation were made secondary to the short-term objectives of reaching an agreement on more functional aspects of reintegration. By separating education for Croats and Serbs, conflict was, in the short term, contained. In the long term, however, this arrangement became a barrier to reconciliation. Similarly, an objective and complete account of history would have required a thorough investigation of events, and was likely to encounter opposition from both Serb and Croat nationalists. With the introduction of the moratorium on the teaching of recent history, the need to consider the recent events objectively and, thus, also any ensuing disagreements and conflicts were avoided and the debate postponed. In the same way, prolonged discussions on the content of an educational programme on peace and reconciliation were avoided by not including such elements in the curriculum. Hence, the agreements failed to address the long-term objectives of reconciliation and the integration of the Serbian minority in the wider society.

The short-term focus of the decisions that regulated the reintegration of education can be linked to the difficulties faced by the JIC on Education and Culture in reaching agreement. Indeed, the organisation of the educational system was one

of the most contentious aspects of the reintegration process.[45] Disagreements on the content of school curricula brought the JIC to a standstill and, in response, the Transitional Administrator replaced the JIC with an independent body chaired by UNTAES and consisting of one expert from each side.[46] There is nothing in the agreements to show that the Committee considered a curriculum that would promote reconciliation so it is unclear whether the question was dropped or whether no attempt to define such a curriculum was made.[47] The strategy may have been to avoid being bogged down in irreconcilable disagreements and leave it for the Croatian authorities to solve these issues at a later point. In fact, the Croatian government was required to draft and implement a reconciliation programme, which would include education.[48] However, as the President of the Serbian National Council pointed out, the situation remained unchanged as late as 2002:

> Objectively speaking, there are more reasons for integrated than for separated schools. However, the Ministry for Education has not been able to provide the necessary requirements for integrated schools to be established: educational programmes, textbooks, and teachers that would not promote the ethnocentric views of the Croatian majority.[49]

At the same time, it can be argued that segregation in schools and the avoidance of a reconciliatory educational programme were in the interest of nationalists who

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[45] Gravelle, *UNTAES*, pp. 25-27.

[46] Lessons Learned Unit, 'Comprehensive Report on Lessons Learned from UNTAES,' para. 116.

[47] In conversations with the author, several OSCE officials in Vukovar and Osijek, who wish to remain anonymous, have described the members of the JIC on Education and Culture as nationalists.

[48] See pp. 155-57 above.

[49] Pupovac, interview, 2002.

dominated the politics of the region during and after reintegration. For politicians who rely on nationalists for votes and support, an educational system that perpetuates ethnic divisions can be an effective way of staying in power.[50] All elections conducted in Eastern Slavonia from 1997 resulted in a polarised victory of the Serbian SDSS and the Croatian HDZ, with the only non-ethnic party, the SDP, barely visible.[51] Moreover, it is telling that the HDZ and the SDSS, the two parties that rely on the support of nationalist elements of the electorate, have remarkably similar positions concerning the establishment of separate schools for the Serbian minority. Both political parties are officially in favour of separate minority schools,[52] while less nationalist parties such as the Liberal Party (LS) and the Croatian People's Party (HNS) have been more concerned about the potential consequences of setting up such schools, namely segregation and the marginalisation of the Serbian minority.[53]

As an exception to this short-term approach, the agreements set high standards of protection for minority educational autonomy, which, as an unalienable right of the Serbian ethnic minority in Croatia, as well as a very important defence against assimilation, revenge, and oppression from Croats, was of political importance to the parties involved in the reintegration process. Indeed, the UN 'lessons learned' study of UNTAES identified 'the ability of Serb citizens to enjoy educational and cultural autonomy, as guaranteed by Croatian law and the Government's letter of

[50] The possible influence of political vested interest on the way education was organised in Eastern Slavonia was mentioned by Prof. Frances Stewart in a discussion with the author.

[51] Ružica Vidaković, OSCE Field Centre Vukovar Political Unit, interviewed by the author, Vukovar, 12 February 2003.

[52] 'On the Issue of Minority Schools in Eastern Slavonia', Note for the file, OSCE Sub-Office Vukovar, 20 September 2002.

[53] Internal note, OSCE Sub-Office Vukovar, 16 September 2002; Vidaković, interview.

13 January 1997', as a key measure of Croatia's commitment to international standards of minority rights.[54]

As the present section suggests, the educational policy agreed for Eastern Slavonia had several shortcomings, identified as the absence of a reconciliation programme, the promotion of segregation, and the lack of a long-term vision. As the remainder of the discussion in this chapter will show, the lack of commitment on the part of Croatian authorities to minority education, reconciliation, and education in Eastern Slavonia generally contributed greatly to the failure of the policy to lay the foundations for a more peaceful and integrated society in Eastern Slavonia.

6.3. Implementation by Croatian authorities

This section looks at the extent to which the Croatian authorities implemented the educational policy negotiated by UNTAES. It will show that, similarly to UNTAES, the Croatian government paid insufficient attention to the potential of education to contribute to post-conflict reintegration of society. With respect to minority education, specifically regulated by the agreements, the record of the Croatian government was not entirely satisfactory, as commitments were not carried out in practice or were carried out only partially and with delays. The promotion of reconciliation in educational programmes, which was part of the government's Programme for Confidence Building, never materialised in practice and no changes were made to the national curriculum. Finally, the general

[54] Lessons Learned Unit, 'Comprehensive Report on Lessons Learned from UNTAES,' para. 117.

organisation of schools in the region suggests that there was no unified approach from Zagreb on questions such as the criteria for the choice of tuition language or the application of the history moratorium.

6.3.1. Croatian authorities and the implementation of minority education

With the start, in September 1997, of the first school year since the reintegration of education, reports of the UN Secretary General described the implementation of the agreements on education as unsatisfactory and referred to anxiety, uncertainty, and ferment that resulted from the situation in schools, and public demonstrations by local teachers, students, and parents.[55] According to the UN, only after mid-November did implementation begin of agreements on the use of minority languages, allocation of principals' positions, the renewal of contracts for teachers whose credentials had not yet been validated, and the delivery of textbooks in Cyrillic.[56] By the beginning of 1998, some progress had been made and, during the course of the year the agreements on the reintegration of the educational system had generally been met, with one important exception: the moratorium on the teaching of the history of the former Yugoslavia during the period from 1989 to 1997 was not being complied with as textbooks containing the history of the period had been supplied to some schools in the region.[57] The situation with textbooks did not improve. Principals of schools providing education in the Serbian language, interviewed in the summer 2003, frequently

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[55] Report of the Secretary General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN Doc. S/1997/767, 2 October 1997, para. 9.

[56] UN Doc. S/1997/953, para. 16.

[57] Report of the Secretary General on the United Nations Police Support Group, UN Doc. S/1998/887, 23 September 1998, para. 24. The report does not specify whether the textbooks in questions were supplied to Croatian language or Serbian language schools.

complained about the lack of textbooks. According to the principals, less than half the books necessary had been translated into Serbian and the situation was particularly bad for science, for higher grades of primary school and for secondary schools. The only subjects where there were no problems were Serbian, Croatian and English. As for Serbian, books were imported from Serbia, and for the Croatian and English books printed in Croatia were used without translation required. For all other subjects, teachers had to use either unauthorised books from Serbia that did not follow the Croatian national curriculum or use Croatian language books and translate significant passages for students.[58]

Education for other minorities in the region, such as Hungarians, Slovaks, Ukrainians, and Ruthenians also suffered from a lack of commitment from Zagreb. In fact, the above mentioned problems with textbooks were not unique to the Serbian minority, as they were shared by other minorities in Eastern Slavonia. Moreover, in the post-reintegration period, 'nurturing classes' for these minorities, that is classes additional to the ordinary school lessons that covered topics from the literature, culture and history of the ethnic group in questions, were often organised on an informal basis without curricula authorised by the Croatian Ministry of Education, and were, therefore, not in conformity with educational law.[59] For instance, in the Čakovci primary school, nurturing classes were offered for the Hungarian and Ruthenian minority from 1997 to 2002 without a request for authorisation from the Ministry.[60] While, generally,

[58] Richard Gowan, interviewed by the author, London, 29 September 2003.

[59] Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities, Art. 14.

[60] Information provided by Richard Gowan on basis of interview with principal of Čakovci Primary School, 1 July 2003.

principals of schools offering nurturing classes for minorities have tended to describe the approach of the Ministry towards the curricula as 'relaxed', some complained about the 'absence of guidance' from Zagreb.[61] Admittedly, the Ministry's *ad hoc* approach allowed for minority education to be organised by each school separately in the way that best suited the local circumstances, but it also led to problems with respect to textbook availability, confusion over the models of minority education available, the condition under which they can be implemented, and the role of minority organisations in developing minority education. Moreover, it allowed for abuse of personal freedom by individual school principals, who may not have been favourably inclined to offer minority education.[62]

6.3.2. Croatian authorities and reconciliation as part of education

Education was part of the Croatian government's reconciliation programme - Programme for Confidence Building – requested by the UN and initiated in October 1997. As part of the Programme for Confidence Building, the government committed to prepare educational programmes that promoted tolerance, equality, and respect for human rights.[63] However, in his final report on the situation in Eastern Slavonia, the UN Secretary General expressed his concern

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[61] Information provided by Richard Gowan on basis of interview with principal of Vukovar 3rd Primary School, 2 June 2003, and with the secretary of the Ruthenian-Ukrainian Association, 15 July 2003.

[62] The case in point is the situation with Slovak teaching in Ilok where the primary school principal has attempted to dissuade parents from opting for Slovak-language classes and has discontinued such teaching reverting solely to after-school classes. Information provided by Richard Gowan on basis of interview with principal of Ilok Primary School, 2 July 2003, with Slovak teacher Vlatko Miksad, 17 July 2003 and president of Ilok Matica Slovačka Zelko Lomiansky, 2 July 2003.

[63] See pp. 155-57 above.

that the plan was not being implemented.[64] The effectiveness of committees that were tasked with the implementation of the Programme for Confidence Building at county and municipal level was deficient and most committees existed in name only.[65] According to an OSCE official in the Vukovar Field Centre, the Programme for Confidence Building never took off; a few meetings were organised in 1997-98 but nothing was actually done with respect to its tasks.[66] Since the organisational structures of the Programme for Confidence Building had either not been established or did not function as envisioned, the OSCE concluded in May 1999 that there was no political will to fulfil the commitments laid out in the Programme for Confidence Building.[67]

Within the Croatian national educational curriculum, there is no programme that would encourage tolerance, respect for human rights and non-violent means of conflict resolution, and the national educational curriculum and the corresponding textbooks (authorised by the Ministry of Education) have been criticised in a number of studies conducted by NGOs and academics, for encouraging violence, intolerance, nationalism, xenophobia, and isolationism. One group of analysts have pointed out the relativism with which fascism and the anti-fascist movement are treated in the history textbook for the 8th grade of primary school (age 13-14) where World War II crimes committed by extreme Serb nationalists (Chetnicks)

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[64] Final Report of the Secretary General on the United Nations Police Support Group, UN Doc. S/1998/1004, 27 October 1998, para. 10.

[65] OSCE, 'Status Report No. 1 - Report of the OSCE Mission to the Republic of Croatia on Croatia's progress in meeting international commitment since January 1998,' 20 May 1998, p. 13, para. 42.

[66] Vidaković, interview.

[67] OSCE, ' Status Report No. 4 - Report of the OSCE Mission to the Republic of Croatia on Croatia's progress in meeting international commitment since January 1999,' 18 May 1999, pp. 11-12, para. 26.

and the Communist Partisans are covered at much greater length than those committed by the extreme Croatian nationalists (Ustasha).[68] A separate study, conducted from 1997 to 1999 by the Centar za istraživanje i razvoj obrazovanje (Centre for the Research and Development of Education) in Zagreb, found that history textbooks used in primary and secondary schools are focused on national – Croatian – history (57% of the texts included refer to Croatian history), and that their content is dominated by political and war themes. The study concluded that the way the Croatian nation is presented in the books, as a victim of injustice and aggression surrounded by enemies, leads to the development of an ethno-centric and closed national identity, rather than one inclusive of other nations and cultures.[69] A study by Ladislav Bognar of the Pedagogical Faculty of the University of Osijek on the values promoted in schoolbooks approved by the Ministry of Education confirms these conclusions. According to Bognar, war themes are disproportionately represented in history books, and wars are presented with approval in most texts. At the same time, human rights education makes up 2.75% of the total content of textbooks used in Croatian schools.[70]

A similar situation is present in all the former Yugoslav countries, where, since the 1990s, school curricula emphasise separate national histories and interests, the

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[68] 'Nemoćna žena i gospodar u knjigama za osnovce', *Obzor, Večernji List,* 11 October 2003, accessed online at http://www.vecernji-list.hr/OBZOR/2003/10/11/Pages/nemocna.html on 26 October 2003. The article refers to an unpublished analysis by Nataša Jovičić and the NGO NONA Centre of 23 primary school textbooks.

[69] Centre for the Research and Development of Education, 'Udžbenici povijesti i nacionalni identitet mladih', accessed online at http://www.idi.hr/cerd/projekti/udzbenici_povijest.htm on 26 October 2003. See also Jadranka Čačić-Kumpes (ed.), *Kultura, Etničnost, Identitet,* (Zagreb: Institut za migracije i narodnosti, 1999). These same textbooks were in use in 2002 and at the time of writing.

[70] Ladislav Bognar, *Vrijednosti obrazovanja*, unpublished manuscript. Quoted in 'Sadržaji školskih udžbenika u sukobu s ljudskim pravima', *Vjesnik On-line*, 5 September /2002, accessed online at http://www.vjesnik.com/html/2002/09/05/Clanak.asp?r=tem&c=3 on 26 October 2003.

suffering of the nation in question and its heroic struggle against neighbours.[71] It could be argued that this politicisation of education is not a new development on these territories, but one whose roots can be traced at least to the post-Second World War SFRY, where education was one of the vessels for the propagation of the ideological principles of the state. Post-war Yugoslav society was dominated by an ideology that promoted the idea of 'brotherhood and unity' and equality among all the citizens of Yugoslavia regardless of their ethnicity.[72] The state ideology was reflected in the declared principles of the educational system - democracy, unitarism, secularism, and mother tongue education.[73] Schools were public and secular, there were no private schools, and education was a universal right.[74] The regulation of education in each Republic was autonomous from the administrative centre in Belgrade, and there was no centralised Ministry of Education; each Republic had its own educational budget and school curriculum.[75]

At the same time, the ideological centre exercised strict control over the Yugoslav educational system. While each Republic had the responsibility to create its own school curriculum, the latter had to correspond to the ideological principles of the Yugoslav state. As a consequence, Marxism had a crucial role in education. It was a course taught in each year of all secondary schools. In addition, all of the social

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[71] Vanessa Piggot, 'Peaceful Ethnic Conflict Resolution in Yugoslavia and the Successor States', paper presented at the Political Studies Association Conference, 1995, accessed online at www.psa.ac.uk/cps/1995%5Cpigg.pdf on 18 July 2004.

[72] For instance, the extent of the ideological commitment to equality is evident from the replacement of the term 'national minority', which may imply an inferior position in the polity, with the term 'nationality'. See *Ibid.*

[73] Pero Šimleša (ed.), *Pedagogija* (Zagreb: PKZ, 1971), p. 62; see also Čačić-Kumpes, 'Odgojno-obrazovni sustav i etnički konflikt,' p. 6.

[74] Čačić-Kumpes, 'Odgojno-obrazovni sustav i etnički konflikt,' p. 6.

[75] Piggot, 'Peaceful Ethnic Conflict Resolution in Yugoslavia and the Successor States'.

sciences had to be taught in the spirit of Marxism. This included a Marxist interpretation of history and the primacy of class over nation. There were also fears that too close an identification of the Republican unit with a particular nationality would lead to the growth of separatist nationalist politics.[76] As a consequence, history teaching focused on content that emphasised positive relations between the Yugoslav nations and nationalities in the past and their common history, from the 1941-45 war onwards.[77] The literature of the different nations was represented in the school curriculum according to a calculation of their relative representation in the Federation, much to the discontent of most of the numerically smaller nations (with the possible exception of Macedonia, whose identity was established and strengthened by SFRY) and fear of the cultural predominance of authors from the 'Serbo-Croat' speaking territories.[78]

While, after the dissolution of Yugoslavia, the Croatian authorities in Eastern Slavonia, and in the rest of the country, failed to use the educational curriculum to promote reconciliation and, instead, advanced nationalistic and xenophobic attitudes, a number of youth NGOs active in Eastern Slavonia decided to address the challenges of reconciliation in their programmes. Education, in particular, is one of the main activities of one of these NGOs, Project Northern Ireland (PRONI), which offers courses for a diploma on youth-work from the Swedish

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[76] *Ibid.*

[77] *Ibid;* Čačić-Kumpes, 'Odgojno-obrazovni sustav i etnički konflikt,' p. 8. This control was particularly strong from the 1970s onwards when, in response to a Croatian nationalist rising, the Yugoslav authorities decided to move to a more decentralised federal state and at the same time integrate society through a stronger ideology.

[78] *Ibid.*, p. 8. See also Isa Ilazi, 'SAP Kosovo: Konkretne primjedbe i prijedlozi, *Školske novine*, vol. 20, no. 1162, May 1983, p. 6; Ciril Zlobec, *Slovenska samobitnost in pisatelj* (Trst: Založništvo tržaškega tiska, 1986), pp. 51-124.

