

Croatian Priorities in the UN

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1. The elections held in the Croatian Danube Region on April 17, 1997, represent a historic turning point for the Republic of Croatia. All that is now left for the new Transitional Administration, is to ensure the technical aspects of the transfer of authority to the democratically elected bodies, thus placing even the last part of Croatian territory under the effective control of the Croatian authorities. For Croatia, this will put an end to one period - the period of struggle for Croatia, and mark the beginning of a new period - that of struggle for the quality of life in Croatia.

2. The period of struggle for Croatia began with the struggle for emancipation as a state and for international recognition. The independence of the Republic of Croatia was less than welcomed in a considerable section of the international community. The member states of the Non-Aligned Movement, meaning over one-half of all UN members, saw in the SFRY one of their founding members and found it hard to accept its disintegration. The US and Europe, for their part, considered stability in the geopolitically unstable region of Southeast Europe preferable to the democratic potential of the states emerging from the disintegrated SFRY. Russia, again, took the side of Serbia and Montenegro, more or less openly, supporting a Serb-dominated Yugoslavia, in other words, Greater Serbia.

Independence did not only signify the realisation of the age-old dream of Croats to have their own state but also provided a chance of attaining through this state some qualities and democratic values that both the first and the second Yugoslavia had failed to provide. In striving to perform this ambitious task, the Republic of Croatia had to overcome some formidable obstacles. Political and economic transition from one-party dictatorship and a socialist economy to political democracy and market orientation is in itself a process taking a heavy social toll. Parallel to this, Croatia was constituting itself as an autonomous state, with all the bodies and functions this entails. And precisely then, at the most vulnerable stage of this transition, Croatia was subjected to brutal aggression.

The struggle to repel this aggression, and later the struggle to free the occupied territories, left no doubt as to the priorities to be pursued by Croatian diplomacy. The admission of the Republic of

Croatia to the United Nations Organisation on May 22, 1992, was - to quote President Tudman in his inaugural speech before the General Assembly, "the crowning event of the international recognition of Croatia's sovereignty and statehood"¹. Still, the road to admission to the UN was arduous, and even membership in this most important world organisation did not guarantee to Croatia full success in the struggle to defend its territorial integrity².

The aggression against the Republic of Croatia and then against Bosnia and Herzegovina, material destruction, loss of life, human rights violations and war crimes, occupation of parts of its territory and the presence of peacekeeping forces on Croatian soil compelled Croatian diplomats at the United Nations to communicate with the Secretary General and the Security Council much more intensely than would be typical for a country of Croatia's size and economic importance. During the past five years, more reports were made by the Secretary General, more resolutions and presidential statements passed by the Security Council on the subject of Croatia than would have normally happened to a state of similar character during all of the fifty years of UN existence.

Throughout this period of standing in the focus of international attention, however, the Republic of Croatia primarily figured as an object of international politics, the scene of the conflict of interest among some members of the international community. At the time it was seeking support for its recognition and for the cessation of aggression and striving to buy time until it was strong enough to free its own occupied territories, Croatia favoured the internationalisation of its question. However, from the moment the ratio of forces changed and Croatia became strong enough to deal on with the remaining problems of its integrity, the status of an object of capricious international politics was no longer acceptable.

Equality of states, a fundamental tenet of international law

International law rests on the idea of the sovereign equality of all states, but, in real-life inter-

national relations, this is an ideal which has to be fought for. The Republic of Croatia attained its territorial integrity with its own forces, but the earlier aggression against it took its heavy toll in human losses and material damage. This aggression and its consequences have hampered in many ways the initiated processes of economic transformation and political democratisation in Croatia. The urgent need to create a military force in the situation of an unjust arms embargo made ingenuity a far more important instrument of survival than discipline and respect for rules and regulations. The crimes committed during the aggression, not only in the form of the barbarity of individuals but as a systematic use of atrocities for the ethnic cleansing of the occupied parts of Croatia of all non-Serb population, instilled in a section of the Croatian population a thirst for, at times unselective and cruel, revenge.

3. The peaceful reintegration of the Croatian Danube Region crowns the success of the struggle for Croatia, since it finally establishes the full integrity of the state, but it is at the same time a turning point, inaugurating a new stage - the period of struggle for the quality of life. Croatia, namely, did not regain control of the Croatian Danube Region by force of arms, which it could have done without major losses and risk of escalation of the conflict. It opted, instead, for peaceful reintegration, proceeding from its long-term interests and objectives, defined at the inception of its statehood.

