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Peace without reconciliation

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The 1995 Erdut Peace Agreement was successful at ending the war in Croatia, which erupted as the former Yugoslavia was crumbling in the early 1990s. Part of the peace agreement's achievement was the presence of a UN force, plans for a police force and mentions of rights of return and minorities. This article argues that the agreement could have gone a step further by explicitly calling for reconciliation and security mechanisms.

Peace without reconciliation – lessons from the Balkans

Anna Crumley-Effinger

The Socialist Federal Republic of Yugoslavia (SFRY) was made up of six federalized republics: Croatia, Serbia, Montenegro, Slovenia, Bosnia-Herzegovina and Macedonia. Serbia was the most powerful of the republics and ethnic Serb populations existed inside Croatia and Bosnia. Although all republics shared a similar culture, language and history, nationalist movements gained strength as the SFRY began to disintegrate in the early 1990s. In 1991 Croatia and Slovenia declared independence, followed by Bosnia. The United Nations (UN) recognized the newly independent Croatia, first in the Security Council on 18 May 1992 (UNSC Resolution 753), and it was admitted to the General Assembly as a new member state.

Finding themselves in the minority in 1991, separatist Serbs declared their own state, the Republic of Serbian Krajina (RSK). The RSK received support and at some stages direct commands from Slobodan Milošević and the Serbian army (ICTY, 2004). Ethnic Serbs organized themselves into an armed resistance, concerned they would lose rights as a minority and be further threatened. For the next half decade, war persisted in the newly created state. A series of cease-fires and agreements between the government of Croatia and the Serb separatists failed to bring an end to the violence.

Beginning in 1991 political bodies of the UN called for an end to hostilities and UN staff negotiated agreements, but the UN Security Council failed to take strong steps for international peacekeeping. Unfortunately, political will did not

shift until after a number of massacres, when the UN political organs finally intervened in an effort to cease ethnic cleansing.

Eventually, brokered by the UN and United States, the 1995 Erdut Peace Agreement was successful at ending the war in Croatia.¹ It followed closely after the signing of the Dayton Accords and the elevated hope for stability in the region. Throughout the negotiation of the Erdut Accord the Croatian army prepared for an offensive, but unlike previous agreements, the third-party intervention by UN peacekeepers was robust and resourced to hold the agreement and prevent further civil war.

Other than the presence of a UN force, part of the peace agreement's achievements was plans for a police force and mentions of rights of return and minorities. With the advantage of hindsight, perhaps it would have been more successful if it had gone a step further to explicitly call for reconciliation and mechanisms to address the security of the minority – both physically and through inclusionary processes – as this was the main cause of the underlying tensions in the conflict.

The Erdut Peace Agreement addressed a number of areas:

- Third-party monitoring mechanism – the UN peacekeeping with French and Canadian soldiers
- UN transitional administration
- Police force
- Allowance for minority rights
- Rights of return for internally displaced persons

Quite important was the strength of the peacekeeping force, in particular the French-Canadian peacekeepers' active role in the Mendak Pocket region, where Croatia attacked to set up a new front line (Windsor, 2000). Pre-Erdut, the UN's peacekeeping force did not have the mandate and resources to demilitarize the Serb-held areas or prevent the build-up of a Croatian army.

What worked?

The strengthened presence of a third-party peacekeeping mission and transitional administration of the UN provided for in the peace agreement was key to durable peace in Croatia. Academic studies find that a peacekeeping mission presence “reduces the estimated risk of another war by about 70-75 per cent (Fortna, 2008:113). Croatia post-Erdut is one of the examples of the latter. In addition, Fortna (2008) argues that the longer peace holds, the more likely it becomes self-sustaining.² War did not break out in Croatia again after 1995, and when the UN officially left in 1998, low-level violence had diminished.

In addition, the UN was able to provide credible guarantees with international civilian administrators through the creation of UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES). Another academic argues that “even if combatants reach a mutually agreeable bargain they will not implement its terms unless credible guarantees on the terms of the treaty are included” (Walter, 2002:8).

Transitional Administrations in the 1990s followed on trends within the

Security Council and displayed the more activist involvement in states' affairs. Simon Chesterman argues: "A key element in the success of a transitional administration is the existence of political clarity. An agreement to transfer control of territory to an existing state embodies such clarity, but is only generally possible following either acceptance of this arrangement by the international community or the defeat of the alternative regime on the battlefield [...] Croatian offensives against Serb forces had established the inevitable political outcome in the Danube region of Croatia; the UN presence was to ensure that this outcome was attained peacefully – and on these terms the mission was indeed a success" (Chesterman, 2004:65).

The presence of UNTAES, clearly outlined in the Erdut agreement, was essential to the durability of peace in Croatia.

What was missing?

The peace agreement should have delineated the state's role to secure rights of the Serb minority and support reconciliation. In Section 6 the Erdut Agreement states: "The highest levels of internationally recognized human rights and fundamental freedoms shall be respected in the region" (Erdut, 1995). The break-away republic RSK was concerned about the rights of the Serb minority within

the Croat dominated state. Significant progress on minority rights did not exist until the mid-2000s, when the government created new minority laws in its appeal to become a European Union member state. Even then, despite the higher-level government support, the lower levels of governance only slowly implemented the provisions (Petričušić, 2004).

