OSCE

Organization for Security and Co-operation in Europe

OSCE Mission to Croatia

News in brief

18 April– 1 May 2007

SDP leader Ivica Račan dies

Former Prime Minister and President of the Social Democratic Party (SDP), Ivica Račan, died of cancer in the early hours of 29 April. On 2 May, according to his own wishes, Račan was cremated at a private service at Zagreb's Mirogoj Cemetery attended by family and close friends. On the same day, the SDP held a commemoration service in Zagreb's main Concert Hall, which was attended by President Stjepan Mesić, Prime Minister Ivo Sanader, former Slovene President Milan Kučan, former German Chancellor Gerhard Schröder, leaders of political parties, religious dignitaries, members of the diplomatic corps including the Head of Mission, Račan's family and numerous members of the public. On 3 May, a commemorative ceremony in tribute to Račan was held in Parliament. Condolence books have been opened at SDP branches throughout the country.

Speaking at the SDP ceremony, Acting SDP President Željka Antunović said that Račan had had "a vision of a democratic and free Croatia, a country of solidarity, prosperity and equal opportunity for all its citizens." She said that Račan had invested the best years of his life promoting "the just idea of social democracy." Paying tribute to the former SDP leader, President Mesić described him as "a visionary and a reformist" who "wanted to create a democratic Croatia and take it into Europe." The much echoed view of Račan as architect of a modern and democratic Croatia was also stressed by Prime Minister Sanader who commended Račan both as a political opponent, who "managed to transcend partisan matters and find a common language on matters of national interest" and as a Prime Minister who "made some of the key moves that brought Croatia closer to the EU". Both President Mesić and former Slovene President Milan Kučan remembered Račan's as one of the first people to oppose the policies of former Serbian President Slobodan Milošević by walking out of the last Congress of the Yugoslav Communists together with the Slovene delegation.

Minority elections likely to be delayed

The Government has announced in the media that elections for local councils of national minorities (CNMs) - advisory bodies to local government - due on the third Sunday this May, will be rescheduled for June. Concerns have already been raised by the Mission and

some minority representatives regarding expiration of the administrative deadline for the Government to call these elections.

According to the Constitutional Law on National Minorities and the Law on the Election of Representative Bodies of Local and Regional Self-Government Units, the four-year term of current CNMs elected in May 2003 expires on 17 May. According to the same laws, elections must be held 'on the third Sunday of May every fourth year', in this case 20 May 2007. State Election Commission mandatory instructions issued prior to all elections held in Croatia, including previous CNM elections, provide an administrative deadline of no less than 30 days between the calling of elections and the day of elections. This deadline expired on 17 April without a Government call for elections.

To date, neither the State Election Commission nor relevant civil society actors have reacted publicly to this delay. A leading group of CNM presidents have sent a letter to Prime Minister Ivo Sanader requesting that legal requirements are observed and sufficient notice of the election is provided, so that national minority voters have a meaningful opportunity to cast their votes on the basis of accurate information.

Roundtable finds draft Law on Data Secrecy excessively restrictive

On 22 April, Croatia's leading electoral NGO, GONG, organized a roundtable discussion in Parliament on the compatibility of the proposed draft Law on Data Secrecy, due to be sent to Parliament before the summer break, and the existing Law on the Right of Access to Information. Among participants at the roundtable were State Secretary of the Central State Administration Office, Antun Palarić, parliamentarians, representatives from the National Security Council, the Croatian Journalists' Association, Transparency International Croatia, academics and several NGO activists.

Most participants agreed that the draft law was too restrictive of information not directly related to national security and that adoption of the text as drafted could unnecessarily restrict the public's right of access to information. The draft law's establishment of a new category of 'restricted' information was criticized as too broad, including areas not traditionally considered to fall within the remit of State secrets, such as science, technology, economy and finance. It was also noted that the proposed law gives local governments the possibility of declaring certain documents secret.

