

UDC 351.82 : 330.562.39

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Kuzmenko, Dmytro (2023). National legislation and practice of international civil-military administrations in Croatia. *Entrepreneurship, Economy and Law*, 5, 53–57, doi <https://doi.org/10.32849/2663-5313/2023.5.08>

NATIONAL LEGISLATION AND PRACTICE OF INTERNATIONAL CIVIL-MILITARY ADMINISTRATIONS IN CROATIA

Abstract. Purpose. Results. The relevance of the article is due to the fact that each stage of state-building in Ukraine was not easy, mistakes were made that allow drawing appropriate conclusions, improving something, and eradicating something from the life of the country. It is obvious that in the course of formation of our state, specific processes took place in the administrative structure, which were primarily aimed at changing the qualitative state of the functioning of the executive branch, regardless of the level, functions and powers. Civil-military administrations operated on the territory of Ukraine at various times. The study of such experience is necessary in the current Ukrainian realities, as it will identify the strengths and weaknesses of models of governing territories through civil-military administrations. It is underlined that Croatia has a unique experience of introducing an international administration to reintegrate the region and reduce the overall level of tension. It should be noted briefly what constitutes an international interim administration. In general, international interim administrations are a legitimate governance structure in territories where, for whatever reason, the sovereign authority of the respective national government and administration does not extend. **Conclusions.** By prior compromise agreement of the parties to the conflict, international interim administrations are formed of civilian and military components, that is, this administration is civil-military. The range of powers envisaged depends on the tasks assigned to such an administration, such as issues related to the security sector (control over the disengagement of armed groups, demining), moreover, police missions can be implemented, political issues can be resolved, that is, local self-government bodies can be created that would be legitimate and recognised by the parties to the conflict and the international community, and important for the Ukrainian reality is the ability of such an administration to prepare for elections in the respective territory. Croatia chose to engage international forces to establish an international interim administration that combined military and civilian powers. This largely predetermined the success of its activities, which eventually led to the reintegration of a large part of Croatia into the EU.

Key words: interim administration, observers, military administration, disarmament.

1. Introduction

Each stage of state-building in Ukraine was not easy, mistakes were made that enabled to draw appropriate conclusions and improve something and eradicate something from the life of the country. It is obvious that in the course of formation of our state, specific processes took place in the administrative structure, which were primarily aimed at changing the qualitative state of the functioning of the executive branch, regardless of the level, functions and powers. Civil-military administrations operated on the territory of Ukraine at various times. The study of such experience is necessary in the current Ukrainian realities, as it will identify the strengths and weaknesses of mod-

els of governing territories through civil-military administrations. In addition, systematic and analysed information can be an essential basis for building a strategy for mechanisms and models of civil-military governance of territories in our time.

2. Particularities of the initiation of international administration

Croatia has a unique experience of introducing an international administration to reintegrate the region and reduce the overall level of tension. It is necessary to note briefly what an international interim administration is (it should be noted that Ukrainian peacekeeping personnel participated in the international police component of the UN Transitional Administra-

tion in East Timor. In general, international interim administrations are a legitimate governance structure in territories where, for whatever reason, the sovereign authority of the respective national government and administration does not extend. In most cases, interim administrations are formed through a compromise by the warring parties, and the UN Security Council is to establish the administration as a neutral party. The administration is established on the basis of a UN Security Council resolution in accordance with Chapter VII of the United Nations Charter. The international community has resorted to the use of the respective administrations when dealing with decolonisation (e.g., Namibia), the division of one state into several (Yugoslavia), internal conflicts (Cambodia), foreign occupation (the already mentioned East Timor) (Filipchuk, Oktysiuk, Yaroshenko, 2017, p. 8).