In the coming period, Croatia's task on the domestic plane is to continue the processes slowed down by the aggression: further democratisation, the consolidation of the rule of law, and a fuller protection of human rights, with special emphasis on economic recovery and a higher quality of life.

From a foreign-policy aspect, Croatia is a young, western-oriented state which wishes to use its Central European, Mediterranean and Danubian position for the earliest possible admission to the European Union and NATO. The fact that its history, culture and values are part of European civilisation spurs it on in these efforts, while its involvement in the still existing regional crisis in Southeast Europe acts as an impediment. The Republic of Croatia must now demonstrate that the period of crisis is behind it, that it is prepared to cooperate with the world community, but also that it is mature and confident and that it wishes to observe its own strategic priorities. In the coming period, Croatia must strive to strengthen its international position, to free itself from its present one-sided dependence on the international community, figuring mainly as an object of international politics, and to take part in international cooperation

as an equal subject. This presupposes a gradual emancipation from international influence on issues relating to Croatia and, at the same time, the intensification of its participation in the consideration of and decision-making on other, wider issues of interest to Croatia. It is by dealing with such wider, regional, and even global issues that it can build a reputation, which will then be favourably reflected on its power to take more autonomous decisions on matters of our immediate interest.

4. Croatian diplomats at the UN are currently preoccupied with two groups of priority topics: unresolved issues from the times of struggle for independence and territorial integrity and topics concerning the future, which will steer Croatia to the new stage - the struggle for the quality of life.

Chief among the still pending issues from the period of the struggle for independence and territorial integrity are the questions of the UNTAES mandate, the presence of UN monitors at Prevlaka, the International War Crimes Tribunal, and succession to the former SFRY.

Policies based on fair play in the Croatian Danube Region

5. The UN mandate in the Croatian Danube Region is defined by the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and by Security Council Resolutions 1037/96 and 1079/96. The Basic Agreement envisages a 12-month period under the transitional administration of the United Nations (it expired on 15 January, 1997), with the possibility of extending it by one more period of the same duration at the request of one of the parties. Resolution 1079, invoking the Basic Agreement and responding to a request by the local Serbs, specifies that the UNTAES mandate will last until July 15, 1997, but that the UN presence will continue in the Croatian Danube Region till the end of the extended mandate, i.e. till January 15, 1998, possibly as a restructured UNTAES, or in some other form. The Croatian priority interest is that, after July 15, UN presence should be continued in that region only through its civilian component and with a restricted mandate. Although the "transitional period", as defined by the Basic Agreement and Resolution 1037/96, lasts until 15th January 1998, a new stage is brought in after the elections, and the Croatian authorities should insist that the role of the United Nations in the Croatian Danube Region be changed.

From its arrival and up to the elections, UNTAES governed the Croatian Danube Region

in the fullest sense of the word. The purpose of the transitional stage, starting from the day of the elections and until July 15, is to facilitate the constitution of the legitimately elected bodies and for the Transitional Administrator to transfer his powers to them. After July 15, in accordance with the Basic Agreement, UN representatives would continue to monitor the demilitarisation of the Region, the return of refugees and displaced persons, and the observance of human rights till the end of the transitional period; they would no longer govern but provide support to the newly elected local authorities during the critical first stage. With January 15, 1998, according to the Basic Agreement and Resolution 1079/96, the transitional period as well as the UN mandate in the Croatian Danube Region will come to an end³.

In keeping with the recommendation of the UN Secretary General, made in his letter to the Chairman of the Security Council of 21 January, 1997 (S/1997/62), the Republic of Croatia has agreed to intensified talks about long-term demilitarisation between the Croatian Danube Region and neighbouring states, primarily with the Federal Republic of Yugoslavia⁴. However, Croatian defence and security interests can be safeguarded only provided that this demilitarisation is based on full reciprocity. In accordance with its obligations from the Basic Agreement, the Republic of Croatia will not remilitarise the Croatian Danube Region after the departure of the UNTAES military component and before the expiry of the transitional period. It will thus be necessary to complete these talks by the end of that period. Otherwise, should an agreement on the demilitarisation of the border area not be reached by the end of the transitional period and by the time full reintegration of the Croatian Danube Region into the constitutional and legal system of the Republic of Croatia is achieved, the presence of regular military and police units of the Republic of Croatia will be established according to Croatian legal regulations and the assessments of the competent Croatian bodies.

