



Organization for Security and Co-operation in Europe

THE OSCE MISSION TO CROATIA

BACKGROUND AND GOALS

The OSCE Mission to the Republic of Croatia was established in 1996 at a time when Croatia was confronted with a complicated legacy of problems from the socialist past, material consequences of a war, the reintegration of the former Serb-controlled areas, and the tasks of reconciliation. In the wake of the landmark parliamentary and presidential elections in early 2000, the new Government has set itself the goal of integration into European and Euro-Atlantic institutions, above all future membership in the European Union (EU) and the North Atlantic Treaty Organisation (NATO). Following Croatia's acceptance into NATO's Partnership for Peace Programme, and its progress toward intensifying relations with the EU, the Mission's support for Croatia's efforts for further integrative steps will continue in the framework of its mandate.

Croatia has entered into numerous commitments on further democratization in the field of return of refugees and displaced persons, human rights, and in creating an atmosphere of reconciliation among all Croatian citizens regardless of ethnicity, e.g. on the occasion of its accession to the Council of Europe in 1996. The new Government that took office after the parliamentary elections on 3 January 2000 has clearly demonstrated a new attitude towards the key issues of democratization in the country. The Mission has been able to provide increased assistance and advice to the new Government on legislative efforts related to returning refugees and displaced persons. It has also noted with satisfaction that the Government has embarked on a number of other important legislative projects in areas where commitments exist. The Mission continues to stand ready to provide input whenever this is required and will be a valuable partner to the authorities in monitoring the implementation of the central governments' decisions in the field.

MANDATE

Against this background, the Mission has, within the framework of its mandate, assisted and advised the Government and other relevant groups of the society. In support of these strategic goals, the Mission is monitoring the fulfillment of the external and internal obligations through its nationwide field structure and is maintaining a dialogue with all relevant institutions on the national, regional and local levels. On the basis of its mandate, the Mission supports the consolidation of internal peace, assists political normalisation and promotes democratization, human rights and the rule of law.

The first mandate (adopted by the Permanent Council (PC) on 18 April 1996) authorized the Mission to "provide assistance and expertise to the Croatian authorities at all levels, as well as to interested individuals, groups and organisations, in the field of the protection of human rights and of the rights of the persons belonging to national minorities. In this context and in order to promote reconciliation, the rule of law and conformity with the highest internationally recognised standards, the Mission will also assist and advise on the full implementation of legislation and monitor the proper functioning and development of democratic institutions, processes and mechanisms".

On 26 June 1997, the PC broadened this mandate by authorizing the Mission "to assist with and to monitor implementation of Croatian legislation and international agreements and commitments entered into by the Croatian Government on the two-way return of all refugees and displaced persons and on protection of their rights". The Mission was further authorized to make specific recommendations to the Croatian authorities and refer urgent issues to the Council.

HUMAN RIGHTS

An additional task was assumed on 25 June 1998, when the PC adopted a decision, which expressed "the readiness of the OSCE to deploy civilian police monitors to assume the responsibilities of the United Nations Police Support Group (UNPSG) personnel deployed in the Croatian Danube Region". Deployment of OSCE police monitors – who should not exceed 120 in number – would be arranged to ensure "a proper transition ... in anticipation of the end of the UNPSG mandate on 15 October 1998".

The Mission's current mandate was extended by the PC on 23 March 2000 until 31 December 2000. This Council decision also reduced the authorized ceiling for international personnel by ten per cent from 250 to 225. The PC further decided to review the overall number of international personnel during 2000, with a view to making adjustments that would reflect developments in Croatia within those areas covered by the Mission's mandate. The annual budget of the Mission for the year 2000 amounts to 21,086,900 euros; the proposed budget for 2001 is reduced to 15,156,700 euros.

