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Ethno-Mobilisation and its Consequences in Croatia

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Abstract

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Keywords

ethno-mobilisation, ethnicity, nationalism, collapse of the Yugoslav federation, war in Croatia, Serb minority, minority rights, human rights

Introduction

Why would anyone today still be concerned about one multiethnic country that collapsed at the beginning of 1990s? Why would anyone be interested in researching the reasons behind the violent break-up of the Socialist Federal Republic of Yugoslavia at that time, when it dissolved into seven independent states over the course of seventeen years, the youngest among them being Kosovo, which proclaimed its independence in March 2008? No matter how senseless it seems to ordinary people looking back into the (recent) past, many historians, political scientists, human rights activists and politicians would disagree. Studying violent conflicts from the past teaches us how such happenings could have been avoided, and how they can avoid being repeated in other similar contexts. Namely, learning from the mistakes of the past is not only the model applied in personal life, but also in world politics. Exactly for this reason, this article will primarily attempt to summarize the triggers of the conflict, namely the actors and processes of ethno-mobilisation that took place in

late 1980s and early 1990s in Croatia, and subsequently it will analyze which implications ethnic conflict had on the deterioration and/or improvement of human and minority rights in the country.

The paper pursues the explanation that political leaders in Croatia and Serbia at the beginning of 1990s used differing and sometimes conflicting historical narratives of the two biggest ethnic groups, and manipulated those conflicting narratives to construct nationalistic discourse in order to (re)assure their positions of power. At the outset, the paper attempts to explain the term 'ethno-mobilisation.' In the following section, the paper deals with the actors and means of ethno-mobilisation. First, the paper explains why and how the political actors fuelled the ethno-mobilisation process. Subsequently, it explains the role military and paramilitary actors played in the ethno-mobilisation process, as well as the role of churches in ethnic conflict escalation and its pacification. Finally, the paper argues that chauvinistic media was a principal ethno-mobilization agent in the 1990s. In the third part, the paper elaborates on the consequences of the ethno-mobilisation in Croatia: the creation of the runaway Serbian Autonomous Region of Krajina, the rise of the victims on both sides, the emergence of a climate of ethnic intolerance etc. In this part, the paper also examines how the legislative provisions for the protection and accommodation of minorities was developed, underlying that at a certain point, those provisions were partially annulled and thus not implemented in a scope relating to the Serb minority. The paper also asserts that in spite of the quite advanced minority legislation, realization of the rights of minorities, particularly the Serbs, was often hindered by unjust bureaucratic processes and the absence of political will, acknowledging a trend of improvement in the realization of minority rights in the last decade.

Explaining Ethno-mobilisation, Process Fuelled by Nationalism

No matter how widely the term (ethno-)nationalism is used, scholars consider it to exemplify "the problem of slipshod terminology" (Connor 1994: 89). Walker Connor stresses that nationalism connotes identification with and loyalty to a nation; "a group of people who believe they are ancestrally related." The use of lineage as the basis for membership in an ethnic group is usually taken as a given in defining ethnicity. The belief in a common origin is further encouraged by a common language, a shared religion, a sense of a homeland, common customs and by a shared historical narrative. However, if there is no reason to contest origin, ethnicity will not become a dividing factor in a

society. It becomes 'problematic' only when threatened in any sense (Sekulić 2003: 143). Contrary to such a position, the constructivist approach to ethnicity argues that a nation is a pure social construct. Ethnicity, like all social phenomena, is understood by this approach to be a 'construction' produced historically through human activity (Berger and Luckmann 1966: 106). When a discourse of ethnic belonging is framed in terms of 'the Other' that is threatening 'the Self,' it develops into a negative construct that can be easily manipulated.

Ethno-mobilisation can be interpreted as a strategy in which (political and economic) elites manipulate ethnic sentiment in order to mobilise people into conflict, thus offering legitimization of their authoritarian style of governing. Ethno-mobilisation might be understood as an instrumentalisation of ethnicity, or in other words, the (mis)use of ethnicity by the elites in order to mobilize the masses for the realization of their political (and even personal) goals and interests. Within the setting of the post-communist transformation of political cultures, societies and economies in the countries that emerged with the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY), ethnic mobilization implied grouping around ethnic lines and the (re)emergence of ethnic cleavages, the consequences of which could be seen in the segmentation of the society. Ethnic mobilization, in my understanding, emerged as a response to the threats and fears that had been intentionally fostered, or even manipulated, by politicians who simply employed pre-existing historical narratives and myths. Different historical narratives served indisputably as the means of manipulation in the process of ethno-mobilisation. Those were instrumentalised through media and political rallies, and supported by political, economic, military, and religious elites, who modelled the dynamics of political system change in order to (re)assure their power positions. Namely, it was the entirely different understandings of the past of the different ethnic groups that constituted the SFRY that had caused the collapse of the federation and prevented political elites, who had emerged at the end of the 1980s and the beginning of the 1990s, from reaching a consensus regarding the best remedies and peaceful solutions. Similarly, Babić argues that stereotypes, prejudices and stigmas were activated in the symbolic and practical-political sphere as mobilizing agents (Babić 2006). In a context in which the historical narratives of the constituent peoples consisted of mutual resentment, recrimination, and blame, and the peoples defined each other as 'the Enemy,' it was impossible to maintain the SFRY as a long-term, stable, multiethnic state. Subsequently, the failure of Yugoslavia's people to develop a common historical narrative contributed to the preservation of inter-group boundaries,

whereas the federation collapsed because of the political illegitimacy of Communism and the decline in living standards. It is believed that illegitimate systems are much more vulnerable to collapse than legitimate systems, and are harder hit by economic crises. A chain of unpopular and unsuccessful economic reforms in the 1980s further encouraged the decline in living standards, which is common to command economies, and significantly contributed to the dissolution of the federation.¹

