



Mission of the Republic of Croatia to the European Communities

UPDATE OF THE AIDES-MÉMOIRE

Croatia implementing the political criteria

Introduction

Further to the *aides-mémoire* that you recently received, please find below relevant information on advances in further strengthening political criteria in Croatia. These updates will be sent to you on a regular basis to inform you of the latest activities in implementing political criteria in Croatia.

1. Protection of the rights of national minorities in Croatia

The elaboration of the **Action Plan** for the establishment of proportional representation of persons belonging to national minorities in public administration and the judiciary, pursuant to the provisions of the Constitutional Law on the Rights of National Minorities, is currently **under way**. The Action Plan is expected **to be finalized until the end of 2005**.

2. Local and regional democracy

The Croatian Parliament adopted on **14 October 2005** the Law on Amendments to the Law on **Local and Regional Self-Government**. The amended law provides for further **strengthening of powers of local and regional self-government** in Croatia, regulates in greater detail internal procedures for the adoption of relevant acts of units of local and regional self-government and clarifies relations and the distribution of powers between bodies of local and regional self-government and state bodies.

The Draft Law on the Elections of County Prefects, Mayor of the City of Zagreb, City Mayors and Heads of Municipalities is currently being debated in the parliamentary procedure. The main new element of the Draft Law is the **introduction of direct elections** for the positions of heads of units of local and regional self-government and their deputies. The debate on the Draft Law will continue at the forthcoming session of the Croatian Parliament, with the aim of its final adoption in early 2006.

3. Judicial reform

The Strategy on Judiciary reform¹ was adopted by the Government on **22 September 2005**. The main goals outlined in the Strategy are strengthening of the **rule**

¹ Please note that a more detailed presentation of the Strategy on the Judiciary Reform will be available in the next weeks.

of law and independence of the judiciary, as well as the creation of a more efficient judiciary. The Strategy is supplemented by an Action plan which directs implementation and specifies time frames, responsible authorities and financial indicators.

In September 2005, the Ministry of justice also adopted an **Action plan to reduce the number of unresolved enforcement cases**. The Action plan sets for measures, responsible authorities and a time frame for the plan's implementation.

The Minister of Justice presented a new draft national program for the **fight against corruption on 2 November 2005**. The new program contains 82 concrete measures, together with deadlines for their implementation. It pays particular attention to the judiciary, financing of political parties, the health system and local government. Results are expected during 2006.

4. Regional cooperation

Multilateral aspect

The Meeting of the **Heads of State of the Central European Countries** was held in Zagreb on **14 October 2005**. The meeting **gathered 15 Presidents** from the countries of Central Europe (Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Italy, Macedonia, Moldova, Poland, Romania, Serbia and Montenegro, Slovakia and Slovenia). The President of Lithuania joined the meeting as a special guest.

This year's meeting, which represents a traditional annual gathering of the Heads of States of the countries of Central Europe, was devoted to the issue of European integration processes, with particular emphasis on possible **neutralization of negative aspects of globalization and achieving social justice**. In this context, the Central European Heads of State stressed the importance of **continuing the EU's enlargement process**, and confirmed that the perspective of EU membership represents the best possible framework to strengthen stability and democratic processes throughout Europe.

Serbia and Montenegro

The visit of Serbian Prime Minister **Vojislav Koštunica** to Croatia is scheduled to take place **on 23 November 2005**. This visit will be an opportunity to discuss further the possibilities of developing **concrete co-operation between Croatia and Serbia**. Among political and economic issues, discussions will also focus on possible modalities of **solving remaining open issues**, such as border delimitation and demarcation, return of specific property, missing persons etc.

5. Electoral legislation

The Draft Law on the State Electoral Commission has been sent to parliamentary procedure and is currently being debated by the Croatian Parliament. The main new element of the Draft Law is the **establishment of the State Electoral Commission as a permanent body**. This replaces the current *ad hoc* appointment system of the central electoral commission, in the context of upcoming parliamentary elections and elections for bodies of local or regional self-government. The Draft Law also regulates in greater detail procedures and criteria for the appointment of the State Electoral Commission members, the duration of their mandate, as well as internal procedures of the State Electoral Commission. The Draft Law on the State Electoral Commission will continue to be discussed at the forthcoming session of the Croatian Parliament, with the **aim of its final adoption possibly in early 2006**.

