

THE ROLE OF FRANJO TUĐMAN IN THE PROCESS OF PEACEFUL REINTEGRATION OF THE CROATIAN DANUBE REGION*

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The role Franjo Tuđman and the Croatian government played in the process of peaceful reintegration of Croatian Danube region Hrvatsko Podunavlje (the Croatian Danube region) and in the establishment of the country's full sovereignty is presented and analyzed, on the basis of documentary evidence, in this work. Also contained in this work are explanations and analyses related to the main objectives of the Republic of Croatia's policies in the period from the end of 1995 to 1998. The influence of the USA and the international community on the process of resolving the conflict in the former Yugoslavia and their relationship with Franjo Tuđman is also presented. In this context this work gives an overview of the most relevant circumstances that led to the political agreement on peaceful reintegration of Hrvatsko Podunavlje and the two-year long implementation of the process.

Keywords: Franjo Tuđman, peaceful reintegration, Hrvatsko Podunavlje (Croatian Danube Region), UNTAES, USA.

Introduction

Operation *Storm* was the last operation in the Croatian War of Independence on Croatian soil. In Croatian historiography the operation is often referred to as a military-police action. The operation was a decisive victory for the Croatian armed forces. After its completion only Hrvatsko Podunavlje (Croatian Danube Region – Baranja, a part of eastern Slavonia and western Syrmia (the so-called UN sector East, 4,6 % of the land territory of the Republic of Croa-

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tia)) remained under Serb occupation. The political leadership of the rebel Serbs in Hrvatsko Podunavlje, aware that the Croatian Army was strong enough to overrun their defenses, agreed to negotiate with representatives of the Croatian government and acknowledge the fact that the region was within the internationally recognized borders of the Republic of Croatia. It has to be pointed out that the political leadership of the rebel Serbs in Croatia doggedly defied decisions made by the international community and resolutions passed by the UN which confirmed that the areas occupied by the rebel Serbs in Croatia were integral parts of the country. All the efforts of the Croatian government to incite the leadership of the rebel Serbs to consider a scenario by which the occupied territories would be peacefully reintegrated into the legal and constitutional order of the Republic of Croatia were scornfully rejected. The dogged recalcitrance of the rebel Serbs evaporated practically overnight when their armed forces suffered a series of resounding defeats in Croatia and Bosnia and Herzegovina.

The issue of the reintegration of the occupied territories which were under the mandate of the UN into the Republic of Croatia gained a new importance during the key political negotiations at the end of 1995. Even though the Croatian Army was ready and willing to mount an operation to liberate Hrvatsko Podunavlje, and despite the fact that the Croatian public, and especially the refugees from the region, clamored for a military action, the Croatian government decided to negotiate with the Serb leadership, that is, the Serb occupation authorities. It is important to stress that the pressure put on the Croatian government to launch a military operation was considerable since Hrvatsko Podunavlje and the city of Vukovar were potent symbols of Croatian steadfast and sometimes suicidal resistance to Serb aggression. It is equally important, in this context, to point out that Vukovar was completely devastated in the initial Serb onslaught on Croatia in 1991 and that Hrvatsko Podunavlje was impoverished under the years of Serb occupation.

The Croatian government's resolve to reintegrate the occupied territories into Croatia never faltered. Franjo Tuđman confirmed this on several occasions. "Only 4.57 % of the entire territory of Croatia is still under enemy occupation. But parts of western Sylvania with Ilok, eastern Slavonia, Vukovar – that symbol of Croatian resistance, Croatian heroism, the plight of Croatian citizens – rich *Baranja* region, are in those 4.57 %. We shall never, come hell or high water, give up on those areas. Therefore, we will do everything in our power to regain, by peaceful means, these areas. I stress 'by peaceful means' because I believe that every drop of Croatian blood and every Croatian life is priceless and precious."¹

¹ HR-HMDCDR- 18, Digital collection of documents, Govor Franje Tuđmana na III. Općem saboru HDZ-a 14. listopada 1995 [Franjo Tuđman's speech at the Third session of General Assembly of the HDZ on October 14 1995].

The drive to reintegrate Hrvatsko Podunavlje into Croatia in 1995 tested the sustainability of the peace talks and the efforts at stabilizing the region as a whole. For Croatia, the reintegration meant, first and foremost, solving the issue of territorial integrity and achieving full sovereignty. For the international community the reintegration meant the end of the war, establishment of the regional balance of power and reconstruction of a multi-ethnic society.

According to Ivica Kostović, the then Commissioner of the government of the Republic of Croatia for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sylvania, three factors were of crucial importance in the context of the reintegration of Hrvatsko podunavlje. The first factor was the USA. The Clinton administration wanted to impose peace in Croatia and Bosnia and Herzegovina through the peace talks in Dayton. The second factor was Franjo Tuđman. He insisted that the issue of Hrvatsko Podunavlje be resolved, at least in principle, before the negotiations in Dayton. The third factor was Slobodan Milošević. He ordered the Podunavlje Serbs to sign the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium.²

The Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sylvania

The USA's goal was to host a peace conference following the establishment of a strategic balance of power in the region. Bill Clinton, adapting his policies to the newly created geo-political circumstances in Croatia and Bosnia and Herzegovina announced a new peace initiative for Bosnia and Herzegovina. In an effort to find a comprehensive solution to the crisis Clinton stated, immediately after the end of Operation *Storm*, that, "there must be a long-term plan for resolving the situation in Eastern Slavonia (...) based on Croatian sovereignty and the principles of the Z-4 plan (e.g. Serb home rule, the right of refugees to return, and the other guarantees for Serbs who live there)".³ This development was, in essence, positive for Croatia, but not without risks and not, by any stretch of the imagination, straightforward and simple. As had been the case many times before, forming Croatia's policies based on current

² HR-HMDCDR- 17, Zbirka memoarskog gradiva, Iz razgovora s akademikom Ivicom Kostovićem, održanog 8. lipnja 2015 [Collection of sources, from the conversation with academician Ivica Kostović, held on June 8, 2015]

³ Peter Galbraith, "Negotiating peace in Croatia: a personal account of the road to Erdut", in: *War and Change in the Balkans: Nationalism, Conflict and Cooperation*, Brad K. Bliz, ed. (Cambridge: Cambridge University Press, 2006), p. 127.

attitudes of the international community would be politically irresponsible. The US ambassador to Croatia, Peter Galbraith and UN ambassador Thorvald Stoltenberg participated in the negotiations on peaceful reintegration of Hrvatsko Podunavlje. The local Serb population was also included in the talks. With that they were given a limited international legal subjectivity, which was standard negotiating practice in the context of rebels.⁴

The Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmia was signed while the negotiations in Dayton were ongoing, in October and November 1995. The path to the signing of that agreement was a rocky one because the international negotiators were not enthusiastic about including additional obligations regarding the situation in Hrvatsko Podunavlje in the peace package. Congress was not prepared to give its support to the complex and expensive peace package for Bosnia and Herzegovina, which included US troops. For that reason, the US negotiators favored the option of prolonging the inefficient mandate of the UN in Croatia until the situation in Bosnia and Herzegovina had been stabilized. Milošević's aim was to convince the international community to lift the economic sanctions against the SRY and then solve the open issues with Croatia (through a local referendum). It must be pointed out that Milošević had Russian support. The Croatian side insisted on tying the government in Belgrade to the obligation of cooperating with Croatia in trying to find a peaceful solution. On October 24 Clinton met with Tuđman and Izetbegović in New York. The purpose of the meeting was to strengthen the relationship between the federal and con-federal partners before the conference in Dayton. Tuđman insisted at the meeting that "eastern Slavonia has to be an integral part of any deal made in Dayton".⁵ The US ambassador accepted Tuđman's request. The Croatian side was determined to find a workable solution. Mate Granić, while on an official visit to Washington, stated that "there could be no global agreement without reintegration".⁶ His statement testifies to how steadfast the Croatian negotiators were. Milošević, under diplomatic pressure, was ready to withdraw from Hrvatsko Podunavlje so that the economic sanctions against the SRY would be lifted. Milošević was also keen on normalizing the SRY's relations with the international community. According to first-hand accounts, Milošević openly admitted to Tuđman that normalizing relations with Croatia was important

⁴ Mario Nobilo, *Hrvatski Feniks: Diplomatski procesi iza zatvorenih vrata 1990.-1997.* (Zagreb: Nakladni zavod Globus, 2000), p. 500.

⁵ Richard Holbrooke, *Završiti rat [To End a War]* (Sarajevo: Šahinpašić, 1998), p. 216.

⁶ Albert Bing, "Put do Erduta: Položaj Hrvatske u međunarodnoj zajednici 1994.-1995. i reintegracija hrvatskog Podunavlja," [The Path to Erdut: The Position of Croatia in the International Community 1994-1995 and the Reintegration of the Croatian Danube Region], *Scrinia Slavonica* 7 (2007), No. 1: 400.

to him but that he could not present the desired development as another defeat to the Serbian public.⁷

Milošević and Tuđman signed an agreement in Dayton which confirmed their readiness to normalize relations between the Republic of Croatia and the SRY on the basis of respecting internationally recognized human rights in regard to all citizens of the two countries and the right of refugees to return to their homes or receive compensation for their property. The agreement was brokered by Christopher and Holbrook.⁸ The Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmia was brokered by representatives of the international community. It was signed on November 12, 1995, while the negotiations in Dayton were ongoing. Upon his return from Dayton Tuđman issued a press release (November 17, 1995) in which he stated:

“The agreement with the Serbian delegation on peaceful reintegration of the occupied areas of western Sirmia, eastern Slavonia and Baranja into the legal-constitutional order of the Republic of Croatia means that we will not have to, in order to realize this immensely important objective, suffer casualties and devastation. The occupied areas will be demilitarized, and the Serbian rebel, paramilitary and police forces will be disarmed within a month. After this the refugees will return to their homes and the legal and economic system of the Republic of Croatia will be introduced during a year-long transition period. We will brook no delays. It is of immense importance that these areas be reintegrated peacefully. 12,846 people were killed, or are listed as missing, and 37,679 were wounded during the war in Croatia. The total losses of the Croatian people, including BiH, are 20,000 dead and 45,000 wounded. There is no doubt that military operations launched to liberate eastern Slavonia and Baranja would cause a high number of casualties. Many towns and villages would be destroyed. We would also risk an escalation of the conflict. That last point is what worries the international factors the most.

We reached an agreement with the Serbian and Yugoslav delegation led by the president of Serbia Slobodan Milošević and the president of Montenegro Bulatović. According to the agreement, the issue of missing and imprisoned persons will be solved forthwith. We also drafted an agreement on complete normalization of relations between Croatia and Serbia (the SRY) which will be signed after the signing of the agreement on BiH and the decision regarding the lifting of the sanction (...). But, the most impor-

⁷ Holbrooke, p. 140.

⁸ Derek Chollet, *Tajna povijest Dayton: Američka diplomacija i mirovni procesi u Bosni i Hercegovini 1995*. [The Secret History of Dayton: American diplomacy and the peace process in Bosnia and Herzegovina 1995] (Zagreb: Golden marketing-Tehnička knjiga, 2007), pp. 300-346.

tant thing is that the normalization of relations is the main precondition for creating a new international order in the territory of the former Yugoslavia and on the basis of mutual recognition of the newly formed states.

Therefore, it is reasonable to expect that the agreement will be honored and that the Croatian Serbs in the occupied areas will participate in its implementation. The Republic of Croatia guarantees, to the Serbs in the occupied areas, all civil, cultural and self-regulation rights that an ethnic community is entitled to.”⁹

Basic provisions and implementation of the Basic Agreement

The Basic Agreement was the foundation of the continuation of the peace process. It was expected that the next step would be the passing of a Security Council resolution which would confirm the mandate of the new peace force and launch the implementation of the Basic Agreement. After the signing of the Dayton Agreement Croatia began solving the Hrvatsko Podunavlje issue. At the same time Croatia was exposed to robust diplomatic pressures by which the international community attempted to influence the Croatian government to adhere to certain provisions of the Dayton Agreement. The provisions in question were those concerning full cooperation with the International tribunal and the problems related to the return of Serb refugees. These issues would be imposed on the Croatian government, during the following few years, as crucial issues regarding Croatia’s relations with the USA and the international community.¹⁰ The Security Council insisted that the transitional administration and peace keeping force be under the auspices of the UN. The Croatian government disagreed and insisted (Tuđman was adamant on this point) that an American served as chief of the transitional administration, that one half of the peace-keeping force be from a NATO member country and that the USA be the main guarantor and promoter of the implementation of the Basic Agreement. In the end the Croatian government’s point of view prevailed.¹¹

The Security Council resolution of January 15, 1996 authorized the arrival of a new contingent of UN troops to Hrvatsko Podunavlje. With that, the

⁹ HR-HMDCDR- 18, Digital collection of documents, Poslanica Franje Tuđmana po povratku iz Daytona 17. studenog 1995 [Franjo Tuđman’s letter upon return from Dayton, November 17, 1995]

¹⁰ Croatian Government, 015-05/96-01/01, Bilješka o aktualnom djelovanju SAD-a u UN-u glede provedbe Temeljnog sporazuma, 4. prosinca 1995. [Note on the USA’s actions in the UN regarding implementation of the Basic Agreement, December 4, 1995].

¹¹ Ibid.

United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Strymnia was established. The Transitional Administration was tasked with demilitarizing the area, creating conditions favorable to the return of Croat and Serb refugees, reintegrating the civil and public administration, forming a temporary police force, organizing free elections, and establishing an atmosphere of inter-ethnic trust.¹²

The process of peaceful reintegration lasted two years and it was successfully completed. It confronted those who participated in implementing it with an array of difficulties and problems which had their roots in a whole myriad of tragedies that had occurred during the war. Some problems were created by issues arising from some people's inability to face the fact that the ideology of Greater Serbia was defunct. The attempt of the international community to portray the issue of human rights in Croatia as an international problem represented a precedent in international politics which threatened to put paid to the diplomatic initiatives and efforts of the Croatian government. In order to resolve the issue of the Security Council's mandate and presence of the UN, Croatia accepted, at the April 17, 1996, OESS session, the establishment of a long term OESS mission in Croatia. The task of the OESS mission was to help the Croatian government, non-governmental organizations and individuals in their efforts to secure the honoring of human rights and minority rights. The OESS mission was also engaged in facilitating and promoting reconciliation, helping the appropriate institutions in applying law and supervising the work of democratic institutions and monitoring the progress of democratic processes.¹³

During 1996 the first successes, after the disarming of the paramilitary units, of the process of the implementation of peaceful reintegration were the opening of the most important road, rail and riverine communications and the putting in operation the Đeletovci oil fields. During 1996, UNTAES brought back under Croatian control a part of Hrvatsko Podunavlje, a few locales in the so-called Sirmium triangle. Croatian refugees started returning to their homes in that area. Their return was facilitated by a program of rebuilding financed by Croatian state institutions. In that area all public services were put into function. All the preconditions for life returning to normalcy were met and after five years of exile and uncertainty Croatian refugees started returning to their homes.¹⁴

¹² Resolution 1037 (1996), <http://www.un.org/Docs/scres/1996/scres96.htm>, accessed November 29, 2020.