MISSION STRUCTURE

The Mission is currently staffed with around 175 international personnel, responsible for running the three Co-ordination Centres in Vukovar, Sisak and Knin and 14 field offices. This deployment is concentrated in those areas of Croatia which were most directly affected by the war and are now the main areas of return for refugees and displaced persons.

The Headquarters, which is located in Zagreb, is responsible for co-ordinating the field operations of the Mission, for undertaking liaison and political action with the Croatian authorities, for ensuring close co-operation between the Mission and other international organizations and representatives, and for reporting to and liaising with the OSCE Secretariat in Vienna. The field operations mainly focus on monitoring and assisting the return of refugees and displaced persons and addressing related issues such as human and minority rights, the repossession of property and the work of local administration.

ACTIVITIES

Six functional units reflect the main areas of the Mission's activities: human rights, return and integration, media, democratization, political affairs and civil affairs.

The protection of human rights and the rights of national minorities is a primary focus of the mandate of the Mission and a key element in the building of trust, the rule of law and the proper functioning of democratic institutions, processes and mechanisms.

The terms of reference for the Mission are the 'highest internationally recognized standards' to which Croatian law and practice should conform. Consequently, the Mission analyses draft legislation and other types of governmental acts for their conformity with the international human rights norms established under the international human rights instruments to which Croatia is a party, primarily the European Convention on Human Rights and its case law. The Mission provides advice, assistance and expertise to individuals, groups and organisations regarding international human rights norms, practical aspects of pursuing claims before the European Court of Human Rights, and other topics.

The Mission works closely with the OSCE High Commissioner on National Minorities on the preparation of analyses of the laws and practices affecting the rights of national minorities. The Mission also keeps the High Commissioner apprised of the situation of members of national minorities on the ground in order to facilitate his periodic fact-finding visits to the country.

The Mission maintains contacts with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), participating in 'Human Dimension' meetings as well as seminars and conferences on human rights matters.

The Mission co-operates with the Council of Europe, exchanging information about Croatia's compliance with the commitments it undertook upon entry into the Council of Europe in 1996, discrepancies between domestic Croatian laws and the European Convention on Human Rights, and related matters. Mission Staff also make themselves available, when possible, to contribute to training and educational activities conducted by the Council of Europe for Croatian professional groups, such as lawyers, prison officials, etc.

RETURN AND INTEGRATION

Over half a million people were forced to flee their homes

during the course of the armed conflict in Croatia, some relocating elsewhere within the country and others seeking refuge abroad. In June 1998, the Croatian Parliament approved a Return Programme recognizing "the inalienable right of all Croatian citizens to return", and guaranteeing equal treatment and established procedures for repossession of temporarily occupied property. However, implementation of the programme has, to date, been flawed. A major focus of the Mission's activity is therefore, to assist the Croatian Government in revising the Return Programme in order to fulfill its commitments to support the return and integration of all refugees and displaced persons.

While the physical return of refugees now appears to be well organized, there are still outstanding concerns with regard to the legal framework for the repossession of occupied property, reconstruction of damaged property, and access to benefits, particularly for "self-assisted" returnees. Since the election of a new Government and President in early 2000, measures are slowly being taken to amend discriminatory laws and to establish new ones that will address these concerns. The Mission provides advice to the Government in the preparation of return-related legislation.

The Mission monitors the implementation of Government commitments in close co-operation with the UN High Commissioner for Refugees and works closely with national and local government, providing assistance and advice on return-related issues.

MEDIA

Promotion of freedom of the media is high on the agenda of the Mission, which in this area co-operates closely with the Council of Europe. The Mission places considerable emphasis on the reform of the most influential medium in Croatia, the state-owned broadcaster Croatian Radio-Television (HRT), which has in the past been open to political direction. Together with its international partners, the Mission advises the government on a new Law on HRT, which intended to turn it from a state into a public service broadcaster.

The Mission continues to promote the private broadcasting sector and has, together with the Council of Europe, recommended the privatization of the third channel of HTV under fair and transparent conditions.