6. Cooperation of Croatia with the ICTY

On 3 October 2005, the General Prosecutor of the ICTY, Carla del Ponte, declared² that she "can confirm that Croatia is responding in a satisfactory manner to all [her] requests" and hence, that "**Croatia has been cooperating fully with [the ICTY]** and is doing everything it can to locate and arrest Ante Gotovina".

After the General Prosecutor's positive assessment, Prime Minister **Ivo Sanader** highlighted in his speech the Croatian Government's **determination to continue its full cooperation** with the ICTY.

On 6 October 2005, further to a warrant issued by the ICTY, Croatia arrested the editor-in-chief of a daily newspaper, Josip Jović. The journalist was indicted by the ICTY for disclosing the identity of a protected witness. After being arrested, Josip Jović appeared before the court on 14 October 2005.

On 1 November 2005, the **Rahim Ademi and Mirko Norac case was officially transferred to Croatia** by the ICTY³. The trial of these two former generals indicted by the ICTY will be held in Croatia rather than in the Hague. This exemplifies that Croatia fulfills all relevant criteria to process a **fair trial** and ensure the **protection of the witnesses**. It is the first case in which persons already indicted by the Tribunal have been referred to Croatia. This transfer demonstrates the **continuation of Croatia's full cooperation** with the ICTY.

7. Refugee return process in Croatia

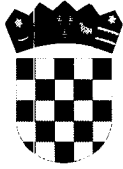
The refugee return process is continuously being implemented and scrutinized. Between April 2004 and mid-September 2005, 2.892 housing units were returned which lowers the figure of **remaining housing units to be returned to 95**.

Applications for housing are further being received and processed in accordance with the Road Map that Croatia set up in the framework of the Sarajevo declaration.

Moreover, a meeting of the **Working group for the implementation of the Sarajevo declaration** was held in Zagreb, **on 28 October 2005**, and co-chaired by Croatia. This meeting gathered representatives (at the Secretary of State level) of Croatia, Bosnia and Herzegovina and Serbia and Montenegro, as well as representatives of the European Commission, UNHCR, and the OSCE. The purpose of the meeting was to **exchange information about the three national road maps**. In addition, the meeting was an occasion to examine the proposal of the principles ruling the set up the matrix aimed at implementing the Sarajevo declaration.

² See the whole statement of the ICTY Prosecutor on: <http://www.un.org/icty/pressreal/2005/p1009-e.htm>

³ See more on the transfer of the case Ademi – Norac on: <http://www.un.org/icty/pressreal/2005/p1015-e.htm>



Mission of the Republic of Croatia to the European Communities

UPDATE OF THE AIDES-MÉMOIRE – 05/12/2005

Croatia implementing the political criteria

1. Protection of the rights of national minorities in Croatia

The Croatian Government Office for National Minorities, in cooperation with the Council for National Minorities, organized **2 regional seminars** in Rijeka on 7 November and Osijek on 30 November. The purpose of the seminars was to **promote the work of the representatives of national minorities** and to discuss lessons learned. The third seminar is scheduled to take place in Split during December 2005.

12 million kuna (approx. 1.62 million euros) have been earmarked from the state budget for the implementation of the **National Programme for the Roma community**, as well as for the implementation of the **Roma Decade Action Plan in 2006**.

2. Civil and Political Rights

The Croatian Minister of Justice, Vesna Škare Ožbolt, announced **new changes to the Criminal Code with the aim of ruling out the possibility of prison sentences in libel cases**. Although the criminal liability of journalists for these criminal offences has been reduced to the greatest possible extent with the amendments to the Criminal Code introduced in June 2004 (effective since October 2004), the legal practice has imposed the need for further legal interventions in dealing with libel cases. The Minister Škare Ožbolt **presented the proposal to the Head of the OSCE Mission to Croatia Jorge Fuentes** and the representative of the Croatian Journalists' Association at the meeting **on 22 November 2005**. The Croatian Journalists' Association gave its **unanimous support** to the proposal at the annual convention held on 25 November 2005.

3. Regional cooperation

Multilateral aspects

The Croatian Prime Minister Sanader attended the summit of the **Central European Initiative in Slovakia's Piestany**. The participants addressed the strengthening of democracy and problems in the region. Prime Ministers of Croatia and Slovenia, **Ivo Sanader and Janez Janša**, met on the margins of the summit and discussed bilateral issues. The two officials said they could hold an informal meeting on the solving of outstanding issues by the end of the year. The Croatian Prime Minister also met with the Albanian Prime Minister Sali Berisha. Before the summit, economy ministers of the 17 CEI members held a business forum on 23-24 November 2005 in Bratislava. The Croatian

Minister of Economy Branko Vukelić presented reforms which Zagreb was carrying out in the economy and the judiciary as well as investment opportunities.