On 12 April, the OSCE Representative on Freedom of the Media (RFoM) presented comments and recommendations on the Draft Law to the Croatian Delegation to the OSCE in Vienna. While welcoming replacement of the existing law, the RFoM report noted flaws in the current draft proposal, which it argued were not consistent with modern, democratic standards governing the protection of State secrets. The report underlined the need to strike a balance between national security and freedom of information suggesting that the current draft law be revised to reflect such a balance. The lack of protection for 'whistleblowers', officials and others who reveal information about possible abuses, was noted as inconsistent with European and international law. The RFoM report recommended the creation of an independent oversight commission which would monitor access to information and review decisions on declassification.

HoM attends tri-lateral conference on cross-border co-operation in Neum

On 27 April in the Bosnian coastal town of Neum, the foreign ministers of Croatia, Montenegro and Bosnia and Herzegovina signed a joint declaration supporting the promotion of trans-border co-operation between local governments situated in the border area between the three countries.

The declaration followed a one-day regional conference organized by the East-West Institute, the Igman Initiative and the Association of Multi-ethnic Cities in South-Eastern Europe. The conference aimed to promote trilateral co-operation on the management of natural resources, environmental protection, natural disasters, transport and border issues. Attending the meeting from the triangle of towns targeted by the declaration were the mayors of Trebinje in Bosnia and Herzegovina, Herceg-Novi in Montenegro and the deputy mayor of Dubrovnik in Croatia. OSCE Heads of Mission from Bosnia-Herzegovina and Croatia and the Deputy Head of the OSCE Mission to Montenegro also joined the meeting.

Following the adoption of the declaration, which called for the normalisation of relations between the towns and municipalities in the region, the three ministers said the declaration signalled an important step towards reconciliation between their countries, further enhancing the stability of Southeast Europe. Croatian Foreign Minister, Kolinda Grabar Kitarović, underlined the fact that "trans-border threats and natural disasters know no borders and have to be dealt with through co-operation", while Bosnian Foreign Minister, Sven Alkalaj, praised the conference for its contribution to the prevention of all forms of conflict between the three neighbouring countries. Montenegrin Foreign Minister, Milan Roćen, welcomed the European orientation shared by all three States and said this was the best way to overcome the conflicts of the 1990s.

Speaking at the signing ceremony, the Head of Mission called for the intensification of reconciliation efforts, recalling that before the war the region was a flourishing tourist destination with a promising economic future. He underlined the need to seize every opportunity to regain that promising future and prosperity. The Mission is currently funding a documentary entitled, 'Dubrovnik, Trebinje, Herceg-Novi: enemies or neighbours?' which seeks to explore issues related to return and reconciliation in the region.

Mission legal aid project sets precedent for return of agricultural land

On 19 April, the Benkovac Municipal Court in the Zadar hinterland set a legal precedent in Croatia by ordering the return to its Serb owner of agricultural land, 'temporarily' allocated by the Benkovac authorities in the mid-1990s to a Croat. The case has it origins in a programme initiated by the Benkovac authorities in 1996 following the military operation 'Storm', whereby local Croats as well as Croat settlers from Vojvodina in Serbia and Bosnia and Herzegovina were granted use of Serb-owned houses and associated agricultural land. The programme included Government loans for temporary users for the purposes of cultivation and the purchase of agricultural machinery. Although the decisions made by the authorities in Benkovac were revoked in early 2000, no action was taken by local authorities or the Ministry of Maritime Affairs, Tourism,

Transport and Development in the intervening years to return the property to the Serb owner. As a result, the temporary user continued to both profit from and invest in the land.

Observing the lack of action by the responsible authorities, the Mission in 2005 designed and funded a legal aid project through a local NGO, providing free legal representation to Serb owners seeking to regain their land through court proceedings. The Mission's legal aid project has initiated several other legal challenges now before Benkovac Municipal Court, similarly seeking the return of Serb-owned agricultural land.

In 2007, the Mission will spend approximately €175,000 on legal aid. Since 1999 the Mission has spent more than €1 million, because of the continuing lack of a State-sponsored free legal aid scheme. The Ministry of Justice has indicated its intent to propose a free legal aid law in the third quarter of 2007. However it remains unlikely that funding would be available before 2009. Hence, international funding for legal aid, particularly for displaced persons and refugees, will continue in 2008.