

Democratic consolidation and the impact of EU political conditionality:

The Case of Croatia

Ivana Marinković

Master thesis in Globalization – Global Politics and Culture

Department of Sociology and Political Science

Faculty of Social Sciences and Technology Management

Norwegian University of Science and Technology

Trondheim, May 2011

*I can do everything through Him who gives me strength.
(Phil. 4: 13)*

Abstract

This thesis aims at assessing democratic consolidation in Croatia within the context of the EU accession negotiations in the past decade. It looks specifically at whether and to what extent the EU enlargement policies and political conditionality approach have been an effective tool in promoting democratic change and consolidation in Croatia, particularly in the following areas: cooperation with the ICTY, the fight against corruption, the consolidation of an independent judiciary, and fundamental rights, with special attention to freedom of expression. Thus, Croatia is referred to as an empirical case, but discussion can have wider appliance to other EU non-member states in Southeastern Europe and identify some of the advantages and shortcomings of the EU approach. Moreover, the country's specific features, such as the war of independence as well as Tudjman's personality and style of governance, have delayed taking up most of the democratic reforms and thus, have slowed down democratic change and consolidation for entire decade. In addition, the governments' hesitation to introduce necessary democratic reforms, due to domestic pressures of various interest groups has for a long time presented an important obstacle to any substantial changes and consolidation, as well as to Croatia's EU membership. Nevertheless, Croatia nowadays has achieved a stable and consolidated democracy, to which EU enlargement policies and its political conditionality have contributed significantly. Although there are still many problems to address, especially in terms of fight against corruption and war crimes issues, there is no direct threat from democratic breakdown or the erosion of democracy in the country.

Key words: democratic consolidation, EU enlargement policies, EU political conditionality approach, Croatia.

Acknowledgements

This thesis would not have been possible without the support and help of several people to whom I would like to express my sincere gratitude. First and foremost, I would like to thank my supervisor, Professor Sabrina Petra Ramet, for her guidance and patience throughout this thesis. Her sincerity, encouragement and life-energy motivated me to successfully complete my work. I am grateful for her prompt e-mail replies, creative comments and for keeping her door open for me.

In addition, my thanks go to Professor Ola Listhaug. His valuable comments were of great help in finalizing this thesis.

Special thanks go to my co-students and friends in MSc Globalization program. The fruitful discussions and opportunity for sharing our ideas, frustrations and doubts made this journey memorable.

And finally, I would like to thank to my family and my dearest ones for their unconditional love, support and prayers. Despite the distance, they have been incredibly patient, tolerant and full of understanding for all of mine ups and downs during these two years.

Trondheim, 29 May 2011

Ivana Marinković

Map of Croatia



Source: CIA government facts, <https://www.cia.gov/library/publications/the-world-factbook/geos/hr.html> (accessed in May 2011)

List of Abbreviations

AA	Association Agreement
CoE	Council of Europe
DC	Democratic Center
EBRD	European Bank for Reconstruction and Development
EC	European Commission
ENP	European Neighborhood Policy
EP	European Parliament
EPP	European People's Party
EU	European Union (from 1992, its predecessor – the European Community, EC)
HDZ	Croatian Democratic Union (Hrvatska demokratska zajednica)
HHO	Croatian Helsinki Committee (Hrvatski helsinški odbor)
HKDU	Croatian Christian Democratic Union (Hrvatska kršćanska demokratska unija)
HNS	Croatian People's Party (Hrvatska narodna stranka)
HSS	Croatian Peasant Party (Hrvatska seljačka stranka)
HSL	Croatian Social Liberal Party (Hrvatska socijalno liberalna stranka)
HSP	Croatian Party of Rights (Hrvatska stranka prava)
HSU	Croatian Party of Pensioners (Hrvatska stranka umirovljenika)
HDSSB	Croatian Democratic Alliance of Slavonia and Baranja (Hrvatski Demokratski Savez Slavonije i Baranje)
HRK	Croatian Kuna (Currency of Croatia, since 1994)
ICTY	International Criminal Tribunal for the former Yugoslavia
IDS	Istrian Democratic Assembly (Istarski demokratski sabor)
IMF	International Monetary Fund
JNA	Yugoslav People's Army (Jugoslovenska Narodna Armija)
LS	Liberal party (Liberalna stranka)
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OSCE	Organization for Security and Cooperation in Europe
PGS	Alliance of Primorje and Gorski kotar (Primorsko-goranski savez)
SAA	Stabilization and Association Agreement
SAP	Stabilization and Association Process
SDP	Social Democratic Party (ex League of Communists, Party of Democratic Change) (Socijal-Demokratska Partija)
SDS	Serbian Democratic Party (Srpska Demokratska Stranka)
SDSS	Independent Democratic Serbian Party (Samostalna Demokratska Srpska Stranka)
SNS	Serbian People's Party (Srpska narodna stranka)
SP	Stability Pact
TI	Transparency International
UN	United Nations
USKOK	The Bureau for Combating of Corruption and Organized Crime (Ured za suzbijanje korupcije i organiziranog kriminaliteta)
WTO	World Trade Organization

Glossary

Accession criteria (Copenhagen criteria) – Any country seeking the membership in the EU has to meet three criteria: political, economic and acceptance of the *Acquis Communautaire*. These criteria have been established by the Copenhagen European Council in 1993 and further strengthened by the Madrid European Council in 1995.

Accession negotiations – Process of the adoption and implementation of the *Acquis Communautaire*, which is monitored by the European Commission (EC). The *acquis* is divided into chapters that cover all the areas the country must address in order to join the EU. Negotiations take place in intergovernmental conferences between the member states and the candidate country.

Acquis Communautaire (Community acquis) – is the body of common rights and obligations which bind all the member states together within the EU. Candidate countries have to accept the *acquis* and transpose it into their national legislations before they can join the Union.

‘Benchmarks’ – EU’s measurable reference criteria defined for the opening and closing of *Acquis Communautaire* chapters. After the EU and the candidate country reach an agreement, the respective chapter is considered as temporarily closed. Thus, if new provisions are adopted or the candidate country does not persist with its obligations, the chapter in question can be reopened until the Accession Treaty is finally concluded.

Candidate country – a country status that is conferred by the European Council on the basis of an opinion from the EC. The EC scrutinizes the country’s application for membership in the light of the accession criteria and settles an opinion, while the accession process starts with the European Council’s decision to open accession negotiations. Accession depends on the progress made by the respective candidate country, which is regularly assessed and monitored by the Commission.

Council of the European Union ('Council of Ministers' or 'Council') – is the EU's main decision-making body. The Council's meetings are attended by the EU member states ministers of various policy fields. Sessions are assembled by the rotating six-months Presidency of Member State, which sets the meeting agenda.

Enlargement policy – is the policy of further European integration and accession of new member states in the EU membership. Today, the EU counts 27 member states and its enlargement perspective is open to other European countries as well, when respective countries meet the necessary EU requirements.

European Commission (EC) – is the EU institution that proposes and implements Community policies adopted by the Council and the Parliament. It is considered to be independent of national governments and is perceived as guardian of Community Treaties. It is comprised of 27 Commissioners.

European Council – is the EU institution that defines general political guidelines and gives necessary impetus for EU development. It is comprised of the Heads of States and Governments of the Member States.

PHARE program (Pologne-Hongrie: assistance à la restruration) – Program of Community aid to the countries of Central and Eastern Europe and the main financial and technical instrument of the EU's pre-accession strategy. Subsequently, it was extended to the Southeast European Countries and later on replaced with other aid programs.

Stabilization and Association process (SAP) – the process that defines the EU's policy towards following countries: Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia, as well as Kosovo. It was launched in order to strengthen democracy, the rule of law and the market economy, as well as to ensure peace and stability in the region. In addition, the SAP puts greater emphasis on the regional cooperation.

Source: European Union, Glossary, http://europa.eu/legislation_summaries/glossary/index_a_en.htm

Table of Content

<i>Abstract</i>	v
<i>Acknowledgements</i>	vii
<i>Map of Croatia</i>	viii
<i>List of Abbreviations</i>	ix
<i>Glossary</i>	x
1. Introduction	1
<i>1.1. Background and relevance: Croatia and the EU</i>	3
<i>1.2. Previous research and Research questions</i>	6
<i>1.3. Structure and Main arguments</i>	10
2. Theoretical framework and Methodology	11
<i>2.1. Democratic consolidation</i>	11
<i>2.2. Political conditionality approach</i>	14
<i>2.3. Methods and Methodology</i>	18
3. Tudjman era (1990-1999) and the issue of Tudjman's legacy	21
<i>3.1. Tudjman's personality and style of governance</i>	21
<i>3.2. Tudjman's approach toward European integration issues</i>	24
<i>3.3. The war crimes and cooperation with the ICTY</i>	26
<i>3.4. The issue of corruption and privatization deals</i>	28
<i>3.5. Problems in the judiciary</i>	30
<i>3.6. Fundamental rights and freedom of expression</i>	32
<i>3.7. Tudjman era: Summarizing the main features</i>	35
4. Račan's prime ministership (2000-2003)	37
<i>4.1. Democratic turnover in 2000</i>	37
<i>4.2. The war crimes and cooperation with the ICTY</i>	39
<i>4.3. The fight against corruption</i>	43

4.4. <i>Unresolved problems in the judiciary</i>	45
4.5. <i>Fundamental rights and freedom of expression</i>	47
4.6. <i>Račan's prime ministership: Summarizing the main features</i>	49
5. Sanader's prime ministership (2003-2009)	51
5.1. <i>Dealing with Tudjman's legacy</i>	51
5.2. <i>Cooperation with the ICTY</i>	52
5.3. <i>The fight against corruption and Sanader's second term in office</i>	55
5.4. <i>Small improvements in the judiciary</i>	58
5.5. <i>Fundamental rights and freedom of expression</i>	60
5.6. <i>Sanader's prime ministership: Summarizing the main features</i>	62
6. Kosor's prime ministership (2009-in progress)	64
6.1. <i>Kosor's term in office and European integration issues</i>	64
6.2. <i>The issue of cooperation with the ICTY as a never ending story</i>	66
6.3. <i>The fight against corruption stronger than ever</i>	68
6.4. <i>Further improvements in the judiciary</i>	71
6.5. <i>Fundamental rights and freedom of expression</i>	73
6.6. <i>Kosor's prime ministership: Summarizing the main features</i>	75
7. Conclusion	76
<i>Bibliography</i>	79
APPENDIXES	85
<i>Appendix I: Croatian modern history – Chronology</i>	85
<i>Appendix II: Referendum and Election Results 1991-2011</i>	87
<i>Appendix III: Short biographies of political and societal actors 1991-2011</i>	93

1. Introduction

After the breakdown of communist regimes throughout Europe, post-communist states have faced a challenge to build and develop new modern and democratic societies. Since the early 1990's these countries have been going through a process of transformation from communism toward liberal democracies, trying to consolidate their democratic systems. At the same time, the process of democratization has been closely related to the process of Europeanization. Thus, the role model in the process of setting up a liberal, democratic polity and a free market economy has been primarily West European countries and organizations, first and foremost the European Union (EU) and its predecessor the European Community (EC). Moreover, the Euro-Atlantic region set out different tools in order to promote and support democratic consolidation in new democratic states.¹ The phrase that has frequently been used to describe the transition from communism to democracy is 'return to Europe', which refers to implementation of different European policies and democratic reforms as well as full integration into Western organizations, namely the EU and the North Atlantic Treaty Organization (NATO).² In that sense, Croatia has been no exception to this rule. However, having in mind the country's recent history and its war of independence³, we may observe that Croatia's pathway toward democratic consolidation and Western organizations' membership appeared to be more difficult than it was initially expected.