¹³ Organization for security and co-operation in Europe. The secretary general, Annual Report 1996. <http://www.osce.org/secretariat/14557>

¹⁴ Ana Holjevac Tuković, *Proces mirne reintegracije Hrvatskog Podunavlja* [The Process of Peaceful Reintegration of the Croatian Danube Region] (Zagreb: Despot Infinitus-Hrvatski memorijalno dokumentacijski centar Domovinskog rata, 2015), pp. 91-118.

The Croatian president Franjo Tuđman, having talked with highly ranked officials from the international community, became aware that the Serb question in Croatia had become internationalized and that the Croatian government was under strong pressure from the international community. On a number of occasions representatives of the international community pointed out that the Serb question would present the main obstacle to Croatia's aspirations to become a member of the EU and also to the process of the reintegration of eastern Slavonia.¹⁵ The international community aggressively insisted that the Croatian government take every step necessary to facilitate the return of all Serb refugees. The Serb side, taking advantage of that development and supported by Russia, tried to secure a special status for Podunavlje. The Croatian government reacted and put a stop to these Serbian designs by pointing out that Podunavlje had not been predominately Serbian before the war and warning that the Serb requests, if granted, could create another Kashmir on the Danube. The Croatian government nipped in the bud all discussions about political autonomy as envisaged by the Z-4 plan (territorial autonomy of municipalities) because there was nothing in the provisions of the Basic Agreement that obligated Croatia to engage in such discussions and also because any scenario leading to that particular type of autonomy was not realistic due to the 1991 census results. The position of the Croatian government was that political unions of predominately Serb municipalities were not possible.¹⁶ Franjo Tuđman confirmed this position in 1996, in a speech in the Croatian parliament. He said: "In an attempt to delay the implementation of a peaceful solution Some representatives of the local Serbs have put forward unrealistic and for the Croatian public unacceptable requests for political autonomy and special status. In contrast, the Republic of Croatia repeatedly manifested its willingness to find a peaceful solution by guaranteeing to the Serb population all civil and ethnic (minority) rights."¹⁷

¹⁵ Croatian Government, 015-05/96-01/01, Dopis Ivice Kostovića: Pitanje povratka Srba, posebice politike prema Srbima privremeno smještenim u kućama Hrvata u Hrvatskom Podunavlju, 7. 2. 1996. [Ivica Kostović's report: The issue of the return of Serbs, especially in the context of policies towards the Serb temporarily occupying houses of Croats in Hrvatsko Podunavlje, February 7, 1996]

¹⁶ Croatian Government, 015-05/96-01/01, Bilješka sa sastanka Ivice Kostovića s veleposlanikom SAD-a Peterom Galbraithom održanog 24. 9. 1996. [Note from the meeting between Ivica Kostović and US Ambassador Peter Galbraith, held on September 24, 1996].

¹⁷ HR-HMDCDR- 18, Digital collection of documents, Izvješće predsjednika Republike Hrvatske dr. Franje Tuđmana o stanju hrvatske države i nacije u 1996. godini na zajedničkoj sjednici oba doma Sabora RH [The Report of the President of the Republic of Croatia Dr. Franjo Tuđman on the state of the Croatian state and nation in 1996 at the joint session of both houses of the Croatian Parliament] (January 22, 1997).

It was stipulated in the Basic Agreement that the Serbs could, after elections, set up a Council of community municipalities. This did not mean that these municipalities could function as a state within a state. This was confirmed at a meeting between Ivica Kostović and the US ambassador Peter Galbraith held in September, 1996. Galbraith explained to the local Serbs that a Council of municipalities was envisaged as a voluntary community formed based on mutual interest of a number of municipalities. He also instructed the local Serbs to discuss organizational issues with the Croatian government and not with the international community. Kostović emphasized the position of the Croatian government according to which countenancing any political union of predominately Serbian municipalities was out of the question.¹⁸

The Serbs did not give up. They insisted on their requests. Serbian non-governmental organizations organized, in June 1996, a petition, requesting that the area become a special area with its own executive, legislative and legal authorities. 50,000 citizens signed the petition. On July 28, 1992, a rally called "Protest for a just peace" was held in Vukovar. After the rally the petition with the signatures was sent to the UN.¹⁹ Derek Boothby, UNTAES Deputy Administrator, announced a sharp rebuff to the Serbian demands which he characterized as contrary to the goal and purpose of the Transitional Administration in western Slavonia.²⁰ In November 1996, the Security Council passed Resolution 1079 which supported the sovereignty and territorial integrity of the Republic of Croatia and confirmed that the objective of the UNTAES Transitional Administration was the complete reintegration of Hrvatsko Podunavlje. The area did not get a special status but the issue of the reintegration of Hrvatsko Podunavlje was ineluctably tied to the return of both Croatian and Serbian refugees.²¹ In that context the resolution called on the Croatian government and local Serbs to facilitate the holding of local elections and to honor the highest standards of respecting human rights and minority rights.

¹⁸ Croatian Government, 015-05/96-01/01, Bilješka sa sastanka Ivica Kostovića s veleposlanikom SAD-a Peterom Galbraithom održanog 24. 9. 1996. [Note from the meeting between Ivica Kostović and US Ambassador Peter Galbraith, held on September 24, 1996].

¹⁹ "Glas naroda" [The Voice of the People], *Vukovarske novine, srpsko izdanje*, August 17, 1996, 3.

²⁰ Croatian Government, 004-01/96-02/02, Bilješka o sastanku potpredsjednika Vlade Ivica Kostovića sa zamjenikom prijelaznog upravitelja Derekom Boothbyjem, 6. 6. 1996. [Note on a meeting between Vice Premier Ivica Kostović and UNTAES Deputy Administrator Derek Boothby, June 6, 1996]

²¹ <http://www.un.org/Docs/scres/1996/scres96.htm>, Resolution 1079 (1996), accessed Dec 15 2020.

Normalization of Croat-Serb relations during the process of reintegration in the context of international monitoring

In mid-March 1996, a meeting about the General Framework Agreement for Peace in Bosnia and Herzegovina was held in Geneva (convened at the initiative of US Secretary of State Warren Christopher). The issue of “the return of refugees and displaced persons to each individual’s choice of destination.” was emphasized as one of the main preconditions for stabilizing the whole region.²² The subject matter of the meeting was Bosnia and Herzegovina but the document listing the conclusions included a special note by which president Tuđman took on the obligation to “carry out projects from the voluntary return of any person, regardless of ethnicity and expeditiously approve requests by Serb refugees from Croatia who wish to return to their homes”; moreover, Article 9 of the document contains, alongside general remarks, a reference to the Basic Agreement. The reference to the Basic Agreement was included as a reminder to the Croatian government of its obligations arising from it.²³ Thus, the issue of peaceful reintegration of Hrvatsko Podunavlje was put in a wider context of the refugee problem and linked to the issue of normalizing relations between the Republic of Croatia and the SR Yugoslavia.