On 9 November 2005, Croatia, Italy and Slovenia signed **the Agreement on the Sub-Regional Contingency Plan for Prevention of, Preparedness for and Response to Major Marine Pollution Incidents** in the Adriatic. The agreement on joint action in case of sea pollution will improve the environmental situation and biological diversity in the Adriatic, and Croatia, Italy and Slovenia will cooperate on sustainable development of this area.

A ministerial meeting of the EU and ministers of justice and interior of Croatia, Albania, Bosnia and Herzegovina, Serbia and Montenegro and Macedonia (Forum EU-Western Balkans) was held on 25 November 2005 in Vienna. The Croatian delegation was led by the Minister of Justice Vesna Škare Ožbolt and the Minister of Interior Ivica Kirin. At the meeting, Conclusions were adopted on the **strengthening of cooperation** with a view of achieving better results in criminal activities suppression. Minister Škare-Ožbolt and Minister Kirin presented Croatian achievements in the **fight against organized crime** in Croatia and presented Croatian plans in achieving new standards and efficiency of the state administration.

At a Central European Free Trade Agreement (CEFTA) conference in Zagreb on 29 November its members Croatia, Bulgaria and Romania have changed the criteria for CEFTA membership in order to make possible the **expansion of this free trade area** to other Southeast European countries. This opens up the possibility of membership for Bosnia-Herzegovina, Serbia and Montenegro, Albania and Moldova.

Bilateral aspects

Serbia and Montenegro

On 23 November 2005 Serbian Prime Minister Vojislav Koštunica paid a return visit to Croatia. It was the first official working visit of a Serbian Prime Minister to Croatia since the establishment of the diplomatic relations in 1996: Prime Ministers Sanader and Koštunica stressed that Croatia and Serbia should play a key role in the political stabilisation of this part of Europe. They also pointed out the **readiness of the two countries to solve the remaining open issues.** Prime Minister Sanader emphasized the readiness of the two countries to solve humanitarian issues, in particular the issue of missing persons, which is the absolute priority in the relations between Zagreb and Belgrade. On this occasion, **five cooperation agreements**, which will contribute to the further development of economic relations, **were signed.** During his visit to Zagreb, the Serbian Prime Minister also met with President Mesić and President of the Croatian Parliament Šeks.

On 2 December 2005 Croatian Deputy Prime Minister and War Veterans' Minister Jadranka Kosor and Minister for Human and Minority Rights of Serbia and Montenegro Rasim Ljajić met to discuss the issue of missing persons. Since the search for missing persons is a political and humanitarian priority for Croatia, Croatia called for the process to be stepped up.

The implementation of the Agreement on the protection of minorities has been discussed at **the first meeting of the Joint Commission for Minorities** on 22 November 2005 in Belgrade. The next meeting will take place before the visit of the president of Serbia and Montenegro Svetozar Marović to Zagreb on 13 December 2005.

Slovenia

Presidents of Croatia and Slovenia, Stjepan Mesić and Janez Drnovšek held an informal meeting on 10 November 2005 in Miljana. The presidents agreed that the **border issue should be resolved by mutual agreement or by a ruling of an international judicial body** and announced further meetings which should further positively contribute to the strengthening of relations between the two countries.

Bosnia and Herzegovina

On 28 November 2005 the Croatian Government has proposed to the Council of Ministers of Bosnia and Herzegovina that the Interstate Commission on Borders meets once again before the two parliaments start the **ratification of the bilateral Agreement on State Border**. The Government made the proposal so that all relevant facts concerning border demarcation according to the Agreement could be considered.

The Government also proposed **resuming consultations with Bosnia and Herzegovina to regulate property-rights relations**. The text of the Agreement has already been harmonized but not signed due to the reservations expressed by the Republika Srpska.

6. Cooperation of Croatia with the ICTY

The Croatian Supreme Court granted the request of the Chief State Prosecutor for the criminal proceedings in the **Norac-Ademi case to be held before the Zagreb County Court**.