University for Education and Communication in Jonkoping.[79] PRONI also operates 14 youth clubs near Osijek and Vukovar, and four in other parts of Croatia, which provide an opportunity for inter-ethnic contact. According to one of PRONI's activist, education is a very important contribution to reconciliation:

> The type of education provided does not necessarily need to be directly linked to reconciliation. On the contrary, often the use of the word 'reconciliation' can create barriers. Indirectly, however, through communication and the exposure to different views and opinions, any form of education affects society.[80]

The experience of PRONI and other NGOs shows that promoting reconciliation and inter-ethnic contact among children and youth has not been an easy task in Eastern Slavonia. According to members of Youth Peace Group Dunav (YPDG), which is a local NGO that organises activities and events such as concerts, creative workshops and debates specifically for the youth, there were instances when they were attacked as peace activists by both Serbs and Croats, and even by their own parents and family members.[81] Similarly, in the first years since reintegration, PRONI activists and in particular their students encountered resistance in their communities and some were even prevented from completing the course. Just how effective they have been in promoting inter-ethnic reconciliation is evident from the fact that even those municipalities that initially

[79] PRONI was first set up in Northern Ireland and has been active in Eastern Slavonia from 1997. The diploma that it offers is not recognised by the Croatian authorities.

[80] Goran Jelenić, PRONI activist, interviewed by the author, Vukovar, 10 February 2003.

[81] Siniša Mitrović, YPGD activist, interviewed by the author, Vukovar, 11 February 2003.

opposed to their work, have started supporting the youth clubs providing, by 2003, 90% of the funding required for their functioning.[82]

6.3.3. Croatian authorities and the organisation of schools in the Danube region

Several developments in the educational system in Eastern Slavonia suggest that, during the reintegration process and after the UNTAES mission ended, education was dealt with in an *ad hoc* manner. This can be inferred, for instance, from the lack of any schools being registered officially as minority schools, despite the large number of schools providing education in a minority language. The Law on the Upbringing and Education in the Languages of Nationalities, adopted by the Croatian Parliament in 1979, provided that minorities could establish publicly supported separate educational institutions where education would be carried out in their language. In 1979, the law referred to the Hungarian, Czech, Slovak, Italian, Ruthenian, Ukrainian, and 'other nationalities and ethnic groups'.[83] Although Serbs were not specifically mentioned, and at the time were a constituent nation of the SFRY of which Croatia was a part, the remit of the law extended to the Serbian ethnic group in Croatia with the break-up of the SFRY. Hence, by virtue of the 1979 law both the Serbian and other minorities in Eastern Slavonia had the right to establish their own minority schools. This right was

[82] Jelenić, interview.

[83] Law on the Upbringing and Education in the Laguages of Nationalities, Arts. 1-3.

confirmed in the 2000 law on Law on the Upbringing and Education in the Language and Script of Nationalities Minorities.[84]

Initiatives towards the establishment of minority schools were slow to develop. In 1999 there was a draft proposal for the setting up of separate schools for the Serbian minority in Eastern Slavonia, which was used for discussions on the matter with the Ministry of Education.[85] It was not until the beginning of 2002, however, that the JCM and Serbian political parties increasingly started pressing for the establishment of a coherent network of 'schools with education in minority language' in the Danube region.[86] Among the reasons for this delayed initiative was the Declaration of the Croatian Government in Recognition of Educational Rights for Minorities negotiated by UNTAES in 1997 which stated that 'existing schools in the UNTAES areas shall remain functional until such time as the school system has been reviewed in consultation with the minority groups involved'.[87] This meant that there was no deadline for an agreement to given the process momentum.[88] The change in the legal framework that occurred with the introduction of the Law on the Upbringing and Education in the Language and Script of Nationalities Minorities in 2000 meant that for the first time here was a

[84] Parliament of the Republic of Croatia, *Zakon o odgoju i obrazovanju na jeziku i pismu nacionalnih manjina* (Law on the Upbringing and Education in the Language and Script of Nationalities Minorities) klasa: 016-01/00-01/02, 11 May 2000, Art. 2.

[85] Degeneve and Gowan, *Minority Education in the Republic of Croatia,* p. 35, n. 87.

[86] *Ibid.,* p. 35.

[87] Declaration by the Government of the Republic of Croatia as represented by the Ministry of Education and Sport in Recognition of Educational Rights for minorities in Eastern Slavonia, Baranja and Western Sirmium.

[88] Richard Gowan, personal correspondence with the author, 27 July 2004.

nation-wide non-specific set of principles for the establishment of minority schools.[89]

Evidence of *ad hocery* can be observed with respect to the implementation of the moratorium on recent history teaching. For instance, the principal of the Croatian language primary school in Lovas in 2003 believed that, as a school with a very small number of children belonging to minorities, his institution is not covered by the moratorium.[90] On the other hand, in the Croatian-only school in Tovarnik, the moratorium has, according to the principal, been strictly observed and would continue to be observed even after it expired.[91] Different arrangements can also be found in dual language schools; in Vukovar's 2nd Primary School, Serbian language classes observed the moratorium, and Croatian language sections did not, while in the Vukovar Grammar School, both language sections observed the moratorium.[92]

The *ad hoc* nature of the process of reintegration of the educational system is perhaps most evident from the variety of arrangements found in the region with respect to the choice of the language of tuition. As the examples below will illustrate, after reintegration, some schools continued to offer education in the Serbian language, others started to use Croatian, and in a third group of schools, lessons were carried out in both Serbian and Croatian but in separate class

[89] *Ibid.*

[90] Information provided by Richard Gowan on basis of interview with principal of Lovas Primary School, 29 May 2003.

[91] Information provided by Richard Gowan on basis of interview with principal of Tovarnik Primary School, 29 May 2003.

[92] Information provided by Richard Gowan on basis of interview with principal of Vukovar 2nd Primary School, 26 June 2003, and with principal of Vukovar Grammar School, 17 June 2003.

divisions and often even in separate buildings. The decision as to the language used was in some cases made in consultation with the parents of children enrolled in the school, and, in other cases, it was an independent decision of the management of the school without any surveys or consultations.

Generally, in villages with a Serbian majority, the 1991-1995 set up of the schools was not much altered. In Trpinja, for instance, in 1997-98, the first year since the reintegration of the educational system, education continued to be conducted in the Serbian language and Cyrillic script. This policy was reaffirmed when, at the start of the year 1999-2000, a survey of parents showed complete support for the continuation of Serbian-language education.[93] Similarly, the primary schools in Markušica and Negoslavci were integrated into the Croatian system without any changes being made to their set up from the 'RSK' and UNTAES periods.[94]

Schools in traditionally Croatian villages and towns, such as Lovas, Tovarnik and Ilok, experienced more of a transformation. While during the academic year 1997-98, Lovas was largely populated by Serbs and education in the village primary school was carried out in the Serbian language and Cyrillic script, by 1998-99 virtually all Serbs had left the village and, from then on, education was carried out solely in the Croatian language and Latin script. According to the school principal, this occurred as a reflection of the demographic change and no

[93] Information provided by Richard Gowan on basis of interview with principal of Trpinja Primary School, 13 June 2003.

[94] Information provided by Richard Gowan on basis of interview with principal of Markušica Primary School, 26 May 2003, and with principal of Negoslavci Primary School, 28 May 2003.

special consultations with parents were conducted.[95] However, surveys were employed more than once in the Tovarnik primary school. In 1997, 100% of parents surveyed favoured the use of the Serbian language and Cyrillic scrip. According to the school principal, a new survey conducted in 1998, showed parental support (the principal did not specified how much support) for education in the Croatian language and Latin script with after-school lessons on Serbian language, culture, and history. As the year 1998-99 progressed, the additional classes were abandoned because of lack of interest from students.[96] Surveys were also employed in the Ilok primary school, where in the academic year 1997-98 two thirds of parents declared their preference for education in the Serbian language and Cyrillic scrip. By 1998-99, the demographic situation had changed and the decision not to offer Serbian language education was made without carrying out another survey.[97] In the year 1997-98, the secondary school in Ilok allowed both students and teachers to choose freely the language of tuition, although the school was not officially 'dual-language'. From 1998-99 on, again because of demographic changes, only Croatian language was offered, without a survey of parents being conducted. After-school classes on Serb language and culture were offered, but did not generate any interest from students.[98] These three examples show that, even among villages and towns with a similar ethnic makeup there was no unified approach to the organisation of education. In some, such as

[95] Information provided by Richard Gowan on basis of interview with principal of Lovas Primary School.

[96] Information provided by Richard Gowan on basis of interview with principal of Tovarnik Primary School.

[97] Information provided by Richard Gowan on basis of interview with principal of Ilok Primary School, 2 July 2003.

[98] Information provided by Richard Gowan on basis of interview with principal of Ilok Secondary School, 20 June 2003.

Tovarnik and to an extent Ilok, parents were consulted whereas in others, such as Lovas, decisions were made by the school direction without parent consultation.

Most schools in ethnically mixed towns and villages became dual language and offered separate class divisions in Croatian and in Serbian. Often classes in such schools were organised in shifts or in different building, according to the language of tuition. The Ilača-Banovci primary school provides an illustration of the functioning of dual language schools, as it consists of three sites: Ilača, Srijemski Banovci, and a sub-school in Vinkovački Banovci. In 1997, both Ilača and Banovci offered Serbian language education. After reintegration, Ilača and the sub-school in Vinkovački Banovci became Croatian language schools while Srijemski Banovci remained Serbian. While the school is a dual-language institution, the ethnic separation between the sites is complete with no Serbian children in the Croatian sections of the school in Ilača and Vinkovački Banovci, and no Croatian children in the Serbian section in Srijemski Banovci.[99] Similarly, with reintegration of the education system and of the region as a whole, two secondary schools in Vukovar, the Grammar school (Vukovarska gimnazija) and the Economics school (Ekonomska škola), became dual language. Both schools operate on two sites: the Croatian language class divisions of the Grammar school share their premises with the Croatian language section of the Economics schools, while the Serbian language section of the Grammar school shares the building with a Serbian language primary school and the Serbian language section of the

[99] Information provided by Richard Gowan on basis of interview with principal of Ilača-Banovci Primary School, 16 June 2003.

Economics school is housed in a separate building.[100] Admittedly, these arrangements are temporary and the reason behind them is the lack of sufficiently large buildings to accommodate entire schools, as the pre-war sites await reconstruction. Still, it is interesting to note that the building of the Grammar school, not large enough to accommodate the Croat and the Serb sections of the school, is used by Croatian sections of the Grammar school and those of the Economics school.

The above examples support the conclusion that the response of schools to the dramatically changing demographic context, with the outflow of Serbs and the inflow of Croats, and the rapid political transition from rebel Serb authority to UNTAES and then to Croatia does not appear to have been managed in a coherent way. While an approach to the organisation of schools that would leave a degree of freedom to the institutions to organise themselves in the way that best fits the specific circumstances in which they operate is not, in itself, undesirable, it is questionable how appropriate it was to the situation in Eastern Slavonia, given the experience of inter-ethnic conflict and the complexity of the ethnic mix in the region, which made education a sensitive and politicised issue.

6.4. Conclusion

This chapter has considered the role of education in the peaceful reintegration of Eastern Slavonia. The conceptual framework for the analysis, presented in Chapter Three, emphasised the importance of education in promoting

[100] Information provided by Richard Gowan on basis of interview with principal of Economics Secondary School Vukovar, 23 July 2003.

reconciliation. Integrated schools provide an opportunity for contact between children of different ethnicity and can contribute to the development of a common civic identity. Moreover, an educational curriculum conducive to peace and the creation of a multiethnic society needs to include multiethnic themes from history, literature, and culture, the teaching of human rights and tolerance of diversity, as well as skills such as conflict resolution, mediation, and negotiation.

This chapter has shown that in Eastern Slavonia education was not made part of a reconciliation effort, neither by UNTAES nor by the Croatian authorities. The one aspect of education that was given a lot of attention in the agreements negotiated by UNTAES was minority education. The Serbian minority was assured educational autonomy in the Danube region, which was, unfortunately, implemented by introducing ethnic separation in schools. Under Croatian law, it is an undisputable right of minorities to choose education in their own language and covering topics important to their ethnic and cultural heritage. However, as the Head of the OSCE Mission to Croatia, Peter Semneby, emphasised, it is necessary to create preconditions, in which such parallel education would neither be understood as, nor represent, a sign of isolation.[101] No such preconditions were created in Eastern Slavonia, where educational policy has been characterised by a short-term focus. Difficulties in reaching agreement on contentious issues, such as the educational curriculum, led to the favouring of expedience over principle, playing, in the long term, into the hands of nationalists on both sides. The omission of a reconciliation programme from the curriculum, a ban on the

[101] Peter Semneby, Head of the OSCE Mission to Croatia, interview in *Glas Slavonije*, Osijek, 18 April 2002.

teaching of controversial history topics, and the allowance of ethnic segregation in schools ultimately benefited only those with an interest in the continuation of ethnic polarisation and tension.

An important general lessons that can be drawn from this experience is that there are situations in which peacebuilding requires a focus on the long-term strategy and benefits that it will bring even if its policies may prove unpopular and difficult to implement in the short-term. By not including a reconciliation programme in the educational curriculum, by allowing ethnic separation in schools and by introducing a moratorium on the teaching of recent history, the parties involved in the peaceful reintegration of Eastern Slavonia – Croat and Serb representatives as well as UNTAES and the international community – missed an important opportunity in the reconciliation process and the establishment of a multiethnic society. Indeed, at the end of the UN mandate in Eastern Slavonia, the Secretary General noted that without reconciliation, there was the danger that the progress made on returns was going to prove only temporary, while the causes of ethnic incidents throughout the country would remain unaddressed.[102]

[102] UN Doc. S/1998/1004, para. 10.

7. The Reintegration and Regulation of Housing and Property

This chapter looks at the way in which UNTAES dealt with problems in the area of housing and property, namely housing reconstruction and property repossession, which were inextricably linked to the return of refugees and IDPs. Mass war-time displacement created a pattern of two-way population movement, which was not confined to Eastern Slavonia or even Croatia, but involved other parts of former Yugoslavia as well. As a result, for instance, the homes of Croat IDPs who fled Eastern Slavonia were occupied by Serb IDPs from other parts of Croatia, whose homes were in turn occupied by Croatian refugees from BiH or FRY. Hence, housing reconstruction and property repossession were not issues that could have been solved in only one part of the country, but on the contrary, required a wider approach.[1] Moreover, because of the scale of displacement and war-time damage to housing, this was a long-term process, which could not have been limited to the duration of a two-year reintegration process. How can these issues then be considered in the context of a mission whose mandate was limited to two years and, geographically, to the Danube region? The rationale can be found in the Basic Agreement, which tasked the Transitional Administration with ensuring the possibility for return of refugees and IDPs to their homes.[2] Hence, and as will be further argued below, UNTAES was responsible for dealing with issues relating to housing reconstruction and property repossession insofar as they

[1] Housing and property issues are only one of the several factors that affect the success of the return process. The latter is also affected by as citizenship and amnesty laws, economic conditions, physical safety and the political and social climate, etc. The present chapter, however, focuses on housing and property, not by virtue of their importance for the return process, but as elements of socio-economic reintegration discussed in Chapter Three.

[2] Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, 12 November 1995, text reported in Report of the Secretary General to the Security Council, UN Doc. S/1995/951, 15 November 1995, Annex, Art. 4.

affected the return process, despite these issues stretching outside UNTAES's geographical remit and duration.

The chapter begins with a presentation of the elements of the mission's mandate and of the agreements negotiated by UNTAES, with a bearing on housing and property policy. It then turns to an analysis of the content and practical meaning of housing and property policy provisions, followed by an assessment of the implementation record of the Croatian government and the role played by UNTAES in facilitating such implementation. The focus is on property rights and reconstruction, with particular emphasis on the discriminatory legislation enacted by the Croatian authorities. The analysis will show that success in the area of housing and property was hampered not only by the unwillingness of the Croatian government to act in a non-discriminatory way but also by the geographical limitations of UNTAES's mandate. Moreover, UNTAES's approach to return, property restitution, and reconstruction was superficial as its activity was focused on administrative and institutional issues without addressing substantive problems. UNTAES failed to set up a mechanism or a framework regulating and encouraging return, property repossession and reconstruction. One of the main reasons for this omission, it will be argued, was its reluctance to involve itself in what it feared would be a long-term and potentially destabilising process.

7.1. UNTAES and the reintegration and regulation of housing and property

The provision of housing as such was not explicitly mentioned in the Basic Agreement or in Resolution 1037, the principal documents that defined the

UNTAES mandate. UNTAES, however, was mandated to deal with several other issues involving housing and property, such as reconstruction, the return of refugees and displaced persons, and respect for property rights. Indeed, the housing problem in Eastern Slavonia was defined by the extent of devastation of housing units (flats and family houses), by the war-time population movement, and by secondary occupation of property.