The Croatian government was aware that stopping the process of reintegration would have adverse effects on the process of the normalization of relations between the two countries and constitute, in the eyes of the local Serbs and the Croatian refugees alike, a catastrophic development. For this reason, the Croatian government pointed out that protecting the rights of the minorities was inextricably connected to a successful completion of the process of peaceful reintegration. In that context, the Croatian government also averred that the SRY should provide more tangible support for the process of peaceful reintegration.²⁴ The substance of the Croatian government’s logic provided the contextual framework for the Agreement on the normalization of relations with the FR Yugoslavia. The agreement was signed on August 23, 1996. By signing the agreement Serbia recognized the territorial integrity of the Republic of Croatia and thus signaled to the Serbian population in Croatia the only viable course of action was accepting the authority of the Croatian government. Many unsolved issues, at that point in time, still marred the relations

²² Agreed Measures on the Dayton Accords Geneva Compliance Summit March 18, 1996, *The United States and Croatia: A Documentary History 1992-1997* (Washington: U.S. Printing Office, 1998), p. 397.

²³ Ibid.

²⁴ Croatian Government, 023-03 7-01/01, Ministry of the Interior of the Republic of Croatia, Bilješka o razgovoru H. Bišćevića s Veljkom Kneževićem [Note on the conversation between H. Bišćević and Veljko Knežević], January 27, 1997.

between the Republic of Croatia and Serbia. In that respect, the agreement constituted an important step towards normalizing the relations between the two countries. The international community welcomed the agreement and perceived it as the true end of the war, the establishment of peace and the foundation stone of the process of achieving a lasting peace and stability in the region. According to the understanding of the international community, the fate of the UNTAES mission depended on the agreement. Boutros Ghali explained in his report of February 6 1996 that the mutual normalization of the relations between Serbia and Croatia was crucial for a successful completion of the UNTAES mission.²⁵ President Tuđman also viewed the agreement as critically important. He said: “The implementation of peaceful reintegration is possible because, amongst other things, a portion of the Serbian population did not resist the process of reintegration, especially after the relations between Serbia and Croatia had been normalized. However, despite the initial successes as regards reintegration there are still groups of Serb extremists who are doggedly refusing to accept the process of reintegration and cannot come to terms with the fact that the return of Podunavlje into the legal and economic system of the Republic of Croatia is inevitable”.²⁶ Despite the efforts of the Croatian government and the international community it was evident that some Croatian Serbs would choose to relocate to Serbia. The international community was aware of that.

Immediately after her visit to Croatia in February 1996, Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, stated in her report that “general amnesty” was a necessary precondition for the return of Croatian Serb refugees.²⁷ International mediators and Transitional Administrator Jacques Klein insisted that the Republic of Croatia pass a Law on amnesty. This is confirmed by his letter sent to Franjo Tuđman in which he points out that granting amnesty to all those who were active in the RSK, including military and police personnel, administrators and other officials, would facilitate the process of demilitarization and ease the process of transition towards the

²⁵ Organization for security and co-operation in Europe. The secretary general, Annual Report 1996. <http://www.osce.org/secretariat/14557>

²⁶ HR-HMDCDR-18, Digital collection of documents, Izvješće predsjednika Republike Hrvatske dr. Franje Tuđmana o stanju hrvatske države i nacije u 1996. godini na zajedničkoj sjednici oba doma Sabora RH [The Report of the President of the Republic of Croatia Dr. Franjo Tuđman on the state of the Croatian state and nation in 1996 at the joint session of both houses of the Croatian Parliament] (January 22, 1997).

²⁷ Croatian Government, 004-01/96-01/01, Dodatne informacije posebne izvjestiteljice UN-a Elisabeth Rehn o stanju ljudskih prava u RH, Očitovanje na Izvješće koje je načinila nakon svog posjeta RH u veljači 1996., 21. 3. 1996. [Additional information provided by Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, Statement regarding the Report she composed after her visit to Croatia in February 1996, March 21, 1996]

establishment of full Croatian sovereignty in the area.²⁸ On May 17, 1996, the Croatian parliament passed the long awaited Law on amnesty for criminal acts committed in the temporarily occupied areas of Hrvatsko Podunavlje in the period from August 17, 1990, to June 1, 1996. Criminal acts excluded from the law were precisely listed, thus obligating, according to International law, the Croatian government to prosecute individuals accused of committing the acts in question. Klein was not happy with the wording of the law because it was replete with exceptions. According to him, the Serbs could not know who was eligible for amnesty and who was not. Klein wanted a Law on general amnesty which would include not only crimes in relation to International law, Humanitarian law and the Law of war but also a definitive number of perpetrators. On May 29, the Contact Group sent a message to Tuđman in which it expressed its displeasure with the ambiguous wording of the Law on amnesty which “raises more questions than answers” and demanded that the law be written in more simple terms encompassing the entire territory of the Republic of Croatia.²⁹ The Contact Group repeatedly pressured the Republic of Croatia to reduce the number of names excluded from amnesty. 4,000 names were originally on the list. The Croatian government reduced the number to 811, and then to 21. The International Court of Justice also insisted that the revised list be published.³⁰ The Croatian parliament, on September 20, 1996, passed the General Amnesty Act, thus granting amnesty to everyone who had participated in the rebellion.³¹ The Republic of Croatia did not give up its

²⁸ In the letter, Klein pointed out, using several examples, to Tuđman as a historian, that it is important to give a chance to rebels to show their loyalty to the Croatian government and renounce their loyalty to the defeated rebel regime, especially emphasizing that great leaders throughout history had been magnanimous in victory. In this context Klein mentioned Abraham Lincoln and Pericles. Transitional Administrator Jacques Klein’s letter to President Franjo Tuđman, May 2, 1996, *Tuđmanov arhiv: korespondencija predsjednika Republike Hrvatske dr. Franje Tuđmana od 1990. do 1999. godine* [Tuđman’s archive: The Correspondence of the President of the Republic of Croatian Dr. Franjo Tuđman from 1990 to 1999], Miroslav Tuđman, ed. (Zagreb: Hrvatska sveučilišna naklada, Hrvatski institute za povijest, 2015); book 5: “Godine povratka: 1996. i 1997.” [The Years of Return: 1996 and 1997], Nikica Barić, ed., pp. 137-138.

²⁹ Nobilo, p. 512; Further Report on the Situation of Human Rights in Croatia pursuant to Security, Serbs in detention and the question of amnesty, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N96/155/92/PDF/N9615592.pdf?OpenElement>, accessed 2/12/ 2020.

³⁰ Zakon o općem oprostiu od 20. rujna 1996. [General Amnesty Act, *Narodne novine* 80 (1996); Nobilo, p. 512.

³¹ On September 25, 1992 the Law on Amnesty from criminal prosecution for criminal acts committed during armed conflicts and war against the Republic of Croatia was passed (NN 58/92). Then, on June 9, 1995 the Law on amending and appending the Law on Amnesty from criminal prosecution for criminal acts committed during armed conflicts and war against the Republic of Croatia was passed (NN br. 39/95). Then, on May 17, 1996, the Law on amnesty

right to open new investigations and cases and opposed the view that the list was final and exhaustive because the logic behind the view was contrary to the laws of the republic of Croatia and International law according to which there is no statute of limitations of war crimes.

