

# A PURPOSELESS EFFORT: EUROPEAN COMMUNITY AND CROATIAN SERBS

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In this paper, the authors analyze the relation of the international community (the European Community) to the minority legislation of Republic of Croatia in 1991-1992. Namely, establishing beyond any doubt and evaluating the reasons why the Yugoslavia Peace Conference or the special institution, which the European Community formed in order to find a peaceful solution of the conflict, pressed Zagreb so strongly to make profound changes to the minority legislation. Special attention is given to the Conference's fixation on the special status or regional political autonomy for the territories of Republic of Croatia with Serbian majority.

**Key Words:** the European Community, the Republic of Croatia, the Serbian Question, minorities.

## Introduction

Many excellent works have already been written about the ineffective policies of the international community regarding the wars in the territories of the new states that emerged from the disintegration of the communist Yugoslavia. Indeed, the intervention of international organizations such as the European Community (EC) and the United Nations (UN) or the most influential countries in the world and Europe (such as the US, Russia, Great Britain, France and Germany) could not prevent the conflict. With its inconsistent approach,

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they further prolonged the conflict. The effect of the aforementioned was a long humanitarian crisis, followed by devastation that Europe had not seen since the end of World War II. It is certain that they rarely resorted to solutions or projects, so it was immediately clear that they would not have much chance of success, which could be reconciled with the rich repertoire of inefficiencies of the international community.

In the final moments of its presence in Yugoslavia (May 1990 – October 1991), Croatia defined its relation towards the most populous minority, the Serbs, in applying the democratic principles grounded on international conventions and standards. Even though the conventions and standards were not mentioned by name explicitly, the Serbs retained their rights and liberties as other Croatian citizens under the December 1990 Constitution.<sup>1</sup> Moreover, having in mind their number and political peculiarity, the legislator secured their right to cultural autonomy and local self-government, affirmed in the Parliament of the Republic of Croatia at the end of June 1991.<sup>2</sup> Nonetheless, one part of Croatian Serbs rebelled against the constitutional order of Croatia and with the help of the federal armed force (Yugoslav National Army) and Serbia, and succeeded in occupying approximately one quarter of the Croatian territory by the autumn of 1991. Considering themselves as part of the all-Serbian state in the making, they broke off all connections with the Croatian authorities, clearly demonstrating that they did not consider themselves Croatian citizens.

Right in the moment of escalation of the armed conflict in Croatia, influential circles of some member states of the EC started to promote the idea of necessary changes to minority legislation as a means of its resolution. The possible reasons why the opinion of the Yugoslavia Peace Conference, as early as from the beginning of October 1991, stating that only “special status” regulation for the territories with Serbian majority population in Croatia can lead to the peaceful solution will be discussed in more detail in the final remarks. In the beginning, the first task of the aforementioned conference was to establish a framework for the peaceful solution of the conflict based on the principles of unacceptable unilateral reshaping of republic borders (via force), protection of rights for everyone in Yugoslavia by taking into consideration all legitimate aspirations. Relating the second component, i.e. minority rights protection, special Work Group of the conference accepted the guidelines which anticipated the right for all minorities to complete and uninterrupted protection, autonomous development and respect of their uniqueness, beginning with the

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<sup>1</sup> Nikica Barić, *Srpska pobuna u Hrvatskoj 1990 – 1995. [Serbian Rebellion in Croatia 1990-1995]* (Zagreb: Golden marketing – Tehnička knjiga, 2005), pp. 88 – 90.

<sup>2</sup> Željko Luburović, “Ulaznica za Evropu“ [„A Ticket to Europe“], *Vjesnik*, December 4, 1991.

second half of September 1991. But, only a half-month later, at the beginning of October 1991, first the high representatives of the Conference along with participation of the Presidents of Croatia and Serbia, adopted the statement according to which political solution to the crises, eventually including the recognition of some republics, implicitly included suitable arrangements for the protection of minorities, including guarantees for human rights protection and eventually, special status for certain areas, only for the special status principle (for which the president of the conference, the Englishman Peter Carrington started to plead for in particular), in the second half of the same month, within special arrangements for the resolution of crises in general, , to become a separate part of entire peace proposition. Moreover, it was explicitly stated that it relates to the Serbs in Croatia specially. Here is the paragraph in full:

“Special status. Besides this, the counties in which members of some national or ethnic group form a majority will enjoy a special status (autonomy). This status will secure: a) the right of possession and accentuation of national symbols of the group; b) the right to another citizenship for the members of this group apart from the republic citizenship; c) an education system which respects the values and necessities of that group; d) i) a legislative body, ii) an administrative structure, including the regional police force, iii) and judiciary, authorized for the legal questions of that county which reflects the population composition of that county; e) security of adequate international supervision. The aforementioned status will apply especially to the Serbs living in Croatia where they represent the majority.”<sup>3</sup>

### **Resisting the “progressive pressure” – Constitutional Law of December 1991**

This dramatic shift in the Conference’s attitude – a new opinion that existing regulations of the Croatian legislation on minority rights are insufficient and (because it does not mention the right to territorial autonomy), if Zagreb wants to gain international recognition, it must complement it significantly, and it was the platform upon which, as will be seen later on, Croatia adopted the new law on the minority communities status in the end. In other words, for Zagreb, the regulation regarding the special status – or *de facto* – regional

<sup>3</sup> Sonja Biserko, Saška Stanojlović (eds.), *Poslednja šansa Jugoslavije: Haška konferencija 1991 [Yugoslavia’s Last Chance: The 1991 Hague Conference]* (Belgrade: Helsinški odbor Srbija, 2002.), p. 110.

territorial-political autonomy – was unacceptable for various reasons, especially, among others, the danger of introducing the elements of confederalism into the state structure (high degree of territorial autonomy, regional police and judiciary with authorities beyond the scope of central power and dual citizenship). Therefore, the representatives of Croatia, faced with a growing pressure from the Conference leaders, endeavored in counterbalancing by warning of two fundamental facts. First of all, by pointing out that Croatia had already established sufficient legal framework for the protection of minorities, which implicated that additional pressure could not lead to the desired aim, which is peace. Croatia is willing to honor all human and “ethnic” rights of Serbs, including the right to cultural and local autonomy, as said by the Croatian president Franjo Tuđman to the request for “the call to make the first step”, so to say, in order to implement “the special legislation for territorial autonomy” on those areas where the Serbs are in majority, as the Dutch minister of foreign affairs Hans van den Broek told him on October 11, 1991.<sup>4</sup>

As justified as it was, Tuđman’s argument could not be successful for the simple reason that Zagreb held a position of the weaker participant, i.e. the road to recognition was conditioned by the Conference’s consent, but one must bear in mind that the rebelled Serbs had not been interested at all in materializing any rights in Croatia. The second Zagreb argument had a more practical weight, simply because it relied on the inconsistency of the international mediator itself. After the Conference soothed some views regarding the special status up to a certain point (rejecting the precise definition of territories)<sup>5</sup> at the end of October 1991, Tuđman declared, at the beginning of the next month, repeating his readiness to honor all minority rights, that Croatia is concurred with possibility of local self-government for territories with Serbian majority under condition the same principle applied to other territories in former Yugoslavia. Namely, he rejected to accept the local autonomy for Serbs in Croatia if, simultaneously, the same right was not provided for Albanians in Kosovo and Metohia, Muslims in Sanjak, Hungarians in Vojvodina and (partly unclear) for all the nations in Bosnia and Herzegovina.<sup>6</sup> If the international community persisted in resolving the conflict under the condition of securing the rights of minorities everywhere in former Yugoslavia, which the Conference represent-

<sup>4</sup> Hrvatski državni arhiv (HDA) [Croatian State Archives], fond [Record Group] 1741, Ured Predsjednika Republike (UPRH) [Office of the President of the Republic] (Record Group’s Signature: HR-HDA-1741), Kraljevina Nizozemska/Ministarstvo vanjskih poslova [The Kingdom of the Netherlands/Ministry of Foreign Affairs], Letter, 11 October 1991.

<sup>5</sup> Geert-Hinrich Ahrens, *Diplomacy on the Edge: Containment of Ethnic Conflict and Minorities Working Group of the Conferences of Yugoslavia* (Washington D. C.: Woodrow Wilson Centre, The Johns Hopkins University Press, 2007.), pp. 96 – 97.

