



Information Documents

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REPUBLIC OF CROATIA

**Official Visit of the Secretary General,
Mr Walter Schwimmer**

(Zagreb, 3 – 4 March 2003)

ITALY

**Official Visit of the Secretary General,
Mr Walter Schwimmer**

(Rome and Naples, 12 – 14 March 2003)

REPUBLIC OF CROATIA
(Zagreb, 3 - 4 January 2003)

1. From 3 to 4 March 2003, the Secretary General visited Zagreb, Croatia.
2. A first oral report was presented to the 830th meeting of the Ministers' Deputies on 5 March 2003.
3. The programme of the visit of the Secretary General and the composition of the delegation appear in Appendix 1.
4. During his visit, the Secretary General met with the President of Croatia, Mr. Stjepan Mesić. He also had talks with the Prime Minister, the President of the Parliament, the Minister of Foreign Affairs, the Vice Prime Minister, the Ministers of Justice and European Integration, and the Head of the Croatian Parliamentary Delegation to the PACE.
5. During his discussions with Croatian officials, the Secretary General raised the question of a Third Summit of the Council of Europe.
6. The Secretary General gave a lecture at the "Novinarski Dom" (House of Journalists" in Zagreb on 3 March on "The role of the Council of Europe in the One Europe: the relationship with the enlarged European Union". The visit was largely covered both by the written and electronic media, and State TV and Radio (HRT) held an interview with the Secretary General at the end of his stay in Croatia.
7. During his visit, the Secretary General raised, in particular, the following issues:
 - The recent application of Croatia to the European Union;
 - Cooperation with the ICTY;
 - Property and occupancy/tenancy rights and return of refugees and displaced persons;
 - Minorities;
 - Media;
 - Cooperation with the Council of Europe and a Third Summit;
 - Regional cooperation.

I. POLITICAL SITUATION

8. The visit took place just a week following the official application of Croatia to the European Union. This issue was discussed at all the meetings held, and constitutes the major development of Croatian foreign policy since the end of the war in 1995 and accession to the Council of Europe in 1996.

9. During the same week an official visit of the Minister of Foreign Affairs of Serbia and Montenegro, Goran Svilanovic, took place in Zagreb, the Croatian Minister of Foreign Affairs, Tonino Picula made an official visit to Sarajevo and the meeting of Ministers of Foreign Affairs of Croatia, Albania and FYROM was held in Dubrovnik in the framework of the Adriatic Charter and the joint application of these three countries to NATO.
10. All interlocutors agreed that accession to the EU (Croatia expects this to take place at the same time as Bulgaria and Romania in 2007) will boost the process of reforms in the country, and accelerate progress in the remaining open questions of returns of refugees and displaced persons, cooperation with the ICTY and regional cooperation.
11. There is a perceptible will of Croatia to strengthen cooperation with the ICTY, in particular in the case of stepping up efforts to arrest General Gotovina, who remains at large, and on improved access to State archives. With regard to the case of General Bobetko, (who is aged 83 and hospitalised), guarantees have been given that, whatever the ICTY will decide on the basis of the recent medical report of the Tribunal's experts, Croatia will honour the ICTY's decision. The UK and the Netherlands have suspended their internal procedures of ratification of the Stabilisation and Association Agreement with Croatia until further progress is made in respect of cooperation with the ICTY.
12. The Croatian authorities, in place since 2000, have definitively turned their backs on the former rule of President Tudjman and his ruling party HDZ. Society has continued its transition firstly from the former Yugoslav socialist system, and from the "one man one party" system under former President Tudjman, and wounds from the 1991-1995 war are healing.
13. New legislation, such as the Constitutional Law on Minorities and the Law on State TV has been adopted in the last two years to accelerate this movement towards democracy.
14. Thousands of refugees and displaced persons have returned to Croatia, but still thousands have yet to return to their pre-war homes. The Croatian Government has launched a reconstruction plan of 300 millions Euros (with a loan of 80,000 Euros from the Development Bank of the Council of Europe to be decided at end of march), but OSCE and international experts have expressed reservations about the way Croatia handles cases of property rights and occupancy/tenancy rights.