In conclusion, it could be said that the republic of Croatia, through the agency of its legal institutions, decided to grant amnesty to those guilty of the crime of rebellion. In this way the Croatian government established a political and legal framework for the reintegration of the Serb minority and normalization of inter-ethnic relations in the entire territory of the Republic of Croatia.

Croatian guarantees to the Serb ethnic community in Hrvatsko Podunavlje

During the period while the process of reintegration was going on President Tuđman visited Hrvatsko Podunavlje on several occasions. His first visit took place on December 3, 1996, when he visited Vukovar for the first time after 5 years. His visit was an important event in terms of the process of peaceful reintegration because it confirmed that Croatian rule would be established in Hrvatsko Podunavlje. According to Jacques Klein's account, given ten years after the event, only he knew that Tuđman was going to visit Vukovar. The entire leadership of the local Serbs was in the conference room, expecting another routine meeting with UNTAES representatives. Instead of them, Tuđman walked into the room. The Serbs were visibly shocked and in disbelief. Tuđman addressed them, saying that the war was over and that everything would be solved to everyone's satisfaction, irrespective of one's ethnicity, but only if everyone came to terms with being a Croatian citizen. Tuđman emphasized that nothing was possible if the Serbs refused to accept the existence of the Republic of Croatia.³² After his visit Tuđman told the media:

“I had been in Vukovar at the end of July 1991, when the city was already under siege. I knew the city had been destroyed. But nothing could have prepared me for the scenes I saw when I arrived there. It was like being in Hiroshima after the blast. It got to me. It really did.”

to perpetrators of criminal acts from the temporarily occupied areas of Vukovar-Syrmia and Osijek-Baranja counties was passed (NN 43/96). Finally, on September 20, 1996, the General Amnesty Act was passed, nullifying the previous laws (NN 80/96). It is still in effect today.

³² HR-HMDCDR-11, DVD No. 2300, “Predsjednik Franjo Tuđman – stvaranje hrvatske države” [President Franjo Tuđman – the creation of the Croatian state]

Tuđman said about his meeting with the local Serbs:

“The relations between Serbia, that is, FR Yugoslavia and Croatia have to be improved. All normal people, Serbs and Croats alike, have to do their bit so that the goal could be achieved. This is also important because the wider objective is to create a new international order in this part of Europe, one that would benefit all. In that sense, my visit to Vukovar fortified my desire to achieve these aims as soon as possible.”³³

At the beginning of 1997, the Croatian government sent a letter of intent to the UN Security Council in which it listed a number of measures necessary for a successful completion of the process of peaceful reintegration.³⁴ In the letter the Croatian government informed the UN Security Council that, in accordance with the Basic Agreement and for the purpose of successfully completing the process of peaceful reintegration, local elections would be held on March 16, 1997, in the area under UNTAES' administration. The Serbian ethnic community in the area under the Transitional Administration was guaranteed representation in local administration and self-government, in accordance with the rights and principles contained in the “Constitutional law on the rights of ethnic communities and minorities”. The Serb community was guaranteed two posts of district-prefect and, in proportion to their percentage in the population, jobs and positions in the local health services, police forces and judiciary. Also, the letter contained guarantees that Serb representatives from the areas under UNTAES administration would be appointed to positions in the Ministry for reconstruction and development and in the Office for displaced persons and refugees. The positions in question, according to the guarantees contained in the letter, would be at, or above, the level of deputy minister in the ministries of internal affairs, judiciary, culture, and education. The letter also guaranteed that members of the Serb minority and members of other ethnic minorities within the areas under the Transitional Administration would enjoy the right to educational and cultural autonomy. The Croatian government, in an effort to facilitate the implementation of the provisions contained in the letter, sent a memo to all diplomatic missions. It was emphasized in the letter that the peaceful reintegration of Hrvatsko Podunavlje represents the highest strategic interest of the Republic of Croatia and that, through the process of peaceful reintegration, the last portion of the occupied territory was being liberated, the aggression against Croatia was ultimately being defeated and a new international order in the

³³ “Tuđman u utorak posjetio Vukovar” [Tuđman visited Vukovar on Tuesday], *Vjesnik*, December 1996, 1-2.

³⁴ Croatian Government, 6.7.2.4. Letter of intent of the Croatian government about the completion of the process of peaceful reintegration, January 14, 1997, Vol. 227.

region was being established. The wording of the memo made it clear that the process of peaceful reintegration created the necessary conditions for all actions conducive to strengthening the international standing of the Republic of Croatia and expediting Croatia's entry into Euro-Atlantic institutions, "which is the long-term objective of Croatia".³⁵

One of the key factors in the context of re-establishing Croatian authority in Hrvatsko Podunavlje was the holding of local elections for municipal and city councils and for the Assemblies of Osijek-Baranja and Vukovar-Syrmia counties. The request for accepting Croatian ID documents was the condition for being allowed to vote and enjoying the rights guaranteed by the Republic of Croatia. The elections were held on April 13, 1997. On that date Croatian authority was re-established in Hrvatsko Podunavlje.

With the successful completion of the elections all the necessary preconditions for setting up local government and self-government were met. President Tuđman specifically emphasized this point in a letter he sent to Jacques Klein, in reply to Klein's congratulations on the successful completion of the elections and fulfillment of the issued guarantees. Tuđman stated that the local government and self-government institutions made Serb representation possible and also ensured that the elected officials would participate fully in the political arena in the Republic of Croatia. President Tuđman informed Klein that, in accordance with the provisions contained in the letter of intent, the Republic of Croatia would, in the upcoming period, do the following:

"A representative of the Serb ethnic community in the Osijek-Baranja and Vukovar-Syrmia counties would be appointed as deputy prefect within the structure of the bodies of county authority within a period prescribed by law and when the Chamber of Counties of the Croatian parliament convenes, two delegates from the Serb ethnic community will be appointed as representatives in the Chamber of Counties."³⁶

The Croatian government had to fulfill its obligations as contained in the letter of intent, including appointing representatives of the Serb ethnic community to a number of positions in the Ministry for reconstruction and development and in the Office for displaced persons and refugees and as deputy ministers in the ministries of foreign affairs, judiciary, education and culture.³⁷ Tuđman also pointed out that the members of the Serb minority and other minorities from the areas that had been under the Transitional Ad-

³⁵ Ibid.

³⁶ President Tuđman's letter to Transitional Administrator Jacques Klein, April 30, 1997, *Tuđman's archive*, book 5, pp. 390-394.