Therefore, keeping in mind the country's specific features, this thesis aims at assessing the progress of democratic consolidation in Croatia within the context of the EU accession negotiations in the past decade. The thesis will analyze major challenges the country has faced and look specifically at the impact of the EU enlargement policies and political conditionality approach on democratic consolidation in Croatia. In addition, it will observe how different Croatian governments have responded to EU requirements and consider whether and to what extent the EU approach has been an effective

¹ Frank Schimmelfennig, 'European Regional Organizations, Political Conditionality and Democratic Transformation in Eastern Europe', *East European Politics and Societies*, 21: 1 (2007) 126-141.

² Sharon Fisher, *Political Change in Post-Communist Slovakia and Croatia: From Nationalist to Europeanist*, New York: Palgrave Macmillan, 2006, pp. 3.

³ In Croatia known as 'Homeland war' (*Domovinski rat*) or 'Great-Serbian aggression' (*Velikosrpska agresija*) and in international literature often referred as 'Yugoslav wars' or 'War of Yugoslav Succession'. In this thesis I will use the term the War of Independence.

instrument in promoting democratic changes in the country. In order to do that, the thesis aims to consider the state of play in the following areas particularly: cooperation with the ICTY, the fight against corruption, the consolidation of an independent judiciary, and fundamental rights, with special attention to freedom of expression. These areas are primarily included in the Chapter 23 of the *Acquis Communautaire* – ‘Judiciary and Fundamental Rights’, which is crucial for the outcome of the whole accession negotiations process. Moreover, these particular issues have often been pointed out as areas Croatia needs to handle correctly in order to join the EU and, at the same time, have been for many governments painful to deal with.

Having this in mind, it is possible to observe that the process of democratic consolidation in Croatia largely overlaps with the country’s accession to the EU and that these two processes are closely related. In this thesis, I will argue that the EU’s enlargement policies and political conditionality approach have had a significant impact on democratic changes and consolidation in the country. In my view, some of the issues that are crucial for country’s democratic consolidation, such as the rule of law and the fight against corruption, were closely addressed only after the EU has exerted its pressure on Croatian governments. Furthermore, due to domestic pressures of various interest groups, the governments have often been unwilling to proceed with necessary political and social reforms and have resisted complying with EU requirements. In addition, some factors specific to Croatia, such as the war of independence as well as the legacy of its first president, Franjo Tudjman, have delayed taking up most of the political and social reform issues and thus, have slowed down democratic changes and consolidation in the country for entire decade. Finally, the EU enlargement policies and its approach have evolved in the past years and thus, Croatia has had to meet different standards, which were not previously required. Perhaps general promises remained similar as in previous enlargements, but EU criteria and actual performance toughened, mostly due to some unpleasant experiences in connection with the 2004, and especially the 2007 EU enlargement. These specific circumstances for a long time presented the main obstacle to substantial democratic changes and consolidation, and to the EU membership. Thus, after briefly summarizing main features of modern Croatian history, I will evaluate possible theoretical approaches and then define the framework for further analysis.

1.1 Background and relevance: Croatia and the EU

Croatia is a small European country that gained its independence after the disintegration of Yugoslavia in the course of 1988-91.⁴ The first multiparty elections were held in May 1990 and the victory of Croatian Democratic Union (Hrvatska Demokratska Zajednica – HDZ) and its leader Franjo Tuđman signified a first step toward Croatian independence. After a public referendum in 1991, when a majority of Croatian citizens voted for an independent state⁵, the Croatian Parliament (*Sabor*) adopted the Constitutional Decision on the Sovereignty and Independence of the Republic of Croatia, on 25 June 1991. By that point, the country was already facing a well-organized rebellion of its local Serb community as well as Serbia's aggression, openly supported by Yugoslav People's Army (Jugoslovenska Narodna Armija – JNA).

During the first years of independence, Croatia suffered a great amount of destruction and devastation. The country had faced occupation of one third of its territory, around 15,000 dead and 6,000 missing persons, as well as more than 500,000 internally displaced persons and refugees between the 1991 and 1995. Moreover, the entire economy suffered from deprivation, especially in tourism and investments, and a large proportion of property and infrastructure was destroyed, causing an economic damage of almost 19 billion US dollars.⁶ In addition, the loss of human capital and deep structural change of leaders in public administration, judiciary and enterprise resulted in a decline of quality in these sectors in the years afterwards.⁷ At the same time, the new circumstances in Southeastern Europe at the beginning of the 1990s left the international community somewhat unprepared. While it failed to respond in an appropriate way, according to Goldstein, the EC and the United Nations (UN) must take part of the blame for these events because they (1) naively believed that a European approach based on economic interest and diplomacy would be acceptable to all sides, (2) treated the victim

⁴ For more details on Croatia's history, see Appendix I.

⁵ The referendum was held on 19 May 1991 with the turnout of almost 80 per cent, of which around 95 per cent voted for independence. At the same time, it was largely boycotted by Serb community. For more details on referendum and election results, see Appendix II.

⁶ OSCE, Mission to Croatia, 'Report on Croatia's progress in meeting international commitments since 2001', 9 June 2006, 1-35, pp. 34. More on this also in Fisher, *Political Change*, pp. 179.

⁷ Many Serbs as well as Croats who were not loyal to the ruling party were dismissed from their duties regardless their education. More on this in Bruno Schönfelder, 'The Impact of the War on the Economy', in Sabrina P. Ramet, Konrad Clewing and Reneo Lukić (eds) *Croatia since Independence: War, Politics, Society, Foreign Relations*, München: R. Oldenbourg Verlag, 2008, pp. 219.

and aggressor as equivalent for a long time and (3) supported the existence of a fictional Yugoslavia, even at a time when it was obvious that the state had already collapsed.⁸ In early 1992 the international community eventually recognized Croatia as an independent state, treating the occupied territory as an integral part of the country. Shortly thereafter, Croatia became a member of the UN and some other international organizations.

Although the war of independence ended in 1995, it took an additional three years for the country to consolidate its territory. In 1998, with the peaceful reintegration of Danube region (*Podunavlje*) in Eastern Slavonia into the Croatian constitutional and legal system, the country finally established its territorial integrity. However, mainly due to the impact of the war and the mismanaged privatization process of state enterprises, Croatia's economy was in a poor condition and by the end of 1998, it entered into deep recession. Moreover, unemployment was gradually rising, reaching 20.1 per cent in 1999.⁹ In addition, there were growing allegations of corruption and misuse of government powers as well as a sense of international isolation, since Croatia was excluded from the 1997 decisions on EU and NATO enlargement. All this created a vast proportion of dissatisfaction and frustration among Croatian citizens. As a result, in the 2000 Parliamentary elections, Croatian citizens decided to vote the ruling HDZ out of power and voted for the left-oriented coalition led by the Social Democratic Party (SDP) and Ivo Račan. It was predominantly the bad economic situation in the country, and especially the fall in living standards that brought about the change of power.

At the same time, the beginning of the new decade brought some important changes regarding the Croatian international position. In the new circumstances, where Račan's government was more willing to introduce necessary democratic reforms, the country moved quickly towards European integration. In 2003, Croatia submitted its application for membership in the EU. However, Račan's government was constantly struggling with important domestic issues and the strength of the six-party coalition was often put to the test. The alliance was badly shaken when the SDP's chief coalition partner, Dražen Budiša and his Croatian Social Liberal Party (Hrvatska socijalno liberalna stranka – HSLŠ), left the government due to disagreement regarding

⁸ Ivo Goldstein, *Croatia: A History*, translated from Croatian by Nikolina Jovanović, London: C. Hurst and Company, 1999, pp. 222.

⁹ IMF, 'Republic of Croatia: Staff Report for 1999', Report No. 00/7, January 2000.

cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). Moreover, although the economy experienced some positive changes during the early 2000's, in terms of GDP growth and inflation, some problems such as unemployment remained, and the external state debt increased.¹⁰ The overall impression was that the government had failed to stimulate economic recovery and improve people's living standards. In the meantime, after the intra-party elections and the victory of Ivo Sanader, the HDZ reformed itself and succeeded in presenting itself as a modern European democratic party. In the 2003 Parliamentary elections, the HDZ came back to power and Ivo Sanader became the new Croatian prime minister. The new government continued with the pro-European policy and in 2004, Croatia was granted the status of an EU candidate country. Even though cooperation with the ICTY was a heavy burden for Sanader's government as well, the country succeeded in opening EU accession negotiations in October 2005.

After the change of state power in 2000, it was expected that Croatia would take the fast track toward EU membership. However, this was not the case. The country missed the opportunity to become a member state in both the 2004 and 2007 enlargements and in 2011 it entered into its sixth year of negotiations. While there are frequent announcements from Croatian government officials as well as some high-ranking politicians from the EU member states that Croatia is in the final stage of its accession talks, the EU officials seem to be more cautious in their prediction of the end of negotiations. The latest statements by Croatian prime minister Jadranka Kosor,¹¹ that the country has a real chance to complete negotiation talks by the end of June 2011, show a considerable amount of optimism on her part.¹² Moreover, during his official visit to Zagreb in February 2011, Hungarian prime minister Viktor Orbàn, explicitly said that Croatia would get the date for the end of EU negotiation talks during his country's EU presidency.¹³ It is possible to observe Croatia's considerable democratic improvements in the past years, especially regarding the EU political criteria. These improvements were

¹⁰ IMF, 'Republic of Croatia: Selected Issues and Statistical Appendix', Report No. 04/251, August 2004.

¹¹ After Sanader's resignation in July 2009, Jadranka Kosor became the new Croatian prime minister.

¹² Večernji list, 15 February 2011, 'Odluka o završetku pregovora', <http://www.vecernji.hr/vijesti/odluka-zavrsetku-pregovora-eu-mozda-vec-3-ozujka-clanak-253180> (accessed in March 2011)

¹³ Hungary is chairing the EU presidency in the period January-July 2011; Vjesnik, 8 February 2011, 'Orbàn: U travnju datum završetka pregovora', <http://www.vjesnik.hr/Article.aspx?ID=68939940-E070-4526-8B1B-70100BBF6D31> (accessed in March 2011)

also recognized in the latest EC Report stating that democracy and rule of law in the country have been further strengthened.¹⁴ On the other hand, although the leader of the European People's Party (EPP) and representative in the European Parliament (EP) Joseph Daul declared his support for Croatia's membership, he also warned that the country had to continue with the necessary reforms in the judiciary and in the fight against corruption.¹⁵ A similar warning was enunciated by EU Commissioner for Enlargement Štefan Füle, who emphasized that "Croatia needs to focus in particular on fulfilling all the closing benchmarks of Chapter 23 – Judiciary and Fundamental Rights."¹⁶ As previously mentioned, the Chapter 23 of the *Acquis Communautaire* is crucial for the outcome of the whole accession negotiations process, and the issues it covers are particularly important for country's democratic consolidation.

1.2. Previous research and Research questions

In the past two decades, there have been growing number of research studies examining the democratic transformation of post-communist states. Moreover, special attention has been paid by some observers to the possible impact of the EU, its integration process and enlargement policy on domestic transformation towards democracy and market economy in these countries. The research on the phenomenon of globalization and regionalization as well as on the significance of global and regional players, such as the EU, is on the increase in the past two decades. These players regulate and manage various fields of political and economic activity, especially through their institutional structure.¹⁷ In that sense, various articles focused on direct EU influence on domestic transformation within particular legal framework, such as: the Association Agreement (AA), the Stabilization and Association Agreement (SAA) and the European Neighbourhood Policy (ENP). However, most of the research has focused on Central Europe and thus, Croatia and other

¹⁴ EC, Conclusions on Croatia, extract from the Communication from the Commission to the Council and the European Parliament, 'Enlargement Strategy and Main Challenges 2010-2011', COM (2010) 660.