Only a minority of scholars argue that the conflict was a result of the politics of transforming a socialist society to a market economy and democracy (Woodward 1995). However, the majority of scholars agree that economic criteria constituted just a part of the jigsaw-problem that provoked the dissolution of the country and caused an escalation of nationalism. Similar to the latter assertion, the position of the Scholars' Initiative is that the following factors may possibly have influenced the break-up of SFRY: (1) economic decay, (2) the political illegitimacy of the communist system, (3) structural factors (in particular, the dysfunctional federal system), (4) differing levels of pluralistic political culture across Yugoslavia's constituent federal units, and (5) the failure to develop a common historical narrative.² Woodward suggests that, in addition to above enumerated factors, an unfavourable international situation where former Yugoslavia was of no importance should be taken into account when considering its break-up (Woodward 1995).

Actors and Means of Ethno-mobilisation

Political Actors that Fuelled the Ethno-mobilisation Process

Monopoly of power allows for easy misuse of different historical narratives of the other ethnic groups as a trigger for ethnic conflict. The following paragraphs will analyse briefly how the political elites embraced nationalistic discourse in order to gain the power position (in Croatia) and maintain it (in Serbia).

After almost five decades of communist totalitarian rule, opposition parties were legalized in Croatia and Slovenia in 1989, widening the gap between the two countries and Serbia with its satellites. In 1990, the first multi-party

¹ See Scholar's Initiative research results, at <<http://www.cla.purdue.edu/academic/history/facstaff/Ingrao/si/scholars.htm>>.

² The Scholars' Initiative, "The Dissolution of Yugoslavia: Competing Narratives of Resentment & Blame", at <<http://www.cla.purdue.edu/history/facstaff/Ingrao/si/scholarsprospectus.htm>>

elections took place. The Croatian Democratic Union (Hrvatska Demokratska Zajednica, HDZ) headed by former JNA general and historian Franjo Tuđman won the majority of seats in parliament. Even though quite a substantial number of voters supported more moderate political options (the reformed Communists and the Coalition of People's Accord together won 50% of the votes), the electoral system of that time enabled the establishment of a single-party government.³ The Serbs of Croatia also organized themselves politically in February 1990. The Serbian Democratic Party (Srpska demokratska stranka, SDS), led by Jovan Rašković, requested to change the regional policy that did not serve the interests of the Serbian people any longer, advocating full territorial autonomy at first, and later independence. The SDS, apart from in the Knin region, did not manage to organize itself properly prior to the elections, which resulted in a gain of only five seats in Parliament. The poor result was also a consequence of the fact that domestic opinion among Croatia's Serbs was still moderate as most of them chose to vote for the reformed communists, the SDP. After the electoral victory of the HDZ, the SDS became even more radical.

The Serb regime that was defending preservation of Yugoslav federation, as well as its allies in Montenegro, Vojvodina, and Kosovo, and the Serb population in Croatia were unwilling to recognize Croatia's assertion of independence. The Serbs in Krajina, orchestrated from Belgrade, responded with the organization of a "Referendum on Serbian autonomy" on 17 August 1990. The referendum was held in the area of Knin, Benkovac, and Obrovac, but it was also possible to cast a vote in Belgrade. It is estimated that 48,000 voters took part, and almost 100% of them voted in favour of secession from Croatia. This date is considered to mark the beginning of the so-called Log Revolution (Balvan revolucija), as the local Serb population, already well armed, placed logs over the roads in Krajina to hinder travel between the Northern and the

³ The runoff voting system of the time favored the two strongest parties. To this end, it allowed the HDZ, the party with the relative majority, to win 205 out of 356 Parliamentary seats with 42% gained votes in the election. The reorganized Croatian League of Communists, renamed the Croatian League of Communists — Party for Democratic Changes (Savez komunista Hrvatske — Stranka demokratskih promjena, SKH-SDP, and later renamed again Socijaldemokratska partija Hrvatske, SDP) and the Coalition of People's Accord (Koalicija narodnog sporazuma, KNS) came in second and third, respectively. The Coalition of People's Accord encompassed the Croatian Social Liberal Party, the Croatian Peasants Party, the Croatian Democratic Party, the Croatian Christian Democratic Party, the Social Democrats of Croatia, and a number of local, youth, and environmentalist groups and individual candidates.

Southern parts of the country. On 30 September 1990, the Serbian National Council, under the auspices of Milan Babić, declared “the autonomy of the Serbian people on ethnic and historic territories on which he lives and which are within the current boundaries of the Republic of Croatia as a federal unit of the Socialist Federal Republic of Yugoslavia”. On December 21st, 1990, Croatian Serbs in Knin announced the creation of a Serbian Autonomous District (SAO Krajina) and declared their independence from Croatia.

On the other side, the majority of people in Croatia welcomed the fall of Communism and greeted the establishment of a new government with romantic hopefulness. In conforming with the will of the citizens expressed at the independence referendum⁴ held in May 1991, the Parliament adopted the Constitutional Decision on the Sovereignty and Independence of the Republic of Croatia on June 25th, 1991, which established that “the Republic of Croatia is initiating proceedings for disassociation from the other republics and from the SFRY [...] and [...] is initiating proceedings for international recognition.” At the same sitting of all three chambers, the Parliament also passed the Declaration on the Establishment of the Sovereign and Independent Republic of Croatia.⁵ After the three-month deferral of the Constitutional decision of June 25th expired, the Parliament proclaimed the country’s independence on October 8th, 1991. In January 1992 other countries began to recognize Croatian sovereignty. The first ones to do so were the Holy See, Germany and Iceland. On January 15th, 1992, the European Communities announced the recognition of a sovereign Croatia. Soon after, the country was admitted into United Nations (on May 22nd, 1992).