The Mission together with the Council of Europe stands ready to advise the Government on how to fulfil its commitment concerning a new Law on Telecommunication.

With regard to the print media, the Mission follows closely the developments of the bankruptcy procedure of the near-monopoly press distribution company, Tisak, which affects in particular small publishers and independent newspapers.

Furthermore, the Mission has commissioned monitoring exercises to analyse news programming on HTV in pre-election periods. The monitoring results during the months leading up to the 3 January parliamentary election revealed a pattern of disproportionate coverage of officials of the former ruling party, although less so than in previous election campaigns. A similar monitoring exercise before the Presidential elections pointed to an improvement of HRT news programming towards a more balanced coverage. In addition, a monitoring exercise was commissioned to evaluate the main news and current affairs programmes of HTV, during the three-week period preceding the local elections in Zagreb on 7 May 2000.

DEMOCRATIZATION

Since January 1999, the OSCE Mission to Croatia has been implementing a Democratization Programme. Its backbone is the relatively small Fund for Institution Building (FIB) that is used as seed money in areas covered by the Mission's Co-ordination Centres and Field Offices. The aim is to provide assistance in the development of democratic institutions and civil society through relevant activities such as training and assistance to local NGOs, governance and democratic institution building activities at the local level, inter-ethnic seminars, and efforts on return and reconciliation.

In line with its mandate to provide assistance and expertise to Croatian authorities, interested individuals, groups and organizations, the Mission's role with regard to assistance in democratization is limited to that of a facilitator, not of a manager. The focus of the Mission is to support activities that can rapidly become self-sustaining, while its projects are normally implemented by local partners.

POLITICAL AFFAIRS

In keeping with its mandate to "monitor the proper functioning and development of democratic institutions, processes and mechanisms", the Mission pays particular attention to electoral reform issues as well as monitoring the political situation in Croatia, and analyzing relevant issues. With these goals in mind, the Mission fosters and maintains contacts with Croatian political parties, parliamentarians, domestic elections experts, interested NGOs and elections authorities. The Mission also monitors election processes, in full co-operation with the OSCE/ODIHR as required, and reports on a regular basis to the OSCE Chairperson-in-Office, the Permanent Council and other OSCE offices in Vienna.

CIVIL AFFAIRS

An important element of the Mission's monitoring and advisory mandate relates to the reintegration of individuals, institutions, and public services in the war-affected areas of Croatia. This covers a significant part of Croatia's administrative, legal and political system. In the Danube Region (Eastern Croatia) a sizeable minority population remained and was given guarantees of full equal treatment as Croatian citizens in the peaceful reintegration process. The Mission has the complex task of following various developments beyond the immediate transition and reintegration phase. Its presence in the post-conflict normalization period ensures respect for basic minority rights, and protects the significant investments made by the international community during the peacekeeping stage.

In October 1998, the OSCE for the first time in its history undertook the role of monitoring local police authorities through its Police Monitoring Group (PMG) to the Mission to Croatia. The role of police monitors was to advise and assess the performance of the local police in accordance with international policing standards and the International Code of Conduct for Law Enforcement Officials. Due to the stable security situation in Croatia and notably in the Danube region, the Permanent Council decided in September 2000 to close down the PMG as a distinct unit within the Mission as of 31 October 2000. At the same time, the PC authorized the Mission to continue its civilian police monitoring and advisory role in the Danube region, as well as in other parts of Croatia.

It also requested the Mission to continue reporting regularly on the security situation in Croatia.

The Mission pays particular attention to implementation of the 1997 General Amnesty Law, and to procedures related to the prosecution of individuals for war crimes committed during the armed conflict in Croatia. The Mission recommends the war crime prosecutions be pursued in a manner consistent with Croatia's international obligations and commitments, in co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Hague. The Mission maintains close co-operation with the ICTY.

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OSCE OFFICES IN THE REPUBLIC OF CROATIA

