



694th Plenary Meeting

PC Journal No. 694, Agenda item 1

**DECISION No. 836
ESTABLISHMENT OF AN OSCE OFFICE IN ZAGREB**

The Permanent Council,

Recalling Permanent Council Decisions Nos. 112 dated 18 April 1996 on the establishment of the OSCE Mission to Croatia, and 176 dated 26 June 1997 on its expansion and reinforcement, and Nos. 271 dated 19 November 1998, 327 dated 9 December 1999, 345 dated 23 March 2000, 396 dated 14 December 2000, 455 dated 21 December 2001, 514 dated 12 December 2002, 578 dated 18 December 2003, 644 dated 16 December 2004, 695 dated 17 November 2005, and 748 dated 23 November 2006 on the progressive downsizing of the Mission,

Noting the positive resolution of remaining outstanding issues in the field of Rule of Law such as the increased State funding to the Constitutional Court and Ombudsman, as well as the continuous implementation of the minority employment guarantees of the Constitutional Law on National Minorities,

Noting the latest Status Report (No. 18/Ref No. FR/0017/07) of the OSCE Mission to Croatia outlining the progress achieved in the field of refugee return and integration, in particular on the agreed benchmarks related to the implementation of the housing care programmes for former Occupancy and Tenancy Rights holders,

Decides to close the OSCE Mission to Croatia and to establish an Office in Zagreb.

The Office in Zagreb is primarily tasked to monitor the proceedings related to cases referred to Croatia pursuant to Rule 11 *bis* of the ICTY's Rules of Procedure and Evidence on behalf of the OSCE as well as on behalf of the Prosecutor of ICTY, in line with Permanent Council Decision No. 673 dated 19 May 2005. The Office will also monitor, as part of the national proceedings followed, all other cases involving ICTY transfers including so-called "Category II" cases as well as all domestic war crimes proceedings initiated at the local level. The Office will also report on residual aspects of the implementation of the housing care programmes in Croatia;

In carrying out its tasks the Office will closely work with government offices and non-governmental bodies and offices as appropriate.

The Office will facilitate contacts, co-ordinate activities and promote information exchange with the Chairman-in-Office, Secretariat and OSCE institutions. It will also co-operate with international and regional partners.

The OSCE Office in Zagreb will report to the Permanent Council on a regular basis on the implementation of the mandate and the activities of the Office.

In its reporting the confidentiality of the proceedings and the protection of victims and witnesses, as foreseen by the ICTY Statute and its "Rules of Procedure and Evidence", as well as the respective rules of the Croatian courts shall be fully respected.

The Office will be located in Zagreb. It will be led by a Head of Office assisted by an adequate number of international members supported by national staff to implement the above-mentioned tasks in an appropriate way. The Head of Office has the authority to assign staff as she/he deems necessary to most effectively support Croatia in the completion of tasks under the mandate.

The Permanent Council tasks the Secretary General to present by 31 December 2007 a revised 2008 Unified Budget proposal to reflect the financial implications of the establishment of the Office in Zagreb. Pending adoption of a decision on this issue, the OSCE Office in Zagreb is authorized to use appropriate resources not to exceed the resources foreseen for the former Mission to Croatia in the 2008 Unified Budget proposal (PC.ACMF/61/07 of 1 October 2007).

The duration of the Office will be until 31 December 2008. Extensions and possible changes of its mandate will be subject to new decisions of the Permanent Council.

The rights and obligations established with the OSCE Mission to Croatia will be continued with the OSCE Office in Zagreb. The rights and obligations of the Mission will therefore be transferred to the Office to the extent covered by the mandate.

A Memorandum of Understanding regarding the modalities of the OSCE Office in Zagreb will be signed between the Government of Croatia and the OSCE Secretary General or his duly authorized representative. Until this Memorandum of Understanding enters into force, the present Memorandum of Understanding concluded between the OSCE and the Government of the Republic of Croatia on 29 August 1996 and its agreed amendments will remain in effect and apply to the Office.

PC.DEC/836
21 December 2007
Attachment 1

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Belgium also on behalf of the Netherlands and Sweden:

“The delegations of Belgium, the Netherlands and Sweden restate their belief that the Sarajevo Process, which is supported by the OSCE and to which Croatia freely committed to, is a useful process which contributes to building regional consensus on the issue of refugee return. They regret that a reference to the Sarajevo Process in the decision of the Permanent Council on the establishment of an OSCE Office in Zagreb proved to be unacceptable for Croatia. They trust that notwithstanding this position Croatia will stay committed to the co-operation and its obligations in this framework.

The delegations of Belgium, the Netherlands and Sweden have joined the consensus on this decision with the understanding that the reporting on residual aspects of the implementation of the housing care programmes in Croatia also includes the monitoring of those housing programmes in the context of refugee return and integration.

We request that this interpretative statement will be attached to the text of this decision.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1 (A) OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Serbia:

“The Republic of Serbia highly values the activities undertaken by the OSCE in South-Eastern Europe over the years. The co-operation of the OSCE missions in South-Eastern Europe and the co-operation of these missions with other international organizations in the region have made an essential contribution to the process of resolving key issues that are of highest significance for the stability, security, and development of the region as a whole. One of the most important activities of the OSCE in the region, undertaken in co-operation with the European Union and the UNHCR, was and is the implementation of the Sarajevo Declaration and the resolution of refugee issues.

Bearing in mind the need for further engagement of the OSCE on these issues in the future, the delegation of the Republic of Serbia joined the consensus on the decision to close down the OSCE Mission and open an OSCE office in Croatia in a spirit of constructiveness.