The full attainment of these objectives will greatly depend on whether Croatia approaches the fulfilment of its obligations in the process of peaceful reintegration in a resolute, reliable and consistent manner. The most appropriate policy in this respect would be to fulfil entirely all obligations, including those concerning the human and minority rights of the Croatian Serbs in the Danube Region, but then to insist on the other party's meeting its obligations without further delay or new conditions.

6. The mandate of the UN monitors at Prevlaka is defined by Resolutions 779 (1992), 981 (1995) and 1093 (1997) and expires on July 15, 1997. The obligations deriving from the security arrangement at Prevlaka are defined in the mentioned Security Council resolutions and in the Agreement on the Normalisation of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed on 23 August, 1996. Article 4 of the Agreement specifies that, until an agreement is reached on the question of Prevlaka (as a security issue concerning part of the Croatian territory in the hinterland of Dubrovnik and part of the Yugoslav territory in the area of the Bay of Kotor), the security regime established under UN monitorship would continue to apply.

Although all UN resolutions state clearly and explicitly that this is an integral part of the territory of the Republic of Croatia, and although Croatia successfully insisted on reciprocity in demilitarisation and monitoring so as to cover the same area on both sides of the state border, the internationalisation of the Prevlaka question (even though it is only a security issue) ought to be slowly brought to an end. It would seem, however, that, regardless of the obvious differences between the two issues, the question of the UN monitors at Prevlaka will probably not be resolved until the end of the UN presence in the Croatian Danube Region. Nevertheless, it should be made clear now, in good time, that there is no intention to extend the mandate of the monitors at Prevlaka after January 15, 1998. This kind of pressure might help to encourage a more effective search for bilateral solutions and induce greater cooperativeness on the part of the FRY. It is only when the FRY accepts that this is a security rather than a territorial issue, that the Prevlaka question will become amenable to a settlement, and the search for mutually acceptable rational solutions may begin.

7. The International Tribunal for War Crimes committed on the territory of the former Yugoslavia was instituted by Security Council Resolution 827 in 1993. Its establishment was conceived so as to serve several purposes: to act as a deterrent; to meet the demands of justice by rendering punishment for the crimes committed; to remove the extremists responsible for the war and war crimes from positions of influence; and, finally, to pave the way for a future Permanent International Criminal Court, competent for all states which accept its jurisdiction.

So far, the work of the International War Crimes Tribunal has not met expectations. Only 74 indictments, 8 detentions and two convictions are a very modest result indeed. Admittedly, a tribunal

with only 11 judges, one courtroom, a prison with only 24 places and limited resources could not have punished all the perpetrators of the tens of thousands of war crimes that have been committed. However, a serious objection can be made regarding the fact that, to date, the Tribunal has not reflected proportionately the involvement in war crimes of the various parties to the conflict. It has, further, failed to secure even elementary cooperation by all parties, which has led to the paradoxical situation of an "inverse Nuremberg": it is mostly the members of national groups that were victims of aggression who are standing trial.⁵

The Republic of Croatia was the object of aggression and dreadful devastation, and it has also participated in the establishment of the Tribunal. Although in any armed conflict the members of all sides inevitably commit some war crimes, Croats were incomparably more often victims than culprits. Croatia should not, therefore, accept that only those who are at the disposal of the Tribunal should be tried, since this approach only serves to disguise the failure and ineffectiveness of the Tribunal, at the expense of those who cooperate with it. Instead of concurring, Croatia should insist that the Tribunal should either perform the task it has been set up for, and reflect faithfully the character of the conflict and the atrocities committed in it or, if it is unable to do this, admit failure and publicly explain the reasons for this.

By some of its past actions, including the attempt to use legal expedients that are not permitted either by its own Statute or by international law - and here I am referring to the subpoena sent to the Republic of Croatia and its Defence Minister - the Hague Tribunal is doing a disservice to the development of international criminal law and to the idea of a future permanent international criminal court of general jurisdiction. As things stand now, the ineffectiveness, on the one hand, and the attempt to usurp the powers traditionally reserved for sovereign states, on the other, might make larger states (who are more often parties to conflicts) as well as smaller nations (which feel more vulnerable to possible discriminatory practices) disinclined to support any further steps in the development of international criminal justice.