<sup>6</sup> HR-HDA-1741, Vrhovno državno vijeće [Supreme State Council], Zapisnik sa sastanka od 3. studenog 1991. [Minutes of 3 November 1991].

atives proclaimed multiple times, then it could request additional concessions from Croatia only after obtaining the same rights for minorities elsewhere. Nevertheless, even this consistent argument did not lead to a change in the Conference's attitude. On the contrary, amended peace proposition, published on November 4, 1991, kept the chapter on special status territories expelling the dual citizenship regulation, but adding the permanent demilitarization order. The proposition was rejected by the representatives of Serbia, Republic of Serbian Krajina and Albanians from Kosovo.<sup>7</sup>

Showing that, in the middle of the general dependence on international recognition, Zagreb was not immune to the threat of open blackmail, and Croatia accepted the proposition under visible pressure in the end. To convey a clear message after all, as a result of understandable disapproval, the German chancellor Hans-Dietrich Genscher sent a message to Tuđman on November 12, 1991 in which he stated that by mid-December of the same year, Croatia is expected to proclaim a special law on minority rights, which will completely fulfill the requirement of the aforementioned amended peace proposal from the start of November, including the special territories regulation. Moreover, Zagreb had to grant "special autonomous status" for those municipalities with Serbian majority and consent to demilitarization and international supervision. Zagreb could not hope for the reciprocity principle, i.e. establishment of the same level of protection for minorities everywhere else in the former Yugoslavia. As Genscher especially stated: "The question of rights of Albanians in Kosovo should be settled between Serbia and Europe". From Croatia, for which the president of Conference had to be particularly informed, "constructive cooperation" was expected.<sup>8</sup> Thus German strong effort for the recognition of Croatia was conditioned by the consent for profound changes in the contents of the existing minority legislation.

Nevertheless, the numerous possibilities for resistance which Zagreb had at its disposal were not exhausted. In short, the Croatian government, institution whose own task force drafted the bill of constitutional law and which became its proposer, decided to suggest to the Parliament of the Republic of Croatia (Croatian Diet or Parliament) the incorporation of municipalities with special self-governmental or autonomous status with the right to regional integration in the end after all (where Serbs made absolute majority of population, i.e. municipalities of Knin, Obrovac, Benkovac, Gračac, Titova Korenica, Donji Lapac, Glina, Vrginmost, Hrvatska Kostajnica, Dvor na Uni and Vojnić), for

<sup>7</sup> S. Biserko, S. Stanojlović (eds.), *Poslednja šansa Jugoslavije: Haška konferencija 1991*, pp. 139 – 140.

<sup>8</sup> HR-HDA-1741, Hans-Dietrich Genscher, Poruka od 12. studenog 1991. [The message of November 12, 1991].

which was formulated that their legal status could not be in contradiction with the constitutional order of Croatia as a unitary and indivisible state. Also, the autonomy was limited with the condition of protection for the non-Serbian population, retaining the authority of state institutions in some departments, authorities of local police in matters of public order and safety, traffic safety and alike. It was foreseen that the law came into force immediately but some of its regulations would be implemented after the reinstatement of permanent peace and after the free local elections were held. Such constitutional law was accepted by *Sabor* on December 4, 1991.<sup>9</sup>

In the beginning it seemed like Zagreb had managed to find a middle ground between EC pressure and domestic public opinion (due to which the ruling Croatian Democratic Community abandoned the bill that anticipated the establishment of two autonomous counties of absolute Serbian majority territories<sup>10</sup>), understandably not in favor of a particular tendency for the Serbian minority. On the one hand, the law was of constitutional i.e. the highest-ranking character, which confirmed Croatia's readiness for the highest standards of minority rights protection. On the other hand, it allowed for the integration of municipalities with special autonomous status into wider communities, so to say, some sort of regional autonomy with extended scopes of authority in self-governmental affairs of non-political character (such as spatial development, cherishing and promoting economic strong points, protection of nature and cultural monuments, attaining the public order and peace and safety of traffic) along with the right to international supervision. Although he was not completely satisfied with the fact that Zagreb did not comply to the request for regional autonomy of political character (i.e. special territorial unit which would consist of more municipalities with absolute Serbian majority) and its demilitarization, the German expert for constitutional law, who participated in the drafting of the law, reviewed it as suitable at the level of the existing minority rights protection elsewhere in Europe. Moreover, in some aspects, it went even further than similar solutions elsewhere.<sup>11</sup> Notwithstanding, it became clear in a short period of time, that additional effort in "constructive cooperation" is requested from Zagreb.

