

Croatian-Slovenian controversy over planned proclamation of a Croatian Economic Zone in the Adriatic

The announcement last month by the Croatian Government of its intention to introduce a maritime economic belt/zone in the Adriatic has led to a fresh outbreak of public disputes between Croatia and Slovenia about unresolved bilateral issues, in particular the disagreement about the maritime border between the two countries.

The Croatian position is that a declaration of a maritime economic zone will be in accordance with international law while the Slovenian Government, keen to establish formal access to international waters from the Bay of Piran, insists that the contemplated move by Croatia can only be done in agreement with affected neighbours, including Slovenia. Last week, the conflict intensified when the Slovenian Foreign Minister publicly indicated that Slovenia, scheduled for EU membership in May 2004, might not be so helpful to Croatia's EU aspirations. The Slovenian ambassador to Croatia was also recalled for consultations. In both capitals, briefings on the respective points of view were given to the international community. Both Governments have since lowered their public profiles on the issue and seem prepared to work towards diffusing the situation.

Croatian reactions to UNSC Resolution 1503 on ICTY and ICTR

On 28 August 2003, the UN Security Council adopted resolution 1503 on separate Prosecutors of the ICTY and the ICTR and on implementing the Completion Strategies of the tribunals. The resolution i.a. notes that the strengthening of national judicial systems is crucially important to the rule of law in general and to the implementation of the ICTY Completion Strategy in particular. In that context, it calls on the international community to assist national jurisdictions, as part of the Completion Strategy, in improving their capacity to prosecute cases transferred from the ICTY.

In Croatia, the resolution text caused concern and discussion because of its call on the relevant states and entities, including Croatia, to intensify co-operation with and render all necessary assistance to the ICTY, "...particularly to bring Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina and all other indictees..." to surrender to the Tribunal. Prime Minister Ivica Racan reacted in a letter of 29 August 2003 to the Chairman of the UN Security Council stating that Croatia regretted and refused the equalization of the responsibility of Gotovina with the guilt of Karadzic and Mladic. Simultaneously, Racan offered Croatia's continued and unreserved concrete support and all necessary assistance requested by the ICTY.

Media in Croatia initially noted that the resolution might form the basis for possible sanctions against the country unless Gotovina was apprehended. This perception, however, was soon challenged by Foreign Minister Tonino Picula who did not identify any justification for such an interpretation of the resolution. The Foreign Minister also made clear that the resolution should be seen as a serious warning to everyone in Croatia that co-operation with the ICTY is important to the EU accession process.

According to the Foreign Minister, the report from Chief Prosecutor Carla Del Ponte on Croatia's co-operation with the Tribunal, which is due in September/October 2003, would be very important in this regard. A positive assessment was the main condition for the ratification by the UK of the Stabilization and Association Agreement between the EU and Croatia.

Human Rights Watch releases Report on obstacles to return to Croatia

On 2 September 2003, Human Rights Watch released in Zagreb its biannual report on Croatia entitled: "Broken Promises: Impediments to Refugee Return to Croatia". The Report assesses that the Government has failed to initiate major legal and administrative changes necessary to facilitate the return of Croatian Serb refugees and internally displaced persons.

Human Rights Watch identifies as one of the main obstacles for sustainable return the lack of access to property. According to the Report, the legislative framework favours ethnic Croats occupying private property owned by Croatian Serbs. The Report also focuses on other problems such as the lack of remedies for lost occupancy/tenancy rights and employment discrimination.

The Report states that arbitrary arrests on war crime charges continue to deter the return of the younger and more dynamic refugee population. Human Rights Watch sees both national and local authorities as responsible for the impediments to return, criticizing them for not having genuinely attempted to create a public atmosphere conducive to the return of Croatian Serbs. The Report also expresses disapproval of the authorities in Serbia and Montenegro for having kept the return issue very low on the agenda in order to attract international funds for the hosting of refugees.

Several recommendations of a political, legal and technical nature are also addressed in the Report to the Croatian Government and the International Community alike. The Report findings were rebutted by different Government officials who qualified them as a cumulative compilation of generalizations based on the analysis of extreme and non-illustrative individual cases. The Deputy Prime Minister expressed his discomfort with the Report but said that nothing new has been unveiled by its release.