Succession to the former Yugoslavia is a legal and economic question, but also a question of security and politics

8. The succession to the former SFRY is a legal and economic issue, but also a political and security one. The first documents crucial to succession and to the

delegitimation of the non-existing SFRY (which Serbia and Montenegro tried to use as an excuse for monopolising the common legacy) are the opinions of the Badinter Arbitration Commission.⁶ Opinion No. 8 of the Arbitration Commission states that the "process of dissolution of the SFRY, mentioned in opinion No. 1 of 20 November, 1991, has now been completed and that the SFRY no longer exists". Opinion No. 9 explicitly states that no successor state to the former SFRY has the automatic right to its succession. In opinion No. 10, the Arbitration Commission decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) is a "new state, which cannot be regarded as the only successor state to the SFRY".

Unfortunately, in spite of the absolute explicitness of the arbitration findings, the question of succession has been resolved only partly within the UN system. Security Council Resolutions 777 and 821 from 1992 and the General Assembly Resolution 47/1 specify that the "state under the name of the Socialist Federal Republic of Yugoslavia no longer exists" and that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot automatically succeed SFRY membership in that organisation but that it must request admission to UN membership as a new state. Nevertheless, the name-plate with the word Yugoslavia, behind which nobody has the right to sit, and the flag, which after the proclamation of the Federal Republic of Yugoslavia no longer represents a state, have been retained, introducing perplexity and confusion. Karl August Fleischauer, Deputy UN Secretary General for Legal Affairs, in his opinion of 29 September 1992, stated (referring to the Security Council Resolution No. 777 from 1992) that the "resolution does not remove or suspend Yugoslavia from the Organisation" and that "resolutions do not deprive Yugoslavia of the right to take part in the work of the bodies, except the bodies of the Assembly". On the basis of this interpretation of the status of the former Yugoslavia, which goes against Croatian interests, the Federal Republic of Yugoslavia, who skilfully used a similar name as the predecessor state, has been able to participate in some forms of activity within the United Nations (for example, to submit and distribute documents).

Croatia has retained a principled position with regard to succession from the time of the disintegration of Yugoslavia until the present day, fully in conformance with the findings of the Badinter arbitration commission and with the relevant rules of international law which regulate these questions. The author believes that this principled stand should be upheld.⁷ As for other international organisations, the Federal Republic of Yugoslavia can be admit-

ted exclusively as a new state, having met the requirements made on new members. Before notifying in an appropriate manner its succession to individual international agreements, as was done by the other successors, the Federal Republic of Yugoslavia cannot be recognised as party to these agreements, and thus cannot be invited to take part in the conferences of the signatories.

The property, archives and debts of the former SFRY must be divided in accordance with the principles of the Vienna conventions on succession of 1978 and 1983. The property, assets and debts of the former SFRY in third states must be also equally divided among all successor states. In view of the fact that internationally mediated talks on succession have so far failed to yield any results because of the uncooperative stance of FRY, which continues its usurpation of the common property, Croatia should urge the acceleration of these talks and intensified international pressure on the Federal Republic of Yugoslavia. Even if Yugoslavia should submit a request to be admitted to international organisations as a new state, this request ought not to be granted until it meets the obligations inherent in succession.

The circumstance that some aspects of succession are being kept unresolved primarily so as to use them as a means of pressure on the parties has greatly harmed all the successor states. This applies also to Serbia and Montenegro, who have been kept out of the United Nations and other international organisations for the past five years. Moreover, the unsettled issue of succession has an unfavourable effect on the overall peace and stability in Southeast Europe. The recognition of Yugoslavia's automatic succession would bear extremely dangerous consequences, in political as well as security terms. The logical inference of the recognition of automatic continuity to Yugoslavia and of its privileged succession to SFRY compared to all other successors would be that all of the other republics of the former SFRY seceded, which is an act contrary to international law. This qualification contains negative political and legal connotations, because it offers a different way of looking at the question of responsibility for the armed conflict and hence of the possible obligation to pay reparations. Moreover, the term "secession" is factually incorrect since one cannot secede from that which does not exist. However, the long-term security implications are even more serious. Such an interpretation of the conflict would provide, namely, political, philosophical, even legal, justification for the resumption of force, when conditions for this become ripe, in order to change boundaries and to create a Greater Serbia. This evil seed might wait

for years for favourable conditions for growth, a lasting threat to the stability of a large part of South-east Europe.