15. Regional cooperation has developed in a positive way. In particular, relations with the Croatian community of Bosnia and Herzegovina have been clarified following the decision of Croatia to no longer sponsor the Croat community of Hercegbosna. Agreement has been reached with Serbia and Montenegro on the Prevlaka dispute, and negotiations continue with Slovenia on the dispute over the Piran Bay, between Croatia and Slovenia.
16. The Government of Ivica Račan, after a vote of confidence in summer 2002, has been restructured and seems to have the capacity to last until the next general elections scheduled for spring 2004.
17. Major difficulties faced by the Government are a lack of implementation at local level of the reforms in the field of minorities' rights, returns and property and occupancy/tenancy rights.
18. In addition, Croatia continues to face serious problems in matters related to the reform of the judiciary, such as the length of judicial procedures, an insufficient number of qualified judges and prosecutors and a backlog of approximately one million cases pending before national courts.
19. In the media field, an important step has been reached with the adoption of the new Law on State TV, but reservations have been expressed by OSCE experts on the role of Parliament in the nomination procedure of members of the Board of HRT (Croatian State TV and Radio). New laws on Electronic Media and Public Administration are in preparation to complete the reform of media legislation.
20. With regard to Kosovo, the political line of Croatia is close to the one expressed by SRSG Michael Steiner during his recent visit to Zagreb: "standards before status" and Croatia considers that rights of minorities and returns are key issues for normalisation in Kosovo.

II. MAIN CONCLUSIONS

21. Croatia expressed an interest for further assistance from Council of Europe experts for the reform of the Judiciary, concretely for training programmes for judges and prosecutors.
22. Specific assistance to solve the question of the length of procedures has been requested by the Ministry of Justice as well as by the Constitutional Court.

23. Information will be given to the Council of Europe on the progress of the returns process, which has become a major issue in the light of Croatia's accession to the EU as well as for relations with neighbouring States. Croatia has announced its will to solve all cases of returns by the end of 2004, together with neighbouring Bosnia and Herzegovina and Serbia and Montenegro. According to Prime Minister Račan, approximately 150,000 Croats from Bosnia and Herzegovina and Serbia and Montenegro will most probably remain in Croatia.
24. President Mesić and all the other officials whom the Secretary General met, supported the plan for a Third Summit of the Council of Europe to re-define the place and role of the Council of Europe in a new European architecture. The wish for a less visible presence of the OSCE in the country was also expressed, as well as for the termination of the PACE post-monitoring dialogue.
25. Croatia intends to continue the ratification of further Council of Europe conventions and plans to ratify by 2004, 30 more conventions and complete the standardisation process of domestic laws with EU and Council of Europe standards in order to integrate the "acquis communautaires". Assistance of the Council of Europe would be welcomed in this process.
26. The programme for the reform of the Judiciary foresees training for judges and the creation of an Academy for Judges on the model of the French 'Ecole de la Magistration'; reforms of curricula of Law Faculties are under way; the number of judges will be increased in the coming years; and together with the modernisation of Courts, civil and criminal procedures are in the process of reform. All these measures should aim to solve the backlog until 2007. Council of Europe assistance would be welcomed to facilitate these reforms. An invitation to DG I experts to visit Croatia in May will be sent to the Council of Europe.
27. The Secretary General welcomed the invitation of the Croatian authorities to the Inter-Ministerial Conference on Intercultural Dialogue and Conflict Prevention in October in Opatja and confirmed his intention to participate.

APPENDIX 1



REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
Diplomatic Protocol

PROGRAMME
OF THE OFFICIAL VISIT
OF THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE,
MR. WALTER SCHWIMMER
TO THE REPUBLIC OF CROATIA

3-4 March 2003

Monday, 3 March 2003

11:30 am Arrival of **Mr. Walter Schwimmer**, Secretary General of the Council of Europe, by regular flight from Vienna

Welcomed by:

Mr. Neven Madey, Ambassador of Croatia to the Council of Europe
Dr. Branko Baričević, Assistant Minister, Head of Diplomatic Protocol

Departure towards the Ministry of Foreign Affairs

12:00 pm Meeting **Mr. Tonino Picula**, Minister of Foreign Affairs

1:00 pm Statements to the Press

Departure towards the Opera Hotel

Accommodation

1:45 pm Working lunch hosted by **Ms. Mirjana Ferić-Vac**, Head of the Croatian Parliamentary Delegation to the Parliamentary Assembly of the Council of Europe