¹⁵ Vjesnik, 28 February 2011, 'Joseph Daul: Hrvatska će ove godine dobiti datum ulaska u EU', <http://www.vjesnik.hr/Article.aspx?ID=A49DB7EA-F105-4132-8453-427B99F3BED7> (accessed in March 2011)

¹⁶ Večernji list, 15 February 2011, 'Odluka o završetku pregovora' <http://www.vecernji.hr/vijesti/odluka-zavrsetku-pregovora-eu-mozda-vec-3-ozujka-clanak-253180> (accessed in March 2011)

¹⁷ More on this in Chamsy el-Ojeili and Patrick Hayden, *Critical Theories of Globalization*, New York: Palgrave Macmillan, 2006, pp. 96-98, and in Ben Rosamond, *Theories of European Integration*, New York: Palgrave Macmillan, 2000, pp. 179-185.

post-Yugoslav successor states are mostly excluded from such studies. The main reason was that, due to specific circumstances in the 1990s, these countries firstly had to define their statehood and territorial sovereignty, which slowed down democratic processes and postponed their democratic consolidation for an entire decade.¹⁸ Moreover, a lot of previous research on post-Yugoslav successor states focused mainly on the establishment of democracy and on transformation from a communist to a democratic system, overlooking developments and consolidation of these democracies afterwards. Yet, as Schedler argues, “sustaining democracy is often a task as difficult as establishing it.”¹⁹

Having that in mind, this thesis provides an added value to the research on democratic changes and consolidation in Croatia, by examining different events that have occurred in the past decade. Thus, the thesis will analyze major challenges the country has faced and assess the progress of democratic consolidation in Croatia within the context of the EU accession negotiations. Furthermore, the thesis will assess whether and to what extent the EU enlargement policy and its political conditionality approach has been an effective tool in promoting democratic change and consolidation in Croatia. As Fisher argues, although other international actors have been important in stimulating change in newly independent states, the EU has undoubtedly served as the most important one.²⁰ At the same time, it is important to keep in mind that the EU’s influence as such is questionable, since it varies across countries and policy areas and is never straightforward. Moreover, even if direct EU influence exists, it does not necessarily mean it is entirely positive for a country’s democratic consolidation.²¹

Therefore, the main research question of this study is: *Whether and to what extent has the EU enlargement policy and its political conditionality approach been an effective tool in promoting democratic change and consolidation in Croatia?* To be able to answer this question, several additional operational questions give structure to this thesis: First,

¹⁸ Danijela Dolenc, ‘Europeanization as a Democratising Force in Postcommunist Europe: Croatia in Comparative Perspective’, *Political Thought: Croatian Political Science Review*, 5 (2008) 23-46.

¹⁹ Andreas Schedler, ‘What is Democratic Consolidation?’, *Journal of Democracy* 9:2 (1998) 91-107, pp. 91.

²⁰ Fisher, *Political Change*, pp. 173.

²¹ In Haughton’s opinion, the EU’s fast-track mechanisms can bypass normal procedures of democratic processes, since candidate states are forced to accept and implement lots of new regulations in a short period of time, which can be contra productive. Tim Haughton, ‘When Does the EU Make a Difference? Conditionality and the Accession Process in Central and Eastern Europe’, *Political Studies Review*, 5 (2007) 233-246, pp. 519.

what were the main features of Croatia's domestic transformation since 2000? Second, what were the major EU requirements in Croatian accession negotiations? Thirdly, what were the internal factors that can explain government's resistance to or acceptance of EU requirements? And finally, how has this affected democratic changes and consolidation in Croatia?

In order to answer these questions, the thesis aims to assess democratic changes and consolidation in Croatia as well as to consider the state of play in the following areas particularly: cooperation with the ICTY, the fight against corruption, the consolidation of an independent judiciary, and fundamental rights, with special attention to freedom of expression. Although there are other factors that might have influenced democratic changes and consolidation in Croatia as well as areas in which this could be observed, it is beyond the scope of this study to go into all of them. I justify the above mentioned selection by the following: these are the questions that were politically most controversial and were mostly preoccupying public and media attention, were repeatedly used as a reason for raising tensions and hot debates within the country and were often painful for many governments to deal with them. In addition, they also received the most emphasis on the EU side. These issues have often been pointed out as those that need to be handled correctly in order for Croatia to join the EU. They are primarily included in Chapter 23 of the *Acquis Communautaire*, which is crucial for the outcome of the whole accession negotiation process and clearly indicates the importance of the rule of law. As Linz and Stepan argue, "the modern Rechtsstaat is a fundamental in making democratization possible, since without it citizens would not be able to exercise their political rights with full freedom and independence"²², which then makes a democracy and institutions that function according to the principle of law essential for the consolidation of democracy. At the same time, as Ramet and Wagner point out, "corruption is the inverse measure of the rule of law...the more corruption there is, the less a system may be said to function according to the rule of law."²³ Moreover, the new actors that have emerged in the past years, such as various non-governmental organizations and interest groups became more

²² Juan J. Linz and Alfred Stepan, 'Toward Consolidated Democracies', *Journal of Democracy*, 7: 2 (1996) 14-33, pp. 19.

²³ Sabrina P. Ramet and Peter F. Wagner, 'Post-socialist models of rule in Central and Southeastern Europe', in Sabrina P. Ramet (ed.) *Central and Southeast European Politics since 1989*, Cambridge: Cambridge University Press, 2010, pp. 19.

influential in traditional political forums and strengthened the global discourse of human rights.²⁴ The role of the media and freedom of expression in contemporary democracies is of great importance as well, since media are expected to be able to provide a forum for public dialogue, a diversity of ideas and tolerance for the opinion of others.²⁵ Thus, only free media can guarantee a free society, and operate as a valuable corrective of state authorities.

At the same time, this thesis will examine how different Croatian governments have responded to a range of EU requirements and assess whether and to what extent these concerns have affected democratic reforms in the country. Having in mind the duration of its accession talks with the EU, Croatia presents an exception in comparison with previous EU candidate states that finished their negotiation talks in a relatively short time after these were officially opened. However, it is not only Croatia that takes the responsibility for the long accession period. The EU constitutional crisis, as well as what we call ‘enlargement fatigue’ may be given part of the blame too. In that sense, both have threatened to undermine the credibility of the EU membership, and have raised some questions about the future effectiveness of the EU enlargement policies and political conditionality approach.²⁶ Still, the impact of the EU constitutional crisis and so-called ‘enlargement fatigue’ on Croatia’s negotiations is beyond the scope of this study.

However, the thesis will take into consideration the transformation of EU enlargement policy and political conditionality approach in the past years. In 2008, the Commission established the so-called ‘benchmarks’ that a candidate country needed to fulfill in order to open and close negotiation chapters. Moreover, Chapter 23 was not part of the previous negotiation framework between the candidate states and the EU. But, at this point in time, the EU expects the new potential member states to completely meet the EU criteria even prior to formal membership. In that sense, Croatian governments have faced different challenges and need to fulfill different accession standards in comparison to states admitted in previous enlargements. And finally, particular attention will be paid

²⁴ El-Ojeili and Hayden, *Critical theories*, pp. 110-111.

²⁵ Zrinjka Peruško, ‘Media and Civic Values’, in Sabrina P. Ramet and Davora Matić (eds) *Democratic Transition in Croatia: Value Transformation, Education and Media*, College Station: Texas A&M University Press, 2007, pp. 224.

²⁶ More on this in Sandra Lavenex and Frank Schimmelfennig, ‘Relations with the Wider Europe’, *JCMS*, 44 (2006) 137-154, pp. 138; Also in Ulrich Sedelmeier, ‘The EU and democratization in Central and Southeastern Europe since 1989’, in Ramet (ed.) *Central and Southeast*, pp. 525.

to Croatia's specific features, such as the war of independence as well as the legacy of its first president Franjo Tudjman which, in my view, have delayed taking up most of the democratic reforms and thus, have slowed down democratic changes and consolidation in the country, and affected Croatia's accession process.

1.3. Structure and Main arguments

As aforementioned, the thesis will analyze major challenges the country has faced in the past decade and look specifically at the impact of the EU enlargement policies and political conditionality approach on democratic consolidation in Croatia. Subsequently, I will firstly evaluate possible theoretical approaches as well as methodology, and then define the framework for further analysis. Afterwards, I will briefly assess the era of Croatia's first president Franjo Tudjman, from 1990-1999. Special attention will be paid to the impact of war of independence and Tudjman's personality and style of governance on democratic reforms and consolidation in the country. I will evaluate how these factors affected his decisions in the area of European integration issues and particularly in relation to cooperation with the ICTY, the fight against corruption, the consolidation of an independent judiciary and fundamental rights, with special attention to freedom of expression, and whether the EU political conditionality approach had been an effective tool in promoting democratic reforms in Tudjman's time.

Then, I will focus on political and social challenges and changes that have occurred from 2000 onwards, under the prime ministerships' of Ivica Račan (2000-2003), Ivo Sanader (2003-2009) and Jadranka Kosor (from 2009 till present), addressing the same areas of interest. Finally, I will examine the consequences of Tudjman's legacy for post-Tudjman's Croatia as well as the impact of EU's enlargement policy and political conditionality approach on democratic changes and consolidation in the country. Hence, I expect that this thesis will also identify the advantages and shortcomings of the EU enlargement policy and political conditionality approach towards Croatia and other Southeast European non-member states, as well as suggest possible future trends in that field. In that sense, it can look beyond the specific country and the group of current membership candidates and provide a set of political recommendations for other potential EU candidate states.

2. Theoretical framework and Methodology

The thesis will analyze democratic changes and consolidation in Croatia under the theoretical framework of democratic consolidation and EU political conditionality approach. Firstly, it is important to define what I mean by the term ‘democratic consolidation’ and in what particular way I will use it. Afterwards, I will provide a closer explanation of EU’s ‘political conditionality approach’.

2.1. *Democratic consolidation*

The term *democratic consolidation* in its various models has been used more frequently in the recent years. Initially, the concept was used in order to explain the challenge of making new and fragile democracies secure and protected from potential risk of authoritarian regression.²⁷ Thus, a consolidated democracy was one that was unlikely to break down.

However, over the years, new conceptual meanings were gradually added to the concept and consolidated democracy started to include: the rule of law, state bureaucracy, an institutionalized economic society, relatively autonomous political society, and a lively civil society.²⁸ This makes the concept somewhat vague and open-ended. Since new requirements can continually be added, the concept itself would become a moving target and no democracy would ever be considered entirely consolidated.²⁹ Thus, Schedler argues that democratic consolidation became not only a cluster concept but also “a garbage-can concept, catch-all concept lacking a core meaning that would unite all models of usage.”³⁰ Because of this conceptual confusion, some scholars alerted others to the danger of using the concept in a random way, depending on the appropriateness of the particular research area. The problem that appears is a conceptual disorder which represents a powerful barrier to theory building, since there is a strong tendency toward

²⁷ Schedler, *What is Democratic*, pp. 91.

²⁸ Linz and Stepan, *Toward Consolidated*, pp. 17.

²⁹ Schedler, *What is Democratic*, pp. 104, 105.

³⁰ *Ibid*, pp. 101.

the accumulation of different requirements and escalation of new conditions in order to define the concept.³¹

Thus, some scholars prefer a narrow explanation of democratic consolidation. In Schedler's view, democratic consolidation is primarily related to democratic survival and, therefore, includes negative notions, above all avoiding democratic breakdown and avoiding democratic erosion. Avoiding democratic breakdown primarily refers to preventing authoritarian regression and a 'quick death' of democracy. Scholars who perceive democratic consolidation in this way are mostly concerned with fear of a new democratic order reverting to authoritarianism. Once democracy is established and the transition from authoritarian rule has reached the point where the rule of law has been established and free, fair and competitive elections are held, the main focus moves from establishing democracy's core institutions to securing what has been achieved. In that sense, democratic consolidation refers to reducing the probability of its breakdown and this branch focuses mostly on democratic sustainability and keeping democracy alive.³²

The concept can also be used in terms of avoiding democratic erosion, which refers to preventing the erosion of fundamental democratic features and a 'slow death' of democracy. In this case, scholars are mostly concerned about the threat of a silent and gradual regression of democracy to semi-democratic rule. This represents a less transparent but at the same time a more dangerous type of weakening of a new democratic society. As Huntington argues, "a serious threat to democracy is executive arrogation, which occurs when an elected chief executive concentrates power in his own hands, subordinates or even suspends the legislature, and rules largely by decree."³³ This was largely the case in Croatia during the 1990's and Tudjman's term in office.