³⁷ Ibid.

ministration, classified as victims of war would enjoy equal social and health protection rights as all the other citizens of the Republic of Croatia. Tuđman wrote: "The Croatian government is ready to establish, in a timely manner, all appropriate bodies of state administration in the area of Hrvatsko Podunavlje so as to facilitate the protection of Serb rights."³⁸ Immediately after the elections, on April 30, 1997, and according to the stipulations in Tuđman's letter, the State Commission for the Establishment of the Legal and Constitutional Order of the Republic of Croatia in Osijek-Baranja and Vukovar-Sirmium counties was set up. The main task of the Commission was to, in cooperation with the Transitional Administrator of UNTAES lead, coordinate and supervise the work of the institutions of Croatian state authority and institutions of local county, city and municipal administration as regards the establishment of the Croatian state order and especially in relation to reconstruction and return of refugees.³⁹

The return of refugees and displaced persons as a condition for the completion of the peace process

As mentioned above, the elections were completed successfully and with full participation of members of the Serb community. However, that did not prevent the international community from chastising Croatia for not doing enough in relation to honoring human rights and facilitating the return of Serbs to Croatia. The UNHCR coordinator, Rene Van Rooyen, at a meeting with the Permanent Representative of Croatia to the United Nations in Geneva UN, Darko Bekić, warned Croatia that the success of the process of peaceful reintegration depended on the attitude of the Croatian authorities towards the issue of the return of Serbs to Podunavlje and other areas of the Republic of Croatia.⁴⁰ Similar warnings were issued by Transitional Administrator Klein. He sent a letter to President Tuđman, in which he stated that the UN Security Council was requesting that the Croatian government compose a plan for a successful completion of the process of peaceful reintegration. The focus of the plan, according to Klein, was to be on the issues of economic

³⁸ Ibid.

³⁹ President Tuđman's decision on forming State Commission for the Establishment of the Legal and Constitutional Order of the Republic of Croatia in Osijek-Baranja and Vukovar-Syrmia counties, April 30, 1997, *Tuđman's archive*, book 5, pp. 388.

⁴⁰ Croatian Government, 019-04/97-01/02, Permanent Mission of the Republic of Croatia to the United Nations, Geneva, Bilješka o razgovoru veleposlanika Bekića s koordinatorom UNHCR-a R. van Rooyenom [Note on the conversation between Ambassador Bekić with UNHCR Coordinator R. van Rooyen], April 21, 1997.

reintegration of the area, ensuring the return of both Serb and Croat refugees, honoring human rights and implementing a program of national reconciliation.⁴¹ President Tuđman replied that the government would take all steps and measures necessary for establishing mutual trust between all Croatian citizens that lived in Hrvatsko Podunavlje. Tuđman emphasized that everything would be done to satisfy the highest standards set by the international community in regard to honoring human rights. The Croatian president also said that Croatia would secure free access to world organizations (OESS) which had been tasked with monitoring the establishment of the legal and constitutional order in Hrvatsko Podunavlje. Tuđman concluded the letter with informing Klein that, for the purpose of facilitating the work of all state organs and in accordance with state policies, and in the context of co-operating with UNTAES and Serb self-government institutions he had set up a special commission (the State Commission for the Establishment of the Legal and Constitutional Order of the Republic of Croatia in Osijek-Baranja and Vukovar-Syrmia counties).⁴²

President Tuđman responded to the criticism leveled at the Croatian government in relation to human rights in his speech in 1997, pointing out that Croatia's cooperation with the UN and with government agencies of UN member states had been, for the most part, very satisfactory:

“The same can be said for specialized agencies and organizations of the UN. However, I have to point out that, in one area of activity of the UN it is obvious that the required standard of objectivity has not been met and it could even be said that anti-Croatian attitudes prevail. The Republic of Croatia, of course, does not have, and cannot have, anything against international monitoring and evaluation of honoring human rights in its territory. It is surprising, however, that the issue of human rights is repeatedly mentioned only in the case of Croatia, whilst the issue is not under such scrutiny in some countries where human rights are actually being violated. How come no one in the Security Council has not emphasized the fact that the Croats in Bosnia and Herzegovina have been victims of human rights violations for years? There has never been a major discussion in the Security Council as regards that. The logical conclusion is that the issue of human rights is being used as a tool for bringing political pressure to bear in relation to totally separate matters. It is clear that we have to prevent violations of human rights in Croatia. The political climate, and conse-

⁴¹ Transitional Administrator Jacques Klein's letter to President Tuđman, April 22, 1997, *Tuđman's archive*, book 5, pp. 383.

⁴² President Tuđman's letter to Transitional Administrator Jacques Klein, April 30, 1997, *Tuđman's archive*, book 5, p. 390.

quently the psychological make-up of Croatian individuals, after terrible events of the war and Serb aggression, is such that individual unsavory incidents occur. But, the Republic of Croatia is doing everything humanly possible to prevent such incidents. It has to be said again that the incidents in question are invariably caused by personal traumas and tribulations of individuals.⁴³

On May 21, 1997, Croatian officials met with Bernard Miyet, the United Nations Under-Secretary-General for Peacekeeping Operations. Miyet pointed out that if Croatia wanted the new mandate of the UN defined as Croatia desired (turning over executive authority to the institutions of the republic of Croatia) then Croatia had to fulfill all the promises and obligations, begin the process of reconciliation between Serbs and Croats and facilitate the return of a large number of Serbs from Podunavlje to other parts of Croatia. According to Miyet, the most important role in those processes had to be played by President Tuđman because it was up to him to explain to the prefects and other local authorities what was expected of them. Miyet then continued to say that President Tuđman's landslide victory in the 1997 presidential elections was not controversial and qualified the statement by averring that the international community would monitor every move he made and evaluate whether these moves were conducive to reconciliation and democracy or to outcomes contrary to that. Miyet stated that everyone agreed that Tuđman was "the father of the nation" but that now everyone expected him to be "the father of the reconciled nation". He then pointed out that the situation in Croatia regarding human rights was getting progressively worse and that the issue of human rights was "one of the key issues" regarding the new UN mandate. In that sense and according to his sources, he believed the "president is being protected from hearing certain bad news". The Croatian officials said that the international community was too strict towards Croatia in relation to the issue of human rights. Miyet agreed with the remark but said that "a few good moves" were expected of Croatia.⁴⁴

It is interesting to view the holding of the presidential elections in Croatia and subsequent victory of Franjo Tuđman through the prism of a document dated a few months previously (October 19, 1996). The document in question

⁴³ HR-HMDCDR-18, Digital collection of documents, Izvješće predsjednika Republike Hrvatske dr. Franje Tuđmana o stanju hrvatske države i nacije u 1996. godini na zajedničkoj sjednici oba doma Sabora RH [The Report of the President of the Republic of Croatia Dr. Franjo Tuđman on the state of the Croatian state and nation in 1996 at the joint session of both houses of the Croatian Parliament] (January 22, 1997).