Future topics of Croatian diplomacy - social, economic and developmental issues

9. Among topics concerning the future - subjects that Croatian diplomacy is only beginning to address systematically, but to which attention will gradually shift, social, economic and development issue stand in the foreground. Political topics will also figure here, not those directly relating to Croatia or South-east Europe but those of a broader, global character. Indeed, even social, economic and developmental topics possess a major political dimension, a circumstance of which states with longer UN experience are only too well aware.

To be sure, dealing with the mentioned topics is less spectacular - our views on the crisis in Albania, the future competences and composition of the Security Council, or our initiative concerning the protection of the ozone layer, will not place Croatia in the focus of CNN news, as was the case during operations Flash and Storm. But this is exactly what the Republic of Croatia needs to strive for: to move from first-page headlines, which mostly cover major catastrophes, to small stories on the middle pages, speaking largely about this year's tourist offer, stocks and bonds fluctuations, or the stability of currencies. New topics require new methods. When dealing with purely political "Croatian" topics, patriotism and a good knowledge of local problems were essential. The new topics demand a breadth of vision, on the one hand, and expert knowledge in a number of areas, on the other. The Croatian diplomat still needs patriotism in order to successfully articulate and represent the interests of the Republic of Croatia within the scope of every topic; but he also needs a breadth of vision, which is necessary in order to view the various topics within the context of the general aims of the international community, the interests of individual states and of global interdependence.

It is on such general topics that a country acquires a reputation and prestige in the international community, which is then favourably reflected on its own standing and ensures greater tolerance of independent views when it comes to issues of particular concern to this country. In view of its size and the limited resources which it can devote to this task, the Republic of Croatia must select some priority topics, and then, having worked on them systematically and over a longer period, assert itself as an authority on these issues and a factor in deci-

sion-making on them. Recognisability is crucial in this, so that whenever such a topic is on the agenda, every experienced UN diplomat would realise that - although it is a general problem - it is a "Croatian topic" and that our diplomacy will be an essential factor in all initiatives on this issue.

10. An important element of such an entry of Croatia on the global scene are candidatures for various offices within the UN system which are considered essential to Croatian interests. In this, distinction should be made between three categories of posts: those that Croatia has a right to under the quota system, positions that are not subject to quotas but are filled by individual selection, after which the nominee acts on behalf of the United Nations and is formally quite independent of his own state, and posts to which experts are nominated in their individual capacity. Some results have already been attained in regard to nominations. The elections of Prof. Budislav Vukas as judge of the International Tribunal for the Law of the Sea and of Prof. Mladen Juračić into the Commission on the Limits of the Continental Shelf mark the beginning of a definition of "Croatian global interests", wherein our maritime tradition and orientation comes into its own. The recent election of a Croatian delegate to the Special Committee on Peace Operations will make it possible to apply our experience gained in the course of peace operations in Croatia and Bosnia and Herzegovina to UN reforms in this area and at the same time to strengthen our influence on the peace operations that are still in progress in the Republic of Croatia (UNTAES, UNMOP). However, our middle-range plans are even more ambitious. Within the regional group for Eastern Europe, Croatia has already put up its candidature for ECOSOC membership, and for places on the Commission on the Status of Women and the Commission for Population and Development for the 1999-2003 period. In the nearest future, we can aspire to the place of Vice-President of the UN General Assembly. In the course of the next ten years, with serious preparation, of course, and on the assumption of favourable developments in international relations, Croatia could successfully compete for a place in the Security Council as a non-permanent member.

11. In asserting these interests, Croatia faces a number of advantages and a number of constraints. The consequences of aggression will be eliminated within the next few years, and the international community will carefully examine the situation concerning human and minority rights and the possibility for refugees and displaced persons to return to their

homes of origin. After the establishment of a stable peace in Southeast Europe, Croatia will adopt as one of its first priorities the speediest possible inclusion into European integration processes and Western security systems, endeavouring to make up for time lost. The possible maintenance of long-term links with Islamic states, as a result of the specific relationship with Bosnia and Herzegovina, could provide to Croatia the position of a specific bridge, thereby considerably strengthening its regional importance. Its position as a Central European, Mediterranean and Danube country at the same time, and as a communication link between the West and the Middle East, lend Croatia additional importance. A contribution to the achievement of peace and security in Southeast Europe, and subsequently a role in preserving them, would also have a beneficial effect. Finally, Croatia's input in the non-aligned Movement at the time it was a member of the Yugoslav Federation should also be invoked, of course, always bearing in mind our predominantly European orientation.

