



**Organization for Security and Co-operation in Europe  
OSCE Mission to Croatia**

**News in brief  
27 September – 11 October 2005**

**Croatia's EU membership talks given green light after positive ICTY report on cooperation**

Croatia's negotiation talks leading to full membership of the European Union were given the go ahead following UN war crimes prosecutor Carla Del Ponte pronouncement, shortly after visiting Zagreb, that Croatia's cooperation with the Hague tribunal was full. President Stipe Mesic, in an address to the nation, acknowledged that 'a huge job awaits Croatia now'. He stressed that the EU would not instantly solve all of Croatia's problems, but that it would open the way to their resolution.

Prime Minister Ivo Sanader said the EU decision to open accession talks with Croatia marked the end of the first, more difficult phase of strengthening the country's international position. All political parties voiced their satisfaction with Del Ponte's positive report, agreeing that Croatia faced the difficult task of negotiation and that there was no reason for euphoria. European Enlargement Minister Olli Rehn said that the screening process for Croatia would begin on 20 October. He added that negotiations would be strict and fair, acknowledging 'enlargement fatigue' in Western Europe. Rehn also said the opening of the negotiations had 'erased any doubts' regarding the closer EU integration of Serbia and Montenegro, Macedonia, Bosnia and Herzegovina, and Albania. Istrian Democratic Party (IDS) vice president Damir Kajin expressed satisfaction with the fact that the start of the negotiations meant that Croatia "is definitely leaving the Balkan Express". "Croatia cannot escape from the Balkans geographically, but this is definitely separation from the Balkans in the political sense," he said.

News on 4 October of the EU Council of Minister's decision to launch membership talks with Croatia was greeted positively by most Croatians with opinion polls recording a 25 percent increase in pro EU pollsters on that day.

**Croatian president Stipe Mesic attends OSCE's 30<sup>th</sup> birthday celebrations at Mission headquarters**

The OSCE Mission in Zagreb celebrated the 30<sup>th</sup> anniversary of the Conference on European Security and Cooperation by inviting Croatian President Stipe Mesic, the diplomatic corps and heads of leading international organizations to a ceremony at Mission headquarters on 6 October. "Croatia appreciates the role the OSCE has played and continues to play on its territory as well as in the wider region", Mesic said. He added that the OSCE monitoring had been necessary and thanked all those who had drawn attention to occurrences or trends in Croatia which were not in accordance with European principles and standards. Mesic said Croatia today was at a stage when European orientation was one of the priorities of its foreign policy. "It is therefore logical that the time of monitoring is nearing an end," he said, adding this did not mean that cooperation with the OSCE would diminish, but acquire new frameworks and a new quality. "This cooperation will remain one of the significant components of Croatia's political activity in Europe."

Head of Mission, Ambassador Jorge Fuentes, congratulated the president on the opening of Croatia's EU entry negotiations and voiced confidence Croatia's cooperation with the

Mission would proceed speedily and that its mandate would be concluded in a reasonable time, respecting the correct implementation.

**Post local elections crises over councillors shifting sides or resigning reach a peak; Government forwards to Parliament law on direct election of mayors and prefects**

The crises in a number of local and regional self-government units following the post-electoral bargaining, resignation or changing of sides by the local councillors to shift the balance of power seem to have reached their peak. They mostly happened in the units where the results of the elections were very tight so possible defections of single councillors would cause a change in power.

The most dramatic developments took place in the Dubrovnik-Neretva County Assembly, where the first attempt to hold an Assembly session on 19 September ended in chaos, after a councillor decided to abandon the HDZ-led ruling coalition and join the SDP-led opposition. After the majority replaced him, the second attempt to constitute the Assembly on 27 September succeeded, but the opposition was not present. Similar patterns caused problems also in a number of other cities and municipalities, amidst allegations of buying councillors. Repeat elections are scheduled for 23 October in several local units, following problems with the formation of local councils.

The bargaining also involved councillors from the ranks of national minorities. The issue was triggered by the events in the Sisak-Moslavina County Assembly, where three Serb minority councillors from the SDP-led coalition list resigned and were replaced with three ethnic Croats from the same list. Their replacement procedure set in the Law on Local Elections has been subject to different interpretations. The Government requested Parliament to provide an authentic interpretation of the law, which was discussed by the parliamentary Committee on Constitution, Standing Orders and Political System on 27 September, but no conclusion was reached. Problems with filling minority quotas occurred also in other municipalities. The Government consequently decided to hold by-elections on 23 October in the cities and municipalities falling short of meeting the minority quota requirements.

The Government expressed willingness to address the widely criticized political bargaining through a draft law that would enable direct election of mayors and county prefects. The draft law passed the first reading in Parliament on 23 September, and on 26 September, the GONG NGO organized a roundtable to further pursue the discussion.