The Basic Agreement protected the right of refugees and displaced persons to return not only to their place of residence, but also to their homes. Indeed, one of the transitional administration's main tasks, as specified in Article 4 of the Basic Agreement, was to 'ensure the possibility for the return of refugees and displaced persons to their *homes of origin*'.[3] Moreover, Article 8 of the Basic Agreement upheld the right to the restoration of property taken by unlawful acts or which the owners were forced to abandon, as well as just compensation for property that could not be restored.[4] The right to recover property, to receive compensation for property that could not be restored, and to receive reconstruction assistance for damaged property, were to be equally available to all persons.[5]

In the report to the Security Council preceding the establishment of UNTAES, the Secretary General restated the task of the transitional administration, as set out in the Basic Agreement, to ensure the possibility for the return of refugees and displaced persons to their homes of origin and recognised the complexity of

[3] *Ibid.*, Art. 4, italics added.
[4] *Ibid.*, Art. 8.
[5] *Ibid.*, Art, 9.

questions relating to property restitution and compensation and the need to address such questions as part of the reintegration process.[6] The report of the Secretary General also called for the establishment, within the implementation committee on returns, of a subcommittee on property. As specified in paragraph 16(e) of the report, the subcommittee would be required

> ...To develop procedures for verifying ownership and schedules for the return of property to identified owners; to assist in developing procedures for assessing damage and compensation and obtaining funds for this later; and to establish mechanisms to ensure just treatment of those who will have to leave the properties they occupy and to assist in their resettlement.[7]

Suggesting the introduction of functional implementation committees, the Secretary General also recommended that the Transitional Administrator make himself aware of the overall plans for the reconstruction of Croatia, ensure that initial plans for reconstruction in the region were in harmony with these overall plans, and, in particular, facilitate the coordination of the restoration of Vukovar.[8]

Resolution 1037 of the Security Council, under which UNTAES was established, did not explicitly mention property restitution or housing reconstruction. However, Article 11(d) of the resolution, which instructed the civilian component of UNTAES to facilitate the return of refugees, referred to paragraph 16(e) of the

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[6] Report of the Secretary General on Croatia pursuant to Security Council Resolution 1025 (1995), UN Doc. S/1995/1028, 13 December 1995, para. 5.

[7] *Ibid.*, para. 16(e).

[8] *Ibid.*, para. 15.

report, bringing questions concerning housing and property within the ambit of the UNTAES mandate.[9]

7.1.1. Protection of property rights

In March 1997, the JIC on Returns and Displaced Persons was replaced by a Joint Working Group on Return (according to Robert Gravelle, the JIC lacked an overall strategy and inhibited a regional approach to return concentrating, instead, on individual returns).[10] Unlike the JIC, where UNTAES only facilitated negotiations between Croats and Serbs, the Joint Working Group was constituted by representatives of the Croatian authorities, UNTAES, and UNHCR officials. One of the outcomes of the negotiations that took part within the Joint Working Group was the establishment by the Government of Croatia of the Office for Displaced Persons, Refugees and Returnees (ODPR) to co-ordinate returns, and another was the signing of the Agreement of the Joint Working Group on the Operational Procedures of Return. Signed by representatives of the Croatian government, UNTAES and UNHCR in April 1997, it established the mechanisms for the registration and processing of requests for so-called 'two-way return': into and out of the Danube Region. In addition, it set the framework for the distribution of information on the return process, for ensuring proper operation and for developing further mechanisms to address returnee issues that may become necessary.[11] In the Agreement of the Joint Working Group, the government of Croatia undertook to provide equal access and equal treatment to

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[9] Security Council Resolution, UN Doc. S/RES/1037 (1996), 15 January 1996, para. 11(d).

[10] Robert Gravelle, *UNTAES: A Successful United Nations Mission*, unpublished manuscript, pp. 10-11. On the functioning of the JIC and the reasons for its replacement, see p. 215 below.

[11] Agreement of the Joint Working Group on the Operational Procedures of Return, April 1997. Henceforth referred to as Agreement of the Joint Working Group.

all its citizens, with respect to safe return, reconstruction and other mechanisms specified in the document.

An agency for the exchange of property financed by the Croatian government (the Land Bank) was set up as part of the Agreement of the Joint Working Group in order to facilitate the sale of property by those people who did not wish to return to it and its purchase by those who had their own house destroyed or wished to move to the given region. The effect such an agency can have in post-conflict situations is two-fold. On the one hand, where mass displacement has occurred, individuals may not be willing to return to their previous areas of residence and an organised mechanism by which they can sell their property can prove beneficial. On the hand, the use of such a mechanism can help consolidate the effects of ethnic cleansing. In particular, where there are obstacles militating against property repossession and return, many individuals may prefer to sell their property rather than face the hardship of return. According to the Serb leader Vojislav Stanimirović, the Land Bank served the Croatian authorities' agenda, as it encouraged Serbs to sell their property, which was then made available to Croats from BiH and FRY.[12]

The Agreement of the Joint Working Group specified four possible avenues for return: (i) family reunion – return to the original family homes where some members of the returnees' family have remained; (ii) return to vacant inhabitable homes; (iii) return to homes damaged or destroyed by war – cases where

[12] Vojislav Stanimirović, President of SDSS and former Serb representative in the process of peaceful reintegration, interviewed by the author, Vukovar, 10 February 2003.

reconstruction of the property was required; and (iv) return to temporarily occupied homes – probably the most difficult case involving secondary occupiers who in turn would require alternative accommodation.[13] The Agreement specified the administrative arrangements for each return method as well as the roles of the ODPR, the various Croatian Ministries (e.g. Interior, Justice, and Reconstruction), UNHCR, and UNTAES. However, as the assessment below will show, the *Agreement* failed to establish a proactive return mechanism or programme and to deal with controversial property legislation passed in 1995 which authorised the temporary appropriation by state authorities of abandoned property on territories retaken during operations 'Storm' and 'Flash'. Significantly, the enormous problem of ethnic Serb IDPs and refugees who had lost occupancy rights over their property was not even mentioned.

7.1.2. Reconstruction of housing stock

As mentioned above, in his report to the Security Council preceding the establishment of UNTAES, the Secretary General recommended that the Transitional Administrator make himself aware of the overall plans for the reconstruction of Croatia, ensuring that initial plans for reconstruction in the region were in harmony with these overall plans and facilitating the coordination of the restoration of Vukovar.[14] This was a fairly vague recommendation; there was no further explanation as to what it entailed and its interpretation was left to the Transitional Administrator. In this respect, Klein organised the donor conferences mentioned in Chapter Five, and successfully managed one of the

[13] Agreement of the Joint Working Group on the Operational Procedures of Return.

[14] UN Doc. S/1995/1028, para. 15.

earliest reconstruction projects in Vukovar financed by the European Union. Dunav I (and later its twin building Dunav II) was the first apartment-block to be restored in the town and it allowed the first return of IDPs there. UNTAES contacted the former tenants of the 71 flats in Dunav I (70% of whom were Serbs and 30% were Croats[15]) and the vast majority of them expressed their desire to move back to the building.[16] The significance of this project was as symbolic as it was practical. First, its successful completion showed how, with a pro-active approach, the transitional administration, which lobbied for funding and encouraged both displaced former tenants and those resident in the region, was able to contribute positively to a series of delicate and complex processes - reconstruction, return, the restoration of a multiethnic society, and peaceful coexistence of former enemies. Second, it demonstrated that international donors were willing to contribute funds to actual projects in Eastern Slavonia, even when they were less inclined to assist the Croatian government given its international reputation.[17] Third, it indicated how reconciliation and the restoration of multi-ethnic communities were possible with an approach that was not confined to only one segment of the population. Despite the positive example set by Dunav I, this project did not constitute part of a larger initiative or plan of reconstruction. Instead, the bulk of reconstruction was left for the Croatian authorities to initiate, organise, finance, and carry out.

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[15] Slavica Mrkić-Modrić, 'Kako 'živi' suživot u obnovljenom Vukovarskom neboderu 'Dunav I',' *Novi List*, Rijeka, 28 November 1997.

[16] 100% according to Mrkić-Modrić and 95% according to Jacques Klein. Mrkić-Modrić, 'Kako 'živi' suživot u obnovljenom Vukovarskom neboderu 'Dunav I'; Jacques Klein, former Transitional Administrator of Eastern Slavonia, interviewed by the author, Sarajevo, 19 November 2002.

[17] See the discussion on international financial assistance in Chapter Five, pp. 143-46 above.

7.2. Assessment of UNTAES's housing and property policy

This section assesses the way in which UNTAES addressed questions relating to housing reconstruction and property restitution. Although concern over discriminatory property and reconstruction legislation was frequently voiced by the Secretary General of the UN and the Security Council repeatedly urged the government of Croatia to act in a non-discriminatory manner, UNTAES, despite being the most extensive UN mission on the territory of Croatia at the time, did not formally address such concerns.[18] To a large extent, this was due to the geographical limitations of the mandate, which restricted UNTAES's sphere of activity to the Danube region and affected its ability to deal constructively with problems in the area of reconstruction and property restitution, which extended beyond the mission's territorial limits of authority. In addition, as the analysis will show, the Agreement of the Joint Working Group, to which UNTAES was a party, dealt only with the administrative aspects of return, property repossession, and reconstruction without, in practice, establishing a mechanism for return. UNTAES's limited initiatives in the sphere of housing and property, as those regarding employment and education, focused on the short term rather than on promoting reconciliation and a future multiethnic society.

[18] There was another UN mission in Croatia at the time, the United Nations Mission of Observers in Prevlaka (UNMOP), established in February 1996 in accordance with Security Council Resolution S/RES/11038 (1996). This mission was much more limited than UNTAES and dealt with traditional peacekeeping tasks, namely border monitoring. See 'UNMOP: United Nations Mission of Observers in Prevlaka – Mandate,' accessed online at http://un.org/dpts/dpko/missions/unmop/mandate.html on 18 January 2004.

7.2.1. Geographical limitations

As pointed out above, return and hence also property restitution and reconstruction were part of the UNTAES mandate. While UNTAES's activity was limited to Eastern Slavonia, Baranja, and Western Sirmium, because of the pattern of war-time displacement, return, housing, and property restitution were regional problems, involving not only the Danube region but also other parts of Croatia, BiH, and FRY.

According to unofficial estimates, during the initial stages of the war, about 90,000 people, mainly Croats, were displaced from the Danube region and found refuge in other parts of Croatia. Meanwhile, it has been estimated that out of 300,000 ethnic Serbs that fled their homes in Croatia following the armed conflict in 1991 and the military operations of the Croatian Army in 1995, about 70,000 entered the Danube region. Not all of them remained, moving instead to the FRY, while a number of people who registered their address in the Danube region actually lived in the FRY. It is, therefore, only roughly estimated that about 48,000 Serb IDPs lived in the Danube region in 1996-97, the majority occupying former Croat homes (see Table 11).[19] In addition, as many as 400,000 Croats from BiH and the FRY took refuge in Croatia, and by the end of 1995, 225,000 registered refugees from the territories of former Yugoslavia remained in Croatia.[20] A considerable portion of these refugees resided in areas fled by Serbs, occupying former Serb homes. The resulting situation - where each group of

[19] Information provided by Fernando Castedo of the OSCE Return and Integration Unit, personal correspondence with the author, 29 August 2001.

[20] Data from UNHCR reported in *A Half-Hearted Welcome: Refugee Returns to Croatia*, IGC Balkan Report no. 138 (Zagreb/Brussels: International Crisis Group, 13 December 2002), p. 4.

refugees and displaced persons resided in the homes of another group without the possibility of returning to their own homes because they had either been destroyed in the war or were occupied - made housing and property important issues for the reintegration of Eastern Slavonia, but not limited to Eastern Slavonia and involving the rest of Croatia as well as other parts of former Yugoslavia.

Table 11: Estimates of the Population of the Danube Region

	Census 1991	UN Survey Oct 1996	UN Survey July 1997	UNHCR Estimates Oct 1998
Croats	86,700	8,800	9,200	30,000
Serbs	73,200	73,000	72,800	55,000
Hungarians	13,000	6,700	7,100	7,000
Others	28,500	8,500	6,000	6,000
Ethnic Serb IDPs	/	47,600	37,500	7,000
Total	201,400	144,600	132,600	105,000

Sources: UNHCR, ODPR, SDSS, OSCE.

The situation was made more complicated by property laws with which the Croatian authorities encouraged the settlement of Croats in areas vacated by Serbs. In 1995, the Croatian Parliament legislated the temporary appropriation by state authorities of property on territories retaken during operations 'Storm' and 'Flash'. The Law on Temporary Take-over and Administration of Certain Property regulated the takeover by municipal authorities of property, the owners of which had fled Croatia and lived in the FRY or areas of BiH and Croatia under Serb control. Such property was available for temporary use by IDPs, refugees,

returnees whose own property had been destroyed in the war, war-veterans and their families, and other citizens of Croatia who pursued activities necessary for the security, reconstruction, and development of the formerly-occupied territories.[21]

The Parliament simultaneously passed the Law on the Lease of Flats in Liberated Areas, which regulated the use of state-owned property, which residents with 'occupancy rights' had abandoned. Known as 'stanarsko pravo', occupancy right was the main form of property right in the urban areas of communist Yugoslavia. It provided the holders with a high level of control over the use of the property and a secure right for them and their families to reside in the property. In the 1990s, as part of the privatisation of state-owned housing, tenants with 'occupancy rights' throughout Croatia were able to buy the property they lived in from the state and the institution of 'occupancy right' was abolished.[22] However, this did not extend to the territory of Croatia that was occupied by Serbian forces at the time. The Law on the Lease of Flats in Liberated Areas legislated that those individuals who had occupancy rights over property and who had abandoned it during the war lost the right to reside and eventually acquire the property. State-owned houses and flats were to be let to those people who would contribute to the security, reconstruction, and development of the territory; to the return of refugees, IDPs, and immigrants; and to public interest in general. In addition, the new tenants were given the right to buy the property after three years of

[21] Parliament of the Republic of Croatia, *Zakon o privremenom preuzimanju i upravljanju određenom imovinom* (Law on Temporary Take-over and Administration of Certain Property), class 370-01/95-01/11, 20 September 1995, Arts. 2, 4, 5.

[22] Parliament of the Republic of Croatia, *Zakon o prodaji stanova na kojima postoji stanarsko pravo* (Law on the Sale of Flats to which Tenants have Occupancy Right), class 370-01/92-01/09, 25 June 1992.

residence.[23] The principle whereby individuals who had spent six or more months away from property over which they had occupancy right had lost this right, derived from the former Yugoslav legal system.[24] It was, however, never fully implemented during the SFRY, and its application in war-time is particularly problematic because of the conditions surrounding the loss of occupancy right amounting to *force majeure*.[25]

In 1996, two further discriminatory laws were passed, which affected property ownership and housing in war-affected areas of Croatia. The first was the Law on Areas of Special State Concern, which encouraged settlement on territories retaken by Croatian forces in 1995. Suitable settlers were Croatian citizens who would contribute to the economic development and reconstruction of the area; unemployed Croatian citizens and those without appropriate housing available elsewhere in the country; Croatian economic and political emigrants who decided to return to Croatia; and Croat refugees from the FRY and BiH. The Law on Areas of Special State Concern extended the possibility for these 'settlers' to acquire ownership of the allocated property after 10 years of uninterrupted occupancy.[26] The second discriminatory law was the Law on Reconstruction,

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[23] Parliament of the Republic of Croatia, *Zakon o davanju u najam stanova na oslobođenom teritoriju* (Law on the Lease of Flats in Liberated Areas), class 310-01/95-01/15, 20 September 1995, Arts. 1, 2, 4, 8.

[24] Parliament of the Socialist Republic of Croatia, *Zakon o stambenim odnosima* (Law on tenancy relations), broj: 1631/85, 9 December 1985, Art. 99.

[25] Ljerka Draženović, OSCE National Media Liaison, interviewed by the author, Vukovar, 11 February 2003; see also OSCE, 'Status Report No.2 – Report of the OSCE Mission to the Republic of Croatia on Croatia's progress in meeting international commitments since May 1998,' 8 September 1998, p. 7, para. 31.

[26] Parliament of the Republic of Croatia, *Zakon o područjima posebne državne skrbi* (Law on Areas of Special State Concern), class 015-02/96-01/OS, 17 May 1996, Arts. 7(2), 8(5). The latter provision was revoked by amendments to the Law on Areas of Special State Concern in 2000, but the amendments failed to provide any remedy for those owners who were still unable to repossess their property. See *A Half-Hearted Welcome*, p. 6.

discussed in further detail below, which endorsed the right of 'settlers' to obtain reconstruction assistance for property that they were temporarily occupying or were planning to move into once reconstructed.[27]

Under these laws, around 19,000 almost exclusively Serb-owned residential properties were allotted to refugees from BiH and the FRY as well as families from non-war affected areas who were invited to settle in the 'liberated territories'.[28] In addition, an estimated 50,000 to 60,000 persons were deprived of their occupancy rights.[29] Although in 1998 and further to international pressure, the two laws were repealed, no corrective measures were introduced and, as a consequence, these laws continued to be in force *de facto*. Their legacies remained, as Croatian law stipulated that temporary occupants could not be evicted unless alternative accommodation was found for them, and the lack of available alternative accommodation made the occupation of houses indefinite if not permanent.

The above trends and measures hindered the return of Serb refugees and IDPs to their homes. This had considerable repercussions on the situation in the Danube region, as a large number of those Serbs lived in Eastern Slavonia occupying houses of displaced Croats. The return of Serb IDPs to their homes was, therefore, an essential condition for Croat IDPs to be able to return. Shortage of adequate housing due to war damage and to secondary occupation of Serb

[27] Parliament of the Republic of Croatia, *Zakon o obnovi* (Law on Reconstruction), class 361-08/96-01/01, 15 March 1996, Art. 7.

[28] Information from the OSCE reported in *A Half-Hearted Welcome*, p. 6.