At the same time, Linz and Stepan argue that three minimum conditions have to be fulfilled in order to be able to speak about democratic consolidation: condition of sovereignty, a completed democratic transition and a government that rules democratically.³⁴ Thus, in order to speak about democratic consolidation a state as such has to exist, as well as some basic principles of democracy and a government that is

³¹ Schedler, *What is Democratic*, pp. 92.

³² *Ibid*, pp. 95; Linz and Stepan, *Toward Consolidated*, pp. 16.

³³ Samuel P. Huntington, 'Democracy For the Long Haul', *Journal of Democracy*, 7: 2 (1996) 3-13, pp. 9.

³⁴ Linz and Stepan, *Toward Consolidated*, pp. 14.

ready to comply with these principles. In the case of Croatia, the issue of sovereignty was not resolved until 1998, when the country established its territorial integrity by the peaceful reintegration of the Danube region (*Podunavlje*) in Eastern Slavonia into the Croatian constitutional and legal system. Accordingly, Linz and Stepan define consolidated democracy as a “political regime in which democracy...has become, in a phrase, ‘the only game in town’.”³⁵ Having this in mind, in order to assess democratic consolidation in Croatia, I will rely on initial explanations of the concept and consider its negative notions. Thus, I will observe democratic consolidation in terms of democratic breakdown and especially in terms of the danger of gradual erosion of democratic principles.

Beside the problem of conceptualization, another issue is related to the problem of operationalization and measurement of democratic consolidation. According to Schedler, in order to measure democratic consolidation in a given country, it is necessary to theorize about democratic stability. In addition, we have to include both factual evidence and causal arguments, and thus, need a causal theory that will explain how something effects regime stability in the given context.³⁶ As Schedler further argues, there are three dimensions used as basic approaches/operational indicators in order to measure democratic consolidation: the behavioural, attitudinal and constitutional dimensions. At the same time, these dimensions represent different levels of causation and form a chain of causation:

structural contexts → *actors and attitudes* → *behavior* → *democratic stability*.³⁷

Behaviorally, democracy is consolidated when there are no significant political or other actors with a considerable amount of support who try to overthrow the democratic regime and achieve their goals by creating a non-democratic regime. In this case, all relevant actors obey the basic rules of democratic game and their loyalty to democracy is not questionable. Thus, it is possible to expect they would continue such practice in the

³⁵ Linz and Stepan, *Toward Consolidated*, pp. 15.

³⁶ Andreas Schedler, ‘Measuring Democratic Consolidation’, *Studies in Comparative International Development*, 36: 1 (2001) 66-92, pp. 68-69.

³⁷ Andreas Schedler, *Measuring Democratic*, pp. 69.

foreseeable future and that democracy became ‘the only game in town’.³⁸ Attitudinally, democracy is consolidated when the majority of people, even at a time of economic crisis and deep dissatisfaction, believe that any political change must come within the constraints of democratic procedures. It is unlikely that democracy would break down if a widespread democratic consensus is present. In other words, it is important how people understand democracy, since “the success of democratization depends on the awareness and behavior of the citizens.”³⁹ Constitutionally, democracy is consolidated when both governmental and nongovernmental forces accept the established norms as the only way to resolve a political conflict and perceive violations of these norms as unproductive and costly. In this case, a democratic regime is based on solid structural foundations and is likely to survive.⁴⁰ All three dimensions will be taken into consideration in this thesis. However, special attention will be paid to the behavioral dimension, since “democracy is neither a divine gift nor a side effect of societal factors, it is the work of political actors.”⁴¹

2.2. Political conditionality approach

According to Schimmelfennig, “political conditionality is a strategy of reinforcement used by international organizations and other international actors to bring about and stabilize political change at the state level.”⁴² After the fall of the communist regimes in Europe, different international and regional organizations have used a *political conditionality approach* in order to induce and strengthen democracy in newly independent states and to promote democratic change as well as universal values, such as: the rule of law, market economy, human rights, etc. The basic principle by which the political conditionality operates is usually called the ‘carrot and stick’ approach. In that sense, the international organization offers certain benefits to a target state, such as financial assistance, market access or membership, in order for a target state to comply

³⁸ Linz and Stepan, *Toward Consolidated*, pp. 15; Schedler, *Measuring Democratic*, pp. 70, 74; Goran Čular, ‘Political Development in Croatia 1990-2000: Fast Transition – Postponed Consolidation’, *Political Thought: Croatian Political Science Review*, 37: 5 (2000) 30-46, pp. 38.

³⁹ Vlasta Ilšin, ‘Political Values and Attitudes’, in Ramet and Matic (eds) *Democratic Transition*, pp. 115. Also see Linz and Stepan, *Toward Consolidated*, pp. 15

⁴⁰ Linz and Stepan, *Toward Consolidated*, pp. 16; Schedler, *Measuring Democratic*, pp. 80.

⁴¹ Schedler, *Measuring Democratic*, pp. 69-70.

⁴² Schimmelfennig, *European Regional*, pp. 127.

with the organization's requirements. If the target state does not comply with these requirements, the international organization withholds potential benefits.⁴³ The question, then, is to what extent this approach, in particular the EU's political conditionality, is effective in bringing democratic change to new democracies. Some scholars argue that the effectiveness depends on three core conditions: the size of international rewards, the size of domestic adoption costs and the credibility of the political conditionality.⁴⁴

In terms of rewards, Schimmelfennig argues that the impact of the political conditionality on democratic change is low when international and regional organizations, such as the Organization for Security and Cooperation in Europe (OSCE) or the Council of Europe, do not have any concrete political or material incentives to offer but rely primarily on their knowledge and social benefits. On the other hand, the impact on democratic change is quite high when international and regional organizations, such as the EU and NATO offer concrete political and material benefits in terms of membership in those organizations and set the certain requirements as a precondition of accession and full membership.⁴⁵ At the same time, governments will be more reluctant to comply with certain requirements if these present a risk to maintain their power, as in a case where coalition partners threaten to leave the government.⁴⁶ In Croatia, this was the case when Dražen Budiša and his party, the HSLHS threatened to leave the coalition government due to a disagreement regarding Croatian cooperation with the ICTY in 2002. In this sense, it is important that the size of international rewards exceed the size of domestic adoption costs.

Looking in terms of international rewards and domestic costs, it is possible to argue that the EU's enlargement policy and its political conditionality approach have the potential to be successful in bringing about democratic change. However, it is important that these policies are at the same time credible, which means that all requirements have to be transparent, determinate and consistent. The candidate state must be sure that, if it

⁴³ Schimmelfennig, *European Regional*, pp. 127; Sedelmeier, *The EU and Democratization*, in Ramet (ed.) *Central and Southeast*, pp. 521.

⁴⁴ Schimmelfennig, *European Regional*, pp. 128; Sedelmeier, *The EU and Democratization*, in Ramet (ed.) *Central and Southeast*, pp. 523.

⁴⁵ Schimmelfennig, *European Regional*, pp. 128.

⁴⁶ *Ibid*, pp. 129; Sedelmeier, *The EU and Democratization*, in Ramet (ed.) *Central and Southeast*, pp. 523.

complies with certain requirements, the EU will deliver promised benefits.⁴⁷ In this sense, EU membership has some strong benefits, but it is necessary to keep both the requirements and the accession perspective reliable. This was not the case in the year 2005 and afterwards, due to the EU constitutional crisis. The widespread impression was: no new constitution, no further enlargement. The general opinion was that the EU had expanded too far and too fast and thus, needed time to consolidate within.

At the same time, Haughton argues that the impact of the EU's political conditionality approach on democratic changes and consolidation is limited and depends on the particular phase of EU accession negotiations and the particular policy area.⁴⁸ The governments will be more eager to comply with the requirements at the moment when the EU is about to decide on opening or concluding accession negotiations. Thus, Sanader's government was more eager to cooperate with the ICTY in 2005, in order to open accession negotiations while Kosor's government is more eager to resolve the corruption issue in order to conclude accession negotiations by the end of June 2011. In addition, Sedelmeier argues that, in many policy areas of Southeast European countries, the EU requirements "touch directly on questions of national identity and statehood, and its demands more directly threaten the political support for governments."⁴⁹ Having this in mind, in order to understand the possible compliance or resistance to EU's political conditionality, it is important to go beyond material factors. This was especially the case during Račan's term in office, when a coalition government was badly shaken by mass protests of veteran movements and right-wing opposition parties, because of cooperation with the ICTY.

Another important condition in the EU political conditionality approach is the existence of a *liberal party constellation*, which means that all relevant parties in the country base their programs on liberal reform and integration into Western associations.⁵⁰ In that sense, if all relevant parties in the country support liberal reforms and integration into the EU, then the liberal party constellation will further increase the effectiveness of

⁴⁷ Schimmelfennig, *European Regional*, pp. 131; Sedelmeier, *The EU and Democratization*, in Ramet (ed.) *Central and Southeast*, pp. 524.

⁴⁸ Haughton, *When Does the EU*, pp. 235.

⁴⁹ Sedelmeier, *The EU and Democratization*, in Ramet (ed.) *Central and Southeast*, pp. 531.

⁵⁰ Schimmelfennig, *European Regional*, pp. 132; Sedelmeier, *The EU and Democratization*, in Ramet (ed.) *Central and Southeast*, pp. 526.

the EU's political conditionality, which in this case will be high. As Schimmelfennig explains, countries with a liberal party constellation, such as the Czech Republic, Slovenia and Poland experienced a rapid and smooth process of democratic consolidation and succeeded in achieving strong compatibility with Western democratic standards.⁵¹ Thus, liberal parties must be domestically dominant in order for the EU to affect democratic changes in the country.

On the other hand, in the case of an *anti-liberal party constellation*, when all relevant parties base their programs on anti-liberal, nationalist or communist ideologies, support for liberal reform and integration into EU will be low and thus, the impact of the EU's political conditionality will be low as well. In countries with anti-liberal party constellations, such as Serbia between March 2004 and July 2008 and Ukraine until 2004, political conditionality had little impact since domestic political costs of adopting democratic norms and Western standards are normally high.⁵² And finally, in the case of a *mixed party constellation*, where liberal and anti-liberal parties compete for political power, such as Serbia between October 2000 and March 2004, the impact of EU political conditionality could still be high. However, democratic transformation based on so called 'stop-and-go' or 'up-and-down pattern' will not be as rapid and smooth as in the case of countries with liberal party constellation.⁵³

Nevertheless, democratic reforms conducted during the liberal parties' terms and their Western integration policies create a certain lock-in effect and path dependency. In this case, populist parties very often reform themselves into new modern European parties, equally pro-EU as liberal parties. When they come back to power, they usually stay on the same course as liberal parties previously. Eventually, this can lead to a change of party constellation from mixed to liberal.⁵⁴ The 2000 elections in Croatia and victory of the left-oriented coalition have produced this kind of lock-in effect and path dependency. It forced the HDZ to reform itself into a modern European democratic party

⁵¹ Schimmelfennig, *European Regional*, pp.133. However, Sedelmeier offers different point of view by arguing that these countries started to democratize and consolidate their democracies without EU pressure, and therefore, it is hard to believe they would not achieve this goal without the EU. Sedelmeier, *The EU and Democratization*, in Ramet (ed.) *Central and Southeast*, pp. 527.

⁵² Schimmelfennig, *European Regional*, pp. 134; Sedelmeier, *The EU and Democratization*, in Ramet (ed.) *Central and Southeast*, pp. 528; Dolenc, *Europeanization*, pp. 37.

⁵³ Schimmelfennig, *European Regional*, pp. 134.

⁵⁴ *Ibid*, pp. 135; Dolenc, *Europeanization*, pp. 37.

and, after coming back to power in 2003, it continued with the pro-European policy and necessary reforms.