As mentioned above, by prior compromise agreement of the parties to the conflict, international interim administrations are formed of civilian and military components, that is, this administration is civil-military. The range of powers envisaged depends on the tasks assigned to such an administration, such as issues related to the security sector (control over the disengagement of armed groups, demining), moreover, police missions can be implemented, political issues can be resolved, that is, local self-government bodies can be created that would be legitimate and recognised by the parties to the conflict and the international community, and important for the Ukrainian reality is the ability of such an administration to prepare for elections in the respective territory. Moreover, the interim administration can deal with social issues, since in most conflict zones, unfortunately, the population needs humanitarian assistance and economic assistance (for example, the reconstruction of vital infrastructure, etc.) (Filipchuk, Oktysiuk, Yaroshenko, 2017, p. 8).

A team of authors from the International Centre for Policy Studies, who have studied models of Donbas reintegration through the use of temporary international administrations, call the mission in Croatia one of the most successful in the history of such UN operations (Filipchuk, Oktysiuk, Yaroshenko, 2017, p. 9). The research team of the Institute of World Policy within the framework of the "Think Tank Development Initiative for Ukraine" implemented by the International Renaissance Foundation (IRF) in partnership with the Think Tank Fund (TTF), in the study "Experience of Conflict Resolution in the World. Lessons for Ukraine" have concluded what the reasons for the success of certain international UN missions

(including in Croatia). The study notes that: "The experience of conflict resolution in Croatia, Liberia, Bosnia and Herzegovina, Kosovo, and Angola confirms that in order to effectively monitor the implementation of the settlement plan, the mission must have executive powers and a military component, that is, the ability to threaten with force members of illegal armed groups (IAGs), who do not want to lay down their arms (e.g. UNTAES in Croatia, ECOMOG in Liberia, UNFICYP in the Republic of Cyprus, IFOR/SFOR in Bosnia), as well as access to the entire territory and infrastructure of the country, including military facilities. In all these cases, the civilian monitoring mission worked in parallel and in close cooperation with the military peacekeeping mission" (Zarembo, 2016, p. 8). In addition, the authors made disappointing assumptions that a UN or, for example, NATO mission in Ukraine is unlikely due to foreign policy circumstances.

It should be noted that negotiations on a peaceful resolution of the issue in Eastern Slavonia began almost immediately after Croatia's lightning-fast and victorious Operation "Storm" (within 84 hours, the Croats eliminated the unrecognised so-called "Republika Srpska" with their own armed forces, but only Eastern Slavonia remained uncontrolled by the Croatian authorities). The first draft of the peace agreement on Slavonia was submitted by the Croats on 25 September 1995. A series of diplomatic negotiations took place until 12 November, preceding the signing of the main peace reintegration document, the Basic Agreement on the Gradual Peaceful Reintegration of Eastern Slavonia, Baranja and Western Srijem into the Constitutional Space of Croatia. On 1 November, Presidents of Croatia and Serbia Franjo Tudjman and Slobodan Milosevic agreed to peace. The agreement was signed on 12 November 1995. The signatories were the Croatian and Serbian sides, mediated by the United States and the United Nations. The document, which consisted of only 14 articles, defined the establishment of a UN interim transitional administration, demilitarisation, restoration of property rights, return of displaced persons, the right of Croatian citizens to return to their pre-conflict places of residence, and mutual respect and recognition of human rights and freedoms (Pavelic, 2019, p. 3).

3. Particularities of the international administration in Croatia

The agreement provided for a two-year period during which the reintegration of the region was to take place. During this period, the UN was to establish an interim civil-military administration, which, in addition to the above tasks, was to organise local elec-

tions (no later than 30 days before the mission was terminated). According to M. Nahirnyi, the agreement "...envisaged that the territory of Eastern Slavonia would be demilitarised within 30 days after the deployment of the UN military contingent in the region. <...> The peaceful reintegration plan covered demilitarisation of the region, administrative reintegration, social reintegration, introduction of transitional police forces, elections, economic revival..." (Nahirnyi, 2018, p. 147). Peaceful reintegration began on 15 January 1996, when the UN Security Council adopted Resolution 1037, which established the UNTAES (United Nations Transitional Administration in Eastern Slavonia) (Pavelic, 2019, p. 3).