These developments confirm the standpoint of the Mission that, according to a series of recommendations by ODHIR, weak points and deficiencies in the electoral system, including local election procedures and handling of minority quotas, should be addressed by the authorities. The Mission therefore continues to advocate comprehensive electoral reform.

**GONG NGO requests Constitutional Court to begin examining constitutionality of July 2005 Government Conclusion determining calculation of minority quotas at local elections**

A Government Conclusion of 22 July publicized in September triggered a vivid discussion on the calculation of minority quotas in the local assemblies. The Conclusion determined that the minority representation ought to be based on the 2001 population census, since the voter lists have not been sorted.

The National Council on National Minorities rejected this Conclusion as running against the Constitutional Law on National Minorities (CLNM), which requires the census results to be conformed to possible changes in the last voter lists. Some minority MPs argued that the voter lists from the 2005 presidential and local elections contained higher numbers of

national minorities than the 2001 census and thus called the Conclusion discriminatory against the citizens belonging to national minorities.

On 6 October, the NGO GONG filed a request before the Constitutional Court for initiation of procedure to examine the constitutionality of the Government's Conclusion.

### **Council of Europe notes slow implementation of some rights of national minorities**

On 28 September the Committee of Ministers (CoM) of the Council of Europe issued the Resolution on the implementation of the Framework Convention for the Protection of National Minorities (the Framework Convention) by Croatia. The CoM highlighted positive developments, issues of concern, and recommendations for improved implementation of the rights of national minorities.

The Resolution is the concluding step of the Council of Europe's dialogue with Croatia in respect to its report transmitted as part of the second monitoring cycle under the Framework Convention and builds upon the recommendations of the Advisory Committee Opinion. The Resolution commends positive steps undertaken by Croatia to improve the implementation of the Framework Convention following the CoM's Resolution at the close of the first monitoring cycle in February 2002. These include changes in both legislation and practice, as well as an increased dialogue between the authorities and representatives of national minorities. In particular, it emphasises the adoption of the Constitutional Law on the Rights of National Minorities (CLNM) in December 2002 and the National Programme for the Roma (NPR).

On the other hand, the Resolution notes a number of concerns related to the rights of national minorities and contains corresponding recommendations for improved implementation. Firstly, the CoM observes that the implementation of the CLNM "has been regrettably slow in some key areas," in particular as regards participation of persons belonging to national minorities in the state administration and judicial bodies. It also notes that effective participation in economic life continues to be a problem for many persons belonging to national minorities. Secondly, while noting progress, the CoM indicates that there remain "real obstacles hindering sustainable return of persons belonging to the Serbian national minority," such as remaining housing concerns (including those involving former tenancy rights holders). Thirdly, the Resolution mentions shortcomings in the judiciary, ranging from serious backlogs to ethnic bias in certain instances. Fourth, it observes that the requirements of the Law on Citizenship pose problems for persons belonging to national minorities, noting that persons whose citizenship status has not been clarified are more vulnerable to discrimination and face obstacles in realising their rights. Fifth, it highlights the need for increased support for the overall implementation of the NPR, in order to yield tangible improvements in the protection of Roma. Finally, it refers to a number of shortcomings related to education of national minorities, including minority language education and limited contacts between students of different communities. These and other concerns reflect those highlighted by the Mission.

The Mission will follow up the issues referred to in the Resolution, as they pertain to the Mission's mandate. Among other activities, the Mission will hold a Conference on the Implementation of the CLNM, which will take place on 18 October in Zagreb. Issues noted in the Resolution will form a part of the Conference's agenda.

### **Ethnic incidents reported in southern Croatia**

During the reporting period there have been several ethnic incidents near Croatia's southern coastal region. An Orthodox Eparchy in the port of Sibenik was vandalised, prompting a number of reactions, including that of the Serbia and Montenegro Foreign Minister who sent a letter of protest to his Croatian counterpart. Police blamed drunken individuals acting

outside of any political context. The premises of a Serb cultural association in Split was stoned, the latest incident in a campaign against the association since moving into these offices. Most recently a group of Serb Orthodox theology students returning from a monastery were stopped by approximately 20 youths who verbally insulted their religion and ethnicity. Police are still investigating this incident.

### **Opposition MPs believe HDZ intends taking political control over HRT**

Concerns that the ruling Croatian Democratic Union (HDZ) was preparing to take political control of the public service broadcaster - Croatian Radio and Television (HRT), have once again risen amongst opposition MPs and media representatives following the 18<sup>th</sup> session of the Parliamentary Committee for Information, Computerization, and the Media, held 27 September.