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<sup>9</sup> Hrvatski sabor (Croatian Parliament - HS), Zagreb, Sabor Republike Hrvatske (The Parliament of the Republic of Croatia - SRH), Zajednička sjednica svih vijeća, Odluka od 4. prosinca 1991. [Joint Session of All Councils, Decision of December 4, 1991].

<sup>10</sup> HS, SRH, Vlada Republike Hrvatske, Radni tekst od 17. studenog 1991. [Government of the Republic of Croatia, Working text of 17 November 1991]

<sup>11</sup> G.-H. Ahrens, *Diplomacy on the Edge*, p. 130.

## Indulgence to “Progressive Pressure” – Constitutional Law of May 1992

Thus, Zagreb evaluated beyond doubt that it managed to outwit the international community because neither one of the successor states of the former Yugoslavia had passed such an advanced law on protection of minority rights. Besides, the law had a constitutional character and enabled emphasized territorial autonomy (municipalities) with the possibility of practical regional integration. Furthermore, the weight of political responsibility was shifted to Knin and, indirectly, to Belgrade since the rebelled Serbs controlled the area which it was supposed to apply to, while Serbia refused to negotiate on the principles of Conference upon which it was formulated. Therefore, Tuđman’s disbelief must have been visible when the Conference’s chairman Lord Carrington confronted him as early as mid-December 1991 with extensive remarks (in total, 12 points of discrepancies between the law and the Conference’s opinion).<sup>12</sup>

In January 1992, the EC expressed its dissatisfaction with the document of special Conference’s institution, the Opinion No. 5 of the Arbitrary Commission, which was requested to give an opinion on the question whether Croatia (together with Bosnia and Herzegovina, Macedonia and Slovenia) fulfilled the conditions for international recognition. Having concluded that Macedonia and Slovenia fulfil the given terms “in full”, and Bosnia and Herzegovina did not, the Commission gave Croatia a conditional passing grade or a “conditional yes”. The conclusion of the opinion regarding Croatia was as follows:

“Constitutional law of 4 December 1991 does not include entirely all the stipulations of the Conference bill from 4 November 1991 [i.e. reformed peace proposal], especially not the ones referred to in Article 2c, paragraph II, under the title of “special position”; therefore it is necessary that the authorities of the Republic of Croatia amend the Constitutional Law of 4 December 1991 in such a manner so as to comply with these regulations; and with this reservation, the Republic of Croatia fulfils the condition for its recognition from member states of the European Community according to the Declaration of Yugoslavia and Guidelines for recognition of new states in the Eastern Europe and the Soviet Union, which the Council of Ministers of the European Community adopted on 16 December 1991.”<sup>13</sup>

<sup>12</sup> G.-H. Ahrens, *Diplomacy on the Edge*, p. 130.

<sup>13</sup> Vladimir-Đuro Degan, *Hrvatska u međunarodnoj zajednici: Razvitak njezine međunarodno-pravne osobnosti kroz povijest [Croatia in the International Community: The Development of its International Legal Personality Through History]* (Zagreb: Nakladni zavod Globus, 2002), p. 251.



Perhaps, by additional assurances, Tuđman hoped to avoid the trap of establishing regional political autonomy for territories with Serbian majority. In several letters, he tried to persuade the leaders of the Conference that Croatia “has accepted everything” or at best, “has accepted everything in principle” and that its Constitution is “in compliance” with the requests of the Conference in Opinion No. 5 of the Arbitrary Commission. It is possible to characterize his efforts as an attempt to avoid responsibility<sup>14</sup>, but more precisely, it would be defined as an attempt of forcing his own commentary regarding the matter of the “special status territory“, contrary to the one of the Conference, which led to extortion of the widest political autonomy for Serbs in Croatia. International recognition of Croatia on January 15, 1992 strengthened this belief furthermore.