[29] OSCE Mission to Croatia, 'Return and Integration', accessed online at http://www.osce.org/croatia/return/problems_concerning_return4.php3 on 28 January 2003.

property limited the possibility of significant Serb returns from the Danube region to other parts of Croatia, making more difficult the return of Croats to their homes in the region. Because of this, the return and reconstruction of Serbian property was considered by the Secretary General as a priority task for UNTAES during its second year in Eastern Slavonia.[30] However, all that UNTAES was in a position to do, given its mandate, was to appeal to Zagreb to act in a non-discriminatory manner and to respect the rights of all its citizens. In fact, in February 1997, the Transitional Administrator wrote to the Government of Croatia to seek its commitment to the effective implementation of the right of all residents in the region to equal treatment with respect to housing and access to reconstruction grants and loans and to property compensation.[31]

The experience in BiH, where the international administration was faced with a similar, and even greater, problem with respect to minority return and secondary occupation of property, shows that reliance on the co-operation and good will of the local authorities to facilitate returns may not be the most effective way of achieving satisfying results. From 1996 to 1999, progress in BiH was very slow and it was not until late 1999 that minority returns began to increase steadily. One of the main reasons for this increase was the exercise by the High Representative of the authority conferred on him (the so-called 'Bonn powers') to impose binding measures when the local parties were unable to reach agreement, and to remove from public office individuals who violated their legal commitments

[30] Report of the Secretary-General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN Doc. S/1997/148, 24 February 1997, para. 17; Report of the Secretary General on the Situation in Croatia, UN Doc. S/1997/487, 23 June 1997, para. 8.

[31] UN Doc. S/1997/148, para. 9.

under the Dayton Agreement or obstructed its application. On the basis of these powers, the High Representative imposed, from October 1999 onwards, a series of changes to property-related laws in both Bosnian entities in order to remove legal obstacles to return and to dismiss local officials who failed to implement them. As a result, returns in 2000 witnessed a 63 percent increase over 1999.[32] No such action was possible for the Transitional Administrator in Eastern Slavonia, however. Indeed, his authority was limited to the Danube region. Even in the region under his authority, there were no comparable initiatives, as is shown in the next section.

7.2.2. Ambiguous approach to return and property restoration

During UNTAES's time in the region, progress on two-way return was, to start with, slow. Relying on ODPR data, the Secretary General reported that by mid-June 1997, approximately 11,000 Serb IDPs in Eastern Slavonia – corresponding to approximately 25 per cent of the IDPs estimated to be residing in the region at the time, had registered with the ODPR. While more than half of those registering had expressed their wish to return to their homes, only 211 individuals (105 families) had been fully processed by 21 June and only 26 individuals had returned from the region.[33] By September 1997, approximately 23,000 individuals, or 70 per cent of the estimated population of IDPs had registered with the ODPR. Again, more than half of those registered had stated that they wished to return to their homes in other parts of Croatia but, as at 15 September,

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[32] Richard Caplan, *International Governance of War-Torn Territories: Rule and Reconstruction* (Oxford: Oxford University Press, 2005), Ch. 3. Other factors also accounted for the positive change in return trends, such as increased physical security of returnees, *Ibid.*

[33] UN Doc. S/1997/487, para. 8.

only 3,250 individuals had received official confirmation that arrangements for their return had been completed (see Table 12).

Table 12: Progress on return of Serb IDPs during 1997

	June 1997	September 1997	December 1997
Serb IDPs registered with ODPR	11,000	23,000	30,000
Percentage of estimated total Serb IDPs	25%	70%	75%
Expressed wish to return	6,000	12,000	17,000
Requests processed	211	3,250	9,000
Returns from region	26	3,250	9,000

Sources: UN Doc. S/1997/487, para. 8; UN Doc. S/1997/767, paras. 24-2; UN Doc. S/1997/953, para. 19.

Progress on the return of Croat IDPs to Eastern Slavonia was even slower. During the same period, from April to September 1997, only 1,300 confirmations were issued for Croats to return to their homes within the region. In all cases, Croat and Serb alike, the ODPR stated that the families had moved back to vacant, habitable homes or had reunited with family members who had stayed behind. However, the Secretary General pointed out that at least 15 of the homes outside the region to which IDPs were supposed to be returning and deemed habitable by the ODPR were in fact damaged or occupied.[34] By the end of 1997, Croatian statistics showed that some 9,000 Serbs and 6,000 Croats had returned to their homes in the Danube region or in other parts of the country. During the same time, the Croatian government's Land Bank was reported to have purchased 1,071 houses

[34] Report of the Secretary General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN Doc. S/1997/767, 2 October 1997, paras. 24-25.

from Serbs wishing to sell their property throughout Croatia, including 400 houses purchased in the Danube region. Of those 400 houses, the government reported that it had leased 104 to Serb IDPs who had moved out of the houses they were occupying in order to return them to their original Croat owners.[35]

After the end of the UNTAES mandate, according to ODPR data, the return process picked up. During 1998, 31 percent of Croat IDPs returned to the Danube region and 90 percent of Serb IDPs returned from the Danube region to other parts of Croatia. In 1999, as many as 57 percent of Croat IDPs and 96 percent of Serb IDPs returned to their homes (see Figure 2). However, in its first report on the situation in the region of May 1998, the OSCE Mission to Croatia reported that the Agreement of the Joint Working Group had not worked satisfactorily.[36] While the return rate of Serb IDPs of 96 percent within three years might appear to be a success, this percentage refers to the number of IDPs that returned to their homes outside of Eastern Slavonia out of the total IDPs registered, rather than the total displaced. The original number of Serb IDPs that lived in Eastern Slavonia in 1996 was 48,000, according to the OSCE Return and Integration official in Vukovar, while the number that registered with the ODPR was 30,000.[37] More than half of the 48,000 Serb IDPs present in the region in 1996 left during UNTAES's mandate.[38] Moreover, OSCE monitoring information suggests that the number of people who have actually returned and remained in the region is

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[35] Report of the Secretary General on the United Nations Police Support Group, UN Doc. S/1998/500, 11 June 1998, para. 19.

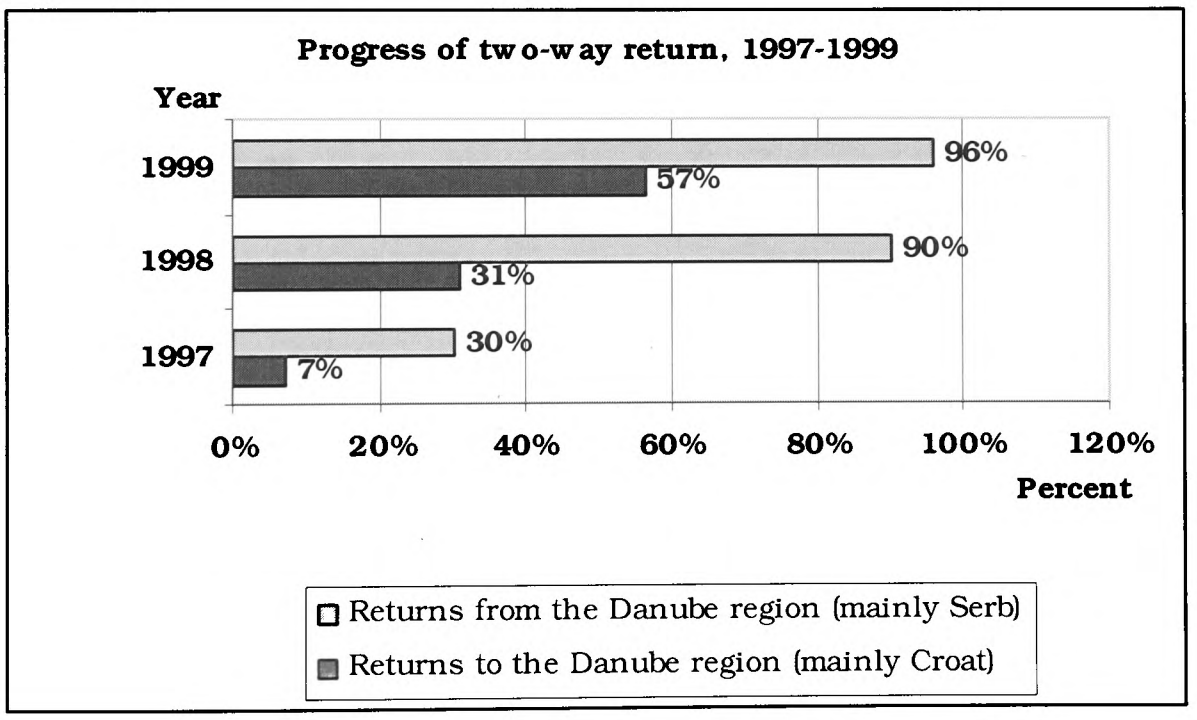
[36] OSCE, 'Status Report No.1 – Report of the OSCE Mission to the Republic of Croatia's on Croatia's Progress in Meeting International Commitments since January 1998', OSCE, 20 May 1998, p. 3, para. 11.

[37] Castedo, OSCE Return and Integration Unit.

[38] *Ibid.*, based on data from the UNHCR office in FRY.

lower. The ODPR, for instance, estimated that by October 1998, 21,340 Croat IDPs had returned to Eastern Slavonia, while, in its September 1998 report, the OSCE estimated that only around 10,000 Croat returnees had taken up full-time residence in the region. Similarly, the ODPR figure of 23,343 Serb returnees from the Danube region to other parts of Croatia was contested by the OSCE, as the latter estimated the number of returnees from the region at 10,000-15,000.[39] In general, only the easy cases, such as family reunification or return into empty houses, had been resolved. At the end of 1999, 4,500 Serb IDPs remained in the Danube region and return to their places of origin depended on the reconstruction efforts of the Croatian government; two years later, their number was 3,352.[40]

Figure 2: ODPR data on progress of two-way returns, 1997-1999 inclusive



Sources: ODPR; Government of Croatia, Government Project for Stability Pact Initiative 'Voluntary repatriation and sustainable reintegration of Croatian refugees', undated (2000-2001).

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[39] *Breaking the Logjam: Refugee Returns to Croatia*, IGC Balkan Report no. 49 (Zagreb/Sarajevo: International Crisis Group, 9 November 1998), p. 5.

[40] Background Paper on UN response to internal displacement in Croatia, UNHCR, 31 May 2000. Return of Displaced Persons and Refugees: Repossession of Property, Ministry of Public Works, Reconstruction and Construction, Zagreb, January 2003, p. 2.

UNTAES's activity with respect to return mainly focused on the organisation of visits by Croatian IDPs to their homes, which were initiated in March 1996.[41] In December 1996 UNTAES introduced so-called 'sponsored visits', which allowed individuals to enter or leave the territory administered by UNTAES for a day provided they were accompanied by a relative, friend or neighbour from the 'other side'. Approximately 3,000 people made use of this procedure in the first month after it was established.[42] However, UNTAES did not establish a mechanism for return, similar in any way to the one for day-visits. Through the Agreement of the Joint Working Group UNTAES merely established the administrative procedures that regulated and co-ordinated the activity of the various international and national agencies involved. For instance, in the section regulating the return to homes that were being used by secondary occupiers, the Agreement of the Joint Working Group stated in point 1 that the ODPR would forward requests for return daily to the Ministry for Development and Reconstruction. In point 2 it asserted that the Ministry would co-ordinate the work of the local Commission for the Temporary Takeover and Use of Property in order to establish whether the homes were occupied. Point 3 stated that the Ministry would inform the ODPR about the status of the homes and point 4 that the Ministry, in co-operation with the local Commission and via ODPR, would offer to the individual who submitted the request one of two options, both limited to the issuance of certificates. The first option was the issuing of a certificate specifying the date after which the owner would be able to take possession of the property, and the second was the issuing of a certificate putting at the disposal of the potential returnee temporary accommodation close to the place of permanent

[41] Vesna Škare-Ožbolt and Ivica Vrkić (eds.), *Olujni mir* (Zagreb: Narodne novine, 1998), p. 8.
[42] *Ibid*, pp. 129-30, 143.

residence until the original property would be available.[43] The Agreement of the Joint Working Group did not, however, specify the conditions for each of the solutions or any similar issue; it did not address in a constructive way the problems caused by the controversial property legislation, and did not even mention the situation of those persons who had lost occupancy right during the war.

Although UNTAES was not mandated to oversee the return process directly, the Basic Agreement stated that the Transitional Administration should ensure the possibility of return. In addition, the Basic Agreement referred to the equality of rights of all individuals who had left the Danube region or had come to the region from other parts of Croatia with respect to return and property issues.[44] As a consequence, UNTAES had the responsibility to ensure the possibility of return and to protect property rights of all present and pre-war residents of the Danube region. While it was not specified what the transitional administration should have done to achieve this, critics have suggested solutions, such as setting up a monitoring mechanism with extensive investigating powers to scrutinise the implementation of the return procedure.[45] However, no implementing or monitoring mechanisms were negotiated and UNTAES left no tangible guarantees for a return programme free from institutional discrimination.[46]

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[43] Agreement of the Joint Working Group on the Operational Procedures of Return.

[44] Basic Agreement, Arts. 4, 8, 9.

[45] Christine Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes: Legacy of the United Nations in Eastern Slavonia and Transitional Missions* (Clementsport: Canadian Peacekeeping Press, 2002), p. 132.

[46] *Ibid.*, based on interview with OSCE Return and Integration Officer in Croatia.

The reasons for this lack of initiative could be inferred from the failure of the JIC on Returns and Displaced Persons, which preceded the Joint Working Group on Return. According to Gravelle, the JIC lacked an overall strategy and this inhibited a regional approach to return, with the JIC concentrating instead on individual returns. The JIC was co-chaired by UNTAES and UNHCR and Gravelle described the latter as 'most reluctant to share responsibility'.[47] As one of the possible reasons why agreement on an overall strategy could not be found within the JIC, Coleiro suggests the difference in the aims of UNTAES, on the one hand, and those of the UNHCR, on the other. The former was responsible only for Eastern Slavonia, a small component of the bigger problem posed by the return process; the latter was the lead agency for refugee and IDPs' returns in the entire territory of former Yugoslavia. As a consequence, it is likely that the UNHCR, eager to solve the situation of hundreds of thousands of IDPs and refugees, pressed for the faster pace of returns and the unlocking of the property logjam. At the same time, aware of the disruption and potential social turmoil that was going to be associated with an abrupt start of the return process in Eastern Slavonia, UNTAES was pressing for a slower and more gradual approach. Based on interviews conducted with OSCE staff in Vukovar, Coleiro concluded that UNTAES had a 'half-hearted' approach to the return process and it did not want return to start under its watch, lest it destabilised and upset the mission's other goals.[48] While it is difficult to ascertain whether this was indeed the prevailing sentiment of the mission's staff, such an interpretation does go a certain way to

[47] Gravelle, *UNTAES,* pp. 10-11. Gravelle does not elaborate on this point and it is not clear whether the UNHCR took control over the JIC without letting UNTAES contribute, or it refused to take on any responsibility leaving UNTAES solely in charge.

[48] See Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes*, pp. 129-31.

explain the number cited above of only 9,000 Serb and 6,000 Croat returns from and to the Danube region by the end of the UNTAES mandate.[49]

A superficial, half-hearted, and short-term approach to return was consistent with the expectations that the major powers and the UN had of UNTAES: a quick institutional reintegration of Eastern Slavonia with minimum violence rather than efforts to achieve more complex, long-term goals, which the UN had little faith in accomplishing.[50] According to former UNTAES official Graham Day, 'UNTAES never considered the 'human factor'; it only addressed institutional and administrative aspects of reintegration because the big powers were not willing to invest long-term political capital in Eastern Slavonia'.[51]

7.3. Croatian authorities and the regulation of housing and property

The Security Council repeatedly reaffirmed the importance for Croatia of implementing the rights to equal treatment with respect to housing, access to reconstruction grants and loans, and to property compensation, guaranteed by Croatian law to all residents in the Danube region.[52] It also urged the Croatian government to eliminate the administrative and legal obstacles to the return of

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[49] To an extent, if this was the prevailing sentiment of mission staff, it was justified insofar as, when the process of Croat returns to the region slowly accelerated in 1998, it was accompanied by an increase in the number of housing-related incidents, involving attempts by Croat homeowners to evict Serb IDPs temporarily occupying their houses. See UN Doc. S/1998/500, para. 9. The UN Police Support Group, set up in January 1998 further to Security Council Resolution 1145 in order to monitor the performance of the Croatian police forces in the Danube region, observed 21 housing related incidents in its first week of operation, and 125 in the first month. Robert Gravelle, *The United Nations Police Support Group Croatia After Mission Report*, unpublished manuscript, p. 6.

[50] Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes.*, p. 127; Jan-Werner Mueller, interviewed by the author, Oxford, 21 May 2003.

[51] Graham Day, former UNTAES official, interviewed by the author, Zagreb, 12 December 2002.

[52] Statement by the President of the Security Council, UN Doc. S/PRST/1997/4, 31 January 1997.

refugees and displaced persons, resolve property issues - in particular those related to the Law on Temporary Take Over and Administration of Specified Property – and establish straightforward procedures for return.[53] Despite repeated calls by the Security Council, there was little progress with respect to either equal treatment or the situation of ethnic Serb IDPs.[54] At the close of the UNTAES mandate, several key issues remained unresolved. Among them were problems regarding property laws that discriminated against Serbs, the loss of tenancy rights, and the lack of progress on guarantees of equal access to reconstruction grants. In addition, the government of Croatia had failed to present a plan detailing options, guaranteed in the Basic Agreement and in accordance with fundamental human rights, for those Serb IDPs who wished to receive compensation or remain in the Danube region.[55] Indeed, the severity of the situation was such that the Secretary General expressed his fears that, in the longer term, these failures could 'bring the return process to a halt'.[56] This next section looks in more detail at the policy of the Croatian government in the areas of housing reconstruction and property rights during, and immediately after the end of, the UNTAES mandate. The analysis will show that the government's actions were consistently discriminatory against Serb IDPs. This is another example where UNTAES and, through UNTAES, the international community abdicated the opportunity to act in the interest of all the residents of the Danube region and relied instead on the (un)willingness of Zagreb.

