

Croatia Eyes the Prize

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In an astonishing coup for its right-wing government, Croatia is given go-ahead for EU accession talks.

At the eleventh hour, the European Commission has given Croatia the green light to start membership negotiations with the European Union, meaning it may join the EU at the same time as Romania and Bulgaria before the decade is out.

European Commissioner for Enlargement Gunther Verheugen issued the result on April 20, known in EU parlance as an "avis", for which Croats had been waiting with bated breath. A gruelling diplomatic offensive, combined with a series of important steps, had clearly paid off.

The result was an astonishing coup for the right-of-centre government of Ivo Sanader, whose EU membership drive until recently seemed frustrated by the unresolved case of Ante Gotovina, a Croat general wanted by the Hague war crimes tribunal in connection with killings of ethnic Serbs in the 1990s.

Widely presented as a figure of equal importance to the court as the Bosnian Serb fugitives Radovan Karadzic and Ratko Mladic, the position of two EU states - Britain and the Netherlands - until recently was that Croatia could not be accepted as a potential partner until its cooperation with the tribunal was deemed complete with Gotovina's handover.

But increased cooperation with the Hague court, culminating with the rapid delivery of eight indicted Croatian and Bosnian-Croat war crimes suspects, tipped the balance and enabled the court's chief prosecutor Carla del Ponte to assure Brussels that Croatia was cooperating satisfactorily.

GOTOVINA CASE AN OBSTACLE - UNTIL NOW

When Croatia applied for EU membership last February, the chances of Zagreb catching up with Romania and Bulgaria seemed remote. But for Zagreb, progress towards accession was a matter of urgency.

The government feared if the country missed the next round of accession with Romania and Bulgaria in 2007 or more realistically, by 2009, it would have to wait years to join with the rest of the Balkan states.

This is because although the EU has said each application will be judged on its own merits, in practice the union has only ever admitted one state on its own - Greece, more than 20 years ago.

For Croatia to have a chance in 2007, the European Council, comprising all EU member states, will have to endorse the commission's decision at its next meeting in June, since the avis is only advice, not a ruling.

With a positive Council ruling, Croatia hopes it can start formal negotiations by the end of this year. That outcome seems relatively safe, as the Commission has repeatedly said it would never deliver an avis that it knew might be contested.

The British and Dutch are not likely to continue resistance to Croatia's membership. They have been taking

their lead from the Hague court, which, though not due to report to the UN Security Council on cooperation until late May, appears impressed with Croatia's level of cooperation.

Observers say Zagreb has at last convinced Del Ponte that Gotovina is not within its jurisdiction.

Nevertheless, the way ahead is not obstacle-free. Croatia will not be able to wash its hands of the fugitive general in spite of getting an unconditional approval to continue its EU bid.

In particular, Croatia will have to show it is continuing to pull out all the stops to track down Gotovina to be sure of a positive outcome in June. While congratulating Zagreb on its achievement, Chris Patten, the EU's External Relations Commissioner, sounded a note of caution, "It is important that Croatia continues to fully cooperate with the Hague court."

A RARE BALKAN SUCCESS STORY

While progress with the Hague court was the single most important factor behind Croatia's successful bids, the republic's relatively healthy economy has also impressed the EU.

As Verheugen said on April 20, "The economic position of Croatia ... is better than the majority of countries which will enter the European Union on 1 May."

In terms of economy, infrastructure and administration, it ranks alongside the better placed states of Central Europe.

Croatia's gross domestic product makes up half the total GDP of all the countries included in the Stabilisation and Association Process, SAP, the EU's initial framework for the integration of the Balkans, grouping Croatia, Bosnia and Herzegovina, Serbia-Montenegro, Macedonia and Albania.

In fact, the European Bank for Reconstruction and Development, EBRD, classifies Croatia in central Europe. All the other Balkan transition states, including Romania and Bulgaria, come under south-eastern Europe.

Croatia's political system has been stable for some time. A smooth handover following recent elections proves the country has a functioning democracy and state administration.

Recent progress marks a sharp break from the turbulence of the early 1990s, when the country's very existence was jeopardised by a vicious independence war in 1991 against the Serb-led Yugoslav army and paramilitaries drawn from the country's substantial Serb minority.

War crimes occurred on both sides while military victory in 1995 was accompanied by discrimination against the remaining Serbs, many of whom either fled or were forced from their homes. Adding to the confusion, Croatia involved its military in the war in neighbouring Bosnia and Herzegovina in 1992-93, where its forces were implicated in other war crimes.

Throughout the 1990s, Croatia was run by the late president Franjo Tudjman, founder and head of the nationalist Croatian Democratic Union, HDZ. His authoritarian administration isolated the country from the integration processes underway in its northern and eastern neighbours.

Croatia's international profile improved greatly after Tudjman's death in December 1999, when a centre-left government under former communist leader Ivica Racan took over. Although a Stabilisation and Association Agreement, SAA, with Brussels was not yet in force, Croatia embarked on key internal reforms and consolidated the country's transition to a genuine democracy and a free market economy.