On February 22, 1992, it became apparent that Zagreb will have to make a further effort in “constructive cooperation” when the EC council of ministers sent a letter to Tuđman, requesting the amendment of the Constitutional law from December last year. From the expert analysis of the letter, which, in fact, consisted of objections with propositions for further possible elaboration of the matter, it was evident that the EC was still against the idea of border changes by the principle of force (so that any form of Serbian autonomy will exist within Croatian borders), the special status regime did not apply to territories beyond 11 municipalities defined by Constitutional law (therefore, Serbian autonomy was out of the question for the territories of Western or Eastern Slavonia), but at least due to these objections, the process did not lead to the establishment of any federal units within Croatia, specially the establishment of any confederate alliance of potential Serbian political autonomy with the rest of the Croatian state. The establishment of regional political autonomy for the territories with Serbian majority remained the key problem. There was no doubt that the EC insisted on the establishment of autonomy of regional character, whereby it could be concluded that its negotiators are more in favor of the idea of creation of two districts with autonomous status which would comprise 11 aforementioned municipalities with special status, than establishment of separate counties with Serbian majority. If, in the end, the introduction of the county system in Croatia would take place, then the aforementioned districts should become separate counties (or, in case of merging, one county). As the finalization of negotiations regarding the deployment of the UN peace forces in Croatia took place simultaneously, the EC representatives strongly insisted on demilitarization (disarmament and “arms cleaning”) of territories

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<sup>14</sup> Mario Nobile, *Hrvatski feniks: Diplomatski procesi iza zatvorenih vrata 1990.-1997. [Croatian Phoenix: Diplomatic Processes Behind Closed Doors 1990-1997]* (Zagreb: Nakladni zavod Globus, 2000), p. 142 – 143.



foreseen for regional autonomy.<sup>15</sup> According to available documentation, we might conclude that the EC decided to insist on the establishment of autonomous districts, considering the establishment of regional political autonomy as the most important question. On the other hand, Zagreb succeeded in denying the requests for demilitarization of this area and did not succumb to requests for expansion of self-governmental powers for autonomous districts.

At the beginning of May 1992, the outlines of the compromise between Zagreb and the EC became apparent. Under the Law on the Amendments of the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia, which the legislative commission of the Croatian Diet put into further procedure, the fundamental amendment consisted of introduction of the special autonomy status on the regional and not municipal level. Two districts obtained such special self-governmental status, on the grounds of the 1981 census. These were the districts of Glina and Knin. The district of Glina consisted of the municipalities of Glina, Vrginmost, Hrvatska Kostajnica, Dvor na Uni and Vojnić. The district of Knin consisted of the municipalities of Knin, Obrovac, Benkovac, Gračac, Titova Korenica and Donji Lapac. The districts had a right to a special status and autonomous powers identical to the powers attributed to former municipalities with a special status. Their structure could not be in collision with the constitutional order of the Republic of Croatia, which defines it as a unitary and indivisible state, so the Croatian government retained the right of confirming the election of the district assembly's president and Constitutional court, the right to initiate the legal procedure to establish the constitutionality and legality of acts proclaimed by the district's assembly. The proposition implicated that Croatia would conclude a special international treaty for the supervision of its stipulations. *Sabor* adopted the new Constitutional law on amendments of the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia, with only a few votes against it, on its joint session on May 7, 1992.<sup>16</sup>

<sup>15</sup> Zbirka Vladimira Šeksa (The collection of Vladimir Šeks - ZVŠ), Zagreb, Vladimir-Đuro Degan, Bilješka od 25. veljače 1992. [Vladimir-Đuro Degan, Note of February 25, 1992]; ZVŠ, Vladimir-Đuro Degan, Bilješka od 21. ožujka 1992. [Vladimir-Đuro Degan, Note of March 21, 1992]; ZVŠ, Vladimir-Đuro Degan, Bilješka od 3. svibnja 1992. [Vladimir-Đuro Degan, Note of May 3, 1992]

<sup>16</sup> *Izvješća hrvatskog Sabora*, 3 (1992), No. 64: 16 – 20.