Celebrating the change of regime, numerous mass gatherings were organized throughout the country, where the newly agreed upon national symbols (tremendously similar to Ustaša symbols) were widely displayed. The victory of HDZ contributed to a rise of fear within the Serb community. Recalling historical narrative in which the Serbs were victims of the nationalistic Ustaša World War II regime, these fears were hardly dispelled the benevolent tolerance of the newly established political elite or the open use of Ustaša symbols and corresponding terminology (Žunec 2008: 35). Ivo Goldstein rightly concludes that “[m]any members of the new government were drunk with success

⁴) According to the Report of the Republican Commission for the Implementation of the May 22nd, 1991, Referendum, 84.94% voters voted in the referendum, and 93.94% of citizens spoke out for Croatian independence and sovereignty.

⁵) Declaration on the Establishment of the Sovereign and Independent Republic of Croatia, Official Gazette, 24/1991.

and behaved as if they had forgotten, or perhaps only underestimated, the fact that Croatia was still in Yugoslavia with over half a million Serbian citizens who relied on Yugoslavia and were being increasingly manipulated from Serbia” (Goldstein 1999: 381–382).

Serb leaders in Croatia claimed that the denial of constituent people status for their ethnic group would endanger their well-being in a country with a leadership they considered nationalistic. At the same time, Slobodan Milošević’s policy in Belgrade was backing their claims, aiming to unite a Serbian nation scattered across the Yugoslav republics.⁶ Milošević, having occupied the position of President of Serbia since December 1990, exercised control over the four members of the so-called Serbian Bloc within the Presidency of the SFRY (consisting of the representatives of the Republic of Serbia, the Republic of Montenegro, the Autonomous Province of Vojvodina, and the Autonomous Province of Kosovo and Metohia). Political organization of Croatian Serbs was being orchestrated from Belgrade. The rise of Milan Babić, leader of the Krajina Serbs who managed to succeed Jovan Rašković through undemocratic means, was a defeat to the original section of the SDS in Croatia. Babić’s pro-secessionist politics were backed by Belgrade, which was not willing to tolerate the more moderate politics of Serb representatives from Slavonia, Baranja, Banija, Kordun, Rijeka, and Istria, who were looking to take the lead via negotiation. Conversely, Belgrade supported the Serb representatives of Dalmatia and Lika, and their leader Babić, who were opposing a dialogue with the Croatian authorities. In spite of the fact that some authors openly argue that conciliatory moves by the Croatian authorities at that time could have been conducted in more efficient way, it is true that all attempts to negotiate compromise with the rebellious Serb population were repeatedly rejected by their local political leaders. At the same time, “moderate Serbs who disagreed with Belgrade’s conflictual strategy were branded as traitors” (Gagnon 1994/95:130–166).

⁶ It is widely asserted in academic literature that the Serb nationalists of the time manipulated the idea presented back in 1847 in Ilija Garašanin’s pamphlet “Načertanije” that promoted Serb national unification and the creation of the Greater Serbia, which would consist of Serbs of the Austro-Hungarian and Ottoman empires. The 1986 Memorandum of the Serbian Academy of Sciences and Arts (SANU) is another document that was widely exploited either to raise Serb nationalistic sentiments at the end of the 1980s or to underscore them in relation to other ethnic groups. The Memorandum intensified the Serb historical interpretation claiming that the Serbs were being degraded, and that as they constituted the biggest ethnic group in the federation, a more centralistic organization of the SFRY was called for. See e.g. Judah (1997: 56) and Žunec (2008: 35–45).

The Croats perceived the Serb ethno-mobilisation process as a call for a creation of Greater Serbia, and one Croatian source explains it as “a plan for the political union of Serbs in Serbia and those outside the Serbian border, and for the abolition of autonomy in Vojvodina and Kosovo” or as “a device for the destruction of Yugoslavia, promoting, as it did, the idea of the total national and cultural integration of the Serbian people, regardless of where they lived. It envisaged all Serbs in one state, whether it was called Greater Serbia or Yugoslavia” (Nikić 1994: 18).

Whereas, as stated above, the historical narrative backed by the majority of Serbs “emphasized both their suffering at the hands of others and their sacrifices in sustaining the dream of a united Yugoslavia” (Ramet 1992) the dominant Croatian historical narrative identified the Croatian nation as the one that had been unfairly subordinated to the Serbs — from 1918 in the Kingdom and after 1945 by a Communist regime directed from Belgrade. The different narratives also reflected differing understandings of the break-up of SFRY: while Croats acknowledged it, Serbs claimed the dissolution should not even be recognized.

The Serb historical narrative was exploited by the Serbian regime led by Slobodan Milošević, who had succeeded in consolidating political power at the expense of the communist formula of ‘brotherhood and unity,’ but later realised that the nationalist discourse would allow him to maintain the power. In Croatia, historical narrative was systematically pursued by governing political actors in the country who controlled the media, and by the country’s diaspora, which fuelled a resurgence of Ustaša nationalism. A substantial portion of HDZ supporters were Ustaša émigrés and their descendants, who hoped that the electoral victory of this political party would mean amnesty in Croatia and make their return to their homeland possible. Only an independent and sovereign Croatia fit their historical model, as the nationalistic sentiments in connection with the Independent State of Croatia from WWII were much stronger among emigrant Croats. Gathered around the Croatian Catholic priests in Catholic communities in exile, they were able to publicly foster a national sentiment, something that had been banned in the motherland. It is, therefore, believed by several historians that the diaspora’s role was predominant in forming the Croatian claim of independence, as the majority of the population within the country itself favoured the confederalist idea in 1990 (Goldstein 1999: 382).