Racan's broad coalition, however, was less effective in dealing with the legacy of the war, largely because it was under pressure to prove its patriotic credentials. Expectations on the return and re-integration of Serbian refugees and cooperation with the tribunal were not fulfilled.

The Racan government had a head-on confrontation with the international community when the first Hague indictments of Croats were delivered in 2001. As huge numbers of protesters denounced indictments issued against Generals Rahim Ademi, Janko Bobetko and Gotovina, leaders of Operation Storm, the military offensive in 1995 that terminated the Serb rebellion in the country, the authorities resisted international pressure to turn them in. In the end, Ademi surrendered voluntarily, Bobetko died, while Gotovina went on the run. He has remained at large ever since.

Zagreb's procrastination in dealing with the indictments prompted the Hague chief prosecutor to report a lack of cooperation, which in turn led to Britain and Holland refusing to ratify Croatia's SAA. Gotovina became a symbol of the gulf between the EU and Zagreb and an obstacle to progress. The case became so heavily loaded politically neither side seemed likely to compromise.

HDZ TURNS OVER A NEW LEAF

While Racan was in power, the HDZ led public opposition to cooperation with the Hague court. Its election victory last November raised fears that whatever progress Croatia had made would be halted or even reversed.

But under the direction of a modernising leader, Ivo Sanader, the party soon made clear it was prepared to take major steps to push EU accession forward.

Sanader impressed the international community with his decisiveness after embarking on a lengthy tour of current and future EU member states to build support for the country's accession bid. Austrian Chancellor Wolfgang Schüssel recently described him as a "credible and confirmed European".

Sanader himself justified his apparent volte-face over the tribunal, saying, "The HDZ is a responsible political party and this is the 21st century."

The government demonstrated its commitment to EU integration in a series of actions. Sanader passed his first hurdle when he declined to shore up his minority government by seeking support from the extreme-right Croatian Party of Rights, HSP, and turning instead to ethnic Serb representatives in parliament from the Independent Serb Democratic Party, SDSS.

In a significant gesture of reconciliation with the Serb community, he proclaimed that ethnic minorities - Serbs included - were "a treasure, not a burden", and he was the first prime minister to publicly address the community with the traditional Serbian Orthodox Christmas greeting "Hristos se rodi".

Going beyond symbolic gestures, Sanader signed a commitment to establish conditions for the return of Serb refugees, going on record in Serbia to promise this.

While the SDSS has remained sceptical about the sincerity of this promise, stressing other outstanding problems, such as bias in local war crimes trials and rights of tenancy, the international community welcomed the developments as moves towards depoliticising the whole issue of Serb rights.

The OSCE praised the HDZ's rapid reaction to recent attacks on Serb returnees, as well as Sanader's recent visit to the concentration camp site at Jasenovac, where mass killings of Serbs at the hands of Croatian fascists occurred in the Second World War. "The government shows a general willingness to do something on these issues," Alessandro Fracassetti, OSCE Mission spokesperson in Croatia, said.

ALL CHANGE AT THE HAGUE COURT

The new government showed its determination to unblock the EU accession process most dramatically with regard to the Hague court. In spite of the fact that a January poll showed almost 80 per cent of respondents opposed complete cooperation with tribunal - and the fact that the HDZ is closely identified with the independence war when most of the indicted war crimes took place - Sanader resolved on total cooperation with the chief prosecutor. "When I say full cooperation, I mean full cooperation," he said.

Direct and regular communication was established between the government and Del Ponte on all aspects. At the same time, responsibility for the court was handed from the foreign to the justice ministry to depoliticise the issue.

Sanader made good on his word, delivering Generals Ivan Cermak and Mladen Markac to The Hague as soon as their indictments were unsealed. These indictments were a highly-charged issue, as the two were charged with the same crimes as Gotovina, implying Croatia was guilty of ethnic cleansing during Operation Storm.

Nevertheless, the process ran like clockwork, without disruptive parliamentary debates or public protests. The indicted themselves defended the process, telling the war crimes court that "full cooperation with the tribunal is not only in the national interest, but is the responsibility of every accused person".

Prosecution spokesperson Florence Hartmann told IWPR that the way Cermak and Markac were dealt with was "really encouraging...[because] the case wasn't politicised". She also said access to documents and witnesses had been forthcoming.

However, at that point Hartmann said it was still too early to comment on whether this signified a real change in Croatian policy towards the court.

The prosecution wanted to see Gotovina arrested, or the government substantiate its insistence that he is not in Croatia. "Gotovina's support network is largely in Croatia and he was there at least until last fall. If he is not in Croatia, the government should at least be able to find out where he is," Hartman said. "The onus is on Croatia."