Some of the limiting factors, such as the size of the country or the length of its membership in the UN Organisation, are simply beyond the control of Croatia. But it is important to do what is possible. For a while longer, the image of Croatia as a country torn by regional strife will continue to hamper our involvement in peacetime topics and our candidatures for influential offices within the UN system. Nevertheless, the fact that it is a young state which found the strength to resist aggression and - cooperating with the United Nation within the scope of what that organisation had to offer - succeeded in winning freedom ought to be used to good advantage.

The debt of the Republic of Croatia to the United Nations has already reached the sum of 4,535,567 US dollars (of this, almost 3 million go to peace operations). Even though among the debtor countries the USA figures prominently (it makes repayment conditional upon UN reform that would make it cheaper and more efficient), generally speaking, the 45 debtor states, each of which owes to the UN more than a million dollars, is not a club Croatia would like to belong to for a longer term. Being on the debtor list, with long-term arrears, is highly detrimental to the chances of candidates for all posts within the UN system. This debt was not such a problem for Croatia as long as it presented itself as a victim of aggression and destruction. However, indebtedness and being in the group of those who are unable to meet their obligations, does not fit into the new image of Croatia as a young prosperous Central European country. The possibility of introducing interest rates on the debt, which

is currently considered in the working group on the financial situation of the UN, should be an added incentive to finding a way to meet the outstanding obligations in the least painful manner possible.⁸

12. Viewed in their total, the prospects of Croatia within the United Nations seem to be good. Having shown determination and patience, as well as strength, in the struggle for independence and territorial integrity, it is now time for Croatia to exhibit diligence and ingenuity. The problems inherited from the period of struggle for independence and integrity ought to be dealt with in a manner which clearly demonstrates that Croatia is a mature and responsible state, which has nothing against the monitoring by the international community and which practices transparent policies, but which does not accept tutelage. The upsurge in economic development, the advancement of democracy, the rule of law and the protection of human rights that is

expected after the establishment of territorial integrity will also strengthen Croatia's international standing and enable Croatian diplomats at the UN to concern themselves with new priorities.

Croatia's history in the United Nations is very brief but also very intensive. Croatian diplomacy has given its contribution to the establishment, defence and stabilisation of the Croatian state. Finally, Croatia can look forward to decades, even centuries, of contributing to the welfare of the international community and upholding its own interests. Having had direct experience of the shortcomings in the methods of adjustment of interests practised by the international community through the UN system, and having acquired some skills at fighting in the diplomatic arena, Croatia will take active part in the shaping of the United Nations of the future. By defending general interests, Croatia will best defend its own interests as well. ■

1 See the speech by Dr Franjo Tuđman, President of the Republic of Croatia, at the 46th Session of the UN General Assembly on the occasion of the admission of the Republic of Croatia to the United Nations, I. Šimonović et al. (Ed.), *Hrvatska i Ujedinjeni narodi*, Zagreb, 1996, p. 565.

2 Admission to the United Nations, as the expression of collective recognition by member states, helped in the defence of the territorial integrity of the state, above all by enabling Croatia to invoke directly the provisions of the UN Charter on self-defence (Art. 51). However, besides having legal grounds for self-defence, one has to have the strength to do that as well. The international defence mechanisms of the UN member states are not yet sufficiently effective to guarantee defence against aggression, or the recovery of occupied territories.

3 In our view, in interpreting the provisions of Art. 2 of the Basic Agreement "...Transitional Administration which shall govern the Region during the transitional period..." we should proceed from the meaning and purpose of the quoted provision and from the Basic Agreement as such, and that is the peaceful reintegration of the Croatian Danube Region into the constitutional-legal system of the Republic of Croatia and the gradual transfer of powers from the Transitional Administration to the bodies of local self-government and government established on the basis of the election results and to the central bodies of public administration of the Republic of Croatia. If an extension of the current UNTAES mandate is imposed on Croatia after July 15, this will mean that the transfer of power at midnight, 15 January, 1998, will be momentary, without having given the elected bodies of local government and self-government a chance to start properly functioning. This could provoke instability and seriously hamper the work of

local government bodies in the Croatian Danube Region.