Similarly, General Martin Špegelj, the first Croatian minister of defence, argues that the Ustašism in Croatia has “been brought from outside, by the return of extreme emigrants in Croatia. They were not high or lower ranking

officers of former NDH, but those who thought that heritage of Ustašism will be good ground for creation of new power in Croatia, and that they would obtain personal profit. Indeed, they won power and personal profits; however, their presence in politics has caused a shaking of power and big problems even nowadays. That fact, alongside with undermining of Serb's houses in Spring 1991, made worse damage to Croatia's defence than whole JNA aggression. We have suffered consequences ever since and witness different sorts of neo-fascism emergence" (Špegelj 2001: 55-56).

Military and Paramilitary Actors

The military is not only a resource, but also an object of ethnic conflict (Horwitz 1985). Particularly during the dissolution of the SFRY, where the military was the last (and for sometimes the only) integrating element of the dying socialist federation, the JNA attempted to assume a leadership role. As Horwitz rightly argues, "in deeply divided societies it is doubtful that any single institution can reverse the cumulative effects of all the others. Instead, bitter experiences in the armed forces often seem to generate ethnic resentments" (Horwitz 1985: 443).

After it became obvious that the SFRY would collapse, the military leadership advocated a fight for the preservation of Yugoslavia, but due to a lack of support from the Yugoslav presidency, this line of action was not taken. The Serb leadership, however, seized this loyalty, approached Army leaders, and convinced them that the plan for a great Serbia might be the cure for Yugoslavia. The Yugoslav Peoples Army (JNA) was in reality controlled by Slobodan Milošević. From 1 October 1991, in the absence of the representatives of the Presidency from Croatia, Slovenia, Macedonia, and Bosnia and Herzegovina, the four members of the Serbian Bloc in the Presidency of the SFRY exercised the powers of the Presidency, including that of collective Commander-in-Chief of the JNA. Generals Veljko Kadijević and Blagoje Adžić, who directed and supervised the JNA forces in Croatia, were in constant communication and consultation with Milošević. The armed conflict in Croatia remained internal in nature until 7 October 1991. However, as the JNA intervened and partially occupied the country on 8 October 1991, the armed conflict became international.⁷ From August 1991 until June 1992, Serb forces, comprised of JNA units, local territorial defence (hereinafter: TO, after Croatian

⁷ Indictment against Milošević, Case No. IT-01-50-I.

‘teritorijalna obrana’) units and TO units from Serbia and Montenegro, local and Serbian MUP police units, and paramilitary units attacked and took control of towns, villages, and settlements in Krajina Region, Western Slavonia, and around the city of Duborvnik. After the take-over, Serb forces in cooperation with the local Serb authorities established a regime of persecution designed to drive the Croat and other non-Serb civilian populations from these territories.⁸

On 25 June 1991, Croatia and Slovenia declared their independence from the SFRY. The Federal Presidency of Yugoslavia soon withdrew the JNA from Slovenia, as the republic had a small percentage of Serbs in its population. The same was not true of Croatia, which had a significant Serb population. According to the 1991 population census, the Serbs comprised 12.5% of population, making it the second biggest and constituent ethnic group in the country.

The JNA officially withdrew from Croatia in May 1992, up until that time feigning unwillingness to intervene in the conflict between Croatian authorities and Serb rebels (Ambrosio 2001: 35). However, the fact that the JNA had been leaving staff and supplies behind in the republics as it withdrew to Serbia and Montenegro proves that the JNA had indeed supported the Serb rebels in Croatia (and Bosnia and Herzegovina). This military equipment formed the basis for the creation of new armies. This was not the only JNA ‘contribution’ to the escalation of violence in Croatia. At first, under the guise of claiming to defend Yugoslav unity, the official rhetoric changed in 1991 and 1992 as the JNA openly took the Serb side in the conflict between the Croatian authorities and the Serb insurgency.

The Role of Religious Communities in Ethnic Conflict Escalation and its Pacification

Religion was a significant element of ethnicity and re-confirming identity at the beginning of the 1990s, but nevertheless was put at the forefront of identity consolidation in Croatia. Such high-positioning of religion in a post-socialistic society and the sudden favourable treatment of the catholic Church, which had been oppressed throughout the previous 45 years, accompanied by the pro-nationalistic attitude of certain parts of the clergy that openly contributed to the Tuđman regime, probably contributed to the massive public perception that the war was (also) an inter-religious conflict.

⁸) *Ibidem*

Although it is not considered that the conflict between the Serbs and the Croats in the territory of Croatia was of a religious nature, religion contributed to the creation of a climate of mutual mistrust among the two (religious) communities (Ćimić 1998). Destruction of religious facilities and the murder and mistreatment of clergy played an important role in purging the territories, and thus in ethnic cleansing, particularly at the beginning of the 1990s when a number of Catholic churches and monasteries were destroyed in territories occupied by the Serbs. Revenge along the same lines was taken on the Orthodox churches upon the liberation of the occupied territories. Destruction of church facilities was largely a symbolic act since the temples were destroyed primarily as the national and ethnic symbols of other community's presence in a certain territory.

The role of the religious communities in the ethno-mobilisation process cannot, however, be diminished, as all of them significantly contributed to ethno-mobilisation. In addition, there were numerous appeals to religion in official propaganda, and the Croatian political establishment of the 1990s tacitly received support from the church, as the presence of then-current political leaders was warmly welcomed at festive occasions that were regularly broadcasted on public television.

Nevertheless, one cannot refute the fact that religious communities in the Balkans issued various appeals for reconciliation and joint prayer even during the war. Correspondingly, the leaders of the Islamic, Roman Catholic, and Serbian Orthodox communities in Bosnia stated in November 1992 that "[t]his is not a religious war, and that the characterization of this tragic conflict as a religious war and the misuse of all religious symbols used with the aim to further hatred, must be proscribed and is condemned" (Powers 1996: 221-252).