But this sceptical line appeared to soften after Zagreb then dispatched another six high-ranking Bosnian Croat generals implicated in war crimes. Jean Daniel Ruch, an assistant to Del Ponte, told IWPR on April 19 that the court had been pleasantly surprised by the development. Croatia had been expected initially to deliver only two of the six generals, namely, those who were known to reside in its jurisdiction.

Instead, within days of the publication of indictments, Croatia had secured the agreement of all six to put

themselves on a flight to the Netherlands, proclaiming just as Markac and Cermak had done that they recognised the court and would defend themselves there.

At the same time, Zagreb suggested it was making serious efforts to locate Gotovina, providing the Hague court with information and documentation about all its steps to find him. The government also replaced the head of Croatian counter-intelligence in a reshuffle widely believed to be linked to his perceived inactivity on the Gotovina case. The police were instructed to step up the hunt.

The government also retained the reward for information on his whereabouts which its predecessors had set in place and which the HDZ had denounced when it was in opposition.

In spite of its forward policy on the still-unpopular court, the kind of public opposition to the tribunal that buffeted the Racan government has been sidelined. Officials tread a fine line between emphasising the importance of cooperation and pledging to contest aspects of certain indictments implicating the country in condoning or orchestrating war crimes.

A senior Croatian diplomat told IWPR on April 20 that Del Ponte was pleased by recent developments. This satisfaction undoubtedly played a major role in securing Zagreb a positive avis.

Patten confirmed this, declaring after the publication of the EU decision, "We consulted with Carla Del Ponte and she confirmed that Croatia has done all it can to help locate and capture Ante Gotovina. With that statement the road was open for a positive opinion of the European Commission about Croatia."

THE DIPLOMATIC OFFENSIVE CONTINUES

Sanader, President Stipe Mesic and ministers accompanied these steps with an unflinching diplomatic offensive, doing the rounds to convince tribunal officials and EU governments of their suitability for EU membership.

Germany, Austria and Ireland, which currently holds the presidency, have proved strong backers. German chancellor Gerhard Schroder openly supported Croatia's stance on the Gotovina issue. "You cannot arrest someone who isn't here ... and there should be more understanding for this," he said.

Schroder stated that the Gotovina issue ought not to be the sole criteria for EU membership and backed an accession date of 2007.

The European parliament's April 1 report on Croatian progress on meeting the political criteria was extremely favourable, and it advised the UK and the Netherlands to back down and recommended a positive avis.

Doris Pack, European parliament rapporteur for Southeast Europe, recently spelled this out. "I cannot accept that the case of a fugitive general stops everything," she said. "This is a burden on Croatia. I do not think that the Netherlands and Britain are doing a good thing by looking only at the isolated case."

The chorus of support weakened British resistance. Visiting Zagreb on April 19, Minister for Europe Denis MacShane stated that Croatia had made dramatic steps towards EU integration. Insisting that the Gotovina case would not disappear, he said, "Gotovina no longer remains an obstacle to saying Croatia can start accession talks."

THE ONLY STABLE PARTNER IN THE REGION?

One final issue that may have tipped the balance in favour of Croatia is the negative trend elsewhere in the region, in Serbia and Kosovo in particular. While the contested territory of Kosovo saw an upsurge in ethnic violence in March, Europe is also concerned by internal developments in Serbia, where far-right nationalists saw support surge in parliamentary elections last December.

The expected election of a far-right candidate as president this summer has given rise to further international concern.

Sanader has played openly on such worries to enshrine Croatia as a reliable regional partner. After the recent turmoil in Kosovo, he said, "Croatia is the only stable country in the region."

Gerald Knaus, of the European Stability Initiative, told IWPR that regional concerns have elevated Croatia's standing. "Croatia is currently top of the class," he said. "Failure to reward this and take the country forward could therefore be counterproductive not just for Croatia, but for the development and stability of the region as a whole."

MacShane echoed these words in Zagreb. Croatia's progress on the road to the EU "offers a very good example to others in the region - an example of how to go forward", he said.

ESCAPE FROM THE BALKANS

Croatia now has the chance of joining with Romania and Bulgaria between 2007 and 2009, and of avoiding the prospect of being consigned to the Balkan group, whose membership remains a distant prospect.

It has much to gain economically, as the opening of negotiations brings with it pre-accession funds, which are much greater than those available under the SAP, and acceleration in the removal of trade barriers with the EU. The significance of the avis in verifying Croatia's economic and political stability alone will be a factor in attracting greater foreign direct investment.

But the road ahead is still not smooth. A European Partnership framework document setting out benchmarks, to be drafted in the upcoming period, will set a host of conditions that Croatia must fulfil if it is to adopt the "acquis communautaire", as the body of European law is known, to harmonise the economy and judiciary with EU standards and meet the political criteria for membership.

More progress will have to be made on the return of property to refugees and the reform of the judiciary, and, inevitably, on Gotovina.

The recent warnings Brussels has sent Romania over its slow progress show nothing can be taken for granted. Painful reforms must be kept up, since EU conditionality on progress with membership is a tool that can be invoked at any time before final accession.

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