



Organization for Security and Co-operation in Europe

OSCE Mission to Croatia

News in brief

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PM Sanader proposes alternative to Western Balkans Free Trade Association

On 27 January, the European Commissioner for Enlargement, Olli Rehn, presented a proposal for the prompt conclusion of a Western Balkans Free Trade Association (WBFTA), to include Croatia, Bosnia and Herzegovina, Serbia and Montenegro, former Yugoslav Republic of Macedonia and Albania. As explained by Mr. Rehn, the replacement of some 31 bilateral trade agreements in the region with one simplified multilateral agreement would significantly boost trade and create a marketplace large enough to encourage foreign investment.

Domestic reactions to the proposed WBFTA ranged from lukewarm to outright dismissal, with some presenting the proposal as an attempt to resurrect former Yugoslavia. Prime Minister Ivo Sanader was quick to propose an alternative, suggesting that the current Central European Trade Agreement (CEFTA) be expanded to include Western Balkan countries through the lowering of membership criteria. This was met with general approval across the political spectrum and is currently under consideration by the European Commission. Following talks with Dr. Erhard Busek, Special Co-ordinator of the Stability Pact for Southeast Europe, PM Sanader announced that “CEFTA provides a good framework for free trade because it eliminates all political allusions about the restoration of Yugoslavia.”

In light of Croatia’s willingness to chair the Southeast European Co-operation Process - which also includes Bulgaria, Romania, Turkey and Greece – in the coming year, the Croatian Government appears keen to undertake its regional responsibilities. However, political sensibilities in the country still preclude the acceptance of any association mirroring membership of the former Republic of Yugoslavia.

Moderate reaction to the release of President Mesić’s ICTY testimony

On 24 January, ICTY judges agreed to remove protective measures on a 1997 witness testimony given by President Stipe Mesić in the case against Bosnian Croat General Tihomir Blaškić. When testifying in the Blaškić trial, President Mesić told the court how late President Tudjman and Slobodan Milošević – then President of Serbia - met in 1991 and effectively agreed to divide Bosnia and Herzegovina. The relatively calm response to the testimony's publication suggests Croatia has made another positive step forward in the exploration of its recent history.

The identification of President Mesić as the protected witness in this case has been an open secret in Croatia for many years following the publication of leaked details from the testimony by several Croatian journalists. After the latest attempt by a journalist to publish

the testimony in January, President Mesić revealed that he had requested the lifting of protective measures on his testimony in September 2005.

The brief public debate that followed declassification of the testimony indicates a continued struggle between nationalist forces and those favouring a more nuanced version of the Homeland War. However, as indicated by opinion polls conducted at the time, the majority of Croatian citizens accepted the credibility of the President's testimony. The high public standing of President Mesić and his consistent position that it is an obligation of all Croatian citizens to co-operate with the ICTY will have contributed to this broad acceptance. A number of domestic commentators took the opportunity to point out that the President's conduct in cases such as the Blaškić trial lends Croatia much of its international credibility.

Government calls for repeat elections in four locales without legal adjudication

On 2 February, the Government dissolved local governments and called for new elections in the counties of Dubrovnik-Neretva and Požega-Slavonia, in the city of Velika Gorica and in the municipality of Drenovci. This was presented as a conclusion to the long-standing controversy over the trading of mandates following the May 2005 local elections.

The Government explained that the dissolution was motivated by the questionable legality of decisions passed in local legislatures where elected councillors had been replaced by political parties using pre-signed resignations. Recent events in Požega-Slavonia County highlighted the Croatian Party of Right's (HSP) use of such pre-signed resignations to replace defecting or non-compliant councillors with more loyal party members. After re-asserting that the mandate of an elected representative belongs to the individual not to the party, the Government forwarded to Parliament an amendment to the Law on Local Elections, aimed at checking the ability of a party to submit resignations on behalf of councillors.

However, the legality of pre-signed resignations has yet to be reviewed by the Croatian judiciary. The Constitutional Court (CC) has been criticized by both the Ombudsman and the Social Democratic Party (SDP) for ruling in December 2005 against jurisdiction in the first instance, in this matter. In response, the CC President indicated that the proper channels for appeal were the Central State Office for Administration and the Administrative Court.