"Hardened ethnic" identities (Kaufmann, 1996) were a clear feature in Croatia with the violence in the break-up of the Yugoslav Republic. Separation was the goal of the RSK and its backer, Serbia. The final outcome was Croatian military takeover, despite earlier cease-fires with autonomy provision for Serbs. Separation was not the conclusion – RSK was not recognized as its own country, a part of Serbia or autonomous. Kaufmann (1998) argues that the work to create integrated, inter-ethnic communities does not solve the security dilemma, despite the pervasive opinion that integration is more moral and practical. Yet, if, as Kaufmann states, the international community should not push for the resettlement of refugees, the situation of minorities that remain in a state can create new problems of political exclusion (Fortna, 2008). Although Kaufmann's major example of separation and "defensible enclaves" is the break-up of the Yugoslavia, the situ-

ation created in Croatia required solving issues of exclusion in much the same way that countries which remain unified after civil war need to resolve (Fortna, 2008). Post-Erdut featured ethnic violence and it took more than a decade for Serb minority rights to be formally included in Croatian law.³

Reconciliation

Longer-term reconciliation and the ideals of the international community on minority integration should have been addressed earlier. The EU minority rights requirements eventually pushed Croatia to make progress. Had provisions been included in the peace accord, much of the violence throughout the late 1990s (UNSC, 1997/487) might have been avoided. The lack of buy-in on minority issues from local officials in the former RSK region meant that even once the more progressive government of Croatia allowed for minority rights, it was not a reality for the Serb minority until much later (Petričušić, 2004). The government of Croatia itself used its acceptance of the laws of minority in its bid to be a part of the EU, thus accession needed strong minority rights (Vasiljević, 2004).

"While local Serbs have demonstrated willingness and determination to assume their rights and responsibilities as Croatian citizens, there remains deep

A scarecrow dressed as a UN peacekeeper in front of a bullet-riddled house in the town of Kostajnica, on the border of Croatia on northern Bosnia.

The initial mandate of the UNPROFOR was to ensure conditions for peace talks and security in three demilitarised "safe-haven" enclaves designated as UN Protected Areas located in various regions, before the Republic of Croatia was admitted into the UN as a member but was controlled by the Republic of Serbian Krajina.



PHOTO: JOHN ISAAC/UN

apprehension and fear in the region. Confidence-building has not yet taken root and, from time to time, serious doubts have arisen about the willingness or capability of the Government of Croatia to reintegrate the people of the region" (UNSC 1997/487). The UN also reported that "Serb confidence in Croatian intentions was badly shaken" after a coalition between the elected Croatian Democratic Union and the Independent Democratic Serb Party in the city of Vukovar was seen to be sabotaged by the Croatian Democratic Union. The Serb political minority disenfranchisement underlines the continued challenges faced in creating a sustainable peace.

The challenge of local-level reconciliation and non-adherence to national directives stymied the refugee return and slow bureaucratic processing at a national level (UNSC, 1997). For example, senior Croatian officials in ministries responsible for land and property made statements that blatantly discriminated against Serbs. Although the Criminal Tribunal for Yugoslavia (ICTY) included the indictment of some Croatian officials pre-Erdut, the lack of local-level reconciliation, security guarantees, and rights of return were problematic. While the national government slowly allowed for more Serbs in power, it did so mostly under international pressure and to meet other incentives, such as EU membership. Local-level reconciliation should have been outlined in the peace agreement, not just in case-by-case UNTAES pressure.

Finally, the agreement's omission of an increased emphasis on reconciliation between inter-ethnic community members and local politicians was problematic. Just adhering to UNTAES "allowed Croatia to circumvent rather than to respond to salient questions about minority and human rights, democracy and freedom" (Zanotti, 2006:162, summarized in Goetze and Guzina, 2008:336). There is explicit mention of rights and guarantees – essential for legal apparatuses, but the work to secure minority rights in a conflict of this nature requires the involvement of local civilians, administration and police.

UN peacebuilding architecture and EU incentives

Many lessons have been learnt from the Balkans experience. The UN has since built a post-conflict peacebuilding archi-

ture as part of the 2005 UN reforms. Perhaps, if it had existed in the 1990s it would have provided more models for reconciliation and peacebuilding at the national-level. In the new architecture, local-level peacebuilding has been recognized as essential. The Responsibility-to-Protect architecture as well as more robust use of peacekeeping operations in Kosovo and elsewhere came in part because of a reaction to the failures or late attempts in the 1990s.

In July 2013 Croatia was finally granted membership of the EU. In its efforts to join, the issues of minority rights were finally addressed. It had to meet EU standards on strengthening the protection of minorities. Judicial reforms have been introduced. Most of the outstanding refugee return issues have been settled, and there have been marked improvements in the protection of human rights of the Serb minority. In addition, Croatia has had to extradite several of its citizens to the ICTY, a sensitive and contentious issue in domestic politics. Nonetheless, long-term reconciliation in Croatia and all former Yugoslav states still remains a challenge. 🐦

- 1 Officially the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, the agreement is named after the village where it was signed.
- 2 The rights of minorities included, as eventually outlined in Croatian law: "full respect of the principles of non-discrimination outlined in various international agreements protection against any activities which could endanger the existence of any minority or community; the right to protect their identity, culture and religion; public and private use of national minority's language and script; and the right to education and equal participation (Petričušić, 2004).

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