The tasks assigned to the UNTAES were to be implemented in several phases: the preparation phase, the deployment phase (until April 1996), the demilitarisation phase (until June 1996), the stabilisation phase and the closure phase. One of the most important tasks of the interim administration and the mission was disarmament. Demilitarisation was supposed to take place within 30 days of the deployment of international forces. The UN mission successfully managed the disarmament, and all paramilitary groups left the region. Reintegration was an important point in terms of administration. Through the civilian transitional administration of the mission, the gradual reintegration of Eastern Slavonia, Baranja and Western Srijem into the Croatian administrative system was to take place. During the transitional period, the interim civil administration, in cooperation with the Croatian authorities, was responsible for the communication and transport infrastructure of the region, it solved the issue of employment of local residents in Croatian state institutions and private enterprises, and took measures to prepare for local elections (Klein, 2010, pp. 22–23).

In this regard, thanks to good cooperation with the Croatian authorities, UNTAES developed communication and transport infrastructure, regulated the employment of local residents in Croatian state institutions and large commercial companies, and carried out all necessary activities for the preparation of local elections, especially the issuance of Croatian documents (homework, identity cards, passports) (Klein, 2010, pp. 22–23). The mission's powers included police functions. After demilitarisation, 1,600 police officers (1,200 Serbs and 400 Croats) began to operate in the area. In April 1997, with the help of the administration, elections to the Croatian parliament were held in the region.

The civilian component of the interim administration consisted of approximately

650 persons, working in several departments and dealing with various aspects of managing the reintegration process. The head of the transitional administration P. Klein, American, described the processes and structure of the civilian component of the administration as follows: the civil affairs department had six field offices, a liaison office with the Serbian mission, an economic and coordination department, and a secretariat that oversaw the reintegration process. The Office of the Interim Administration was responsible for public affairs, political and legal affairs. The auxiliary body was the Office of the Chief Administrative Officer that dealt with logistics, transport, finance, and medical services (Kasunić, 2008, p. 39).

The head of the interim administration, in general, was given a fairly wide range of powers in various sectors of governance. Under UNTAES, he was in charge of local administrative authorities and monitored the success of implementing the Erdut Agreement (the name of the document signed on 12 November 1995). In general, the entire administrative system was based on three main components. The first "pillar" was the head of the transitional administration, who simultaneously managed all the other "pillars." The second was the Council of Administration. It was responsible for the general policy of UNTAES. It was composed of representatives of local Croatian and Serbian power elites, the Croatian government, officers of the UNTAES civilian component, and local minorities. In addition, the council included representatives of foreign countries (from the EU, rf and the United States). Researcher S. Kasunich argues that it is the presence of representatives of the international community that has contributed to the broad support of the mission and this body by the parties. The third "pillar" was the so-called Joint Implementation Committees (JIC). They were closely interconnected and embodied the UNTAES executive mechanism (Kasunić, 2008, p. 41).

It is worth noting that, especially at the beginning of the reintegration process, representatives of local authorities were mostly Serbs. That is why P. Klein encouraged cooperation between Croatian and Serbian leaders through 13 joint implementation committees. Each committee had subcommittees within its own structure that dealt with various reintegration issues in administrative terms. The committees were further grouped according to the three components: political (elections, displaced persons and refugees, human rights), administrative (education and culture, healthcare and other administrative services of the civilian administration). There was also a technical component (related to the manage-

ment of railways and roads, utilities, agriculture, and municipal services (Kasunić, 2008, p. 41).