Political parties continue to be divided over how to reconcile party discipline with the freedom of action of elected representatives. The SDP has demanded new elections in all areas where transfers caused a change of power and subsequently altered the will of the voters. The Croatian People's Party (HNS) believes the solution lies in adopting legislative changes that would award the mandate to the party. The HSP asserts that party loyalty is an obligation and an issue which each party should deal with individually.

With no clear judicial procedure explicitly addressing the legality of acts by local assemblies and the rights and duties of its members, the Government's selective dissolution of four legislative bodies and its proposed mid-term amendments to local election law remain open to criticism.

HoM presents Mission stance at Parliamentary Committee debate on ethnic incidents

On 26 January, after two postponements, the Parliamentary Committee on Human and National Minority Rights finally discussed a Ministry of Interior report pertaining to incidents against members of the Serb national minority in Croatia during the course of 2005.

A representative from the Ministry of Interior expressed regret, on behalf of the Ministry, that only 26 out of 65 incidents recorded last year were solved. However, the need for local communities to improve co-operation with the police, once incidents occur, was also highlighted. Independent Democratic Serb Party (SDSS) MP, Milorad Pupovac, did not question the effectiveness of the police but rather stressed the importance of raising this issue with the Parliament.

Following distribution of a Mission position paper, the HoM underlined the importance of dealing seriously with ethnic incidents. He noted that unresolved or neglected cases not only hamper the return of refugees and the process of reconciliation but also harm Croatia's reputation internationally. Quoting Mission estimates, the HoM said the number of ethnic incidents had not decreased in recent years. He invited the authorities to introduce a clear legal definition of what constitutes an ethnically motivated incident.

Croatian Democratic Union (HDZ) Committee members were clear in their condemnation of ethnically motivated incidents but argued that, precisely because no clear definition existed, it was impossible to say whether or not there had been a worsening of the situation.

Consensus was reached with the Committee issuing a joint conclusion expressing concern about the situation in regard to ethnic incidents. The Government and public authorities at all levels were called upon by the Committee to intensify measures to combat violence of any nature, especially violence motivated by ethnic intolerance. The need to foster an atmosphere of tolerance and mutual trust within communities was also stressed.

Ministry of Education supports Mission promotion of mixed schooling in Eastern Slavonia

The Ministry of Science, Education and Sport has given full backing to a Mission project designed to encourage mixed primary schools in Eastern Slavonia. The project envisages the joint participation of Croat and Serb children in art, literary and sports contests. The Ministry is willing to provide expert assistance wherever necessary and send written recommendations to the schools in question encouraging full participation in the project.

Visiting Croatia a year ago, the OSCE High Commissioner on National Minorities expressed concern at that time regarding the physical separation of pupils along ethnic lines in some schools in Eastern Slavonia. Currently, distinct facilities or a shift system serve to separate these children. The Ministry has subsequently updated the Mission about plans aimed at progressively phasing out the current arrangement. Following discussions between the Ministry and local authorities in Vukovar-Sirmium County, it was agreed that ethnically mixed kinder gartens will be promoted locally among parents. Efforts will also be made to rearrange the shift system in primary schools according to grades not ethnicity. The Ministry is prioritizing the construction of a new economic secondary school in Vukovar, which should make more space available for mixed education. Strong Ministry support for the new, mixed Polytechnic College in Vukovar was also expressed.

Further encouraging developments include the Government appointment of six minority education advisors - two for the Serb minority and one each for the Italian, Hungarian, Czech and Slovak minorities – and an obligatory annual survey that each school must conduct in order to evaluate parents' expectations regarding education in a minority language and script.

With the introduction of the same history books in all Croatian schools this year, the Ministry considers the problem of a contested history curriculum resolved. A recent history textbook selected by Croatian Serb teachers was officially approved by Serb minority representatives in a meeting with the Minister of Education in August 2005. It has been translated into Serbian for use in minority education programmes. A supplement for history teachers will be finalized after the addition of remarks from the Croatian History Institute, the Faculty of Philosophy and the Croatian Academy of Sciences and Arts.