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[53] Security Council Resolution UN Doc. S/RES/1120 (1997), 14 July 1997, para. 4; Statement by the President of the Security Council, UN Doc. S/PRST/1997/45, 18 September 1997; Security Council Resolution UN Doc. S/RES/1145 (1997), 19 December 1997, para. 7.

[54] UN Doc. S/1997/148, para. 29; UN Doc. S/1997/767, para. 27.

[55] Report of the Secretary General on the United Nations transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN. Doc. S/1997/953, 4 December 1997, para. 20.

[56] Report of the Secretary-General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium UN Doc. S/1998/59, 22 January 1998, para. 14.

7.3.1. Discriminatory reconstruction programme

One of the consequences of the war in Croatia was the considerable destruction of housing stock. About 196,000 housing units were destroyed in Croatia,[57] of which 28,872 in Vukovarsko-srijemska County and 34,550 in Osječko-baranjska.[58] Housing reconstruction was an enormous financial burden for Croatia, but, at the same time, it had practical value as a necessary precondition for return and symbolic meaning as an expression of the government's commitment to its citizens who had suffered in the war. In addition, it was also the means for Croatia to show its commitment to the demands of the international community regarding non-discrimination and equality of treatment of all citizens of Croatia, regardless of their ethnicity.

In this latter respect, the expectations of the international community were not met. In fact, the Law on Reconstruction, passed in 1996, contained a number of discriminatory provisions, and the criteria and order of preference for government reconstruction funding set by the law placed ethnic Serbs at a disadvantage.[59] Article 6 of the Law on Reconstruction specified seven categories of individuals with access to government-funded reconstruction in the following order of priority: first were families of Croatian military and civilian victims of the war, second individuals who had spent at least three months in the Croatian defence forces during the war, third were refugees and IDPs, fourth former SFRY

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[57] Information from the Ministry for Public works, Reconstruction and Construction reported in *A Half-Hearted Welcome*, p. 8.

[58] Information provided by Jasmina Đurić, Office of the Ministry for Public Works, Reconstruction and Construction in Vukovar, interviewed by the author, Vukovar, 10 February 2003.

[59] Law on Reconstruction, Arts. 1, 4, 6.

political prisoners, followed by families with large number of children, then individuals who intended to move to the area of reconstruction if this area was defined as of 'special interest' for the Republic of Croatia, and finally individuals who currently lived in other areas of reconstruction.[60] Ethnic Serb IDPs and refugees could, in theory, had been classified under the third category, but, according to the OSCE, the law's definition of property 'damaged in war' excluded property damaged or destroyed during or after the Croatian military operations 'Flash' and 'Storm' by which Serb-held territories were retaken, corresponding to 20,000 housing units.[61] Article 1 of the Law on Reconstruction defined the areas of reconstruction as follows:

> ...those parts of the territory of the Republic of Croatia that, in the war against the Republic of Croatia, had been temporarily occupied or exposed to the destructive actions and consequences of the actions of the Serbian and Montenegrin aggressor's military and para-military formations, or consequences of the actions of terrorist and other units that oversaw or supported such military and paramilitary formations, and that, in the armed conflict, had suffered destruction or damage of cultural and natural resources.[62]

Throughout the UNTAES mandate, the 1996 Law on Reconstruction remained in force. It was not until June 2000 that it was amended to provide for the reconstruction of property regardless of the causes of damage and without territorial limitations, thus including houses damaged or destroyed by so-called 'terrorist acts'. In addition, it made eligible for reconstruction assistance all

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[60] *Ibid.*, Art. 6.

[61] OSCE, 'Status Report No.1,' p. 7, para. 22. Draženović, interview.

[62] Law on Reconstruction, Art. 1, translation author's own.

Croatian citizens and individuals who lived in Croatia before the war and whose houses were damaged in the war regardless of the way and time of return. In this respect, the amendments eliminated the discriminatory provisions of the original law. However, a provision was included delegating power to the executive to issue regulations defining priorities of eligibility for reconstruction assistance.[63] The Ministry of Public Works, Reconstruction, and Construction published a Rulebook in July 2000 defining four main priority categories of beneficiaries. Within each category, top priority was given to 'Croatian Defenders' just as in the 1996 law.[64]

By 2002, more than 110,000 out of approximately 195,000 residential properties that were damaged or destroyed during the conflict had been reconstructed. Over 90 percent of reconstruction had been implemented through the government's reconstruction programme and the vast majority of reconstructed houses belonged to Croats.[65] The Croatian authorities denied that there was any discrimination in the allocation of reconstruction funding but official data analysing reconstruction activities by the ethnic group of the beneficiaries is lacking, allegedly because decisions are not made according to ethnicity and the latter has no bearing on the reconstruction programme.[66]

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[63] Parliament of the Republic of Croatia, *Zakon o izmjenama i dopunama zakona o obnovi* (Law on the Amendments of the Law of Reconstruction), class 361-08/00-01/01, 1 June 2000, Arts. 1, 3, 28.

[64] Ministry of Public Works, Reconstruction and Construction, *Pravilnik o prioritetima obnove i potpori za opremanje obiteljskih kuća i stanova* (Rulebook on the Priorities of Reconstruction and Assistance for Furnishing of Houses and Flats), class 011-01/00-01/49, n. 516-01-00-1, Zagreb, 11 July 2000, Arts. 3, 4.

[65] *Ibid.*

[66] Official of the Ministry of Public Works, Reconstruction, and Construction, telephone interview, 29 May 2003.

Reports by international representatives in the field, however, cite a stark contrast between the reconstruction carried out in Croat villages and the lack thereof in Serb villages.[67] According to a UN official in Zagreb, the ratio between reconstructed Croat houses and reconstructed Serb houses was 95 to 5.[68] While, during 1998, extensive reconstruction was going on in the Danube region, the OSCE reported that there were very few individual cases of government support for the reconstruction of houses belonging to members of the Serbian minority.[69] Towards the end of 1998, ODPR reported that 1,335 applications for reconstruction assistance had been made by Croatian Serb refugees; 420 of those have been approved and 100 payments have been made so far.[70] As of May 1999, in the priority area of Mitnica in Vukovar, for example, the majority of damaged or destroyed Croat houses had been reconstructed whereas very few ethnic Serbs in the neighbourhood had received reconstruction assistance. Also in the Danube region, reconstruction had not commenced in the predominantly ethnic Serb village of Karadžićevo, although the majority of residents applied for reconstruction assistance in 1997. In the ethnically mixed village of Klobučak in the Sisak municipality, outside the Danube region, the only house that had been reconstructed was owned by an ethnic Croat, despite the fact that almost all owners of destroyed houses in the village had applied for reconstruction assistance. In contrast, nearby ethnic Croat-majority villages were almost

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[67] *A Half-Hearted Welcome*, p. 8, n. 39.

[68] Laura Zanotti, former Political Affairs Officer, UN Liaison Office in Croatia, interviewed by the author, Zagreb, 21 February 2003.

[69] OSCE, 'Status Report No.2,' p. 7, para. 28.

[70] Report of the Secretary General on the United Nations Police Support Group, UN Doc. S/1998/887, 23 September 1998, para. 16.

completely reconstructed.[71] In addition, in May 1998, the government announced that it would finance the reconstruction of 1,200 houses for Bosnian Croat returnees in the central Bosnian canton. In contrast, by May 1998, only 21 displaced Croatian citizens of Serb ethnic origin had received cash grants for the repair of slightly damaged houses and no grants had been provided for more seriously damaged houses.[72]

The Croatian government's housing reconstruction programme was primarily politically motivated.[73] In order to gain and maintain public support, the government pushed for a rapid reconstruction programme, which was cheaper than economic rehabilitation and provided faster and easily quantifiable results. However, the policy of the Croatian government proved to be ineffective in encouraging returns, the main reason for the slow rate of return being the economic situation and lack of employment opportunities discussed in Chapter Five. As a result, disregarding their contractual obligation to live in the reconstructed building, many owners decide to sell their property for a price below its actual cost-value; while the reconstruction of one square meter of housing costs 400 Euros, reconstructed houses of $100m^2$ were being sold on the market for only 20,000 Euros in 2003.[74]

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[71] OSCE, 'Status Report No.4 – Report of the OSCE Mission to the Republic of Croatia's on Croatia's progress in meeting international commitments since January 1999,' 18 May 1999, p. 10, n. 30.

[72] UN Doc. S/998/500, para. 22.

[73] Souren Seraydarian, former Deputy Transitional Administrator and former Head of UN Police Support Group, interviewed by the author, Sarajevo, 19 November 2002.

[74] Đurić, interview.

7.3.2. Discriminatory property legislation

As mentioned above, at the end of the UNTAES mandate, core issues related to the return of displaced persons, namely the abolition of discriminatory property laws and the establishment of effective mechanisms that would allow owners to recover their property, still remained unresolved.[75] Although specific articles of the Law on Temporary Takeover of Property had been repealed, the law remained *de facto* in effect. In June 1998, the government of Croatia adopted the Programme for the Return and Accommodation of Displaced Persons, Refugees, and Exiled Persons, developed in close cooperation with the UNHCR and the OSCE.[76] The Return Programme was regarded by the UN as a major step in the right direction. It was based on the principle of the unconditional right to return of all those who were residents of Croatia before the war, regardless of citizenship, and who could be regarded as refugees in accordance with the 1951 Geneva Convention and in compliance with Croatia's commitments as a Dayton Agreement signatory and guarantor. Mechanisms were established that would allow for the return of all Croatian citizens to their former homes or for the provision of alternative accommodation, as well as for the restitution of their property. The Return Programme established comprehensive monitoring mechanisms, committed the government to adopt legislative changes in order to support it and to structure regulations that would address the issues stemming

[75] UN Doc. S/998/500, paras. 20, 40.

[76] Government of the Republic of Croatia, *Program povratka i zbrinjavanja progrnanika, izbjeglica i raseljenih osoba* (Programme on Return and Provision of Care for Displaced Persons and Refugees), class 019-04/98-01/01, Zagreb 14 June 1998. Henceforth referred to as Return Programme.

from the abolition of those laws and pledged to introduce legislation to equalize the status of all categories of returnees.[77]

While the Return Programme had been welcomed internationally as sound in principle, a couple of concerns were expressed by third parties. First, its legal status was uncertain, as it did not formally have the status of a law. Second, it did not deal sufficiently clearly with the need to provide for Serb returnees who did not own property and who had lost 'occupancy rights' in former socially-owned property. Third, the key principle of the Return Programme was property repossession by pre-war owners, but the latter was still made contingent upon the provision of 'alternative accommodation' for the temporary users. Moreover, Croatian officials stressed the difficulty that Croatia would have in implementing the returns plan given its budgetary limitations. The international community was unhappy with the inference that the successful implementation of the programme for minority return was conditional upon the receipt of international aid. Finally, there was considerable doubt as to the existence of the necessary political will to implement the Return Programme.[78]

Two executive decrees that were issued by the government as clarification of the Return Programme contained a number of controversial statements that questioned the credibility of the Return Programme and the commitment of the Croatian authorities. One was the Procedures for Individual Return of Persons

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[77] UN Doc. S/1998/887, para. 13; OSCE, 'Status Report No.2,' p. 3, para. 10.

[78] 'Breaking the Logjam: Refugee Return to Croatia,' pp. ii, 9-14; Global IDP Database, *Profile of Internal Displacement: Croatia* (Geneva: Norwegian Refugee Council/Global IDP Project, 31 August 2002), p. 47.

who had Abandoned the Republic of Croatia, which specified that it referred to those persons who had abandoned Croatia out of their free will and currently resided in FRY or Republika Srpska in BiH. It hence excluded Serb IDPs in Croatia.[79] In addition, the Procedures set very stringent restrictions on the right of return of such persons, including obtaining Croatian citizenship, which had to be applied for, rather than simply confirmed based on pre-war residence in Croatia. The other document, the Mandatory Instructions for Obtaining Documents for the Purpose of Implementation of the Procedures for Individual Return of Persons who had Abandoned the Republic of Croatia, was issued shortly after the Return Procedures and contained discriminatory provisions regarding the application for citizenship.[80] The two documents put in place a mechanism that regulated the physical return of refugees, but they did not in any way address the issues of property restitution and other related matters, which would have helped to ensure the sustainability of return.

While according to ODPR figures and as previously discussed returns did pick up after 1998, the results were nevertheless disappointing, and serious blockages hampered the return process, in particular discriminatory legal provisions and

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[79] Government of the Republic of Croatia, *Postupak za individualni povratak ososba koje su napustile Republiku Hrvatsku* (Procedures for Individual Return of Persons who had Abandoned the Republic of Croatia), Zagreb, 27 April 1998. Henceforth referred to as Return Procedures.

[80] Government of the Republic of Croatia, *Obavezni naputak za pribavljanje dokumenata u svrhu provedbe 'Postupka za individualni povratak ososba koje su napustile Republiku Hrvatsku'* (Mandatory Instructions for Obtaining Documents for the Purpose of Implementation of the Procedures for Individual Return of Persons who had Abandoned the Republic of Croatia), class 019-04/98-01/04, n. 5030107-98-3, Zagreb, 14 May 1998. Henceforth referred to as Mandatory Instructions. Although the Return Programme was not presented in Parliament until June 1998, the Return Procedures and the Mandatory Instructions were issued in April and May of the same year.

practices.[81] Indeed, by September 1998, the bulk of returns still consisted of comparatively easy cases of family reunions or of returnees moving in with friends.[82] Half of all property repossession cases processed by September 1999 had taken place in the Danube region where the Return Programme had been selectively implemented and where the majority of claimants for repossession were ethnic Croats returning from other parts of Croatia. These returnees had either been able to repossess their property through the court system or had ignored the established administrative and legal systems and resorted to other methods. For instance, in Vukovar, 606 repossessions, most of which were undertaken outside the parameters of the Return Programme, had been recorded out of a total of 1,286 reported requests for repossession. In the city of Knin in southern Croatia, on the other hand, with a reported 518 requests for repossession and no possibility for the mainly ethnic Serb owners to have their cases heard in court, only nine owners had been able to repossess their properties.[83] The figures provided in Table 13 show that up to two-thirds of applications received by the beginning of September 1999 remained unprocessed. Of those which had been processed, very few secondary occupants had been offered alternative accommodation and 1,800 remained in property pending provision of alternative accommodation while a total of just over 1,400 properties had been returned to

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[81] OSCE, 'Status Report No.3 – Report of the OSCE Mission to the Republic of Croatia's on Croatia's progress in meeting international commitments since September 1998,' 26 January 1999, p. 5, para. 14. OSCE, 'Status Report No.4 – Report of the OSCE Mission to the Republic of Croatia's on Croatia's progress in meeting international commitments since January 1999,' 18 May 1999, pp. 6-9, paras. 17-19; 'A Half-Hearted Welcome: Refugee Return to Croatia', p. 5.

[82] UN Doc. S/1998/887, para. 16.

[83] OSCE, 'Status Report No. 5 – Report of the OSCE Mission to the Republic of Croatia's on Croatia's progress in meeting international commitments since May 1999,' 28 September 1999, p. 3, para. 8.

their owners.[84] In July 2002, the Law on Areas of special State Concern was amended so as to facilitate the repossession of property. However, as of August 2002, 7,795 properties remained occupied; as of January 2003 their number decreased to 6,881.[85]

Table 13: Processing of Applications for Repossession of Property by September 1999

Registered applications for property repossession	6,907
Applications processed	2,526
Annulment of temporary occupancy decision with notice to quit once alternative accommodation has been identified	1,917
Certified offer of alternative accommodation provided to temporary occupant	146
Certified acceptance by temporary occupant of offered alternative accommodation	160
Temporary occupants remaining in property pending provision of alternative accommodation	1,800
Properties certified as returned to the owner	1,423

Source: ODPR, 'Housing Commissions – Latest Report', 2 September 1999.

In his final report on the UN Police Support Group in Eastern Slavonia, the Secretary General noted that while the Return Programme contained most of the elements needed to facilitate nationwide returns, it had yet to be implemented fully. There had been no progress on the restitution of property to Croatian citizens of Serb ethnicity. Meanwhile the number of Croat IDPs returning to the Danube region was below all expectations, despite a surplus of available reconstructed housing in the region.[86]

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[84] ODPR, 'Housing Commissions – Latest Report', 2 September 1999, quoted in OSCE, 'Status Report No. 5,' p. 6.

[85] OSCE, '2nd Report on Issues of Property Repossession under the July 2002 Amendments to the Law on Areas of special State Concern,' 31 January 2003.

[86] Final Report of the Secretary General on the United Nations Police Support Group, UN Doc. S/1998/1004, 27 October 1998, para. 5.

7.4. Conclusion

The resolution of housing and property issues was a crucial element in ensuring the possibility of return for the persons displaced from Eastern Slavonia and those that found refuge in the region. According to the Secretary General, legal and financial obstacles to property restitution, unrealistic government deadlines for Serb applications for reconstruction assistance, and delays in government funding for the reconstruction of Serb houses were, with the uncertain economic and social situation in areas of potential return - in particular with respect to employment - the main factors inhibiting the pace of return.[87] Moreover, the UN deemed that the solution of housing and property had an important role to play in the reconciliation process, which depended on the attainment of significant progress at national and grassroots levels on the future of refugees and IDPs, including equal treatment in the areas of housing, access to reconstruction funding and property compensation.[88]

Given the extent of war-time displacement, damage to housing stock, and secondary occupation of property, housing and property were issues that required an international mechanism extending beyond Eastern Slavonia to include the whole of Croatia, as well as BiH and FRY. The international community expected the Croatian government to harmonize property and reconstruction legislation and, in particular, to ensure its non-discriminatory implementation with respect to access to reconstruction funding and rights to socially owned

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[87] UN Doc. S/1997/953, para. 19.