We would like to stress, however, that the Sarajevo Process, initiated by the OSCE, the European Commission and the UNHCR, and the Sarajevo Declaration, signed by the ministers of the countries in the region, are not fully finalized. Participants in the Sarajevo Process identified and acknowledged two open issues which are the key to the implementation of the Sarajevo Declaration. The issues are:

- A settlement for terminated Occupancy and Tenancy Rights (OTR);
- The convalidation of working years.

The Republic of Serbia regards it as indispensable that the Sarajevo Process should be fully and consistently finalized, as the signatories committed themselves to doing.

We would like to recall that Serbia still houses some 70,000 refugees from Croatia and an additional 150,000 persons who are naturalized but whose problems are not solved.

The Housing Care Programme represents only one form of possible solution for OTR holders. Only a few thousand refugees have applied for this way of resolving the issue of terminated OTRs. The total number of Serbian OTR-holders from Croatia amounts to 30,000, with 20,000 of these OTR holders being in Serbia.

Our understanding is that the OSCE Office in Zagreb, within its mandate, especially the part related to the reporting of the implementation of the Housing Care Programme, is going to deal with this issue as a whole, i.e. in the context that is indispensable for the implementation of the Sarajevo Declaration and for a sustainable solution of the refugee issue as one of the key elements for stability and development in the region as a whole, including the settlement of OTR issues and the convalidation of the working years of refugees.

We request that this interpretative statement be attached to the journal of today's meeting of the Permanent Council.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Croatia:

“With reference to the interpretative statements made by the delegation of Belgium, also on behalf of the Netherlands and Sweden, and by the delegation of Serbia in connection with Permanent Council Decision No. 836 of 21 December, the delegation of the Republic of Croatia wishes to state the following:

The Republic of Croatia remains committed to its obligations undertaken in the framework of the Sarajevo Process. However, the Republic of Croatia does not accept unilateral requests and interpretations of the Sarajevo Declaration that are not in conformity with its original text.

Mr. Chairperson,

For the first time for several years, the OSCE has decided to close one of its long-term field presences after the accomplishment of the mandate. From this point of view, the PC decision of 21 December 2007 is a very important one. Bearing in mind that the present delegation did not have the possibility to make a statement after the adoption of the above-mentioned decision, allow me to thank — on behalf of my Authorities — the Spanish Chairmanship and all the delegations and countries who contributed to this outcome for their positive assessment of the situation and for the support they expressed.

We also wish to inform the Permanent Council of the latest developments following the elections of 25 November last year: the first session of the newly elected Parliament is scheduled for tomorrow. The new Government will be introduced immediately afterwards. This Government will be very similar to the previous one and will be led by Prime Minister Dr. Ivo Sanader. It will be based on coalition agreements with two smaller parties and with the representatives of the national minorities, including the Serbian.

Two kinds of agreement have been concluded with the representatives of the national minorities: (1) the general one, concluded with all the minorities and covering the measures for the proportional employment of members of the minorities, the improvement of the financing of the minority institutions and councils, and the various measures of positive discrimination, including the possible introduction of a double vote right etc; (2) the separate agreements with each of the minorities, addressing their special concerns.

At this very moment, following their specific coalition agreement, the representatives of the Serbian minority are working with the Prime Minister's team on the last elements to be included in the Government's Programme, including the solution of the residual questions of the return and the housing care process for returnees. Being a part of the Governmental majority in the Parliament and obtaining — as seems to be the case — several important posts at ministerial or state-secretary level, they will — without any doubt — be in a position to defend the interests of their minority very well.

These developments are the best answer to the concerns of those delegations that made interpretative statements today. Therefore, there is no need for the new OSCE presence to become involved beyond its mandate as defined in the decision of 21 December.

Mr. Chairperson,

At this point I feel the need to stress that the termination of the Mission's mandate, which coincides with the accession of Croatia to the UN Security Council, is considered by my Authorities as a tribute not only to Croatia but also to the achievements of other bodies involved. This is also — as Prime Minister Sanader announced in his speech before the PC on 10 July last year — a success for the OSCE, which confirms the belief that it is indeed possible for long-term field missions to end successfully and for their functions to be handed over to the host country once their mandate has been fulfilled.

Mr. Chairperson, Croatia and its institutions and civil society have benefited considerably through co-operation with the Mission. There is no doubt that the OSCE and the international community in general have also benefited from experience gained while working in Croatia: in several instances, experience gained from OSCE work in Croatia now provides a model for other OSCE activities. One of the first HoMs in Croatia — the Swiss Ambassador Guldemann — is today heading one of the most sensitive OSCE field presences, while another — Swedish Ambassador Semneby — is today EU Special Representative for Southern Caucasus. I wish to express our most sincere thanks to them and also to two other HoMs in Croatia, Ambassador Noi from the Netherlands and French Ambassador Poncet, for their contributions.

Obviously, our special thanks goes to the distinguished Ambassador Jorge Fuentes, the last HoM, with whom the above-mentioned co-operation between the Government and the Mission was particularly intense, leading to the most considerable results. We will have other opportunities to speak about this chapter of the Mission's history, given that Ambassador Fuentes is staying with us for the next few months in order to conclude the work of the Mission and prepare the future Office for its task of fulfilling a different mandate on a completely new basis.

The establishment of the Office is also a clear confirmation that the Republic of Croatia is a reliable partner that respects its international commitments. In this context, I would like to reaffirm Croatia's strong commitment to the OSCE and to stress that — although the Mission is no longer in the field — we are looking forward to co-operating with the relevant OSCE institutions and bodies and to sharing our experience and lessons learned with the Organization and with all interested participating States.

May I also ask you, Mr. Chairperson, to include this statement in today's proceedings?

Thank you."