Having this in mind, it appears that the EU and its political conditionality approach cannot produce democratic change and consolidate democratic systems by itself. Thus, the strength of the political conditionality depends on the country's motivation to accept and implement or resist and reject EU requirements. If the country is willing to accept EU requirements, the impact of the political conditionality on democratic change will be high and the country will go relatively smoothly through the process of democratic consolidation. On the other hand, if the country is not willing to comply with EU requirements, the impact of the political conditionality on democratic change will be low and the country will need additional time to consolidate democratically. As Haughton argues, a lot depends "on the clarity of demands, the tying of rewards to progress made and receptive domestic political elite."⁵⁵

2.3. Methods and Methodology

This study is a primarily a case study in democratic transformation, discussing democratic changes and consolidation in Croatia over the past decade and the impact of EU enlargement policy and its political conditionality approach. Thus, Croatia will be referred to as an empirical case, but discussion can have wider appliance to all EU non-member states in Southeastern Europe, since a case study "seeks to move from a purely empirical level of exposition to a level of general statements."⁵⁶ Although one specific empirical case cannot provide a basis for any general statements, it is possible to broaden the empirical focus. Thus, this case study provides an opportunity for deep and intensive examination of democratic changes and consolidation over longer period of time and through several policy areas and thus, seeks to draw some tendencies in the EU's enlargement policies and political conditionality approach as well as in its impact on democratic changes and consolidation in the country.

To assess the question of democratic consolidation in Croatia and the potential influence of EU enlargement policy and political conditionality approach during the past

⁵⁵ Haughton, *When Does the EU*, pp. 244.

⁵⁶ Johnaton W. Moses and Torbjørn L. Knutsen, *Ways of knowing: Competing Methodologies in Social and Political Research*, New York: Palgrave MacMillian, 2007, pp. 139.

decade, this study relies on archival materials and systematically examines information provided by various sources, such as governmental and non-governmental organizations and the mass media. Therefore, the study will make use of documents, official reports and records deriving from Croatian state institutions. These institutions, such as the Government and the Parliament, are the source of a great deal of authentic statistical and textual information. However, there is a question of credibility whether the documentary source is biased, and thus, as Bryman notices, “caution is necessary in attempting to treat (these documents) as depictions of reality.”⁵⁷

Having in mind that a government’s reports can be biased, these will be balanced with a range of reports provided by other international organizations, such as: the EU, the European Bank for Reconstruction and Development (EBRD), the International Monetary Fund (IMF), and the Organization for Security and Cooperation in Europe (OSCE) as well as non-governmental organizations, such as: Transparency International (TI), Freedom House, and Reporters without Borders. In addition, in order to balance international sources, information provided by domestic non-governmental organizations, such as Croatian Helsinki Committee (*Hrvatski Helsinški Odbor – HHO*) and Croatian Journalists’ Association (*Hrvatsko novinarsko društvo – HND*) will be included as well. These organizations are acknowledged international and domestic actors often cited in other publications and thus, can be considered as balanced and reliable sources. In addition, these organizations publish annual reports, statements and press releases, which can be of great use.

The data collection over a longer period of time will allow me to observe long-term developments and trends within the democratic parameters set by the EU and other international and domestic actors as well as to consider whether and what changes have been made in particular areas of society. Thus, according to previously defined areas of research, particular consideration will be paid to reports in the fields of cooperation with the ICTY, the fight against corruption, the consolidation of an independent judiciary, and fundamental rights, with special attention to freedom of expression. The EU, the OSCE and Freedom House provide reports for a wide range of questions covered in this study. In addition, Freedom House does not rate countries based on governments’ intentions or

⁵⁷ Alan Bryman, *Social Research Methods*, New York: Oxford University press Inc., 2008, pp. 521.

legislation, but based on the practical impact of governmental and non-governmental actors on individual rights and freedoms. However, there is a possibility that information provided by Freedom House may be oversimplified. As Ramet and Wagner argue, “an endeavor to reduce a complex phenomenon to a numerical value inevitable involves some oversimplification.”⁵⁸ Thus, data from that source will be used cautiously and not as absolute indicators. In addition, more specific information is provided by Transparency international, which rates countries in terms of corruption and the rule of law, and offers annual reports on corruption based on the perceptions of business people, academics and risk analysts. Thus, it can be viewed as an independent and valuable measurement tool in the areas of corruption and rule of law. In addition, Reporters without Borders reports also present a valuable tool because they include in their reports every kind of violation directly affecting journalists, such as murders, physical attacks and threats, as well as news media, such as censorship. Moreover, these reports focus particularly on freedom of the media, without entering into issues of quality.

Having this in mind, the reports from the aforementioned actors and in these particular fields are considered to be adequate sources to assess the question of democratic consolidation in Croatia regarding the issues covered in this study. However, there is an issue of credibility and representativeness, since “people who write documents are likely to have a particular point of view they want to get across.”⁵⁹ Therefore, these will be examined in the context of other sources of data as well. Thus, additional sources are academic books and scientific articles related to democratic consolidation, EU enlargement policies and political conditionality, human rights issues, the rule of law, the ICTY, and the fight against corruption and organized crime. At the same time, a wide range of newspapers articles and interviews that observed political and social events in Croatia during the past decade will be consulted as well.

⁵⁸ Ramet and Wagner, Post-socialist models, in Ramet (ed.) *Central and Southeast*, pp. 19.

⁵⁹ Bryman, *Social Research*, pp. 522.

3. Tudjman era (1990-1999) and the issue of Tudjman's legacy

In this section, I will present a brief overview of modern Croatian history beginning with the election of president Franjo Tudjman in 1990. I will examine how Tudjman's personality and style of governance influenced his decisions as well as the common consequences of Tudjman's legacy for post-Tudjman's Croatia. Moreover, Tudjman's legacy is often perceived as one of the reasons why Croatia has required a longer period of democratic consolidation and lagged behind in relation to European integration structures.⁶⁰ Thus, having in mind a specific time in which his decisions occurred, I will closely address Tudjman's personality and style of governance in relation to European integration structures, in these particular areas: the cooperation with the ICTY, the fight against corruption, the consolidation of an independent judiciary, and fundamental rights, with special attention to freedom of expression.

3.1. Tudjman's personality and style of governance

Dr. Franjo Tudjman (1922-1999) and his party HDZ, which acted as a national movement for Croatia's independence, entered the Croatian political scene in 1989. In the first multiparty elections in May 1990, the HDZ won with 41.9 per cent of votes and Tudjman became the first Croatian president.⁶¹ He was a charismatic leader who perceived himself as the father of the nation (*'otac nacije'*), supreme commander of the armed forces (*'vrhovni poglavar oružanih snaga'*) and head of state (*'državni poglavar'* instead of *'predsjednik'*). With his party, Tudjman dominated political scene and ruled the country uninterruptedly in the first decade of Croatia's recent history, from 1990 to 1999.⁶² Therefore, as Sadkovich notes, the image of Croatia was for the most part based on the image of its president, and both were mostly portrayed in a negative way. Hence, a common Western perception of Tudjman was the one of an anti-Semitic and anti-Serbian

⁶⁰ Davorka Matić, 'Political Culture, Socio-Cultural Values and Democratic Consolidation in Croatia', in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 175; Fisher, *Political Change*, pp 20.

⁶¹ For more details on the election results see Appendix II. For more details on biographies of political and societal actors from 1991 to 2011 see Appendix III.

⁶² The only exception was the National Unity Government (*Vlada nacionalnog jedinstva*) formed in August 1991 by 9 parliamentary parties. The president of the Government was Franjo Gregurić (HDZ) and vice-presidents were Mate Granić (HDZ), Zdravko Tomac (SDP) and Milan Ramljak. More on this in Zdenko Duka, *Račan: Biografija*, Zagreb: Profil, 2005, pp. 64-65.

Croatian nationalist whose intention was to dismantle Yugoslavia and create a Greater Croatia.⁶³ However, in his letter to the US Congress, Tudjman denied these claims and condemned the genocide against the Jews, Gypsies, Croats, Serbs and other groups committed by the Nazis and their collaborators in Croatia during the Second World War.⁶⁴ At the same time, in his letter to the 'Times Literary Supplementa', prominent Croatian intellectual Slavko Goldstein pointed out that Tudjman was neither anti-Semitic, nor a fascist or war-monger.⁶⁵ On the other hand, Tudjman's public appearance and his military austerity have also contributed to a widespread perception of Tudjman as an authoritarian ruler intolerant toward different opinions. Yet, some of his close associates have observed after Tudjman's death, that he was often willing to listen to other people opinions' before making a final decision, especially in military issues.⁶⁶

In terms of international politics, Tudjman perceived governments as vehicles of which the main goal was to promote the national interests of their peoples. He favored diplomacy over military action and, during the war in Croatia, he was constantly accepting peace proposals, even at times when these were not to Croatia's advantage.⁶⁷ As Tomac jokingly comments, Tudjman should have been forbidden to carry a pen when going to the negotiations, because he had an irresistible desire to immediately sign any agreement or an ultimatum as soon as someone had put it on the table.⁶⁸ In contrast, he would resist any kind of compromise on things he considered to be matters of principle, and legacy of the War of Independence was one of these things.

At the same time, Ramet and Søberg argue that Tudjman's style of governance was paternal and it was principally based on his self-concept of the father of the country.⁶⁹ During the 1990's Croatia had a semi-presidential system and Tudjman was using his constitutional powers, which allowed him to set up agencies and pass decrees

⁶³ James J. Sadkovich, 'Franjo Tuđman: An Intellectual in Politics', in Ramet, Clewing and Lukić (eds), *Croatia since Independence*, pp. 59, 65-66.

⁶⁴ The letter of Franjo Tudjman to the US Congress, on 19 February 1991, <http://www.thomas.gov/cgi-bin/query/D?r102:4:./temp/~r102OnPhQ9> (accessed in April 2011)

⁶⁵ Ivica Radoš, *Tudjman izbliza: Svjedočenja suradnika i protivnika*, Zagreb: Profil, 2005, pp. 146.

⁶⁶ This view was expressed by Zlatko Vitez, Davorin Domazet, Krešimir Ćosić, etc. More on this in Radoš, *Tudjman izbliza*, pp. 69.

⁶⁷ Sadkovich, Franjo Tudjman, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 60.

⁶⁸ Zdravko Tomac, *Predsjednik: Protiv krivotvorina i zaborava*, Zagreb: Slovo M, 2005.

⁶⁹ Sabrina P. Ramet and Marius Søberg, 'Challenges facing Croatia since Independence (An Introduction)', in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 21.

with the force of law. Ramet and Wagner argue that Tudjman has established so-called ‘*democradura system*’, democratic in form but authoritarian in nature where, in order to neutralize liberal groups within the HDZ and opposition parties, he abused state powers.⁷⁰ Thus, although the political system was nominally based on liberal-democratic principles with a political pluralism, a market economy and respect for human rights, in reality the system was limited by the dominance of one political party, the ruling HDZ and its leader, Franjo Tudjman, who had complete control over the party and the government. At the same time, the so-called ‘*Zagreb crisis*’ deeply damaged Tudjman’s public image and largely contributed to those voices that perceived him as an authoritarian ruler. In the 1995 Zagreb elections, the united opposition of seven parties obtained 65 per cent of seats in the City Council and thus, appointed their candidate for Zagreb’s mayor. However, since the ruling HDZ individually attained more votes than any other single party, Tudjman refused to confirm an elected mayor and insisted on his own candidate. As Čular argues, although this decision was founded on the law, it was highly questionable and it demonstrated that a crucial element of a consolidated democracy, which is acceptance of the electoral results, was missing.⁷¹

However, in order to understand Tudjman’s style of governance, it is necessary to keep in mind the specificity of his time. In Croatia, transformation from a totalitarian into a democratic system has occurred under specific circumstances of a five-year long war of independence, where the country’s statehood was in direct danger. In order to annex part of Croatian territory, Serbia under the leadership of Slobodan Milošević mobilized the local Serb community in Croatia and Yugoslav Peoples’ Army. The majority of the Serb community in Croatia as well as the Serbs’ main political leaders refused to accept the new Croatian government and refused to recognize Croatia as a sovereign and an independent state. Moreover, the Serbian Democratic Party (Srpska demokratska stranka – SDS) openly opposed the constitution of the state, refused to participate in the Parliament and engaged in a violent ethnic rebellion.⁷² In addition, although Croatia was an internationally recognized country, one third of its territory was occupied and, until the summer 1995, the government was not able to exercise its power throughout the

⁷⁰ Ramet and Wagner, Post-socialist models, in Ramet (ed.) *Central and Southeast*, pp. 26.