[88] United Nations Lessons Learned Unit, Department of Peacekeeping Operations, 'Comprehensive Report on Lessons Learned from UNTAES,' last updated on 9 December 1999, accessed online at http://www.un.org/Depts/dpko/lessons/untaes.htm on 26 November 2001, section II.16.

apartments.[89] From its past record, however, there was good reason to suspect that the Croatian authorities would be unwilling to satisfy these demands.

The Basic Agreement tasked the transitional administration with ensuring the possibility for return of refugees and IDPs to their homes, and the solution of housing and property issues was a key precondition for return. In many ways, UNTAES was in a favourable position to devise and negotiate an agreement on housing and property issues: it was a relatively strong UN mission, led by a Transitional Administrator with executive authority in Eastern Slavonia and respected among the Croatian leadership. As the example of the Dunav I project shows, UNTAES was in the position to canvass support from international donors for actual projects and carry them out to the benefit of the local community. As this chapter has shown, however, UNTAES failed to take full advantage of its position. Its approach to housing and property issues remained hesitant and dominated by short-term imperatives, while the formulation and implementation of a return programme that would resolve property and housing issues was left to the Croatian government.

[89] UN Doc. S/1998/1004, para. 6.

8. Mandate and Authority: Restraining or Enabling Factors?

The previous chapters have provided an analysis of UNTAES's record with respect to three areas of public policy that had an impact on peacebuilding and the reintegration of Eastern Slavonia, namely employment, education, and housing and property. It has been argued that a key limitation of UNTAES was its insufficient involvement in these domestic policy sectors despite their importance for the post-conflict normalisation of life in the region. A possible response to such a line of argument would be to maintain that UNTAES was merely acting within the constraints of its mandate and that the authority vested in it did not allow meddling in what is essentially domestic policy.

This chapter will address this issue by further examining the mission's mandate and its implementation, as well as the extent and nature of authority enjoyed by UNTAES. It will be argued that neither of these factors was such as to limit the mission's scope of action. Rather, it was the reluctance of the international community to commit political capital and resources to Eastern Slavonia that influenced the perception of the UN mission in the region as an inexpensive and short-term exercise in territorial reconnection.

8.1. Assessing UNTAES's mandate and performance

As has been pointed out in the Introduction, UNTAES is widely regarded as a successful peacebuilding initiative. UN Secretary General Kofi Annan, in his report of the 4 December 1997, noted the success of UNTAES in the reintegration

process, which was a positive precedent for peace throughout the former Yugoslavia.[1] Similarly, the UN Transitional Administrator Jacques Klein described it as 'an exemplary UN mission'[2] and Mate Granić, Croatia's foreign minister during the UNTAES mandate, characterized it as 'an excellent international project completed with great success, probably the most successful UN project in the former Yugoslavia'.[3]

Indeed, UNTAES made significant achievements in Eastern Slavonia, starting with demilitarisation, which was completed on 20 June 1996, and landmine clearance, which was begun during its mandate. An ethnically mixed Transitional Police Force was established and, by the end of the mandate, incorporated within the Croatian police. The political and institutional framework for the reintegration of civil administration and public services was finalised. Conditions permitting free and fair elections were created and local and regional elections were conducted successfully on 13 and 14 April 1997. New multi-ethnic administrative bodies were created and, on 15 January 1998, two years after the beginning of the reintegration process, Eastern Slavonia, Baranja, and Western Sirmium became integral parts of the Republic of Croatia. The majority of people of the region accepted Croatian citizenship and statehood, and territorial and institutional reintegration was carried out peacefully. The return of refugees and displaced peoples was initiated and the concept of 'two-way return', i.e. the simultaneous return of displaced Croats to the UNTAES mandated region and that of displaced

[1] Report of the Secretary General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, UN Doc. S/1997/953, 4 December 1997, para. 5.

[2] Jacques Klein, 'The Prospects for Eastern Croatia: the Significance of the UN's Undiscovered Mission,' *RUSI Journal* vol. 142, no. 2, April 1997, p. 19.

[3] Mate Granić, former Croatian foreign minister, interviewed by the author, Zagreb, 3 July 2001.

Serbs from the region to other parts of Croatia, was demonstrated in practice through the latter part of 1997, when some 6,000 Croats and 9,000 Serbs returned to their original homes.[4]

According to Pjer Šimunović, UNTAES successfully completed an 'unusually principled mandate', which incorporated not only a range of clear, well-defined, and feasible tasks, but also reaffirmed some basic rules and principles of contemporary international order: the territorial integrity of sovereign states, non-acceptance of the results of armed aggression or forced displacement, and full respect of human rights and fundamental freedoms of all people including refugees and IDPs.[5]

At the same time, UNTAES's mandate has also been criticised for being limited in its remit and for prioritising short-term tasks over longer-term objectives. According to this criticism, everything in the mandate was politically and legally correct but there lacked a firm commitment to reconciliation and confidence building. Accordingly, the Basic Agreement addressed the territorial and institutional reintegration of the region, but ignored the challenges posed by the reintegration of the region's population into a post-conflict multi-ethnic society. As Christine Coleiro argues:

> It seemed that nobody considered how the local Serbs might have felt about Croat IDPs returning to the region with the power

[4] Report of the Secretary General on the situation in Croatia, UN Doc. S/1997/487, 23 June 1997, para. 42; UN Doc. S/1997/953, para. 6.

[5] Pjer Šimunović, 'A Framework for Success: Contextual Factors in the UNTAES Operation in Eastern Slavonia,' *International Peacekeeping*, vol. 6, no. 1, Spring 1999, pp. 127-8.

> of the government of Croatia behind them. Equally, there was no concern acknowledged for the pain and anxiety of Croats returning to their village, to their burned-out homes and to sharing a street with the Serb neighbour who drove them out of the region six years ago.[6]

According to Coleiro, UN Security Council Resolution 1037 was not much better in this respect either. Coleiro takes issue with the choice of words in Article 5 of the Resolution whereby the Security Council *encouraged* the parties 'to continue to adopt confidence-building measures to promote an environment of mutual trust', and with the reference to the Basic Agreement in Article 12 whereby the Security Council instructed UNTAES to '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.[7] Coleiro argues that the use of the term 'encourages' implies that the international community did not recognise confidence building as an obligation of the parties, but merely as something that was desirable, and that the reference to the Basic Agreement to define the parties' commitment is inconsequential since confidence building is not even mentioned in the Basic Agreement.[8] However, the choice of the term 'encourage' in Article 5 of the Resolution can also be explained by reference to the fact that the parties to the Basic Agreement requested that an international administration be established to govern Eastern Slavonia during its

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[6] Christine Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes: Legacy of the United Nations in Eastern Slavonia and Transitional Missions* (Clementsport: Canadian Peacekeeping Press, 2002), p. 118.

[7] Security Council Resolution, UN Doc. S/RES/1037 (1996), 15 January 1996, para. 5, 12, italics added.

[8] See Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes,* p. 119.

transition to Croatian control. Hence, the UN was not imposing a settlement but rather was facilitating its implementation and the tone prevailing in Resolution 1037 reflects this.

With respect to Coleiro's second criticism, given the emphasis on the protection and restoration of the multi-ethnic character of the region contained in the Basic Agreement, the reference to this document in Article 12 of Security Council Resolution 1037 to define the parties' commitment to promote an atmosphere of confidence is not without foundation. Indeed, the discussion of UNTAES's mandate in Chapter Four has shown that, although somewhat understated, the reintegration of the population was an integral part of the Basic Agreement and Resolution 1037. As before, it has to be conceded that its ambiguous position in the documents facilitated its neglect in the implementation phase in favour of other more tangible tasks.[9] The mandate's main focus was on a list of tasks, such as demilitarisation, security, and administrative reintegration, which, in the event, became the mission's dominant concerns.

It becomes pertinent to ask now whether the content of UNTAES's mandate can justify its reluctance to address long-term and complex issues affecting the reintegration of the population, or whether there are other concerns, external to the mandate, which need to be addressed in order for a mission to be regarded as successfully. It is to this question that the analysis now turns.

[9] See discussion in Chapter Four, pp. 87-89 above.

8.1.1. The limits of mandate performance

Mandate performance, that is the extent to which a given operation has fulfilled its mandate, is a commonly used indicator of operation success.[10] The benefit of this approach is that it guards against evaluating an operation in relation to objectives that it was never intended to achieve. At the same time, however, fulfilment of the mandate by itself is not necessarily an indication of success and thus may not be the most appropriate basis for assessment. To begin with, this approach 'makes evaluation a prisoner of ambition' and allows an institution to be successful by setting very modest goals.[11] Moreover, in the case of organisations that do not set their own objectives, such as the UN, mandates can be used by their member states in order to gain moral credit by setting ambitious goals without having the obligation to see them through themselves. An example of the latter is provided by the experience of UNPROFOR in BiH, which was tasked with protecting safe havens without being given the required resources and commitment from the major powers. Consequently, the member states and the Security Council gained symbolic value for proclaiming morally worthy goals, whilst the UN was blamed when it failed to achieve them.[12] In addition, the mandate itself is often the sub-optimal result of complex bargaining among the interests of the parties to the conflict and of the external powers involved in the negotiations. They are often

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[10] For a general discussion on the assessment of peace operations, see Daniel Druckman and Paul C. Stern, 'Evaluating Peacekeeping Missions,' *Mershon International Studies Review*, vol. 41, no. 1, May 1997, pp. 151-165; George Downs and Stephen John Stedman, 'Evaluation Issues in Peace Implementation,' in Stephen John Stedman, Donald Rothchild, and Elizabeth Cousens (eds.), *Ending Civil Wars: the Implementation of Peace Agreements* (Boulder, Co.: Lynne Rienner, 2002); Stephen John Stedman, 'Introduction,' in Stedman, Rothchild, and Cousens (eds.), *Ending Civil Wars*.

[11] Downs and Stedman, 'Evaluation Issues in Peace Implementation,' in Stedman, Rothchild, and Cousens (eds.), *Ending Civil Wars*, p. 45.

[12] *Ibid.*, p. 46.

political documents that are meant to convey broad purposes while maximising the level of political support for them.[13]

These limitations of mandate performance as a measure of mission success have led researchers to seek other indicators. A model proposed by Duane Bratt uses four criteria for determining the 'operational success' of a peace operation: mandate performance, facilitation of conflict containment, limitation of casualties, and conflict resolution.[14] Other approaches have mainly concentrated on two measures, the containment of overt violent conflict and the resolution of its underlying causes. Hence, Marjorie Brown considers whether the operation has reduced conflict in the area and whether it has led to a resolution of the underlying disputes of the conflict;[15] Paul Diehl looks at whether the operation has limited armed conflict and the extent to which the operation has facilitated conflict resolution;[16] while Downs and Stedman look at whether large-scale violence has been brought to an end while the peace implementers are active, and whether war is terminated on a self-enforcing basis so that the implementers can leave without fear of the war rekindling.[17] Although these models are useful insofar as they prevent a mission from being held hostage to an overly or insufficiently ambitious mandate and the political objectives of those who defined

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[13] Paul Diehl in Druckman and Stern, 'Evaluating Peacekeeping Missions,' p.152.

[14] Duane Bratt, 'Assessing the Success of UN Peacekeeping Operations,' *International Peacekeeping*, vol. 3, no. 4, Winter 1997, pp. 64-81.

[15] Marjorie Ann Brown, 'United Nations Peacekeeping: Historical Overview and Current Issues,' report for Congress (Washington, D.C.: Congressional Research Service, 1993).

[16] Paul Diehl, *International Peacekeeping* (Baltimore: Johns Hopkins University Press, 1993).

[17] Downs and Stedman, 'Evaluation Issues in Peace Implementation,' in Stedman, Rothchild, and Cousens (eds.), *Ending Civil Wars,* p. 50.

it,[18] there are important issues that they do not address. These include problems related to the definition and degree of conflict containment and conflict resolution, as well as difficulties relating to the large number of indicators, unreliable measurements and differences in context – resources and international support, and the situation on the ground - that need to be controlled for.

As this thesis has argued, UNTAES was successful in preventing a relapse to violent conflict in Eastern Slavonia, without, however, sufficiently addressing the roots of inter-ethnic tension. A major reason for this course of action was undoubtedly the interests of the major Western powers involved in the peace process and of the parties to the conflict that shaped the mission's mandate. In his report to the Security Council preceding Resolution 1037, which established UNTAES, Boutros-Ghali expressed his concern over the 'enormous problems of housing, property compensation, economic reconstruction and rehabilitation' in a post-conflict context in which reconciliation and confidence building needed to be fostered.[19] Moreover, the Secretary General warned of the social turmoil that would result if each ethnic group insisted simultaneously on exercising the rights and entitlements contained in the Basic Agreement. At the same time, it seems that Boutros-Ghali realised the extent it would cost the UN, both in terms of time and money, to reintegrate the people of Eastern Slavonia and rebuild a multi-ethnic society, and the risks involved. Ultimately, the Secretary General did not want to embroil the UN in an endless mission and, while noting the importance of

[18] *Ibid.*, p. 48.

[19] Report of the Secretary General on Croatia pursuant to Security Council Resolution 1025 (1995), UN Doc. S/1995/1028, 13 December 1995, para 6.

reconciliation and confidence building in Eastern Slavonia, he did not state that they were necessarily the responsibility of the UN.[20]

It appears, therefore, that within the UN there was considerable apprehension about getting involved in more complex and long-term goals.[21] Having been let down by its member states in Somalia in 1993, and given the impossible task of securing so-called 'safe areas' in BiH, such as Srebrenica, the UN's reputation as well as its confidence in its own capabilities and in the commitment of its member states was at its lowest ebb.[22] What the UN needed was a quick institutional reintegration of Eastern Slavonia with a minimum of violence, and UNTAES was designed to serve this purpose. In fact, it can be argued that UNTAES was instrumental not only for the UN, but for the key third parties involved. Indeed, several participants and observers of the mission have suggested that the US, having decided not to involve the UN in the Dayton negotiations on BiH, and eager to keep costs down, wanted to show that even a fairly small UN mission could be effective under American leadership.[23] The EU member states for their part, needed to regain some credibility after years of failure in former Yugoslavia, but much like the UN, were not willing to invest long-term political capital in Eastern Slavonia at a time when they were committing to very ambitious plans for post-Dayton BiH.[24]

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[20] *Ibid.*

[21] See Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes,* p. 127.

[22] See Derek Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' Paper delivered for the Roundtable Meeting on *Applying Leverage: Lessons from the United Nations Operations in Mozambique and Eastern Slavonia*, 8 October 1999, p. 4.

[23] See *Ibid.*, pp. 4-5.

[24] Jan-Werner Mueller, who had visited UNTAES during its mandate in Eastern Slavonia for research purposes, interviewed by the author, Oxford, 21 May 2003. Graham Day, former UNTAES official, interviewed by the author, Zagreb 12 December 2002; see also Christopher Walker, 'Four Years After Erdut, Eastern Slavonia Continues To Lag,' RFE/RL Balkan Report 3, no. 219, Part II, 10 November 1999.

With respect to the local parties, the Serbs expressed a strong preference for a gradual process of reintegration under a UN transitional administration with executive authority. The Croatian government, for its part, did not have much faith in a UN operation, given its past experiences with UNPROFOR and UNCRO. It wanted to see the transitional administration play a supervisory role over a quick process of reintegration without getting too involved in the details of the reintegration process.[25] Ultimately, Croatia had the means to re-take the region militarily; opting for a peaceful transition, therefore, was a way of recovering its territory while at the same time gaining some international credibility. For UNTAES this also meant that it would have to negotiate with the government rather than impose policy, an issue to which the analysis returns in the second part of this chapter.

Hence, it can be argued that the nature of the mandate given to UNTAES, focusing as it did on short-term tasks rather than on long-term, complex, and riskier goals was in part a consequence of the reluctance of the Western powers to commit greater stakes to the operation in Eastern Slavonia as well as of the ambiguity of Croatia's stance with respect to UN authority in the region. This can partly explain why the reintegration of the population, confidence building, and reconciliation, which would have required a greater commitment from the parties involved, were not given a more prominent role in the mandate.

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[25] United Nations Lessons Learned Unit, Department of Peacekeeping Operations, 'Comprehensive Report on Lessons Learned from UNTAES,' last updated on 9 December 1999, accessed online at http://www.un.org/Depts/dpko/lessons/untaes.htm on 26 November 2001, para. 9.

8.1.2. Mandate: ceiling or floor

According to a claim from former Transitional Administrator Jacques Klein – that he perceived UNTAES's mandate 'as the floor, not the ceiling'[26] – it would appear that the intentions and commitment of international actors and their effect on the mission's mandate did not in practice affect the work of the staff in the field. Indeed, Klein's words imply that UNTAES did much more than the mandate required. However, while this supports the view presented here, that a mandate is not the ultimate benchmark for mission assessment, it is necessary to consider whether Klein's words actually corresponded to UNTAES's actions in the field.