Visiting Croatia for the first time in 1994, Pope John Paul II invited Croats to forgive and reconcile with their neighbours, thus promoting peace among nations that, at that time, were in open conflict. The Pope's subsequent visits to Croatia in 1998 and 2003, Bosnia and Herzegovina in 2003, as well as to Slovenia and Albania continued to spread the message of reconciliation between the Orthodox Slavs and the Roman Catholic Slavs of the region.

The Vatican was the first state to recognize Croatian independence on January 13th, 1992. Two days later Germany did so as well. There have been numerous speculations as to whether recognition came as a gesture of support from co-religionists, underlying the cleavage between Croatian Catholicism and Serb Orthodoxy. Similarly, it has been noted both in literature and in

everyday discussions that Russia was possibly favouring Serbia because of the correlation with the Russian and Serbian Orthodox Churches, and that Islamic countries granted substantial financial assistance to Muslim religious communities during and after the war in Bosnia and Herzegovina.

Contrary to the popular claim that Germany supported Croatian and Slovenian independence as a result of its co-religious sympathy, the findings of the Scholars' Initiative claim that "Germany (and also Austria, Hungary, Denmark, etc.) were not secretly working for Croatian/Slovenian independence at the beginning of 1991. Even at the beginning of the crisis in June 1991, according to the available sources, Germany did not intend to support the break-up of Yugoslavia. During the last quarter of 1991, however, it was Germany who persuaded the EU, and later the US, to recognize Slovenia and Croatia and BIH."⁹⁾ German recognition was a result of its own valuing of the right to self-determination, since this country had not long before experienced the unification of the German nation.

Since Catholic Archbishop Bozanić took a leading position in the Croatian Catholic Church in 1997, it can be noted that the clergy de-intensified their open support for the HDZ and even openly criticized the government. In November 1999, the Croatian Catholic Bishops' Conference refused to endorse the HDZ party in the January 2000 elections, calling on the faithful to vote freely and to overcome the old, intolerant one-party mentality. Since 1997, the Catholic Church has also sought a more proactive role in advocating reconciliation, promoting the return of (mostly Serb Orthodox) refugees, and initiating several meetings with Orthodox clergy from Serbia. Catholic Radio includes a monthly program on Ecumenism, inviting speakers from other religious communities.

Chauvinistic Media in the 1990s: Principal Ethno-mobilisation Agent

Whereas the end of the 1980s witnessed the rise of free media, in the 1990s the government had almost no support for non-apologetic media, while, at the same time, a rather passive public opinion tolerated the nearly non-existent freedom of speech of the 1990s. At the beginning of the 1990s, the press began to address previously taboo subjects, some even attempting to rehabilitate the NDH, or at least to improve its historic image. The openly chauvinist

⁹⁾ Scholar's Initiative, Team 5 Report "The International Community & the FRY/Belligerents", at <<http://www.cla.purdue.edu/history/facstaff/Ingrao/si/scholarsprospectus.htm>>

weekly “Slobodni tjednik” used hate speech, usually directed toward the ethnic Serb minority. The state-owned media were not as openly prejudicial towards the Serb minority, but the partial and censored reporting on war crimes committed by Croats made them responsible for the creation of a hostile attitude towards the entire Serb population in Croatia. One thing is certain - the media did not contribute to the pacification of ethnic groups in the 1990s. In addition, members of national minorities, particularly the Serbs, were dismissed from their positions at the Croatian Radio and TV stations.

The newly established media entities (e.g. the National News Agency, HINA) or the ethnically purged old ones (e.g. the Croatian Radio Television) contributed to the process of ethnic mobilization and to the ‘war of words’ in which the Serbs were labelled as secessionists, unpatriotic and Yugo-nostalgic. In this way, both the Serbian and the Croatian “elites mutually reinforced each other’s claim, becoming mirrors of one another and doing, in effect, exactly what opposing side accused them of doing” (Eide 1997, 59). Ethnically-based inflammatory speeches held during public events or circulated in the media in early 1990s were recurrent on both sides. It was soon inevitable that the ‘war of words’ would turn into a ‘war of bodies,’ and the Serb minority rebellion in Croatia that started in the summer of 1990 turned into bloodshed in 1991 and led to open warfare between improperly armed Croatian police forces and the insurgents backed by the JNA. A violent conflict along ethnic cleavages provoked by elites was thus instrumentalised through the media “in order to create a domestic political context where ethnicity is the only politically relevant identity” (Gagnon 1994/95).

Apart from the ethno-mobilisation campaigns that were conducted, ethno-mobilisation was fostered through mob rallies that were organized throughout Yugoslavia, predominantly in rural areas. Such mob rallies, directed by the Milošević regime in Serbia, built the myth of a genocidal nature in other Yugoslav nations who were then accused of threatening the preservation of the Serbian nation. The Kosovo Albanians were thus demonized as internal enemies who were eradicating the Serb population in Kosovo, both by killings of the Serbs and by their high birth rate, resulting in demographic growth that was changing the ethnic structure of the province. The Croats were, on the other hand, demonized —pointing at their collaborationist past— with the aim of reminding the Serbs in Serbia —but predominantly those in Croatia— of the Second World War Ustaše atrocities against the Serbs, Jews and Roma in order to mobilize them. Those nationalist political campaigns were possibly due to the loyalty of the media controlled by the League of Communists of Serbia —the Serb communist party— to the Milošević regime (e.g. daily

Politika, political weekly NIN, Belgrade Radio Television etc). In this way the part of the Serb population in the other republics of Yugoslavia “were mobilised to generate the sympathy of the majority population in their home base, Serbia” (Eide 1997: 56).