2:45 pm Departure towards the Croatian Parliament

3:00 pm Meeting with the Croatian Parliamentary Delegation to the Parliamentary Assembly of the Council of Europe

Departure towards the Ministry of Justice, Administration and Local Self-Government

- 4:00 pm Meeting with **Ms. Ingrid Antičević-Marinović**, Minister of Justice, Administration and Local Self-Government
Departure towards the Ministry for European Integration
- 5:00 pm Meeting with **Mr. Neven Mimica**, Minister for European Integration
Departure towards the "Novinarski dom" (Press Club)
- 6:00 pm Lecture: "The role of the Council of Europe in the One Europe; the relationships with an enlarged European Union"
- 8:30 pm Dinner hosted by **Dr. Ante Simonić**, Vice Prime Minister

Tuesday, 4 March 2003

- 9:15 am Departure towards the Croatian Parliament
- 9:30 am Visit to **Mr. Zlatko Tomčić**, President of the Croatian Parliament
Departure towards the Office of the President
- 10:30 am Visit to **Mr. Stjepan Mesić**, President of the Republic of Croatia
Departure towards the Government Seat
- 11:15 am Visit to **Mr. Ivica Račan**, Prime Minister
Departure towards the Constitutional Court of Croatia
- 12:00 pm Meeting with **Mr. Petar Klarić**, Vice President of the Constitutional Court
Departure towards the "Paviljon" restaurant
- 1:00 pm Lunch hosted by **Mr. Tonino Picula**, Minister of Foreign Affairs
Return to the hotel
- 3:30 pm Interview for Croatian Television
- 4:45 pm Departure towards Zagreb Airport
- 5:55 pm Departure of Secretary General Walter Schwimmer by regular flight towards Frankfurt

Accompanying Secretary General Schwimmer will be Mr. Paul Dewaguet, Deputy Head of Cabinet, and Mr. Francois Friederich, Political Adviser in the Political Department of the Council of Europe.

ITALY
(Rome and Naples 12 – 14 March 2003)

I. THE VISIT

1. At the invitation of the Italian Government, the Secretary General visited Rome on 12 and 13 March 2003. He visited Naples on 14 March, at the invitation of the Chairman of the Italian Delegation to the Parliamentary Assembly and Vice-President, Mr Claudio Azzolini.
2. A first oral report was presented to the 832th meeting of the Ministers' Deputies on 19 March 2003.
3. The programme of the visit of the Secretary General and the composition of the delegation appear in Appendix 1.
4. In Rome, the Secretary General met with the Minister of Foreign Affairs, Mr Franco Frattini, the Minister for European Union Policy, Mr Rocco Buttiglione, the Minister of Justice, Mr Roberto Castelli, the Minister for Regional Affairs, Mr Enrico La Loggia, the Deputy Secretary of State of Culture, Mr Mario Pescante and the Chairman of the Foreign Affairs Committee of the Senate, Mr Fiorello Provera.
5. The opportunities and possible consequences of the impending Italian Presidency of the European Union were naturally at the centre of the whole visit. The core issues discussed were the strengthening of relations between the European Union and the Council of Europe during Italy's forthcoming presidency of the European Union, cooperation within the Euro-Mediterranean area, the Third Summit of the Council of Europe and the situation in South Eastern Europe and the Caucasus. The Secretary General further had the opportunity of discussing matters relating to the European Court of Human Rights, Cultural and Regional Affairs. The major implications of the Iraqi crisis were also reviewed. The Council of Europe Web Portal in Italian was introduced.
6. The Secretary General delivered a lecture at the Dragan Foundation for International Affairs on the role of the Council of Europe in the One Europe: the relationship within the enlarged European Union. He also used this opportunity to state his position on the Iraqi crisis.
7. Thanks to the excellent preparation by the Council of Europe's Italian press correspondent, Mr Roberto Tumbarello, the Secretary General gave a fifteen-minute live interview on national television (RAI Uno) during the very popular breakfast television programme "Uno Mattina". In addition, he was interviewed by several national and regional newspapers.

8. In Naples, the SG gave a lecture at the Maison de la Méditerranée and awarded the Mediterranean Peace prize to the Palestinian priest, Father Ellias Chacour. He further discussed the impressive achievements of the Maison de la Méditerranée under the dynamic leadership of its Director General Michele Capasso, to develop dialogue between societies and cultures in the Euro-Mediterranean area. Opportunities for co-operation with that institution should be explored in the coming weeks, notably in the promotion of intercultural dialogue.