As Klein's deputy in Eastern Slavonia, Derek Boothby, explains, there are broadly two ways of interpreting a mandate – either as a 'ceiling' or as a 'floor'. If the mandate is taken as the ceiling, the officials in the field will not engage in activities that are not specifically prescribed in the mandate. If, however, the mandate is taken as the floor, they will proceed unless the mandate advises against the action in question. According to both Boothby and Klein, the latter, proactive, course was generally the one adopted by UNTAES.[27]

The analysis of socio-economic policy areas in the preceding three chapters demonstrates, however, that UNTAES was reluctant to extend its activity beyond the mandate, even when such activity would have contributed to the achievement of the overall goals of the mission. For example, UNTAES chose not to embark

[26] Reported in Coleiro, *Bringing Peace to the Land of Scorpions and Jumping Snakes,* p. 119.

[27] Derek Boothby, 'The Political Challenges of Administering Eastern Slavonia,' in *Global Governance*, vol. 10, no. 1, Jan-March 2004, p. 48.

on a potentially destabilising return process. Aware of the disruption and potential social turmoil that would be associated with an abrupt start of the return process in Eastern Slavonia, UNTAES opted for a slower and more gradual approach, as opposed to a more proactive one. Educational policy in Eastern Slavonia was also dominated by a short-term horizon. Faced with difficulties in reaching agreement on contentious issues, namely the educational curriculum, UNTAES turned to an expedient course of action; a reconciliation programme was omitted from the curriculum, as were potentially controversial history topics. Moreover, ethnic segregation in schools was allowed. Thus, the UN missed an important opportunity to influence positively the reconciliation process and the establishment of a multiethnic society. Similarly, UNTAES overlooked another key issue in the facilitation of reintegration by failing to provide a programme of development that would include job creation. Although it sought to protect employment rights for the Serb population in Eastern Slavonia, an important element of the reintegration process aimed at protecting Serbs against possible Croatian vengeance and persuading them of the benefits of remaining in the region, limited employment opportunities in the Danube region caused heightened competition for jobs, leading to feelings of resentment in the returning Croat population and fear among resident Serbs.

Supporting the view that UNTAES was not as proactive as Klein and Boothby argue, Graham Day, also a former UNTAES official, maintains that there was generally a lack of creativity and determination among UNTAES staff. Day, who also served as part of UNTAET and the international administration in BiH, explains how each situation has its peculiarities that have to be recognised. For

instance, Day refers to innovative forms of post-conflict justice that were adopted in East Timor.[28] While there was no planning for how UNTAET should deal with issues of reconciliation and accountability with respect to war crimes and other injustices committed,[29] both institutional and informal mechanisms were developed in the field in response to the social and political imperatives related to reconciliation and accountability. These involved the opening of human rights investigations and the preparation of these cases for prosecution by an UNTAET Serious Crimes Investigation Unit; the establishment of special panels for serious crimes, which, in a previously untried arrangement, used a combination of international and domestic law and of international as well as East Timorese judges; and the establishment of a Commission for Reception, Truth and Reconciliation. The latter was a creative, albeit not unprecedented, attempt to balance justice and reconciliation at the community level and took the form of an independent body presided over by East Timorese commissioners whose overall aim was to promote reconciliation through seeking the truth about human rights violations in East Timor between 1974 and 1999 and facilitating community reconciliation.[30] While the same methods would not necessarily have worked in Croatia, according to Day there was certainly scope for innovative approaches

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[28] Day, interview.

[29] Sidney Jones, *Human Rights and Peacekeeping in East Timor* (Washington, D.C. and Aspen, Co: The Aspen Institute, 2001), p. 4.

[30] *A Review of Peace Operations: A Case for Change, East Timor Report* (London: King's College, Conflict, Security and Development Group, 3 February 2003), paras. 255, 261, 268, 275 and 276, accessed online at http://ipi.sspp.kcl.ac.uk/rep006/index.html on 12 April 2004. A criticism of the approach taken by UNTAET with respect to the judiciary has been voiced by authors such as Tanja Hohe, who has argued that the was one of the weakest aspects of governance during the transitional period, mainly because it consisted of a western model of rule of law that was placed on top of an entirely different indigenous system at grassroots level. As a result, both systems coexist and have to be reconciled by the population. See Tanja Hohe, 'Justice without Judiciary in East Timor,' *Conflict, Security and Development*, vol. 3, no. 3, December 2003, pp. 335-36.

with respect to reconciliation in particular, but also more generally to address longer-term problems of reintegration.[31]

As mentioned previously, UNTAES's inability to pursue a more activist route may have been the consequence of a lack of necessary resources, including staff, funding, and time. Boothby recognises that although UNTAES was tasked with governing Eastern Slavonia, which would seem to imply taking over responsibility for the running of public services and institutions, none of UNTAES's staff were experts in urban government, town administration, or local finance.[32] With respect to funding, there was no provision in the mission's budget for a contingency fund to be used at the discretion of the Transitional Administration for covering the operating costs and salaries of the TPF, which the mandate specifically called upon UNTAES to establish, or for ex-combatant reintegration programmes. Instead, costs had to be covered by negotiating subventions from the Croatian government,[33] and UNTAES had to turn to Zagreb to obtain the funds required for the functioning of all public administration, services, and utilities in Eastern Slavonia.[34]

While at first sight this might seem a justification for UNTAES's short-term and cost-wary approach, it is important to note that the level of resources made

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[31] Day, interview.

[32] Boothby, 'The Political Challenges of Administering Eastern Slavonia,' p. 41.

[33] Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' pp. 12-13.

[34] Ivica Vrkić, *Istočno od zapada* (Zagreb: Interpublic, 1997), p. 112. Souren Seraydarian, former Deputy Transitional Administrator and former Head of UN Police Support Group, interviewed by the author, Sarajevo, 19 November 2002.

available for the UN in Eastern Slavonia was the result of the attitude towards reintegration prevailing within the international community, rather than the cause of this attitude. Since the actors involved, including UN headquarters' staff and officials in Western capitals but *also* UN field staff, did not request an increase of resources, low levels of funding, lack of public policy specialists, and limited time cannot justify the mission's inaction. Indeed, Jacques Klein accepted the restrictions on the mission's budget when in his report on the visit to Zagreb and Belgrade in December 1995 prior to accepting the role of transitional administrator, he concluded that a successful operation could be organised to oversee the peaceful transition of Eastern Slavonia and, as a precondition, stated the deployment of a credible international force, but not an increase in funding, the inclusion of staff trained in public administration, or an extension of the mandated period.[35]

Hence, although the Transitional Administrator and his deputy both claimed that UNTAES's mandate was interpreted as the floor and not the ceiling limiting their activities in the field, the analysis of UNTAES's performance with respect to employment, education, and housing and property – as illustrated above - suggests that the interpretation of UNTAES's mandate was rather more conservative than Klein and Boothby claim. Moreover, restrictions contained in the mandate, notably those regarding resources, should not be seen as objective limitations, since they were the result of the prevailing international attitude to the

[35] Jacques Klein, 'My Visit to Croatia and Serbia,' Memo to the Secretary General of the UN, 5 January 1996. See also Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' p. 5.

reintegration of Eastern Slavonia as a brief and relatively inexpensive technical exercise in territorial reconnection.

8.2. The limits of a transitional administration's authority

The argument presented in this thesis - that one of UNTAES's main weaknesses was its reluctance to take a more active approach towards public policy issues affecting peacebuilding and reconciliation in Eastern Slavonia – could be countered by maintaining that such involvement, in what is essentially domestic policy, was beyond the authority given to UNTAES. It could be questioned whether UNTAES was legally entitled to take a more proactive stance with the Croatian authorities over issues important for the peaceful reintegration of the region but which extended beyond the geographical limitations of its mandate. While the Croatian government carried out illiberal policies, it was a democratically elected government of a sovereign state that, throughout the 1990s enjoyed majority support in the Parliament. The following section will consider to what extent UNTAES was entitled to interfere with state sovereignty and the policies of a democratically elected government.

8.2.1. Sources and nature of UNTAES's authority

It is possible to identify at least three sources of authority of international administrations[36]: (i) consent by the parties involved expressed, for instance, in a

[36] For an introduction to the extensive literature on authority and legitimacy in political theory, see Joseph Raz (ed.), *Authority* (Oxford: Basil Blackwell, 1990); and David Beetham, *The Legitimation of Power* (Basingstoke: Macmillan Education, 1991). For a discussion of authority in international relations, see Ian Hurd, 'Legitimacy and Authority and International Politics,' *International Organisation* vol. 53, no. 2, Spring 1999, p. 400; and John Gerard Ruggie, 'International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order,' *International Organisation,* vol. 36, no. 2. Spring 1982, pp. 379-415.

peace agreement; (ii) delegation of authority by the UN Security Council acting in response to a breach of peace or threat to international peace and security; and/or (iii) social purpose served by the international administration, i.e. the restoration and maintenance of international peace and security, or the implementation of a peace agreement.[37] Considering these three sources, UNTAES's authority in Eastern Slavonia seems unassailable. First, in the Basic Agreement, the parties to the conflict - the government of Croatia and representatives of the local Serbs – requested the introduction of a transitional administration that would govern Eastern Slavonia until Croatian sovereignty was restored over the region. Secondly, the UN Security Council in Resolution 1037 set up UNTAES under Chapter VII of the Charter and hence delegated to it the authority vested in the Security Council to take measures to maintain or restore international peace and security.[38] Third, the authority of UNTAES also derived from the general purpose of the mission: to support the parties' efforts for a peaceful settlement of their dispute and the achievement of peace in the region as a whole.[39] In spite of the above, two particular features of the mission and the context in which it operated could lead to the conclusion that UNTAES's authority was somehow restricted.

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[37] See Dominik Zaum, 'The Establishment of Authority of International Administrations,' Paper prepared for the 5th Pan-European International Relations Conference, The Hague, 9-11 September 2004, draft version. A fourth possible source of authority is the conduct and efficiency of the international administration and the benefits produced by the administration. This source is less precise and more subjective than the other three sources listed. It is also based on *post-facto* evaluations, which make it somewhat problematic.

[38] As Boothby explains, China objected to the Chapter VII provision and this was eventually resolved by the introduction of a preambular paragraph whereby the Chapter VII reference was linked to ensuring the security and freedom of movement of United Nations personnel. Boothby, 'Probing the Successful Application of Leverage in the UNTAES Operation,' p. 5. On the scope of actions under Chapter VII, see UN Charter, Art. 41; see also Michael J. Matheson, 'United Nations Governance of Postconflict Societies,' *The American Journal of International Law*, vol. 95, no. 1, January 2001, p. 83.

[39] UN Doc. S/RES/1037 (1996), preamble.

8.2.2. Limitations of UNTAES's authority: real or perceived?

The way in which UNTAES's authority was perceived by mission staff, as well as by the local parties was influenced by two features of the mission and the context in which it operated. First, while UNTAES was given overall authority over a region of Croatia, it operated in parallel with the Croatian government, which had control over the rest of the country. Second, UNTAES's primary purpose was to reintegrate Eastern Slavonia within Croatian sovereign control, and consequently, although UNTAES was given complete authority over Eastern Slavonia it was bound by its mandate to depend on the co-operation of the Croatian authorities and harmonise policy sectors in the region with those in the rest of the country. The way in which these two characteristics affected the perception of UNTAES's authority is examined below.

With respect to the first characteristic - the operation of a transitional administration in parallel with a national governmental structure - in a legal sense, enforcement measures under Chapter VII are not affected by the UN Charter prohibition against intervention in matters within the domestic jurisdiction of a state.[40] The example of other contemporary international administrations supports the view that such exercise of governance, even against the will of a democratically elected government, does not represent an impermissible interference with state sovereignty. Formally speaking, in this respect, UNTAES was not entirely unlike other contemporary international administrations. Only in the case of East Timor, was the United Nations Transitional Administration given 'overall responsibility for the administration of East Timor' and was empowered

[40] UN Charter, Art. 2(7).

'to exercise all legislative and executive authority, including the administration of justice', in the absence of any national government.[41]

Comparing, for example, the authority of the high representative in BiH with that of the transitional administrator in Eastern Slavonia, the functions of the former were originally much more limited in relation to the local parties than those of the latter. Thus, the international administration in BiH was established in parallel to a national governmental structure, whose work it was initially empowered only to monitor and oversee.[42] Subsequently, however, the institution of the high representative was strengthened and was given the power to issue binding decisions and remove from public office individuals who violated legal commitments under the Dayton peace agreement or obstructed its implementation.[43] Dismissed officials have included mayors, presidents of municipal assemblies, cantonal ministers, judges, delegates to entity parliaments, a minister of the Bosnian federation, the president of Republika Srpska, and a member of the Bosnian presidency.[44] These so-called 'Bonn powers' were introduced as a reinterpretation of the powers of the high representative by the Peace Implementation Council (PIC).[45] The consent of the Bosnian authorities was not regarded as required for this reinterpretation, nor was any appeal made to precedents in international affairs. In principle, therefore, such a considerable strengthening of the authority of the international administration would have been

[41] Security Council Resolution, UN Doc. S/Res/1272 (1999), 25 October 1999, paras. 1-2.

[42] General Framework Agreement for Peace in Bosnia and Herzegovina, 14 December 1995, Annex 10, Art. II.1(a)(b).

[43] See Richard Caplan, *International Governance of War-Torn Territories: Rule and Reconstruction* (Oxford: Oxford University Press, 2005), p. 74.

[44] Richard Caplan, 'International Authority and State Building: The Case of Bosnia and Herzegovina,' *Global Governance* 10, no. 1, Jan-March 2004, p. 57.

[45] The PIC is the *ad hoc* international body comprising fifty-five states and organisations with effective oversight responsibility for the international administration of BiH. *Ibid.*, p. 56.

possible in Croatia as well. It is difficult to ascertain whether the Croatian authorities would have opposed such extensive interference with its sovereignty. There were, however, signs that Croatia would have acquiesced, albeit reluctantly. Although Croatia had the military capability to take over the region, its leadership opted for peaceful reintegration in order to gain international credibility. Moreover, whenever the Transitional Administrator pressured the authorities in Zagreb, he was able to achieve his objectives whether they involved funding for the region, the Convalidation Law, or employment guarantees. As was pointed out in Chapter Four, UNTAES was not universally welcomed in Croatia, but it was accepted as an inevitable step to international acceptance. Hence, there are reasons to believe that greater activism or a more generous interpretation of authority on the part of the UN mission would have been tolerated.

Unlike the international administration in BiH, however, UNTAES had authority over a region of Croatia and not over the whole country. In this respect, it was more akin to the United Nations Interim Administration Mission in Kosovo. The latter assumed 'all (...) executive authority with respect to Kosovo', including the right to appoint 'any person to perform functions in the civil administration in Kosovo, including the judiciary, or remove such person'.[46] While Kosovo remained a province of Serbia, whose government formally remained the recognised sovereign,[47] the Special Representative of the Secretary General in Kosovo was able to repeal certain Serbian legislation concerning property rights

[46] UNMIK Regulation 1999/1 on the Authority of the Interim Administration in Kosovo n. 1, 25 July 1999, quoted in Matheson, 'United Nations Governance of Postconflict Societies,' p. 79.

[47] Security Council Resolution 1244, which established UNMIK, was less clear regarding the status of Kosovo. It affirmed both the commitment of UN member states to the sovereignty and integrity of the FRY and the call of the Security Council for substantial autonomy and meaningful self-administration for Kosovo. Security Council Resolution, UN Doc. S/RES/1244 (1999), 10 June 1999, preamble.

and housing, which he found to be discriminatory. In addition, the Special Representative decided that the law applicable in Kosovo would be the law that was in force before Serbia abolished Kosovo's autonomy in 1989 and regulations issued by UNMIK.[48] It is important to note, however that he was only able to do so with respect to the law as applied in Kosovo, and not in Serbia proper.

A similar regional limitation also applied to UNTAES's authority. This thesis does not argue that UNTAES should have interfered with all domestic policy areas on national level. Rather, there were issues affecting specifically the Danube region and UNTAES's mandate that were neglected. It could be argued that, although of crucial importance to the mission's mandate in the region, dealing with such issues would have required a change in national policy and was therefore outside UNTAES's authority. This would be difficult to sustain given that several other initiatives that UNTAES chose to pursue, for instance asking the Croatian government to provide funding for the local administration, also affected Croatian policy at national level, notably its budget.

A similar inconsistency could also be observed with respect to the other apparent limitation on UNTAES's authority, which was provided by its primary function - the reintegration of Eastern Slavonia within Croatian sovereign control. As the objective of the operation was the restoration of the region as an integral part of Croatia, it was clear that public policy in Eastern Slavonia was to be harmonised with the rest of the country. In this respect, UNTAES differed from UNMIK,

[48] Matheson, 'United Nations Governance of Postconflict Societies,' p. 80.

which in the absence of a clearly specify the end status for Kosovo, was, for instance, able to introduce a separate monetary system in Kosovo. It could be argued that UNTAES was more limited in this respect. For instance, given that the Croatian government, or, more precisely, its Ministry for Education, defined the national education curriculum that applied to all schools throughout the country, it could be argued that UNTAES, whose mandate was restricted to only one region of Croatia, was not in the position to interfere in an issue decided on national level. At the same time, however, UNTAES negotiated the introduction of a moratorium on the teaching of recent history in schools in Eastern Slavonia. With respect to employment, UNTAES negotiated employment guarantees for the ethnic Serb population in Eastern Slavonia at a time when Croatian citizens elsewhere in the country, largely because of the dire economic conditions, had no guarantees of employment. At the same time, UNTAES did not act with respect to the creation of employment opportunities in the region, with the explanation that this was the responsibility of the Croatian authorities.