Ethno-mobilization’s Consequences in Croatia: the Minority Rights in the Political Frame of the 1990s and after 2000

In October 1990 the Croatian Serb leaders declared the creation of the Serbian Autonomous Region of Krajina (Srpska Autonomna Oblast, SAO Krajina), restructuring the formerly proclaimed Community of Municipalities of Northern Dalmatia and Lika (Barić 2005: 93-108). The independence of Krajina was declared by the Serbian National Council on 16 March 1991. In the meantime, an armed conflict began, in early May 1991, between the Serbs and the Croat police in Eastern Slavonia, the eastern region of Croatia bordering Serbia across the Danube River. After Croatia declared independence in June 1991, the militant Serbs backed by the JNA launched offensives to establish control of the regions with significant Serb populations: Eastern Slavonia and parts of the counties of Baranja and Sirmium, declaring them part of the Serbian Autonomous Region (SAO) of Eastern Slavonia, Baranja and Western Srem. The Serbian forces also assumed control over parts of Western Slavonia, eventually retaining control in and around the town of Okučani. On December 19th, 1991. The President of the SAO Krajina, Milan Babić, and the leader of the SAO Eastern Slavonia, Baranja and Western Srem, Goran Hadžić, proclaimed a new state —the Republika Srpska Krajina (RSK)— announcing that the areas were being joined to form a single Serbian state in Croatia. In February 1992, the two areas officially declared their independence from Croatia. The RSK consisted of the Serbian region of Krajina (North-Western Dalmatia, Eastern Lika, Kordun and Banija), the Serbian region of Western Slavonija and the Serbian region of Eastern Slavonija, Baranja and Western Srem.¹⁰ By December 1991 the Serbs, supported by the JNA, controlled 15,000 square kilometers, or 25.5% of the Croatian territory (Žunec 1998: 89).

¹⁰ On prosecution of Croats and other non-Serb population from Krajina See ICTY Babić Case (IT-03-72) against former President of the Republic of Serbian Krajina Milan Babić. See also Marko-Stöckl (2004: 24-33).

Since the open conflict between the JNA-backed Serb rebel forces with the Croatian authorities took place predominantly during 1991, the majority of victims were registered during that period. It is estimated that in 1991, 3,652 Croatian policemen and soldiers were killed, whereas up until the termination of conflict 4,000 more were added to this sum (Barić 2005, 124). Some authors estimate there were as many as 16,000 killed or missing soldiers, policemen and civilians in the 1991-1995 war in Croatia (Živić 2001: 451-484; Barić 2005: 125). The Ministry of Health data from 1999 reported 4,137 civilian victims killed as a result of Serb aggression (Barić 2005: 124-125). Serb victims were not calculated in this number. The Scholars' Initiative stipulates 22,000 dead on both sides (15,000 Croats and 7,000 Serbs).¹¹ Other victims of the 1991-1995 war were refugees and internally displaced persons of Croatian and non-Serb ethnic origin. It is estimated that until the end of 1991, 300,000 people were expelled from the territories occupied by the Serb rebels.¹²

Serbs in Croatia were victims of the ethnic mobilisation and the conflict that followed it in the first part of 1990s as well. It is estimated that 200,000 left the territory controlled by the Croatian authorities at the beginning of the 1990s (Tanner 1997: 327-328). They found new settlements either in the Republika Srpska Krajina or in Serbia or Bosnia and Herzegovina. They left mostly urban areas where they settled after the end of the Second World War as a result of industrialisation in the SFRJ. The reason for their flight some authors find not only in their fears for personal integrity, but mostly as a consequence of non-satisfaction with the new Croatian authorities by Serbian propaganda and media published in Serbia. Execution of Serb civilians in the cities of Gospić, Sisak, Karlovac, Zadar and Split committed by the Croatian (para)military forces, or the existence of the collecting camp for Serbs in Zagreb at the beginning of the ethnic conflicts contributed to the climate of intolerance and fear on the side of the Serb population (Kovačević 2003: 53). Therefore, being physically threatened and not being willing to accept the change of the political system, some Serbs who left Croatia were hoping they would return to the towns (such as Sisak, Karlovac, Zadar) in the event that they were "regained" by the Serbs and JNA and remained part of SFRJ (Barić 2005: 132). Finally, the issue of minority protection in Croatia has remained, since 1995, closely linked

¹¹ Scholars' Initiative Team Seven, *The War in Croatia*, at http://www.salzburgseminar.org/ihjr/si/si/Team_7_Full_Text_Report.pdf.

¹² *Ibidem*. See also Milardović (1995: 118-127).

to the return and reintegration of the Serbian minority that had left state territory in significant numbers after military actions in 1995.

Amongst the Serbian part of population, prejudicial treatment that had begun in 1990 and 1991, such as the purge of Serbs from government administration, police forces and public media, along with strong lingering memories of Ustaša, and state atrocities increased their concern for personal security and threatened the legitimacy of the newly proclaimed state. Needless to say, these bigoted practices incited resentment towards the new government despite its commitment to minority protection embodied in legislation. The Serb minority leaders mythologized historical accounts of their ethnic group and began to assert separatist claims (Spencer 1998; Petrosino 1998: 99–123).

Even before the occupation of Krajina by the Serbs began, the Croatian government started to evict people living in housing formerly owned by the Yugoslav army. In 1992, the Croatian Defence Ministry assumed the right of ownership of all property belonging to the JNA, including apartments and homes owned by the JNA that housed personnel and their families. Over the next few years, the Defence Ministry continuously issued eviction notices to those who were granted tenancy rights to JNA-owned property. Those evicted were not always granted the opportunity to appeal to an independent entity, such as a civil court. When the court did rule in favour of the evictee, the Defence Ministry did not always abide by the court's ruling, and often forced people from their homes anyway.

