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Croatia after the Assassinations: Chances for New Reform Dynamics

Tomislav Maršić

Croatia is under shock: Two commissioned murders, with obvious political links to the Mafia, have been carried out in quick succession on the streets of the country. Today, some eight years after the beginning of the “second transformation” during which the country shifted from a semi-autocratic presidential system to parliamentary democracy, and shortly before the conclusion of negotiations on Croatia’s accession to the EU, nobody would have reckoned with this kind of Mafia-style score-settling. The resulting wave of indignation will force the Croatian government, after years of passivity, to take the offensive and to adopt substantial reforms. This task requires nothing less than the political neutralization of influential figures. These individuals, who established excellent links to the political class during the war, are still present in some “coordinating points of power.” Yet, part of this pressure for reform comes from the outside too: Shortly before the publication of the EU Commission’s progress report, the government had to demonstrate its good faith. It removed the Interior and Justice Ministers, in order to allay French, German and Dutch reservations regarding Croatia’s accession to the EU.

As expected, the tenor of the Commission’s progress report was mainly positive. It certifies Croatia’s good progress in all fields. All the same, one cause for complaint remains the continuing politicization of the judicial system, as well as its lack of devoted personnel and financial resources. They also criticise the limited reform ambition in general. This has now fundamentally changed with the introduction of personnel changes and reform initiatives. Not least because of this, the Enlargement Commissioner, Olli Rehn,

managed to convince the Commission College to adopt the schedule he had elaborated: Subject to the realization of all conditions, Croatia’s accession negotiations could be gradually concluded by the end of 2009. This positive dynamic is being disrupted by two countervailing developments: On the one hand, a group of member states fronted by the German government persists in tying the current enlargement round to the successful introduction of the Lisbon Treaty. Even if this reservation does not win out before the ratification of Croatia’s

accession treaty—presently expected at the earliest in spring 2010—the consolidation crisis is serious and a solution not in sight. The second pressure emanates from the outgoing Slovenian government, which has once more blocked the opening and closure of negotiation chapters, in pursuit of its own priorities: It is seeking to force access to international waters following a bilateral disagreement with Croatia.

In this situation, the murders in Zagreb's town centre realized something of a worst-case scenario, since they dented Croatia's image as a problem-free and readily absorbable EU candidate. The assassinations are redolent of those mistakes made in connection with the premature admission of Bulgaria and Romania to the EU.

The past handling of organized crime

After years of calm, how could these acts of violence occur? The roots of today's organized crime in Croatia go back to the nineties. At that time, external circumstances like the war and the international arms embargo, as well as internal factors, like the process of system-change and the weakness of the opposition, fostered the rise of dubious individuals within state structures. For the most part, these persons were able to quickly obtain the military equipment urgently needed by the government. Austria's recent extradition to Croatia of General Vladimir Zagorec, a key figure in this milieu and former armaments agent, unleashed a fever of activity in Zagreb's underworld. Even though the assassins have since been identified and several of the figures dealing with the logistics behind the murders have been apprehended, it is still unclear who commissioned the killing and if there is a correlation between the two.

These killings appear to mark the beginning of a sad culmination in a whole series of violent encroachments against investigative journalists and business managers working on corruption cases. Members of

the government and representatives of Zagreb's city council are suspected of involvement in such corruption. The disgust of large sections of the population at the unassailability of influential figures in business and politics, whose offences are often open secrets, is manifested in a general resigned dissatisfaction with politics. Until now, the investigations against those suspected of such encroachments have mostly petered out. At the end of the nineties, a spectacular trial against several suspected bosses began, only to spectacularly fail a few years later. The coalition government under the Social Democrats, which was in office between 2000 and 2003, refrained from proceeding against the exponents of Mafia structures.

For his part, the present Prime Minister, Ivo Sanader, pursues a policy of EU-appeasement, supposed to lead to accession as quickly as possible, but giving low priority to a fundamental reform process. Sanader's influence was repeatedly noticeable in the past when courts but also Parliament reversed particular decisions that could have possibly endangered Croatia's EU ambitions. But the drafts for institutional reform -now tackled- remained on the Ministry of the Interior's backburner for two years. The department for the fight against organized crime, founded on the insistence of the EU, existed only on paper for almost a year.

Both the new Minister of the Interior, Tomislav Karamarko, and his police chief, have publicly voiced the opinion that the police in Croatia have been politically controlled since the war at the beginning of the nineties. Sanader himself had sought to retain Karamarko's predecessor, even though this individual had been vehemently criticized, not least when he had to reverse a politically motivated appointment to the head of police under public pressure. After the first murder, the head of government finally gave way to public indignation that might shortly have been directed against himself. He dismissed the unquestioningly loyal Ministers of the Interior

and of Justice in an apparently panic decision. With hindsight though, it has proved to be very effective: The new members of cabinet, Tomislav Karamarko and Ivan Šimonović, a confidant of President Mesić and a candidate of the opposition Social-Democrats respectively, guarantee the Premier support from his erstwhile political rivals. Karamarko, who played an important role in the search for the fugitive General, Ante Gotovina, and his principal financier, can already take credit for successfully reforming the secret service. Šimonović, the new Justice Minister and a professor of law to boot, used to be Croatia's representative at the UN.