7. Refugee return process in Croatia

The number of remaining housing units to be returned has been **reduced to 57**.

With respect to the Sarajevo declaration, the **fourth meeting of the Working group for its implementation was held in Montenegro on 17 November 2005**. Croatia called for the ministerial conference where three national roads maps would be signed, to be organized as soon as possible.

The Croatian Government and OSCE Mission to Croatia launched the **second phase of the public awareness campaign on the return and reintegration under the slogan "Croatia is the home of all its citizens" on 30 November 2005 in Zagreb**. The aim of the campaign is to promote return among refugees in Serbia and Montenegro and Bosnia and Herzegovina and to improve an atmosphere conducive for the return in local communities in Croatia. Video and radio clips, billboards, posters and web site www.povratak.hr have been designed to provide information on refugee return, minority rights, reintegration and reconciliation.



Mission of the Republic of Croatia to the European Communities

UPDATE OF THE AIDES-MÉMOIRE – 02/02/2006

Croatia implementing the political criteria

1. Protection of the rights of national minorities in Croatia

The Croatian Parliament adopted a new **Law on Courts** on 9 December 2005. The new Law, *inter alia*, **ensures proportional representation of minorities in judicial bodies**, in accordance with the Constitutional Law on the Rights of Minorities.

2. Civil and Political Rights

The **Draft Law on a State Electoral Commission**, proposing the establishment of the permanent state electoral commission, has been **discussed at the roundtable meeting organized by the Government and the OSCE Mission to Croatia** on 13 December 2005. The representatives from the Government, Parliament, the judiciary, political parties, NGOs, international organizations and academia took part in the discussion on the competences of the future state electoral commission. The idea behind the Draft Law and the establishment of the aforementioned permanent body is to relieve the judiciary of its present burden of administering elections and to deal more effectively with sensitive issues such as voter registers, campaign financing and media coverage.

3. Judicial Reform

With the aim of improving the organization and the effectiveness of courts, the Ministry of Justice has completed the process of setting up the communication infrastructure in the municipal courts, thus making relevant data, including the land registers, accessible on the Internet.

4. Regional cooperation

Multilateral aspect

Croatia is actively **preparing for its Chairmanship-in-Office of the South East European Cooperation Process (SEECP) from May 2006 to May 2007**. At the meeting of the SEECP Foreign Ministers held on 24 January 2006 in Athens, Croatian Minister of Foreign Affairs and European Integration Kolinda Grabar-Kitarović announced that during its Chairmanship, Croatia will pay particular attention to the European aspirations of SEECP members. Other priorities include co-operation in economic matters, combating corruption, organized crime and terrorism, environmental protection and the development of transport, energetic and communication infrastructure, as well as the cross-border and parliamentary co-operation. Furthermore, as a part of current SEECP Troika, Croatia is participating in its activities

concerning other regional issues. The Troika, at the level of the state secretaries, paid visit to Belgrade and Priština in December in order to get acquainted with the positions on the Kosovo status of all parties involved.

The Minister of Foreign Affairs and European Integration of Croatia Kolinda Grabar-Kitarović participated in an **Informal Meeting of the Ministers of Foreign affairs of the SEE** countries held on 2 December 2005 in **Ohrid**. The Ministers of Foreign Affairs adopted a joint statement reiterating, *inter alia*, their commitment to further development of good neighbourly relations and regional co-operation, in particular with respect to the exchange of experience in the European integration processes.

Serbia and Montenegro

The **President of Serbia and Montenegro Svetozar Marović** paid a working visit to Croatia on 13 December 2005. On this occasion, the possibilities to improve co-operation between Croatia and Serbia and Montenegro were discussed.

Bulgaria

The **Agreement on Police Co-operation with Bulgaria**, encompassing co-operation in the fight against organized crime, trafficking and money laundering, was signed on 20 December 2005 in Zagreb.

Hungary

A joint session of the Croatian Government and Hungarian Government was held on 26 January 2006 in Budapest. The two Governments discussed various forms of co-operation, in particular cross-border co-operation, co-operation in economic and infrastructure matters as well as co-operation in environmental protection, education and culture.

7. Refugee return process in Croatia

The number of remaining housing units to be returned has been reduced to **36** (0,2 percent of the overall number- 19.280 housing units).

The Housing Plan for former tenancy right holders is being developed. It will include the purchase of the apartments on the real-state market as well as the construction of the new apartments in the three-year period (2006-2008).