Since the very beginning of the country's independence several legislative instruments for minorities were passed, all of which arose from the need to accommodate ethnic minorities and allow for a peaceful coexistence.¹³ All came into being as a result of pressure from the international community. Although Croatian independence was recognized by the majority of the international community during the first few months of 1992, the country had to provide assurance regarding the protection of human rights relating to national minorities. A constitutionally-prescribed set of rights was supplemented by the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia¹⁴ (Constitutional Law), and thus the first minority rights regime in

¹³ Articles 15, 43(1) and 44 of the Constitution of the Republic of Croatia, Official Gazette 155/2002.

¹⁴ The Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia, Official Gazette 34/1992.

independent and sovereign Croatia was established. It was stipulated in the Constitution that organic laws regulating the rights of national minorities shall be passed by the parliament by a two-thirds majority of all deputies. The reasoning is found in the nature of majority rights: “they are countermajoritarian. That is, they are designed to protect political minorities against political majorities. Consequently, they are best protected in constitutions, which cannot be amended by simple majority vote of a legislative body” (Varady 1992: 277). The Constitutional Law, adopted by the Parliament in December 1991, was a precondition for Croatia’s international recognition as an independent state in January 1992. It provided for cultural autonomy, proportional representation for minorities and special self-governing districts, i.e. territorial autonomy, especially for the Serbs.

Another legal instrument had already been passed in order to ensure the rights of the Serb minority. The Croatian Parliament passed the Charter on the Rights of Serbs and Other Nationalities in the Republic of Croatia,¹⁵ which *inter alia* provided for the proportional political participation of minorities in the bodies of local self-government and in adequate bodies of government authorities. In accordance with this document, members of national minorities that constituted more than 8% of the population of the country in 1981 were given the right to be proportionally represented in the parliament. Self-government was guaranteed to the Serb minority in the regions of Glina and Knin. The Constitutional Law also established two districts (*kotar*) with a special status of self-administration. However, those provisions were never implemented because Serbian rebels occupied precisely those parts of the territory where autonomy was to be exercised.

The second legal instrument was created upon the return of the territory to the sovereign control of the state, as a result of an agreement between the international community, Croatian authorities and the Serb insurgents over the reintegration of territory in Eastern Slavonia under the Croatian jurisdiction. The Basic Agreement on the Region of Eastern Slavonia, Baranja, and Western Sirmium, was signed in Erdut on November 12th 1995. The Agreement requested that the Security Council establish a transitional administration to govern the region for a period of twelve months, authorize an international force to maintain peace and security during that period, and otherwise assist the implementation of the Agreement. The Erdut Agreement provided assurances

¹⁵⁾ Charter on the Rights of Serbs and Other Nationalities in the Republic of Croatia, Official Gazette 31/1991.

of minority representation, among them “the right of Serbs in Eastern Slavonia to be represented in local self-government, the right to have Serb sub-prefects in both counties of Eastern Slavonia and proportional representation in local health, police and judiciary, and the right to appoint deputy ministers in the Ministry of Public Works, Reconstruction and Construction, Ministry of Interior, Ministry of Justice, and Ministry of Education. It also asserted that after the 2001 census results were to be revealed, proportional representation would be assured for the Serbs and other national minorities in the parliament. The Agreement furthermore provided for the establishment of a Joint Council of Municipalities (JCM) with the main purpose of coordinating the interests of Serbian communities in Eastern Slavonia. Members of the Serb ethnic communities in Eastern Slavonia, which was at the time under the United Nations Transitional Administration in Eastern Slavonia — the Baranja and Western Sirmium (UNTAES)¹⁶ administration, were entitled to appoint a JCM, whose members maintained regular meetings with highly ranked politicians and reported their needs and requirements.

On August 31st, 1995, a governmental decree ‘temporarily’ revoked the property rights of most Serbs who had fled the Krajina region and placed this property under the control of the Croatian government. The government then allotted the property to Croats who had been displaced or expelled by rebel Serbian forces starting in 1991. Similarly, in late September 1995, the parliament ‘temporarily’ suspended certain provisions of the Constitutional Law relating to the Serb minority, while general provisions and particular provisions relating to the political participation of smaller minority communities remained in force.¹⁷ The Government justified this suspension through the claim that population migration resulted in the extinction of Serb majority districts.

The termination of the right to occupy socially-owned property, the so-called ‘tenancy rights,’ as well as the seizure of Krajina Serb property rights prevented the return of Serbs who had left in the 1990s. Until the mid-1990s the tenancy right had been a real property right, comparable to private ownership in most respects. The state could terminate the right in certain limited circumstances, including when the occupant was absent from the apartment for more than six months without a justifiable reason.

¹⁶ UNTAES was set up on 15 January 1996 and its mandate finished in 1998.

¹⁷ Constitutional Law on Temporary Suspension of the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities, Official Gazette 68/1995.

Members of the Serb minority wishing to return to their pre-war housing were hindered by bureaucratic processes, and faced obstacles in addressing administration at the local level and repossessing their property. Returnees faced difficulties in reclaiming their right to housing since refugees of Croatian ethnic origin from neighbouring countries had occupied the majority of this property. Another obstacle returnees often faced was a lack of consistent procedure in the granting of citizenship. As a consequence, ethnic Serbs were often deprived of their right to vote because they could not verify their citizenship. The local public officials in the territories to which Serbs wished to return, whom returnees addressed when attempting to reclaim their rights, often exhibited ethnic discrimination. Additional impediments to their successful return included a lack of employment opportunities in the economically weak Krajina region where the ethnic Serbs had traditionally lived.