⁴⁴ Croatian Government, Permanent Mission of the Republic of Croatia to the United Nations, Bilješka o sastanku s Bernardom Miyetom [Note on the meeting with Bernard Miyet], May 21, 1997, Vol. 348.

is a note about a visit of a group of OESS ambassadors to Vukovar. A Croatian official concluded, based on a conversation with Klein, that he, in his capacity as Transitional Administrator wanted, through certain events and the political dynamic in the area under UNTAES administration to influence opinions of Croatian voters so that Tuđman and the ruling party gain as less “political capital” as possible from the process of peaceful reintegration. He linked that with the information that “there exist certain plans that Ivan Supek be upheld as an alternative to Tuđman in the elections, the only non-partisan person around which a consensus could be reached in the ranks of the opposition. Supek’s tenure would be used for pushing through parliamentary procedures, amendments to the constitution which would reduce presidential authority, that is, transform the semi-presidential system into a parliamentary one. After that had been accomplished Supek would step down. This would then initiate early elections in which opposition candidates would square against one another”.⁴⁵ There were many similar reports making the rounds that reflected the attitudes of the international public. As a result, the standing of Croatia on the international stage plummeted. The period from 1998 to 1999 (until the death of President Tuđman, December 10, 1999) the Croat-US relations oscillated significantly. The new American ambassador to Croatia (promoted to the post at the end of October 1997, immediately prior to the end of UNTAES mandate in Hrvatsko Podunavlje, later remembered the ups and downs in Croat-US relations in the period 1996-1998-2000. At a diplomatic forum called Diplomacy and Foreign Policy: Croatia in a New Political Environment February-June 2000, Montgomery stated that he was immensely pleased that the era of schizophrenic relations had finally come to an end, alluding to the change of government in Croatia in 2000.⁴⁶

A reply letter sent by Tuđman to Cardinal Kuharić on July 4, 1997, testifies to how important the issue of the return of Serb refugees was. This story began when Serbian Orthodox Patriarch Pavle sent a fax message to Cardinal Kuharić in which he warned the cardinal that Serb returnees were often exposed to threats and were often victims of physical violence, including house burnings and murder, especially in the town of Plaški. Cardinal Kuharić then sent a letter to Franjo Tuđman informing him of the accusations. Tuđman, in his

⁴⁵ Croatian Government, 004-01/96-02/05, Permanent Mission of the Republic of Croatia to the United Nations, October 21, 1996.

⁴⁶ William Montgomery, “Ambassador of the USA to the Republic of Croatia, IMO Diplomatic Forum Diplomacy and Foreign policy: Croatia in a new Political Environment February – June 2000,” *Croatian International Relations Review-Dossier IMO Diplomatic Forum VI* (2000), No. 18/19: 2-3; Albert Bing, “Sjedinjene Američke Države i reintegracija Hrvatskog Podunavlja” [The United States of America and the Reintegration of the Croatian Danube Region], *Scrinia Slavonica* 8 (2008), No. 1: 359.

reply letter, informed Cardinal Kuharić that an investigation about the matter had been completed and that the investigators had ascertained that in May 1997, in Plaški, a number of persons had driven around the town in a horse-drawn cart, singing Chetnik songs. That provoked a verbal confrontation with a few Croat refugees from Banja Luka. The investigators also discovered that a number of Croat refugees from Banja Luka had received phone threats and that a number of Serbs who had returned individually without registering their return with the appropriate institutions had been engaged in subversive activities. Tuđman wrote that it was Croat refugees who were under duress and exposed to disinformation and maltreatment. Tuđman pointed out that inter-national tensions in Plaški are a fact of life but that “the degree of these tensions is far, far lower than what Patriarch Pavle claims in his fax message. It is obvious that this is a ploy to fabricate a scandal so that international factors move into action and put pressure to bear on Croatia to allow a mass and uncontrolled return of Serb refugees”.⁴⁷ Tuđman concluded the letter by stating that violence was not acceptable and that state institutions had to do their utmost to facilitate the functioning of the legal state. It is important, in this particular context, to draw attention to Tuđman’s statement made in February 1997. He said:

“We have to focus our efforts on reconstructing the liberated areas and Hrvatsko Podunavlje. It is important that the refugees return to these areas. Life cannot return to normal otherwise. Also important in this particular context is normalizing relations with the Serb population within the framework of guaranteeing civil and minority rights in accordance with the appropriate constitutional and legal provisions. We will not any vengeful acts against the Serbs who have accepted Croatia as their homeland.”⁴⁸

The issue of reconstructing a multi-ethnic society and the return of Serb refugees remained the most important factor in relation to Croatia’s desired entry into international institutions. What was said during a meeting between Ivica Kostović and Peter Galbraith confirms this. According to the transcript, Kostović and Galbraith concluded that the US considered the issue of the return of Serb refugees crucially important in the context of including Croatia in Partnership for Peace, co-operation with NATO and the EU. From the transcript it is obvious that the US and the international community were

⁴⁷ Nacrt pisma predsjednika dr. Franje Tuđmana zagrebačkom nadbiskupu kardinalu Franji Kuhariću [Draft letter by Dr. Franjo Tuđman to Archbishop of Zagreb Cardinal Franjo Kuharić], July 4, 1997, *Tuđman’s archive*, book 5, p. 473.

⁴⁸ HR-HMDCDR- 18, Digital collection of documents, speech made by the President of the HDZ Franjo Tuđman at the third session of the main board and all organs of the HDZ (February 23, 1997).

prepared to increase the pressure on Croatia to facilitate the return of Serbs to Croatia despite the fact that Yugoslavia, during bilateral contacts with Croatia, had not raised the issue.⁴⁹ Bill Richardson, US Ambassador to the United Nations held a meeting with President Tuđman and immediately after the meeting had ended he issued a statement, saying that the process of peaceful reintegration of Hrvatsko Podunavlje would be completed in the following six months. He also said that “Croatia will now accept the return of all Croatian Serbs who wish to return and accept the rights, responsibilities, and legal obligations of Croatian citizenship”. In the same statement Richardson pointed out that President Tuđman had promised that he would use his influence to ensure that all persons accused of war crimes and crimes against humanity under the control of the Croats in Bosnia and Herzegovina would be extradited to the International court in The Hague. Tuđman qualified this promise, according to Richardson, by saying that he expected that the court would be objective and non-partisan. Lastly, Richardson said that Tuđman had also promised to do what was necessary to strengthen the BiH Federation. Richardson concluded by saying that the US supported what Tuđman had said, adding that the US administration supported the International court and believed in its objectivity.⁵⁰ After the meeting with Tuđman, Richardson and Ambassador Galbraith went to Vukovar. There, they recounted the main conclusions from the meeting and pointed out that Tuđman was willing to accept, unconditionally, all Serb refugees and not just those from the areas under the Transitional Administration of the UN. They explained that the point was of utmost importance for Croatia’s desire to be integrated into the western world and for Croatia’s cordial relations with the US.⁵¹ The pressure on Croatia continued throughout the UNTAES mandate. The above statement eased further negotiations and was conducive to a positive outcome of the peace process. The UNTAES mandate came to an end after the maximal prescribed period of two years. All the obligations stipulated in the Basic Agreement and Resolution 1037 of January 1996 had been fulfilled. The preconditions for the return of refugees and establishment of Croatian rule had been realized. The UN Security Council, on December 19, 1997, passed Resolution 1145, confirming the end of the UNTAES mandate in the Republic of Croatia.⁵²

⁴⁹ Croatian Government, 015-05/96-01/01, Bilješka sa sastanka Ivice Kostovića s veleposlanikom SAD-a Peterom Galbraithom, održanog 24. 9. 1996. [Note from the meeting between Ivica Kostović and US Ambassador Peter Galbraith, held on September 24, 1996].

⁵⁰ Statement made by US Ambassador to the United Nations Bill Richardson after the meeting with President Tuđman, July 19, 1997. *Tuđman’s archive*, book 5, p. 490.

⁵¹ “Tuđman ‘prihvatio’ povratak Srba” [Tuđman ‘accepts’ Serbs’ return], *Vukovarske novine, srpsko izdanje*, July 26 1997, p. 2.

⁵² [http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N97/375/35/PDF/N9737535.pdf?](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N97/375/35/PDF/N9737535.pdf?OpenElement) OpenElement, accessed December 12, 2020.