## Concluding remarks

Considering the above-stated, a few additional questions deserve closer attention. First and foremost, the international community viewed the Serbian question undoubtedly as a question of crucial importance in Croatia. But, instead of recognizing that the main cause of the conflict is the support given to Belgrade by a part of the Croatian Serbs in the creation of the all-Serbian state, which caused the war in Croatia from the second half of 1991, influential circles of some European countries and the EC as a whole (followed by the USA and UN) concluded that there are allegedly justifiable reasons for believing that Serbs in Croatia are endangered. Such a tendency to request amendments to the minority legislation from Croatia was clearly visible even before the Conference started. For instance, in the words of Van den Broek addressed to the Serbian representative in the federal presidency, Borislav Jović, during the first mediation efforts of the EC foreign ministers trio (June – July 1991), the essential important difference existed between the situation in Slovenia and Croatia. “It is a different kind of problem”, van den Broek stated: “We know the history of Croatia. We know the fate of Serbs in Croatia [in the Second World War]”.<sup>17</sup> Inaccurate comprehension of a well-identified problem led to pointing the finger to the wrong target (which materialized in the form of strong pressure). Surely, the decision to force Croatia to make substantial concessions in the question of minority legislation was based partly on the false understanding that Serbs in Croatia are endangered, thus in a need for alleged further protection.

The EC exposed Croatia to a strong pressure for minority legislation changes in the early autumn of 1991. Demanding concessions from (at the time being) the weaker side of the conflict was noticeable in other occasions as well. Therefore, Genscher, in a letter to Tuđman from January 3, 1992, aimed for the same sort of pressure as in November 1991 when he asked the Croatian President for “constructive cooperation” in the question of minority legislation amendment at the same time when the first serious doubts from Zagreb about the benefits of accepting the Vance plan to deploy the UN peace forces started to surface, and especially that illegal rebel power structures would continue with their work and that the Blue Helmets static activity would open the possibility of Cyprization of Croatia, i.e. permanent secession of occupied territories. “Croatian refusal”, wrote Genscher, “would be understood as downplay of a promise given to obtain international recognition”.<sup>18</sup> Perhaps pressuring the weaker side might be the easier way to the projected goal (might as well be de-

<sup>17</sup> Borislav Jović, *Poslednji dani SFRJ [The last days of SFRY] (Kragujevac: Prizma, 1996.)*, p. 357.

<sup>18</sup> M. Nobile, *Hrvatski feniks*, p. 251.

financed as a blackmail), which besides having a clearly defined imperative under which everything had to be subdued (international recognition), but then the price that the EC had to pay due to aforementioned failure was much higher than it had to be (the growing dissatisfaction of Zagreb with the international community's inefficiency and foremost, the failure to stop the armed conflict).

The motives of the EC's key factors, which strongly demanded the amendments to the minority legislation from Zagreb, were surely not inherent. When it comes to Germany, the answer is somewhere between self-interest, noble intentions and in some aspects, inaccurate understanding of the situation. As Geert-Hinrich Ahrens, a German legal expert and head of the special task force of the Conference for minority matters wrote in his memoirs, Bonn managed to persuade Tuđman to change his original policy if he did not want to jeopardize the road to Croatia's independence: instead of "doing nothing more for his Serbs than the Serbian President Milošević for his Albanians", in the end he had to take an additional step.<sup>19</sup> We believe that a sense of certain idealism should be recognized in the words mentioned above. It could be presumed that Bonn insisted on additional efforts from Zagreb, because the perception that Croatia is a German client-state started to hinder its endeavor for international recognition (other European states, unwilling to recognize Croatia, started to reproach Germany in this question respectively). Of all great European states, Germany undoubtedly and most honestly believed in the possibility of a peaceful resolution of the conflict. More precisely, Ahrens was the person who made the proposition that included the establishment of wide-scope autonomies for all minority communities on the territory of former Yugoslavia as early as at the beginning of October 1991, as a part of an integral peace proposal, presented to the public a couple of days later by Carrington. Afterwards, he insisted most vigorously to apply it elsewhere, but with no success. Germany's influence on Croatia's decision to compose new minority legislation in November 1991 was crucial,<sup>20</sup> while Ahrens took part as a chief negotiator on behalf of the Conference.

The British Carrington, the chairman of the Conference at the time of aforementioned events, started to demand that all the participants of the crises and conflict agree upon establishment of a wide-scope regional autonomy with political character very early, as an important part of entire peace process. Zagreb had to give this privilege to its Serbs and Belgrade to Hungarians and

<sup>19</sup> G.-H. Ahrens, *Diplomacy on the Edge*, p. 129.