⁷¹ Čular, *Political Development*, pp. 40.

⁷² More on this in Čular, *Political Development*, pp. 39.

country. As Ramet and Sørberg argue, it is expected that during the war and severe crisis a government establishes a certain control over economy, industry and media, since a society cannot function as it would do in regular times. However, the problem is that such a style of governance often persists after the war or crisis has ended, creating a prolonged period of illiberal practices.⁷³ In Croatia, the same style of governance persisted not only after summer 1995, but also after 1998 peaceful reintegration of the Danube region and completion of the Croatian state-building project.

However, despite his paternal style of governance, Tudjman remained the most popular politician in Croatia during the 1990's. In both the 1992 and 1997 presidential elections, Tudjman won in the first round, with 56.73 per cent and 61.41 per cent of votes respectively.⁷⁴ At the same time, Tudjman's popularity, unlike the popularity of the ruling HDZ, remained high even after his death in December 1999.⁷⁵ In the following part, having in mind a specific time in which Tudjman's decisions occurred, I will closely address Tudjman's style of governance in relation to European integration structures and the following areas: the cooperation with the ICTY, the fight against corruption, the consolidation of an independent judiciary, and fundamental rights, with special attention to freedom of expression.

3.2. Tudjman's approach toward European integration issues

In May 1990, Tudjman clearly stated in his speech in the Croatian Parliament that the government, simultaneously with an internal democratic transformation of the country, had to take all necessary steps in order to include Croatia in the European Community.⁷⁶ Moreover, Tudjman often stressed Croatia's Habsburg heritage, Christian roots as well as culture, and believed that Croatia was a Central European, an Adriatic and a

⁷³ Ramet and Sørberg, Challenges facing Croatia, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 21. Also see Ivo Goldstein, *Dvadeset godina samostalne Hrvatske*, Zagreb: Novi Liber, 2010, pp. 205.

⁷⁴ For more details on the election results see Appendix II.

⁷⁵ According to Globus poll in 2002, 41% of respondents rated Tudjman's term in office as 'positive' or 'very positive', while only 21.9% rated it as 'negative' or 'very negative'. At the same time, 20% of respondents said that Tudjman was 'the most important Croatian statesman in history'. Data taken from Sabrina P. Ramet, 'Politics in Croatia since 1990', in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 34.

⁷⁶ Franjo Tudjman, Speech in the Croatian Parliament, 30 May 1990, <http://www.sabor.hr/Default.aspx?art=1765&sec=444> (accessed in March 2011).

Mediterranean country. In Tudjman's view, Croatia was never a Balkan state, nor did it ever belong to the Orthodox or Islamic world as such. However, as Sadkovich explains, the attitudes based on history and nationalism were rather unwelcome in the international community, especially during the 1990's, when the majority of the international actors focused on the regional and global integration of states. In that sense, "globalization and the free market were the catchwords, not self-determination and autarky. Multiculturalism was the vogue, not nationalism. Integration was the trend, not secession."⁷⁷

Although Tudjman has repeatedly stressed the importance of Croatian membership in the EU, he was ironically at the same time often portrayed as the main obstacle on Croatia's way toward European integration. During Tudjman's term in office Croatia was slowly integrating into different international organizations and became a member of the OSCE, the Council of Europe (CoE) and the Quadrilateral (Croatia, Slovenia, Italy and Hungary). In addition, the EU's PHARE program (*Programme of Community aid to the countries of Central and Eastern Europe*) was extended to Croatia as well. However, Croatia was excluded from the PHARE program and the accession into the EU's structures was stopped in the summer 1995. In the following years, the EU presented several regional programs in order to achieve permanent peace and stability in the Southeast Europe, as well as to stimulate countries' development and prepare them to join the Euro-Atlantic integrations. In May 1999, the EU presented its idea to initiate the Stabilization and Association Process (SAP). The program has put greater emphasis on a regional cooperation between the five Southeast European countries, including Croatia.⁷⁸ In order to further strengthen regional cooperation, the Stability Pact for South Eastern Europe (SP) was launched in October 1999.

The SAP and SP programs and the regional cooperation as such were highly problematic and unpopular in Croatia. The Croatian leadership as well as many Croats believed that, due to country's heritage, democratic and economic standards, Croatia's place is within Central Europe and not with Balkan countries. The additional problem was the fear among many Croats that the SAP and SP intend to push Croatia into the new

⁷⁷ Sadkovich, Franjo Tudjman, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 65.

⁷⁸ The SAP included the following countries: Albania, Macedonia, Bosnia and Herzegovina, Croatia and Federal Republic of Yugoslavia.

regional structures based on the so-called 'ex Yugoslavia minus Slovenia plus Albania' political formula, which reminded Croats of socialist Yugoslavia.

3.3. The war crimes and cooperation with the ICTY

On 22 February 1993, UN Resolution 808 called for an international tribunal which would prosecute persons accused of war crimes and violations of humanitarian law in the former Yugoslavia since 1991. Initially, Tudjman supported the establishment of the ICTY, believing it would condemn Serbia's aggression against Croatia and bring Serbian war criminals to justice. On 19 April 1996, the Parliament approved the Constitutional Law for Cooperation of the Republic of Croatia with the ICTY, recognizing the court's jurisdiction over crimes committed in the former Yugoslavia since 1991.⁷⁹ Shortly after, it became clear that the ICTY would also bring charges against Croatian military personnel. Six Bosnian Croats, who were accused of committing war crimes in Bosnia during the Croat-Muslim conflict, were handed in to the ICTY in 1996. Although Tudjman was reluctant to comply with the ICTY demands, international pressure and especially the temporary suspension of Croatia's admission in the CoE extracted certain results. Moreover, Tudjman was in general willing to cooperate with the ICTY in regard to the Croat-Muslim conflict in Bosnia and Herzegovina. However, this was not the case in 1997, when the ICTY asked for documents related to two other military operations led by Croatian military forces on Croatian territory: Operation Medak Pocket (*Medački džep*) in 1993 and Operation Storm (*Oluja*) in 1995.

Operation Storm was conducted in August 1995. It was a military and a police operation intended to regain occupied Croatian territory and restore Croatia's control within its internationally recognized borders. At the same time, the operation also signaled a defeat of the Great-Serbian project of creating a homogenous Serbian state on Croatian and Bosnian territory. In response to the Croatian action, the leadership of the so-called 'Krajina' region evacuated a large number of civilians about 150,000 people. However, one part of the population also left because of the fear of revenge and only a smaller number of 5,000-6,000 mainly elderly Serbs stayed in their houses. Besides, in

⁷⁹ Vjerman Pavlaković, 'Better the Grave than a Slave: Croatia and the International Criminal Tribunal for the former Yugoslavia', in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 451.

the months after Operation Storm, more than 600 people were killed and a large number of houses were either robbed or burned. In the following years, it was repeatedly argued that Tudjman's politics contributed to the mass departure of the Serb population as well.⁸⁰ At the same time, according to Hodge, the so-called 'equivalence of guilt' approach, silently introduced by the international community, came into full play right after Operation Storm. In Hodge's view, the Croatian successful retaking of the Serb-occupied territory did not fit the international, and more particularly the British vision of the region, in which Croatia was destined to have a subsidiary role.⁸¹

Therefore, the lack of cooperation with the ICTY was one of the main reasons to exclude Croatia from different organizations and aid packages that were offered to other post-communist countries in Europe. However, Tudjman claimed that Croatia had not accomplished the desired progress in relation to European integration because of ungrounded accusations that the country had not fulfilled certain necessary international commitments. In addition, he claimed that the purpose of different international pressures was to change the political situation in Croatia.⁸² For Tudjman, the war of independence and its legacy was a matter of principle, and he would resist any kind of compromise in regard to it. In 1998, with the peaceful reintegration of Danube region, Croatia succeeded in taking control over the entire national territory. Moreover, Tudjman played an important role in this process. According to his close associate Vesna Škare Ožbolt, Tudjman was also concerned about the Serb population in Danube region. He was aware that the mass departure of the Serb population after Operation Storm caused enormous international damage to Croatia, and he did not want something similar to happen in Eastern Slavonia.⁸³

⁸⁰ Eventually, Tudjman was labeled as 'the head of a joint criminal enterprise' to wage aggressive warfare and commit various criminal acts against the Serb population in the so-called 'Krajina region'. More on this in Pavlaković, Better the Grave, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 466, and in Marko Attila Hoare, 'The War of Yugoslav Succession', in Ramet (ed.) *Central and Southeast*, pp. 131.

⁸¹ Carole Hodge, 'Britain's Relations with Croatia. A Study in Active Diplomacy', in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 412-414.

⁸² Franjo Tudjman, State of the Nation in 1998, Speech in the Croatian Parliament, 20 January 1999, <http://www.hrt.hr/arhiv/99/01/20/HRT0024.html> (accessed in March 2011)

⁸³ More on this in Radoš, *Tudjman izbliza*, pp. 74-76.

At the same time, on 5 March 1999, Croatian parliament passed the resolution in which it declared that Operations Flash (*Bljesak*) and Storm (*Oluja*) are solely under the jurisdiction of the Croatian judiciary. Some scholars argue that Tudjman's failure to prosecute war crimes right after they had been committed led to subsequent problems with the ICTY and thus, kept Croatia out of the EU's accession process in the 1990's.⁸⁴ In addition, one of the main problems in cooperation with the ICTY was that the requirements posed by the Hague Tribunal on Croatian government touched upon directly on Croatian national identity and statehood, and thus provoked strong resistance from state authorities as well as Croatian citizens.

3.4. The issue of corruption and privatization deals

According to the EBRD report on 22 transition countries in 1999, the level of corruption in Croatia during the 1990's was about average for transition countries and was mostly including payment of bribes to public officials in order to avoid paying taxes or to obtain exemptions from different regulations and gain privileged information and loan terms.⁸⁵ At the same time, the early years of independence brought an enormous amount of power for the new political elite and this has opened many opportunities for corruption, especially through various privatization deals. In Croatia, the privatization process was mostly centered in the hands of a small group of people, so-called 'tycoons'⁸⁶, who were close to Tudjman and the ruling party. Besides them, a number of high-ranking HDZ politicians, including Tudjman's close family have also benefited from the privatization process. Thus, Ramet and Sørberg argue that corruption, cronyism and nepotism went hand in hand with Tudjman's years in office.⁸⁷ In addition, the widespread opinion was that Tudjman himself supported the creation of a new business class consisting of some 200 rich families. On the other hand, Tudjman has claimed that approximately two million citizens, mostly workers and war victims, had taken part in the privatization

⁸⁴ Fisher, *Political Change*, pp. 185; Pavlaković, Better the Grave, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 453.

⁸⁵ EBRD, 'Transition Report 1999: Ten years of Transition, Economic Transition in Central and Eastern Europe, the Baltic states and the CIS', Ref: 4050 Transition Report – 9 November 1999, London.

⁸⁶ The well-known beneficiaries of 1990's privatization policies were Miroslav Kutle (Globus Group), Josip Gucić (Ferimport), Ivica Todorić (Agrokor) and Luka Rajić (Lura Group).