On June 8, 1997, President Tuđman and representatives from all regions of Croatia travelled to Vukovar on a train called “The Train for Peace”. The event was organized to promote reconciliation and facilitate the return of refugees and displaced persons. Many observers commented that Tuđman symbolically brought the whole of Croatia to Vukovar aboard that train. The event certainly intensified the process of peaceful reintegration of Vukovar and Hrvatsko Podunavlje. It marked the return of Croatia to Vukovar, to Hrvatsko Podunavlje and to the country’s eastern border. Tuđman described “The Train for Peace” as a symbol of the return of refugees and a gesture of friendship to those who had not bloodied their hands. A large crowd of people gathered for the event and Tuđman delivered a speech. He called on everyone to forgive, because “a winner who does not know how to forgive sows the seeds of new evils and that is something the Croatians do not want, nor have ever wanted”.⁵³ He addressed the Serb ethnic community, saying: “For the local Serb populace, the train means the establishment of trust, a guarantee of respecting their civil and ethnic rights, if, naturally they genuinely accept Croatia as their homeland and are determined to foil the efforts of extremists in their midst.” Tuđman pointed out that the Republic of Croatia would facilitate the return of all Serbs currently residing in Hrvatsko Podunavlje, but with homes in other parts of the country and who had accepted Croatian ID documents and were citizens of Croatia, to their homes. Tuđman said that 14,500 Serbs had already returned to their homes. He also emphasized that all those who wished to return would be financially compensated.

Tuđman said that Croatia would, for humanitarian reasons, enable, on an individual basis, the return of those Serbs who had fled Croatia despite the fact that he had called on them to stay. Also, on an individual basis the Republic of Croatia would help reunite families. Tuđman then qualified those statements by saying that “we will not help 150,000 or 200,000 Serbs to return to Croatia just so that we can have another war. No one can force us to do that. Besides, they themselves do not want to return. More than 90 % of them will not return.” Vojislav Stanimirović had his opinion on Tuđman’s visit to Vukovar. According to Stanimirović, Tuđman’s visit was supposed to send a message of peace and reconciliation, but instead Tuđman’s speech was loaded with negative implications. Stanimirović stated that Croatia was not democratic state, claimed that Tuđman had made it impossible for 300,000 Serbs to return and announced that, as a result of Tuđman’s actions, the Serb side

⁵³ HR-HMDCDR- 18, Digital collection of documents, Govor Predsjednika Republike Hrvatske dr Franje Tuđmana u Vukovaru 8. lipnja 1997 [President Tuđman’s Speech in Vukovar on June 8, 1997].

would demand an extension of the UNTAES mandate.⁵⁴ Tuđman addressed Stanimirović's remark that Croatia was not a democratic country:

“We have to keep in mind that Croatia already is a democratic country. In that sense I welcome the words of wisdom uttered by Štengl and Čeprija and mister Stanimirović, König and especially inspired words said by General Klein. However, I do have a small objection as regards Stanimirović's elocution – I say this to Mister Stanimirović and the representatives of the Serb populace: do not think that Croatia has to prove that it is a democratic country. Croatia is a democratic country, Croatia has been seeking a peaceful solution. What I said in Beli Manastir proves that. I said that after Operations *Flash* and *Storm* we did not use our armed forces. We did not want the Serbs to leave. We wanted a democratic solution, Croatia is a democratic country and what we do we do not do because Europe and America force us to do it but because we want to give all ethnic and civil rights to all those Serbs who want to stay and who accept Croatia. The Croats lived under foreign yoke for centuries; the Magyars, the Germans, the Italians perpetrated untold evils against us, and so did the followers of the idea of a greater Serbian state with their armed aggression against Croatia. With that in mind, we do not want to be unjust toward you. We want to give you full equality but we expect from you full loyalty to the Republic of Croatia.”⁵⁵

With this speech President Tuđman announced the return of Croatian rule to Hrvatsko Podunavlje, offering forgiveness to the local Serbs and the option of coexistence. In that spirit exists the hope that all people in Hrvatsko Podunavlje have accepted, or will accept, the fact that the area forms an integral part of the Republic of Croatia.

Conclusion

The peaceful reintegration of Hrvatsko Podunavlje triggered the process of normalizing relations between Croatia and SR Yugoslavia and the process of normalizing relations between Serbs and Croats in Croatia. The UN Security Council, with its Resolution 1145 of December 19 1997 gave its support to the ending of the UNTAES mandate. The Croatian government co-operated fully with the international community and local Serb community. The Croatian government fulfilled all the necessary technical and financial conditions. It bears mentioning that the international community perceived the

⁵⁴ Ibid.

⁵⁵ Ibid.

issue of honoring minority rights as the main determining factor in relation to evaluating the work of the Croatian government. It is important to stress that the international community, in their evaluations, ignored the causes of the events that had taken place in the area during the war. The efforts of the international community, when viewed in their entirety, were focused exclusively on maintaining multi-ethnic relations and multi-culturalism. For the international community the issue of honoring human rights was of paramount importance. The issue was tied to problems regarding the process of democratization in the territory of the former Yugoslavia and establishing viable institutions of a civil society. The international community also ignored the fact that it had been its stance in 1991 that had facilitated the beginning of the war. It is important to point out that the international community, in 1991, tacitly tolerated Serb aggression against Croatia and Bosnia and Herzegovina. The Serb aggressors, adhering to the idea of a greater Serbian state, launched campaigns of ethnic cleansing, enabled the creation of ethnically homogeneous areas, and thus compromised and brought into question the authority of the international community and foundations on which the institutions of the international community were built on (UN and OESS).

The Croatian government fulfilled all its obligations as regards honoring human rights in an efficient, complete and timely manner. It also proved its willingness to secure all rights to the Serb minority in Croatia. During the course of the two years of the UNTAES mandate, Croatian rule was established in Hrvatsko Podunavlje. The Croatian government allowed and promoted representation in the administrative institutions to the Serb national community.

In conclusion, it bears drawing attention to Ivica Kostović's words when he emphasized the importance of peaceful reintegration of Hrvatsko Podunavlje and explained that President Tuđman had been aware of the gravity of the situation and that every action he had taken had been the right move. Kostović said that Tuđman had known that a state which did not control its territory was a defunct polity. For Tuđman, the process of peaceful reintegration was the crucial factor in the development of Croatia, the key precondition for economic growth and political recognition. It can be said that Croatia's relationship with certain international factors, first and foremost the EU and the USA, deteriorated after the signing of the Dayton Agreement. This worsening of relations occurred over a whole string of issues; Bosnia and Herzegovina, democratization of society, Serb minority rights, co-operation with the ICTY. It is a fact that despite certain problems regarding Croatia's relations with the USA and other important political factors, Croatian diplomacy, headed by Franjo Tuđman, achieved a number of successes. On November 6, 1996, Croatia became a member of the Council of Europe. This was a significant victory

for Croatian diplomacy and a huge leap towards joining other Euro-Atlantic integrations. The most important success, in the context of both foreign and domestic policy, happened on January 15, 1998, when the Republic of Croatia regained control over its eastern border, thus establishing complete territorial integrity, which was the main political aim of Croatia during the Croatian War of Independence. With that, Tuđman's desire to establish a sovereign Croatia and see the country reintegrated into Europe to secure political stability and economic progress had been realized.

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