The Range of Reforms

The two new ministers are now facing the enormous challenge of achieving tangible results in the struggle against organized crime and corruption—a challenge which, up to now, had been tackled only half-heartedly. Broadly speaking, the task is twofold: on the one hand corrupt officials have to be expelled from public office, and on the other the administration needs to be professionalized, and cleared of political cliques and clientelistic patronage. The measures decided most recently indicate that this need for reform with respect to institutions, personnel and policies is now increasingly being taken into account.

In the area of institutional reform, for example, the anti-mafia package will bolster current changes in the judiciary. An improvement of the witness protection programme has thus been decided upon, giving form to a long-running demand. Good progress has also been made in the executive field with the police being made to work more effectively and professionally. With the institutional reorganization of the department for the fight against organized crime, which has been placed under the direct control of the new police chief, there should be fewer information leaks in future. At the same time, the range and depth of regional and international police

cooperation are being extended. The first results of these measures could already be seen during the inquiries into the murders.

While the political will behind the depoliticization of the judiciary seems to be present for the moment, systematic changes require a long-term engagement. In the past, during politically sensitive legal proceedings, irregularities have occurred repeatedly. This was vividly illustrated by the recent termination of the trial against Branimir Glavaš, who is suspected of war crimes. This and similar cases have shown that the long arm of politics reaches deep into the legal system. Judicial reform, effected as a part of the accession negotiations, already contains measures including a more transparent appointment process for judges. Until now however—and this is a central point of EU criticism—these reforms have not been implemented with due emphasis.

Widespread personnel changes on all levels have taken place in the police force in particular. The strategic position of police chief has been assumed by Vladimir Faber, who gained an excellent reputation in Osijek during the difficult investigations against Branimir Glavaš. The new head of the Ministry of the Interior has exchanged several medium and higher police cadres, many of whom had been hired according to political criteria after the inauguration of the HDZ-led government in 2003.

In the policy realm, the anti-mafia legal package will strengthen the legal framework in the struggle against organized crime. According to Prime Minister Sanader, this set of laws also has “backup in the budget.” The package facilitates the confiscation of suspects' property by the authorities. It also allows for the tapping of communications as regards those arrested from the milieu. The police's authority and its access to data have been decisively expanded by the new law. Furthermore the government has installed a fund supporting the implementation of a professional network of informants.

Conclusion

Should the measures of the anti-mafia package be implemented as announced, they will mark a new beginning in the struggle against organized crime after a long phase of passivity. Ivo Sanader has called into the government independent experts of integrity. Contrary to their predecessors, they have shown a high degree of personal initiative and independence from the Prime Minister. The recent inquiries into the two murders and the reopening of unsolved cases on past contract murders prove that the police is taking the struggle against organized crime more seriously.

The package contains a large number of measures that form part of the legal-reform process ahead of EU accession. Their adoption and implementation has been sluggish in recent times. The fact that reforms are today being effected with the necessary high-level political support only after strong domestic pressure shows that the EU's conditionality policy played the role of a catalyst, rather than that of a driver. One inescapable conclusion is that a profound reform of the police and the judiciary is proving a far bigger challenge for the new ministers than the fulfillment of the abstract accession requirements listed in the Commission's progress report. In addition, it is clear that eliminating criminal and corrupt politicians from top positions will be a Herculean task, and one whose success is ultimately dependent on political will.

With the reforms achieved under the justice and fundamental rights chapter, the Croatian government has now made great progress in one of the two problem areas singled out in negotiations with the EU. In the other, competition policy, such progress will have to occur soon: if the state's retreat from shipbuilding has been slothful, this is mainly due to Zagreb's efforts to obtain more exemptions in employment-related issues from the EU Commission. At present, the government is still reluctant to ladle out sour medicine, since it cannot keep the employment promises it made

earlier to the shipyard workers. Moreover, the local elections next spring may endanger progress in this area, as well as regarding the reduction of the number of courts. The key to the solution of these problems lies in domestic politics.

At the same time, the EU Commission has for the first time set a date for the possible conclusion of negotiations with Croatia. It has thus engaged in open confrontation with important countries in the Council of the EU. The driving force behind this venture was the Enlargement Commissioner, Olli Rehn. He hopes to send a positive signal to the region and in that has received backing from the President of the Commission, Jose Manuel Barroso. It is questionable if the brash efforts of the Commission will be productive in the end, especially given the opposition that is forming within the Council. As two "exogenous" obstacles also have to be overcome—Slovenia's blockade position and the suspension of the ratification process for the Lisbon Treaty—the Croatian government has no other option but to restore its tarnished reputation by modernizing the Interior and Justice sectors. That process has now been initiated. Yet, it is still unclear whether one can really speak of a fundamental turnaround in the struggle against the entanglement of crime and politics. The answer will only become apparent when influential persons are not only prosecuted but sentenced as well.

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