⁸⁷ Ramet and Sørberg, Challenges facing Croatia, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 22.

process, while more than 300,000 Croats had bought apartments on a discount.⁸⁸ At the same time, according to Grubiša, a wide parliamentary debate on corruption and organized crime in 1994, was a certain improvement in democratic society, although there was no real political action against these malformations.⁸⁹

There are several reasons why the political process became corrupted in the early years of independence. In Ramet's view, one of the reasons was Tudjman's self-concept of the father of his country. In that sense, Tudjman believed that he knew the best what is in Croatia's and Croats' interest.⁹⁰ As mentioned, Tudjman's style of governance was paternal and he largely controlled both the government and the ruling HDZ. Perhaps Tudjman was open to hear other opinions, as his close associates claim, but the final decision was always his. In addition, the entire decade was predominantly marked by one particular party and its leader, which was another reason for expanding corruption. As Dolenc argues, Croatia has not experienced any alternations in power during the 1990's, which is the crucial mechanism against state exploitation.⁹¹ At the same time, the war of independence and occupation of a quarter of Croatia's territory badly damaged the country's economy, braked its transport and communication system, resulted in the loss of markets and displaced hundreds of thousands of people. This created a black market and at the same time, many opportunities for criminal acts and corruption. Therefore, Sadkovich argues that attributing Croatia's economic inequalities and corruption problems only to Tudjman and the ruling HDZ, and neglecting other aspects as well, presents a naïve explanation of a complex transition period.⁹²

After the war of independence, Croatia's economy experienced a significant economic growth and a relatively low inflation. The average annual GDP growth was around 6.00 per cent, while the inflation was around 3.00 per cent. However, in 1998, the country entered a phase of a deep recession and the rate of GDP growth dropped to 2.3 per cent. Although the government succeeded in stabilizing the currency and keeping the inflation low, the rate of GDP growth further dropped and amounted -0.5 per cent in

⁸⁸ Franjo Tudjman, *State of the Nation in 1998*.

⁸⁹ Damir Grubiša, 'Political Corruption in Societies in Transition', *Erasmus – Journal for Culture and Democracy*, 14 (1995), 32-41, pp. 32.

⁹⁰ Ramet, *Politics in Croatia*, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 32.

⁹¹ Dolenc, *Europeanization*, pp. 34.

⁹² Sadkovich, *Franjo Tudjman*, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 72.

1999. In addition, the high levels of unemployment and low living standard of Croatian citizens only worsened the overall appalling country's economy. In 1998, the unemployment level was 14.5 per cent, which further increased to 17.2 per cent in 1999. At the same time, the state's external debt was rising as well, and in 1998 reached 5,382 millions US dollars, which was 37.5 per cent of the country's GDP.⁹³

Because of the difficult economic situation in the country, the public was increasingly criticizing the badly handled privatization process as well as the emergence of the 'nouveau riche' among people loyal to the ruling party. The beneficiaries of government's privatization policies not only contributed to the economic depression but seriously damaged the HDZ's popularity. At the same time, Tudjman himself openly talked about these 'negative manifestations' (*'negativne pojavnosti'*) in the society, especially about the economic crime and corruption, but also about the abuse of power of some officials, bribery and inefficient judiciary. These were detected as main abnormalities in the society, and therefore, in his opinion, Croatian citizens' dissatisfaction was more than justified.⁹⁴

3.5. Problems in the judiciary

During the 1990's, several problems emerged in Croatian judicial system. One of the problems was the extension of corruption to this sector, which has remained a huge problem until today. According to Transparency International, the judiciary is perceived as the most corrupted sector in Croatia in the past years, with the corruption perception index reaching 4.1 in 2010.⁹⁵ Another problem is related to a wide-spread change of staff in judiciary in the early 1990's and, especially after 1995. Many Serbs as well as Croats were dismissed from their duties, mostly due to lack of loyalty to the ruling party, and were replaced with the politically more suitable, but at the same time less educated and less professional judicial staff. According to Freedom House, 13 Supreme Court justices and 400 judges were dismissed on political grounds.⁹⁶ In addition, the State Judiciary

⁹³ EBRD, Transition Report 1999: Ten Years of Transition.

⁹⁴ Franjo Tudjman, State of the Nation in 1998.

⁹⁵ Corruption Perception Index (CPI) relates to perceptions of the degree of corruption as seen by business people, academics and risk analysts. The CPI ranges from 10 (highly clean) to 1 (highly corrupt). Transparency International, Report on the Corruption Perception Index in Croatia, 2010.

⁹⁶ These numbers are taken from Freedom House, Nations in Transit – Croatia 2003 Report.

Council (*Državno sudbeno vijeće – DSV*), a main body in charge of recruitment of representatives of the legislative sector and appointment of court presidents was formed in 1996. The DSV was largely controlled by the HDZ and it became a ruling party's tool in appointing judicial staff close to party in power. This practice has had a strong impact on the independence, accountability, impartiality and professionalism of the judicial branch in Croatia. Having this in mind, a large number of unresolved civil cases, of which some were inherited from previous political system, as well as the length of court proceedings only contributed to general inefficiency of the legal system in Croatia in the 1990's.

At the same time, in the early 1990's war crime prosecutions against the JNA and para-military Serb forces were often happening '*in absentia*'. Moreover, the prosecutions have lacked clear and precise claims based on individual responsibility, and the majority of them have not been managed in a professional way. At the same time, according to different international organizations and domestic human rights observers, such as Croatian Helsinki Committee, there was a lack of political will to address different atrocities and conduct war crimes prosecutions against Croatian military personnel for crimes against the members of Serb population, especially after 1995. Already in 1998, the state authorities rejected these claims, stating that there were several criminal prosecutions in regard to murders, robberies, severe injuries and kidnappings. However, only one case of war crimes against prisoners of war was registered. In addition, according to official statistics, the county courts in Karlovac, Sisak, Zadar and Šibenik have addressed 2670 cases related to criminal acts committed in the areas of Operation Storm up to now.⁹⁷

At the same time, there were a number of positive developments in the judicial field, particularly in terms of legal acts and amnesty cases. In 1996, according to the Law on General Amnesty, all perpetrators of criminal acts committed during the aggression and armed rebellion in Croatia, except those who committed war crimes, were granted immunity from criminal prosecution. In addition, the 1997 Law on Convalidation opened the possibility for the validation of judicial and administrative documents issued in the previously occupied Croatian territory, the so-called 'Krajina region'.

⁹⁷ Croatian News Agency (HINA), 19 April 2011, from www.hina.hr, by subscription.

However, wide-ranging malformations in judiciary in the 1990's directly undermined the efficiency of the court system and threatened the legal security of Croatian citizens. The judiciary was, at this point, largely under political influence and was not functioning as an independent and impartial state branch. In addition, the state authorities were neither willing nor capable of carrying out necessary structural reforms in the judicial branch and promoting as well as strengthening the rule of law. Therefore, the Freedom House rate on Croatia's judicial framework and independence in 1999 was 4.75 per cent, which signifies a partly free judiciary.⁹⁸

3.6. Fundamental rights and freedom of expression in the 1990's

As mentioned earlier, Tudjman was mostly perceived as an anti-Semitic and anti-Serbian Croatian nationalist, and these epithets were often applied to Croatia as well, especially in the early 1990's. The first Croatian Constitution, known as the 'Christmas Constitution' (*'Božićni ustav'*) in 1990, equated national minorities in Croatia, including Serbs, in their rights with Croats, guaranteeing a range of cultural and other rights. Many scholars argue that inclusion of eight national minorities already in the Constitutional Preamble in the early 1990's represents a unique example and a high ideal of constitutional practice.⁹⁹ In addition, many of Tudjman's close associates claim that he was never opposing Serbs as a nation, but he strongly opposed the Great-Serbian idea of creating a homogenous Serbian state on Croatian territory. Furthermore, Tudjman's close associates, including prime ministers and ministers, claim that Tudjman was ready to guarantee minority rights for Serbs and to include them in the executive branch.¹⁰⁰

At the same time, the national minorities had their representatives in the Croatian Parliament in both the 1992 and 1995 elections.¹⁰¹ At first, Serbs were entitled to proportional representation in the Parliament, while other minority groups could count on four seats. However, the proportional representation was abandoned in 1995, when

⁹⁸ The ratings are based on a scale from 1 (the highest level of democratic progress) to 10 (the lowest level of democratic progress). Freedom House, Nations in Transit – Croatia 2003 Report.

⁹⁹ Peter Häberle, 'The 1991 Croatian Constitution in the European Legal Comparison', translated from German by Tomislav Martinović, *Political Thought*, 37: 1 (2000) 49-55, pp. 50.

¹⁰⁰ Radoš, *Tudjman izbliza*, pp. 185.

¹⁰¹ In 1992, national minorities had 4 representatives since Serbs refused to participate in the new Croatian state bodies, and in 1995, national minorities had 7 representatives, including three representatives of the Serb minority. Source: State Election Commission (DIP, Državno izborno povjerenstvo).

Croatian armed forces retook the so-called 'Krajina region'. Since then, Croatia was under constant international pressure to pass a new Law on National Minorities, but this did not happen until 2002.

Moreover, during the 1991-1995 conflicts the number of internally displaced persons and refugees exceeded 500,000 people. Thus, the two-way return of refugees and displaced persons and the protection of national minorities were important tasks for the Croatian leadership in the second half of the 1990's. At the same time, these actions were closely observed by the OSCE and other international organizations. According to the OSCE, merely 80,000 Croatian Serb refugees had registered their return to Croatia between 1995 and 2001. The annual refugee return reached its peak in 1999, when 18,000 refugees returned to their homes.¹⁰² However, although the government has made some positive steps in terms of refugee return, some of the problems, such as repossession of private property as well as loss of tenancy rights remained.

After 1995, around 19,500 Croatian Serb-owned properties in previously occupied areas were distributed to Bosnian Croat refugees from Bosanska Posavina for temporary use. Many of them had to wait to resolve their house reconstruction requests in Bosnia and Herzegovina and faced other barriers for their return as well. However, in the period from 1995 to 2001, around 9,500 houses were successfully returned to Croatian Serb-owners.¹⁰³ On the other hand, many Serb returnees were facing problems in their local communities, where authorities had often obstructed the return process, and there had been high level of animosity of the local population, as well as verbal and physical attacks on returnees. At that point, many Croats believed that the return of Serb refugees would not be a good thing for the country and had strong feelings of animosity toward Serb returnees in general.

At the same time, the transformation from a totalitarian into a democratic system also entails the separation of the media from the state, by providing the necessary legislative framework as well as creating an atmosphere in which independent media could prosper. During the 1990's Croatian media scene was divided between so-called state building media (*'državotvorni'*), such as *Croatian Radio Television (HRT)*, the

¹⁰² OSCE, Mission to Croatia, Report on Croatia's Progress, 2006, pp. 13.

¹⁰³ OSCE, Mission to Croatia, Report on Croatia's Progress, 2006, pp. 15.

Croatian News Agency (*HINA*), *Vjesnik*, and *Večernji list*, and independent media, such as *Globus* (1990), *Feral Tribune* (1993), *Nacional* (1995), *Novi list* and *Jutarnji list* (1998). The state-building media were expected to contribute to national cohesion, order and unity, while the independent media were trying to promote diversity and the liberalization of ideas and political options.

In 1990's, the most important media in Croatia were under state control, and have primarily served as a tool for legitimating the HDZ's leadership. The *HRT* was the main broadcaster in promoting the government policies, the ruling party and its leader Franjo Tudjman. From 1991 to 1995, *HRT's* chief executive was Antun Vrdoljak, a well-known film director but also a prominent HDZ member. At the same time, *HRT's* political show 'Latinica' has been on the air since 1993 and has covered a wide-range of controversial topics, such as corruption and war crimes. Though, many episodes were taken off air because the editors judged them to be too controversial. In the late 1990's, the producer and host of the show, Denis Latin left the public broadcaster and came back after the executive structure changed in 2000.¹⁰⁴

In addition, frequent libel suits against the independent media and journalists, based both on the civil as well as on the penal code only contributed to the lack of media freedom. According to Ramet, many publishers, editors and journalists were involved in more than a thousand court proceedings in 1990-1999 period. *Globus*, *Novi list* and *Nacional* were responsible for 56 per cent of the 'offending articles'. As of April 1999, about 80 court proceedings and appeals were involving *Feral Tribune* alone.¹⁰⁵ However, as Uzelac argues, some media gave rise to the proceedings because of violation of privacy, reputation and dignity, mostly due to political and commercial reasons.¹⁰⁶ In addition, there were several privatization cases of the media, in which ownership was transferred to the government's allies and people close to the ruling party, as it was in the case of *Večernji list*. In 1996, HDZ officials shut down an independent 'Radio 101', by refusing to renew its broadcasting license. This resulted in a massive protest at the main Zagreb's square, where around 100,000 people gathered. Having this in mind, there was a

¹⁰⁴ More on this in Peruško, Media and Civic Values, in Ramet and Matic (eds.) *Democratic Transition*, pp. 232-233.