Thus, there appears to be a case in favour of the view that, more than authority restrictions, it was a matter of willingness to address a particular issue that affected UNTAES's approach. Given the attitude of the Croatian authorities to reconciliation in Eastern Slavonia, UNTAES's reluctance to use its extensive authority proved a misguided strategy. Indeed, as the next section shows Croatia's obstructionism warranted much greater international involvement.

8.2.3. The need for greater exercise of authority

As has been argued in the preceding chapters, the Croatian government showed little commitment to the goals of reconciliation and the restoration of multi-ethnicity in the Danube region. While it largely complied with the agreements negotiated by UNTAES and implemented their provisions, the government lacked a strategic programme. This was evident, for instance, with respect to revitalisation of the economy and job creation. Croatia was often criticised not only for lacking a strategy for the development of Eastern Slavonia and the attraction of investment to the region, but also for neglecting the problems of unemployment and the high costs of living. Several observers and participants interpreted the reluctance of the leadership to promote development and investment in Eastern Slavonia, Baranja, and Western Sirmium as a nationalistic strategy aimed at discouraging Serbs from staying in the region once Croatian authority was restored. As for housing and property policy, the government's actions were consistently discriminatory against Serb IDPs. At the close of the UNTAES mandate, key issues remained unresolved, such as property laws that discriminated against Serbs, the loss of tenancy rights and the lack of progress on guarantees of equal access to reconstruction grants.

With respect to education, the analysis in Chapter Six revealed that commitments on minority education contained in the agreements negotiated by UNTAES were either not carried out or were carried out only partially and with delays. In particular, there were problems with the allocation of principals' positions, the renewal of contracts for teachers, the delivery of textbooks in Cyrillic as well as

compliance with the moratorium on the teaching of recent history. The promotion of reconciliation in educational programmes, included in the government's Programme for the Establishment of Trust, Accelerated Return, and Normalization of Living Conditions, never materialised in practice and no changes were made to the existing national curriculum, which lacked any programme that would encourage tolerance, respect for human rights and non-violent means of conflict resolution. Indeed, as was pointed out in Chapter Six, the national educational curriculum and the corresponding textbooks have been severely criticised by numerous NGOs and academics, for encouraging violence, intolerance, nationalism, xenophobia, and isolationism.

In addition to the policy areas analysed here, the Croatian government carried out other illiberal policies, such as supporting the Croat secessionist element in BiH, resisting cooperation with ICTY, and breaching the right to freedom of thought and expression, as epitomised by court prosecutions against the independent media and threats to and attacks on human rights activists. These examples and those considered in more detail in the preceding chapters demonstrate that Croatia was not fully committed to the promotion of reconciliation and the restoration of a multi-ethnic society in the Danube region.

Despite the reluctance of the Croatian government, UNTAES left several issues of crucial importance for the Croatian authorities to address. According to Croatian officials, reliance on Zagreb was a way of applying leverage on Croatia by

making it cover a large part of the expenses and responsibility of reintegration.[49] This was not necessarily a negative decision, as it brought the local parties and Croatian authorities into the process and enabled them to share ownership over reintegration with them. However, the ambivalent attitude of the local parties - the Croatian government in particular - towards reconciliation and multi-ethnic coexistence suggests that this attempt was not entirely successful.

8.3. Conclusion

This chapter has considered two possible challenges to the assessment of UNTAES presented in the previous chapters - that a key limitation of the UN administration was its insufficient commitment to employment, education, and housing and property despite the importance of these policy sectors for the post-conflict normalisation of life in Eastern Slavonia.

The first challenge, that such involvement was beyond the tasks that UNTAES was mandated to complete, was refuted on the basis of an analysis of the mission's mandate, which included the reintegration of the population, albeit somewhat modestly. While this facilitated its neglect in the implementation phase in favour of other more tangible tasks, it was further argued that the mandate should not be considered as the sole point of reference for the analysis of a mission, a position that was even shared by the Transitional Administrator Jacques Klein, in principle if not in practice.

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[49] Ivica Vrkić, former Head of the Croatian government's office for Transitional Administration, interviewed by the author, Osijek, 11 July 2001; Ivica Kostović, former representative of the Croatian government in the process of peaceful reintegration, interviewed by the author, Zagreb, 29 June 2001.

The second challenge, that UNTAES did not have the authority to interfere in Croatia's domestic policy was similarly refuted with reference to UNTAES's legal position as defined by the Security Council, as well as to its actual conduct in the field which suggested that rather than authority restrictions, it was a matter of selectivity that affected UNTAES's involvement in a particular issue.

In light of the above, it can be argued that, rather than restricting the extent of the mission's involvement in issues of importance for the reintegration of Eastern Slavonia, the nature of authority given to UNTAES and its mandate were of an enabling nature. Their potential was not, however, fulfilled and the perception of the UN mission in Eastern Slavonia as a short-term and inexpensive one dominated the implementation stage. As a consequence, and not withstanding the operation's positive achievements, UNTAES, and the international community, allowed discrimination and neglect from Croatian authorities to obstruct and stall reintegration, reconciliation, and the restoration of a multi-ethnic society in Eastern Slavonia.

9. Conclusion

The United Nations Transitional Administration in Eastern Slavonia represents a new class of international peace operation, which extends the scope of peacebuilding functions to include the total, or near total, administration of a territory and a wide range of tasks affecting the socio-economic circumstances in that territory. Along with the United Nations Transitional Administration in East Timor, it is the only mission of this type to have been completed to date, and, as such, represents an ideal basis for an analysis of the new roles and competences being assigned to international peacebuilding operations. Despite this, UNTAES has so far received relatively limited attention in the academic literature.

This thesis has sought to explore and assess UNTAES's performance in the field. The aim has been to contribute to an improved understanding both of UNTAES and of an integrated approach to peacebuilding and development. According to such an approach, merely bringing to an end overt violence and restoring calm after conflict is not enough; in addition to these fundamental requirements, a development dimension needs to be factored in to make peace more lasting and stable. Hence, peacebuilding and development, rather than being distinct methods for achieving distinct goals, as argued by opponents of the integrated approach, are mutually reinforcing.

As was shown in the first part of the thesis, development and peacebuilding are increasingly being integrated within the UN system, at least in principle, as a

means of making the UN more effective in field operations. Thus, the 1994 *An Agenda for Development* defined development as one of the prerequisites for peace.[1] Building on this, the 1995 *Supplement to An Agenda for Peace* cited social and economic development; together with demilitarisation; control of weapons; institutional, police, and judicial reform; monitoring of human rights; and electoral reform, as peacebuilding measures.[2] Along the same lines, the UN Millennium Report called for a more integrated approach to conflict prevention and development.[3] Another important statement of the UN's approach to peace operations, *No Exit Without Strategy*, states that sustainable development is indispensable for a sustainable domestic peace and that it is the role of the UN 'to facilitate the process that seeks to dismantle the structures of violence and create the conditions conducive to durable peace and sustainable development'.[4] Moreover, the document identifies the promotion of economic and social rehabilitation and transformation, alongside consolidation of internal and external security, and the strengthening of political institutions and good governance, as a key objective of peacebuilding.[5]

Hence, peacebuilding, as conceptualised within UN peace operations, has expanded to include socio-economic development. This study has examined the extent to which this has been reflected in practice, taking the UN mission in

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[1] *An Agenda for Development,* Report of the Secretary General, UN Doc. A/48/935, 6 May 1994.

[2] *Supplement to an Agenda for Peace: Position Paper of the Secretary-general on the Occasion of the Fiftieth Anniversary of the United Nations,* Report of the Secretary-General on the Work of the Organisation, UN Doc. A/50/60 – S/1995/1, 3 January 1995, para. 47.

[3] *We The Peoples: The Role of the United Nations in the 21st Century*, Millennium Report of the Secretary General, UN Doc. A/54/2000, 27 March 2000, para. 202.

[4] *No Exit Without Strategy: Security Council Decision-Making and the Closure or Transition of United Nations Peacekeeping Operations*, Report of the Secretary General, UN Doc. S/2001/394, 20 April 2001, para. 12.

[5] *Ibid.*, para. 20.

Eastern Slavonia as a case study. As it has been noted previously, this thesis applied the language of development to the analysis of events in what is not a 'developing' country, as commonly understood. This decision was based on the rationale that development need not be understood solely as a process associated with post-colonial history since 1945 and the practice of confronting poverty, unemployment, illiteracy, and disease in Africa, Asia, and Latin America. If development is defined more generally as the progressive transformation of society and the means of improvement of human circumstances, then it can be applied to countries regardless of their degree of development.

The analysis suggests a number of conclusions. First, the growing awareness of the need to address development and socio-economic issues as part of peacebuilding operations was reflected in the design of UNTAES's mandate, albeit in a cautious way. Hence, as has been pointed out, the UN Secretary General expressed his concern over the 'enormous problems of housing, property compensation, economic reconstruction, and rehabilitation' in Eastern Slavonia.[6] Moreover, Boutros-Ghali warned of the social turmoil that would result if each ethnic group insisted simultaneously on exercising the rights and entitlements bestowed on it by the Basic Agreement.[7] UNTAES's mandate, contained in UN Security Council Resolution 1037 and in the Basic Agreement, set a wide range of responsibilities, which included ensuring the possibility for the return of refugees and IDPs to their homes of origin and facilitating such return, undertaking tasks relating to civil administration and the functioning of public services, assisting in

[6] Report of the Secretary General on Croatia pursuant to Security Council Resolution 1025 (1995), UN Doc. S/1995/1028, 13 December 1995, para 6.

[7] *Ibid.*

the co-ordination of development and economic reconstruction plans for the region, and promoting an atmosphere of confidence among all local residents irrespective of their ethnic origin.[8] The scope of these responsibilities is particularly extensive given the claims of the mission leadership that the mandate was interpreted as the floor and not the ceiling of the operation's tasks. Nevertheless, the mandate's main focus was on tasks such as demilitarisation, security, and administrative reintegration, which became the dominant concerns of the mission.

Despite the widespread recognition of the need for extensive initiatives in socio-economic policy areas and the mission's actual involvement in these areas, the findings from the three case studies presented here suggest that the aspirations of the documents were not followed through in practice. UNTAES was reluctant to interpret its tasks in a comprehensive way, in particular when this involved initiating potentially destabilising, long-term, and expensive policies. This was apparent in the mission's approach to return, property restitution, and reconstruction. UNTAES focused its activity on administrative and institutional issues without addressing substantive problems. It failed to set up a mechanism or a framework regulating and encouraging return, reconstruction, and the resolution of property issues. A similar stance was adopted with respect to education. Faced with the reluctance of the parties to agree on a common curriculum, schools were divided according to ethnicity and the teaching of controversial issues, particularly recent history topics, was banned from school. Similarly, UNTAES

[8] Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, 12 November 1995, Art. 4; text reported in Report of the Secretary General to the Security Council, UN Doc. S/1995/951, 15 November 1995, Annex; Security Council Resolution 1037 (1996), UN Doc. S/RES/1037 (1996), 15 January 1996, paras. 11, 12.

neglected the provision of a development programme that might have included job creation, and concentrated instead on providing employment guarantees for the local Serb population. The experience of the UN administration in Eastern Slavonia thus suggests that in practice the inclusion of development as part of international peacebuilding operations was not wholeheartedly embraced. This is not to say that there have been no developmental initiatives in Eastern Slavonia. There were agencies, mainly NGOs, that worked in the grey areas between peacebuilding and development. For instance, NGOs worked in the area of education and international donors contributed to the reconstruction of housing stock.

It is pertinent to ask why developmental initiatives did not receive greater consideration from the transitional administration in Eastern Slavonia. UNTAES's experience suggests that the successful inclusion of development as part of peacebuilding operations depends largely on the extent of political and financial commitment from UN member states to the operation. Indeed, the report of the Secretary General quoted above indicates that there was apprehension within the UN as to the cost and risk involved in addressing issues such as housing, property compensation, economic reconstruction, and rehabilitation. It has been argued that these concerns were influenced by a lack of faith in the capabilities of the UN and, most of all, in the commitment of its member states. At the same time, both the United States and the member states of the European Union were eager to keep costs down in Eastern Slavonia, having committed considerable resources to post-Dayton BiH. It appears that what the major powers and the UN expected from UNTAES was a quick institutional reintegration of

Eastern Slavonia with minimum violence, rather than involvement in more complex, long-term goals. Consequently, the UN mission in Eastern Slavonia remained reluctant to get involved in developmental tasks that would have required long-term commitment and resources. Instead, the approach taken by the UN in the field was dominated by short-term imperatives and expedience to the detriment of long-term processes.

The first part of the thesis provided examples of other peace operations where failures in the socio-economic sphere undermined peace efforts in general. Failures to fulfil ex-combatants' expectations regarding land distribution in El Salvador, and poverty, unemployment, and the inadequacy of demobilisation programmes in Cambodia and in Nicaragua are cases in point. The present study reinforces this point, by providing a case in which failings in socio-economic policy have compromised an otherwise exemplary UN peace mission. Indeed, UNTAES's activities were insufficient for, and in some instances counterproductive to, the establishment of long-term, sustainable peace and co-existence. With respect to employment policy, by concentrating all its efforts on protecting the employment rights of members of the Serbian minority instead of seeking to improve the living standards of the population in general, UNTAES contributed to feelings of resentment in the returning Croat and other non-Serb population. At the same time, the dire socio-economic conditions continued to act as a discouraging factor for the peacebuilding process. With respect to education, UNTAES allowed ethnic separation in schools and failed to encourage an educational programme aimed at reconciliation. As a consequence, it not only abdicated an important opportunity to contribute to reconciliation, it also assisted

nationalist politicians in promoting and preserving ethnic segregation. UNTAES's policy on housing and property was equally short sighted, as it allowed for legal and bureaucratic discrimination regarding reconstruction and property rights to continue for years after reintegration stalling the return process and fuelling ethnic tension.

Lessons can also be drawn from UNTAES's experience on the way in which the UN implements the intentions and principles contained in its policy documents. Peacebuilding has come to be considered within the UN as a long-term process encompassing all aspects of society, not least socio-economic development. There is a general recognition in key UN documents that without a long-term commitment to the improvement of socio-economic circumstances and the creation of socio-economic conditions conducive to reconciliation, the contribution of military, political, and diplomatic efforts can be undermined by persisting tension. Nevertheless, the findings from this research on UNTAES suggest that, despite being increasingly integrated in UN policy deliberations and rhetoric, in practice, development and peacebuilding still operate largely as distinct fields. It is significant that these findings were obtained from the study of an operation that was given extensive authority over the total administration of a territory, hence including socio-economic matters, and whose leaders expressed the willingness to adopt an inclusive interpretation of the mandate.

This thesis highlights the importance of the commitment of the international community for the success of a mission. UNTAES's experience demonstrates that

regardless of the openness of the mandate and the extent of the authority enjoyed by a peace operation, the ultimate success of the operation is largely reliant upon the willingness of the international community to commit political support, financial resources, and expert staff. It is important to note, however, that UNTAES only provides a snapshot of the particular time and circumstances surrounding one peace operation. Different conclusions could be drawn from the work of the international administration in BiH or the UN administration in Kosovo, which have assumed a more activist stance with respect to local governance than UNTAES and, as a result, are able to rely on greater international support. Nevertheless, although setting ambitious aims and high principles is important for enabling the UN to express its moral position, such aims need to be followed up by sufficient resources and commitment in order to avoid an erosion of the significance of UN's role in post-conflict situations.

Appendix I: Map of Croatia



Map No. 3740 Rev. 3 UNITED NATIONS
February 2003

Department of Public Information
Cartographic Section

Appendix II: Map of Eastern Slavonia



Map No. 3934 Rev. 1 UNITED NATIONS
May 1998

Department of Public Information
Cartographic Section

Appendix III: Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium

1. There shall be a transitional period of 12 months, which may be extended to another 12 months if requested by one of the parties.

2. The UN 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 UN Security Council is requested to authorise 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 demilitarised according to the schedule and procedure determined by the international force. The demilitarisation 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 the 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 re-establish 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.

6. The highest level of internationally-recognised human rights and fundamental freedoms shall be respected in the Region.

7. All persons have the right to return freely to their place of residence on 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 Region.

8. All persons 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.

9. 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.

10. Interested countries and organisations are requested to take appropriate steps to promote the accomplishment of the commitments in this Agreement. After the expiration of the transitional period and consistent with established practices, the international community shall monitor and report on respect for human rights in the Region on a long-term basis.

11. Interested countries and organisations are requested to establish a commission, which will be authorised 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.

12. 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 organised by the Transitional Administration. International organisations and institutions (e.g. the Organisation for Security and Cooperation in Europe, the United Nations) and interested states are requested to oversee the elections.

13. 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 authorises the presence of international monitors along the international border of the Region in order to facilitate free movement of persons across existing border crossing.

14. This Agreement shall enter into force upon the adoption by the UN Security Council of a resolution responding affirmatively to the requests made in the Agreement.

Signed 12 November 1995 by:

Hrvoje Šarinić, Head Croatian Government Delegation

Milan Milanović, Head Serb Negotiating Delegation

Witnessed by:

Peter W. Galbraith, United States Ambassador

Thorvald Stoltenberg, United Nations Mediator

Appendix IV: UN Security Council Resolution 1037 (1996)

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.

Bibliography

This bibliography is divided into primary and secondary sources. Within primary sources, there are sub-categories for treaties, United Nations documents, agreements negotiated by UNTAES, internal reports and memoranda by international organisations, official documents of the Republic of Croatia, statistical information, and interviews and correspondence. Secondary sources are subdivided into books, papers, and scholarly articles, reports, newspaper and magazine articles, and websites. The bibliography is comprehensive and includes all works cited in the thesis.

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