<sup>20</sup> Michael Libal, *Njemačka politika i jugoslavenska kriza 1991. – 1992. (Zagreb: Golden Marketing – Tehnička knjiga, 2004) [Originally published in English under the title Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992], p. 187.*

Muslims.<sup>21</sup> Nevertheless, the British politicians, including Carrington, stopped insisting on implementing the concept of regional political autonomy to all crises-affected areas consistently, so one British member of the task force led by Ahrens was the author of the proposal to apply the special status regulation only to the Serbs in Croatia, but not to Albanians in Kosovo.<sup>22</sup> Shortly after the proclamation of the Constitutional Law of December 1991, Carrington demanded change of the concept of autonomies from municipalities with special statuses to regions with special statuses, their demilitarization and the diminution of central power authorities in relation to the autonomous ones. The question of the Republic of Serbian Krajina or the Croatian state territories under the control of the rebels, would become a central question of the entire conflict for Carrington and, without its solution, he did not visualize the possibility of integral peaceful resolution.<sup>23</sup> For this reason, probably it is possible to recognize in his acts the start of pro-Serbian policy in some international communities' circles, under which only a policy of concessions to Belgrade can lead to his *détente*, therefore peace. In the case of Croatia, it meant that only the final solution of the Knin problem could lead to the start of the process of resolving the Albanian problem in Kosovo and Hungarian matter in Vojvodina.

Finally, there is still the answer to the question of the justification of entire enterprise. In May 1992, one of the youngest states on the European continent, the Republic of Croatia, could indeed be proud, as Ahrens put it, "of her example of progressive legislation, minorities in other states could only dream off".<sup>24</sup> But, it didn't bring it any closer to the resolution of the conflict at all. Firstly, because the rebelled Serbs were not interested in any kind of a level of rights in Croatia and this was the opinion of Belgrade as well. It is interesting to notice in fact that Serbia, contrary to Zagreb, persistently declined even the conversations regarding the special status of Serbs in Croatia. When it was necessary, as in October 1991, when faced with the question of proposal for a peaceful resolution, Milošević acted as if he was interested in the "resolution *sui generis* for Serbs [in Croatia]", which might indicate the possibility of the special status, or when in the second half of November of the same year he declared that the proposal of the special status is "fine in some elements and in others it isn't, or it is inconclusive", only to start the work on drawing the UN forces in and on his concept of separation of conflicted parties, but clearly without recognition of Croatia in the outlines of her internationally recog-

<sup>21</sup> HR-HDA-1741, London/Antun Pinterović: Informacija od 20. rujna 1991. [London/Antun Pinterović: Information from September 20, 1991].

<sup>22</sup> G.-H. Ahrens, *Diplomacy on the Edge*, pp. 97 – 98.

<sup>23</sup> G.-H. Ahrens, *Diplomacy on the Edge*, p. 69.

<sup>24</sup> G.-H. Ahrens, *Diplomacy on the Edge*, p. 139.

nized borders.<sup>25</sup> In fact, Milošević only left the impression of being interested in the special status project, deliberately working on stalling the Republic of Serbian Krajina issue in order to achieve his real objective, i.e. the annexation of these territories to Serbia. Unwillingness of Belgrade to even consider the possibility of autonomy for Serbs within the Croatian borders thus made the enormous effort put in by the EC completely purposeless.

It is important to point out the fact Croatia has never been put in the situation to apply the constitutional laws for minorities from December 1991 and May 1992 in practice. Since the main part of these areas was under the control of the rebelled Serbs and the international community was not able to force them to concessions, the promises of the Croatian authorities were never put to the test. It could be concluded that Zagreb was ready to allow a certain variant of “reasonable autonomy” for Serbs, but not more than that. This way, amid persistent rejections from Knin and Serbia for a functional negotiating process and multiple inaptitude demonstrated by the international community, when the first opportunity arose, Zagreb decided to throw away the burden of “reasonable collaboration”. After the liberation of the occupied territories of Banovina, Kordun, Lika and Northern and Middle Dalmatia at the beginning of August 1995, *Sabor* suspended parts of the Constitutional Law from May 1992, which stipulated the establishment of two autonomous districts.

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<sup>25</sup> M. Libal, *Njemačka politika i jugoslavenska kriza 1991. – 1992.*, p. 91.; S. Biserko, S. Stanojlović (eds), *Posljednja šansa Jugoslavije: Haška konferencija 1991*, p. 102.

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