II. MAIN CONCLUSIONS

9. The Italian authorities presented their preliminary views on priorities of the future EU presidency and agreed that in areas like international migrations or the fight against human trafficking and against terrorism, joint action with the Council of Europe would be most welcome.
10. By and large, they shared the view that an enlarged and restructured European Union should develop additional synergies with a Continent-wide Council of Europe. This should be one of the main focuses of a Third Summit, which could take place in the second half of 2004.
11. It was recognised that Italy would exercise the EU Presidency at a crucial time in the decision making process on a future Constitution. This gave Italy a unique opportunity to help moving forward the fundamental question of a EU accession to the European Convention of Human Rights.
12. Italy took note with interest of additional proposals made by the Secretary General to develop further synergies between the European Convention and the Council of Europe, namely a possible accession to the European Cultural Convention (ECC) and a possible granting to the European Union of a status of associate member in the Council of Europe. The idea was floated by one of the Secretary General's interlocutors that the relevance of the ECC for the European Union might, at the initiative of the Italian EU Presidency, be discussed in the presence of the Secretary General at forthcoming ministerial meetings of the 15 +.
13. Italy expected the Council of Europe to pay increasing attention to its Mediterranean neighbourhood but also to Latin America. The Organisation should generally step up efforts to foster intercultural dialogue and to help finding lasting solutions to unsolved conflicts in Europe.

14. Italy strongly valued the Council of Europe's contribution to stability, through steady enlargement, supporting programmes and monitoring. Recalling its long-standing position in favour of an early accession of Serbia-Montenegro, it called for decisive action in this respect in the light of Prime Minister Djindjic's death the day before. It also stressed that the impending Moldovan chair of the Committee of Ministers could and should be a real opportunity for the country and the Organisation.
15. As a country with recognised difficulties concerning both the length of proceedings in national courts, Italy strongly supported efforts to secure the long-term efficiency of the European Court of Human Rights (ECHR). National measures to increase the efficiency of the courts and to allow compensation for excessive length by Appeal courts were still no panacea.
16. Italian authorities showed a readiness to discuss sensitive issues and to consider a more active participation in the monitoring procedure on freedom of the media, which concerns all member states. They seemed to share the Secretary General's suggestion that Italy would benefit from a thorough, independent and objective review of what had become a passionate issue.
17. In the context of the future EU Presidency, Italy indicated its intention to take fresh initiatives concerning the work in the Council of Europe on a possible convention on Regional Autonomy that would include the necessary flexibility to accommodate the different positions on that topic.

APPENDIX II**OFFICIAL VISIT OF
MR WALTER SCHWIMMER,
SECRETARY GENERAL OF THE COUNCIL OF EUROPE
TO ITALY****12 – 14 MARCH 2003****12 MARCH 2003, ROME**

- 16:00 Interview and photo session with 3 regional newspapers: Nazione, Il Giorno and Carlino.
- 18:30 Conference at the Foundation Dragan, Theme: The role of the Council of Europe in the One Europe: the relationship with the enlarged Union.

13 MARCH 2003, ROME

- 07:00 Live interview with TV RAI
- 10:00 Minister for Foreign Affairs of Italy, **Mr Franco Frattini**
- 11:45 Chairman of the Foreign Affairs Committee of the Senate, **Mr Fiorello Provera**
- 13:00 Lunch hosted by the Minister for European Union Policy, **Mr Rocco Buttiglione**
- 15:15 Interview with "Il Tempo" and "Avvenire" newspapers.
- 16:00 Minister of Justice, **Mr Roberto Castelli**
- 17:15 Deputy Secretary of State of Culture, **Mr Mario Pescante**
- 19:00 Minister for Regional Affairs, **Mr Enrico La Loggia**

14 MARCH 2003, NAPLES

- 10:00 Lecture at the "Maison de la Méditerranée", and award of the Mediterranean Peace Prize to Father Ellias Chacour. Foundation promoting political cultural dialogue in the Euro Mediterranean area.
- 13:00 Lunch hosted by the authorities of Naples.

Accompanying Secretary General Schwimmer will be Mr Jan Kleijssen, Head of Cabinet and Marc Scheuer, Director of Political Advice and Cooperation of Political Department of the Council of Europe.