It should be noted that various actors were involved in the reintegration process, not just the UN interim administration. P. Nahirnyi distinguishes the following: the actual military and civilian components of the UN peacekeeping mission, that is, the UN civilian transitional administration, UN peacekeepers; police mission; the Croatian Bureau of Interim Administration; the Provisional Authority for the establishment of Croatian authority in Eastern Slavonia, Baranja and Western Srijem; the State Commission for the Establishment of the Constitutional Order of the Republic of Croatia in the Vukovarsko-Srijemska and Osijek-Baranska Counties; the Croatian National Committee for the implementation of confidence building, accelerated return and normalisation programmes in the war-affected areas of Croatia; Serbian political forces; the UN Civilian Police Support Group; and the OSCE International Civilian Monitoring Mission (Nahirnyi, 2018, p. 148).

4. Conclusions

In general, the presence of the interim administration in Eastern Slavonia has led to a range of significant positive effects. The presence of UN troops helped to establish peace and tranquillity in the region. The support of 5,000 military personnel and observers contributed to the effective implementation of the military administration's tasks to prevent another armed confrontation. Thanks to the international interim administration, disarmament took place relatively quickly. UNTAES also performed customs control functions on uncontrolled sections of the border. It should be emphasised that one of the most important tasks performed by the UN mission was the peaceful and rapid reintegration of Slavonia

into the system of administrative division of Croatia (Zaremba, 2016, pp. 9–11).

In general, Croatia chose to engage international forces to establish an international interim administration that combined military and civilian powers. This largely predetermined the success of its activities, which eventually led to the reintegration of a large part of Croatia into the EU.

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НАЦІОНАЛЬНЕ ЗАКОНОДАВСТВО ТА ПРАКТИКА ВИКОРИСТАННЯ МІЖНАРОДНИХ ВІЙСЬКОВО-ЦИВІЛЬНИХ АДМІНІСТРАЦІЙ НА ТЕРИТОРІЇ ХОРВАТІЇ

Анотація. Мета. Актуальність статті полягає в тому, що кожен етап державотворення в Україні був непростим, було допущено помилки, які дали можливість зробити відповідні висновки і щось удосконалити, а щось взагалі викоренити із життя країни. **Методу.** Очевидно, що в процесі становлення нашої держави відбувалися конкретні процеси в управлінській структурі, які насамперед були спрямовані на зміну якісного стану у функціонуванні апарату виконавчої влади, незалежно від рівня, функцій та повноважень. На території України в різні часи діяли адміністрації військово-цивільного характеру. Дослідження подібного досвіду необхідне в сучасних українських реаліях,

оскільки це дозволить виявити сильні та слабкі сторони моделей управління територіями через військово-цивільні адміністрації. Наголошено, що унікальний досвід запровадження міжнародної адміністрації задля реінтеграції регіону та зменшення загального рівня напруги має Хорватія.

Результати. Міжнародні тимчасові адміністрації являють собою легітимну владну управлінську структуру на територіях, на які з певних причин не розповсюджується суверенна влада відповідного національного уряду та адміністрації. За попередньою компромісною згодою сторін конфлікту, міжнародні тимчасові адміністрації формуються, включаючи компоненти цивільні та військові, тобто ця адміністрація постає як військово-цивільна. Спектр її передбачених повноважень залежить, відповідно, від поставлених до такої адміністрації завдань – це можуть бути проблеми, пов'язані із суто безпековим блоком (контроль за розведенням збройних формувань, розмінування), можуть також упроваджуватись поліцейські місії, вирішуватись політичні питання, створюватися місцеві органи самоврядування, які б мали легітимний характер і визнавались сторонами конфлікту та світовою спільнотою. **Висновки.** Важливим для українських реалій є можливість такої адміністрації здійснювати підготовку до проведення виборів на відповідній території. Хорватія пішла шляхом залучення міжнародних сил для заснування міжнародної тимчасової адміністрації, які сконцентрувала військові та цивільні повноваження. Це багато в чому й передбачило успішність її діяльності, після чого відбулась реінтеграція значної території Хорватії до її складу.

Ключові слова: тимчасова адміністрація, спостерігачі, військова адміністрація, роззброєння.

The article was submitted 17.10.2023

The article was revised 08.11.2023

The article was accepted 28.11.2023