The trials of alleged war criminals in Croatia had already been initiated by the early 1990s, and greatly lacked in due process. Despite the passing of a law that would grant amnesty to those who fought on behalf of the Serb rebels, local and municipal courts prosecuted persons accused of organizing the Serbian rebellion in Croatia. Most trials were conducted *in absentia*, and those who were physically present for their trials were not always allowed to call witnesses for their defence, and may have been mistreated while in police custody. At the same time, the Defence Ministry did little to discipline members of the military police, who were responsible for the most abuses in Croatia during the preceding years; in fact, Croat perpetrators in general were hardly ever prosecuted during these proceedings.

Hostile attitudes towards (other) minorities in the 1990s can also be connected to the fact that changes to the Constitution in 1997 erased Albanian, Bosnian and Slovene ethnic groups from the list of autochthonous national minorities in the Constitution's preamble.¹⁸ This caused great dissatisfaction among citizens of those ethnic origins. The Venice Commission, which examined this measure, stated in its report that "it became clear later, when the electoral law was adopted, that this amendment had negative effects on the representation of the minority groups whose mention in the Preamble was

¹⁸) The Constitutional Law on Amendments to the Constitution mentioned following national minorities: "Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians and others," The Constitutional Law on Amendments to the Constitution, Official Gazette 135/97.

deleted.”¹⁹ Political leaders of the three minority communities protested that they were deprived of the status of the autochthonous minorities, even though they constituted numerous minority communities in Croatia. Currently, the preamble of the Constitution reads: “the Republic of Croatia is established as the national state of the Croatian nation and the state of the members of autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians and Ruthenians and the others who are citizens, and who are guaranteed equality with citizens of Croatian nationality and the realization of national rights in accordance with the democratic norms of the United Nations Organization and the countries of the free world.”²⁰

The change of government in 2000 brought a socialist-liberal coalition into power and enhanced democratic consolidation, introducing a culture of multi-ethnic respect. In a time frame of one decade, publicly demonstrated resentment towards minorities changed the perception of minorities to that of a bridge in the region (Petričušić 2004a). The same government undertook the task of amending legislative framework for minority protection. On July 31st, 2002, the draft Constitutional Law was supported in the first reading and the long expected Constitutional Law on the Rights of National Minorities (CLNM) was finally discussed and voted on in the second reading on December 13th of that same year (Petričušić 2004b: 607-629).²¹ Provisions of the CLNM increased the total number of minority representatives in the parliament from five to eight. The CLNM also foresaw the political participation of minorities at the local level. In addition, members of national minorities gained the right to elect their representatives and the councils of national minorities, towards the end of participation in public life and the management of local affairs in self-government units.

Conclusions

This paper asserts that the ethno-mobilisation undergone on the sides of both Serbs and Croats was conducted by the political leaders who exploited “traits

¹⁹) Venice Commission’s Opinion on the Croatian Constitutional Law of amending the Constitutional Law of 1991, 20 June 2000.

²⁰) The consolidated text of the Constitution, Official Gazette 41/01.

²¹) Constitutional Law on the Rights of National Minorities in the Republic of Croatia, Official Gazette 155/2002.

of history, myth and alleged ethnic difference in order to pursue their own power goals and to divert public attention from other pressing questions that could not be so easily resolved” (Gagnon 1994/95: 54; see also Gagnon 2006). In the expression of the ethnic mobilization, the ruling elites had been “threatened by changes in the economic and political structures that sustained them” (Gagnon 1994/95: 55) since the roots of the ethnic mobilization can be traced back in mid-1980s onwards.

On the side of the Serb population it was fuelled by the galloping nationalism manifested in Slobodan Milošević’s policy that was, at that time, wrapped into an idea of the preservation of the Yugoslav federation. After it became apparent it would be impossible to realize the idea of re-centralised Yugoslavia in which Serbia would have an even greater stand, to a great extent due to the emergence of multi-party democratic systems in Croatia and Slovenia in 1990, a nationalist strategy that pursued the creation of Greater Serbia (i.e. the country that would re-unite the Serbian nation within one state) was elaborated. It aimed at aligning ethnicity and territory, suggesting a creation of an entity that should consist of the republics of Serbia and Montenegro and parts of Croatia and Bosnia and Herzegovina, where either the Serbs constituted a majority of population, or they achieved conquering territories through ethnic cleansing operations that were supported by the Yugoslav People’s Army. A denial of constituent people status for the Serbs in Croatia served as a pretext for the resurgence and the proclamation of the runaway entity Republika Srpska Krajina. The ethno-mobilisation in Serbia was predominantly conducted through media, but it was fostered also through mob rallies organized from Belgrade that were advocating first the anti-bureaucratic revolution, and later the preservation of Yugoslavia. Those ethno-mobilisation agents demonized the myth of the genocidal nature of Croats, claiming it threatened the preservation of the Serbian nation.

On the side of the Croats, the ethno-mobilisation came as a response to galloping Serb nationalism. The nationalist political options that were aiming to gain power unreservedly applied the myth of an unfairly subordinated Croatian position in state unions with the Serbs historically. Later, the myth of Croatian belonging to Western Europe and Croatian suffering experienced within its Eastern neighbours was employed in order to mobilize and keep together the population in the country that was severely attacked by the Yugoslav People’s Army and the Serb rebels.

Taking into account that Croatia was not exercising jurisdiction over its complete territory until 2002 —after the last portion of the territory was regained by the Croatian authorities— that populations were displaced, and

that the country was burdened by an influx of refugees from Bosnia and Herzegovina, it is not difficult to conclude that inter-ethnic relations between Serbs and Croats worsened. Transformation of negative official attitudes toward minorities came only after the change of government in 2000. Much more than the changes of legislation that took place in late 2002, increased symbolic gestures of prominent political leaders contributed to the change of attitudes of both the political establishment and the public towards the rights and needs of the Serb minority in the country. It indeed takes time to rectify the consequences of ethno-mobilisation.

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