Following debate and voting, the Committee failed to accept the 2004 financial report of HRT Management and latest 6-monthly report by its supervisory body - the HRT Program Council, and would subsequently recommend that Parliament not accept the reports. Three HDZ MPs voted not to accept the reports; one HDZ MP abstained, while three MPs from the strongest opposition party - the Social Democratic Party (SDP), voted in favour of both reports. HDZ MP Andrija Hebrang was the most vocal in articulating his objections, levelling his criticisms at the HRT Management for bad and irrational financial management. HRT Director General Mirko Galic countered Hebrang's criticisms in explaining that 500 million HRK was spent over the past five years in the modernization and complete digitalization of the HRT. He also said that salaries were increased to match those of other media houses and to prevent employees from leaving to join new competitors. He also explained that HRT lost its third channel last year, the consequences of which was lost revenue. Committee Chairperson Zeljka Antunovic (SDP), alongside her committee and party colleagues, were unanimous in assessing that the HDZ orchestrated the voting and believed that it was another indication that the ruling party was attempting to gain control of HRT.

President of the Croatian Journalists Association, Dragutin Lucic, said that if the SDP concerns proved true, the results would be catastrophic, warning that international journalist associations and EU institutions would not stand idle. The media too reported that the results of the Parliamentary Committee's meeting could be observed in the wider context, i.e. the ruling party was preparing to take control of the country's most powerful media house. *Slobodna Dalmacija* recalled that Hebrang and the HDZ had for two years been pressuring HRT that it would need to pay Value Added Tax on subscription fees, totalling some 73 million HRK. The daily also recalled that five of the eleven mandates of the HRT Program Council members would expire on 14 October and that the HDZ would use this opportunity to ensure the appointment of people more favourable to the party. *Slobodna Dalmacija* reminded that it is the Program Council that appoints and removes from duty HRT management members. The media also continues to report that Galic would soon be leaving as HRT Director General to join Croatian diplomacy, also making room for changes. Galic has never publicly confirmed this.

### **Minister for MMATTD makes clear commitments in the implementation of different refugee return programs**

During one of the periodical meetings with International Community principals, i.e. the Heads of Mission of the European Commission Delegation, the OSCE, UNHCR and the US Ambassador, the Minister for Maritime Affairs Tourism Transport and Development Bozidar Kalmeta reiterated the commitment of the Government to start forcefully the implementation of the housing care programs for former Occupancy Tenancy Rights (OTR) holders. In particular the Minister agreed to proceed with the resolution of 41 vulnerable priority cases which have been submitted by the Mission within 30 days and to fully spend the 44 million HRK budget line earmarked specifically in the 2005 Croatian State Budget for the

implementation of the housing care program outside the Areas of Special State Concern. More than 9,000 applications for the two housing care programs for former OTR holders are currently pending which make this refugee category the most numerous and vulnerable in terms of lack of access to housing.

In regard to the remaining open questions related to property repossession file the Minister also agreed to start processing 600 cases of documented deliberate devastation of former occupied properties by departing temporary users through State-organized repair assistance in accordance with the conclusion adopted by the Government on 22 July. Similarly it was decided that a legal solution be sought to the persisting issue of claims for unsolicited investments filed by temporary occupants against owners of occupied properties in consultation with the Ministry of Justice and the State Attorney Office. The Mission already suggested in May 2004 draft amendments to the Law on civil procedure in order to ban the filing of such claims.

Precise commitments were also outlined in regard to the re-electrification of minority return villages by the end of 2005 by reconnecting to the electricity grid 3,700 households identified by the Mission and its partners. Nevertheless this represents only a small portion (between 15 and 20 percent) of the 189 minority return villages in need of re-electrification identified by the Mission more than a decade after the end of the armed conflict.

Finally, in relation with the regional co-operation on refugee return, the President of the inter-ministerial Commission of the Croatian Government for the implementation of the Sarajevo Declaration, State Secretary Hidajet Biscevic, announced that the suggestions of the IC partners to the Croatian 'Road Map' contained in a joint letter sent on 22 July will be taken into consideration in the process of further development of the so-called joint regional operational Matrix.

#### **Foundation for Civil Society Development benefits from OSCE field assistance**

After announcing plans, at the end of 2004, to regionalize operations and decentralize the financing of associations and NGOs, the National Foundation for Civil Society Development (the Foundation) this summer started the process of regional presentations to NGOs to solicit their proposed models. The Mission provided assistance through its field presence to link the Zagreb-based Foundation to the war-affected areas of the country, where the civil society sector currently has limited access to this new resource for developing Croatia's civil society. From June to September meetings in Split, Sibenik, Dubrovnik, Vukovar, Osijek, Slavonski Brod, Sisak and Karlovac served as a forum for needs assessments, capacity development and plans for action by the Foundation's four Regional Coordinators (based in Zadar, Rijeka, Osijek and Zagreb).

In some areas of the country, OSCE gathered groups of NGOs and local authorities together for presentations by Coordinators, who would not have otherwise reached this audience. The Mission directly contributed to the outreach of the Foundation and its awareness about the needs of the third sector in the field.

The main pressing needs expressed by the NGO community are for support centres, with mobile teams to provide technical assistance in micro-regions and to better prepare the civil sector for the application process for EU pre-accession funds as expertise among local self-government units in this regard is considered to be at a minimum.