4 Prompted by the Croatian Government's Letter of Intention on the conclusion of the peaceful reintegration of the area under UNTAES administration, the Serbian side tried to lend a new quality to the provision of the Basic Agreement on demilitarisation by extending it beyond the context of the Basic Agreement. This provision was used as grounds for requesting "complete and permanent demilitarisation... both with respect to weapons and to armed personnel" (par. 5.1 of the letter of the "Assembly and Executive Council of the region of Eastern Slavonia, Baranja and West Sirmium" of 16 January 1997). This request by the local Serb community has no grounds in the Basic Agreement, which provides for demilitarisation only during the time-span covered by the Basic Agreement, i.e. during the transitional period. The UN Secretary General, in a letter to the Chairman of the Security Council, confirms this view by stating: "It should be noted that UNTAES has no mandate to pursue directly the questions of the post-UNTAES military status of the region."

5 Of the eight persons detained, four are Croats, two are Moslems and two Serbs. The only senior civilian official or military officer is General Blaškić - who came of his own free will and who has been waiting to be tried for over a year. None of the detainees has been indicted for war crimes committed during the aggression against the Republic of Croatia.

6 The Badinter Commission is the arbitration commission set up by the European Union and the United Nations with the consent of the parties, including Serbia and Montenegro, and therefore also with their obligation to accept the findings of the commission.

7 The agreement on normalisation of relations be-

tween Croatia and FRY, concluded on 23 August, 1996, does not introduce any changes. However, Art. 5 par. 1 of the Agreement mentions the "state continuity of the Federal Republic of Yugoslavia", however, par. 2 of the same article provides for a fully reciprocal "continuity of Croatian statehood". In other words, the Republic of Croatia has recognised the state continuity of the Federal Republic of Yugoslavia in relation to its predecessors, starting from the Principalities of Serbia and Montenegro and up to the SFRY, i.e. its constituent federal units, the Socialist Republic of Serbia and the Socialist Republic of Montenegro; likewise, the Federal Republic of Yugoslavia recognised the continuity of the Republic of Croatia in relation to all the predecessors from which Croatia derives its state continuity, including the SFRY, i.e. the Socialist Republic of Croatia. This reciprocal recognition of continuity clearly demonstrates that this was a question of purely historical continuity, not of a continuity in a legal sense that would warrant to the Federal Republic of Yugoslavia a privileged status in relation to the other successors.

8 The threat of interest rates applies so far only to the debt due to non-payment of regular contributions to the UN budget. Croatia's debt on this basis amounts to 1,755,040 US dollars. If interest on debt is indeed imposed, then it is quite possible that the same principle will be applied to the other parts of the debt as well.

ULJANIK

PULA CROATIA
140 YEARS
OF INDUSTRIAL TRADITION
PRODUCTION PROGRAMME

1. Ships

- Product tankers
- Chemical tankers
- Multipurpose ships
- Reefers
- RO- RO reefers
- Containers
- Railway - ferries

3. Electrical machines

- Three-phase low-tension synchronous generator, 5 to 1500 kVA,
- Three-phase low-tension synchronous generator, 100 to 2500 kW, licence SIEMENS,
- Three-phase high-tension synchronous generator, 1 to 1 - 5MVA,
- Three-phase synchronous and asynchronous electric motors of various outputs, own design and under SIEMENS licence,
- Electric generating sets
- Marine electric generating sets having output between 15 and 2500 kWA (main and emergency)
- Stationary sets
- Swiftgear plants.

2. Diesel engines

- two stroke, licence MAN B&W
- components for MAN B&W two stroke engines
- four stroke diesel engines, licence SEMT Pielstick types PA4-185 and PA4-200
- step up gears for shaft generators

4. Welding machines

- Converter for arc welding
- Welding converter
- Rectifier for welding
- Transformer for welding
- MIG-MAG semi-automatic welding machine
- TIG arc welding machine
- Flame cutting machine.

5. Outfittings

- Engine room cranes, SWL 1 to 6.4 tons
- Monorail deck cranes, SWL 3 to 6.2 tons
- Electrical deck cranes, SWL 0.1 ton/1m - 4 tons/7m
- Fireresistant doors.



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