¹⁰⁵ Ramet, Politics in Croatia, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 48.

¹⁰⁶ Alan Uzelac, 'Mediji u sudskom postupku 1990-2000: Izvještaj i konačni rezultati postupka', *Istraživanje Hrvatskog novinarskog društva*, pp. 7, 11.

persistent criticism from international organizations toward Croatia for restricting media freedoms. According to Freedom House rankings, the average independent media index in Croatia during the 1990-1999 period was 5.00, which is to say partly free.¹⁰⁷

At the same time, the independent media have pushed for further democratization and pluralism in the media sector. They have called for freedom of expression, reporting and publishing as well as for protection of journalists.¹⁰⁸ The media have also played an important role in raising public awareness of different abnormalities in Croatian society, mostly related to the privatization process. They criticized the government and the ruling party, and reported on doubtful entrepreneurial activities involving some members of Tudjman's closest family and the HDZ members with state institutions and companies. In 1998, one daily newspaper revealed that Tudjman's wife had a deposit of 210.000 DM in her personal bank account in a Zagreb bank. This case especially damaged Tudjman's family's as well as the ruling party's reputation.¹⁰⁹ At the same time, Tudjman's personal relationship with the media was rather bad. Radoš argues that Tudjman's distrust of the media was rooted in his deep frustration because of the media treatment while he was still a dissident in socialist Yugoslavia. In Radoš's view, Tudjman simply did not understand the meaning of the media in democracy.¹¹⁰

3.7. Tudjman era: Summarizing the main features

The war for independence, as well as Tudjman's personality and paternal style of governance based on his self-image of the father of the country, have largely influenced the Croatian political scene in the 1990's. The country's specific circumstances have removed most of the political and social reform issues from the political agenda and thus, have slowed down democratic changes and consolidation in Croatia. At the same time, Tudjman's as well as the HDZ's dominance and style of governance largely contributed to the country's problems in the judiciary and many other areas.

¹⁰⁷Freedom House, Nations in Transit – Croatia 2009 Report.

¹⁰⁸ Peruško, Media and Civic Values, in Ramet and Matić (eds) *Democratic Transition*, pp. 229.

¹⁰⁹ There were some speculations that this affair was a set-up, because Tudjman had intended to send an internal control to the Zagreb bank, due to suspicious privatization deal, but this had never been confirmed. More on this in Radoš, *Tudjman izbliza*, pp. 35.

¹¹⁰ Radoš, *Tudjman izbliza*, pp. 28.

The various privatization deals carried out by people close to the ruling HDZ only contributed to corruption, which became widespread and deeply rooted in Croatian society in the early years of independence. Thus, in his 1998 Christmas message, Croatian archbishop Josip Bozanić explicitly talked about all these abnormalities and particularly expressed his concern about the ‘sin of the ruling elites’ (*griješ struktura*), using the phrase to mark the problems of corruption, nepotism and social disruption. Although Tudjman succeeded in stabilizing the currency, the rising unemployment and low living standard of Croatian citizens played a crucial role in turning the public against the HDZ. Therefore, after Tudjman’s death in December 1999, and parliamentary elections in January 2000, the state power shifted to a centre-left coalition led by the SDP and Ivica Račan.

Having this in mind, it is possible to argue that, according to Linz’s and Stepan’s as well as Schedler’s criteria, Croatia was far away from a consolidated democracy during the 1990’s. In 1998, the country finally succeeded in consolidating its territory, but the basic principles of democracy and rule of law were not present. In addition, although Tudjman wanted Croatia to join the EU and was ready to make some steps in that direction, he mostly resisted to comply with EU requirements, especially in regard to cooperation with the ICTY. Thus, the international actors were most of the time rather unsuccessful in encouraging necessary reforms in Croatia and the impact of the EU’s enlargement policies and political conditionality on democratic consolidation in the country practically did not exist or was rather small.

4. Račan's prime ministership (2000-2003)

In 1999, Croatia was still feeling the consequences of the recent war. In addition, the country was deprived by badly managed privatization deals, widespread corruption, international isolation and low level of living standard of its citizens. Thus, many scholars argue that the ruling HDZ set the stage for its own defeat.¹¹¹ The opposition parties exploited the dissatisfaction of the Croatian people and focused primarily on economic and social issues. The main campaign slogan of the left oriented Račan-Budiša coalition (SDP-HSLS) was 'It is time for changes' (*Vrijeme je za promjene*). On the other hand, the HDZ was not only carrying a heavy burden of the responsibility for a bad economic situation in the country, but also unwilling to change its 1990's national rhetoric. Moreover, the party was seriously shaken by Tudjman's death in December 1999 and the strategy to capitalize on Tudjman's popularity was not successful enough to win the 2000 elections.

4.1. Democratic turnover in 2000

On 3 January 2000, the left-oriented Račan-Budiša coalition convincingly won the elections, and jointly formed the government with other moderate democratic parties. Although the HDZ has remained individually the strongest party in the Parliament, the left oriented coalition partners had a majority of 96 out of 151 seats and were able to pass the necessary decisions without any particular problems. At the same time, the ethnic minority representatives groups were allocated five seats in the Parliament.¹¹² After the 2000 elections, Iвица Račan (1943-2007) became the new Croatian prime minister. He was actively involved in politics for more than 30 years and had attained high positions in socialist Yugoslavia. Račan's communist past was often a heavy burden for his political actions in the years afterwards. His claim that the HDZ was a party of dangerous intentions (*'stranka opasnih namjera'*) was often used against him in many political battles. However, Račan himself claimed that the sentence was taken out of the context. At the same time, he was a very skilled politician but some argue, sometimes too slow in

¹¹¹ Matic, Political Culture, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 176; Fisher, *Political Change*, pp. 149.

¹¹² For more details on the election results see Appendix II.

making decisions. However, he was perceived as a realistic and a constructive politician, without any affairs attached to his name.¹¹³

At the same time, in the 2000 presidential elections, Stjepan Mesić (b.1934) became the new Croatian president. Mesić's victory came as a surprise, especially since the pre-election public opinion polls favored the other two candidates: the SDP-HSLS candidate Dražen Budiša and the HDZ candidate Mate Granić, while Mesić was perceived as an outsider. However, Mesić's presidential campaign based on his anti-Tudjman posture and criticism of the ex-president's decisions, secured him victory in the run off against Budiša.¹¹⁴ At the same time, the state media, that were often labeled as pro-HDZ provided mostly balanced coverage of the presidential campaign.

Many scholars argue that the change of government in the 2000 elections was influenced mostly by economic dissatisfaction on the part of Croatian citizens, and less by the pressure from the EU. Additionally, the 2000 elections also signify a moment when Croatia was able to start to consolidate its democracy. The space for democratic consolidation was wide open and the new political elite gained an opportunity to accept and adapt to the basic rules of democratic game as well as to secure political and social consensus on strengthening democracy.¹¹⁵ One of the issues Račan's government had to deal with, was the issue of Tudjman's legacy. After Tudjman's death, the political system in Croatia changed from a semi-presidential to a parliamentary one, with narrow political powers for the president and a strengthened role for the Parliament. In addition, Račan's government's goals were to depoliticize the army and police forces, introduce civilian control over the secret service, revise the 1990's privatization deals and combat corruption.¹¹⁶ The new government also had to revitalize country's economy and take Croatia out of international isolation.

The international community welcomed the positive changes in Croatia after Tudjman's death. The country became a member of the World Trade Organization (WTO), entered NATO's Partnership for Peace program (PfP) and started to build closer relations with the EU. In November 2000, at Zagreb Summit, the EU launched the

¹¹³ Duka, *Račan*, pp. 7-10, 85; Also see Appendix III.

¹¹⁴ For more details on the election results see Appendix II.

¹¹⁵ More on this in Čular, *Political Development*, pp. 30, 43 and Dolenc, *Europeanization*, pp. 34.

¹¹⁶ Dolenc, *Europeanization*, pp. 39.

Stabilization and Association Program (SAP) for five Southeast European countries, including Croatia. The Stabilization and Association Agreement (SAA) was signed in October 2001 and entered into ratification procedure in all EU member states parliaments. Furthermore, in February 2003, the country submitted its official application to join the EU. Thus, the steps taken in the early 2000's clearly show that Croatia-EU relations had become a priority issue for both sides.

At first, there was a widespread belief that Croatia would catch up with other Central European countries on their way to the EU. This expectation was based on several reasons, such as: positive democratic changes after 2000 elections, the country's economy that was more advanced in comparison with other Southeast European countries, and the relevant political parties' consensus on the importance of the EU membership. However, this expectation shortly after proved to be ungrounded, due to lack of cooperation with the ICTY and prejudice of some EU member states, mostly the UK, against Croatia. Although Croatian citizens were generally preoccupied with economic problems, they were quite disappointed when Croatia missed the opportunity to join the EU accession negotiations with other Central European countries and was grouped with Balkan states in the SAP.¹¹⁷ Therefore, Račan's government strategy was to comply with the EU requirements but, at the same time, to present Croatia as the most successful among the SAP countries. Additionally, his government insisted on individual evaluation of each country's achievements, so that Croatia would not be laid back by other economically less developed and democratically less advanced SAP countries.

4.2. The war crimes and cooperation with the ICTY

Shortly after the elections, the new government reaffirmed its obligation to cooperate with the Hague Tribunal. In April 2000, the Parliament adopted new Declaration on Cooperation with the ICTY, unconditionally accepting the ICTY's authority for war crimes committed during the 1991-1995 period. At this point, the military operations Flash and Storm were no longer under exclusive jurisdiction of Croatian judiciary.¹¹⁸ In

¹¹⁷ Fisher, *Political Change*, pp. 165-166.

¹¹⁸ The HDZ amendment that Operations Flash and Storm remain exclusively in the authority of Croatian justice system was rejected, and the Declaration was approved by the Parliament. Declaration available at <http://www.hrvatske-novine.com/slike/Zakoni/DeklaracijaOsurdnjiSMedunarodnimKaznenimSudom.htm>.

addition, in 2000 general Tihomir Blaškić (b.1960), a Bosnian Croat, was sentenced by the ICTY to 45 years in prison for war crimes committed during the Croat-Muslim conflict in Bosnia.¹¹⁹

Developments at that time mobilized both veteran's movements and opposition parties, mainly the HDZ, which accused the state authorities of criminalization of Croatia's struggle for independence. In September 2000, 12 army generals openly warned against 'widespread criminalization of the Homeland war' by signing a public letter. They warned against the unnecessary use of police force, proclamation of guilt even before an official investigation and court verdict took place, and 'bidding' on the ICTY's indictments. They agreed on prosecution of every war crime committed during the War of Independence, in accordance with democratic standards and procedures.¹²⁰ Although some politicians, including Račan's coalition partners, called the letter a script for reconciliation, the majority considered it an inappropriate way for the active military personnel to communicate with the state authorities. Some even labeled this act a rebellion of the military personnel. Thus, Mesić promptly dismissed 7 generals and signatories of the letter from the active service 'because of interference in state politics'.¹²¹ In the heat of these events, in October 2000, Račan's government issued a new Declaration on the Homeland war, stressing out that the war of independence was a legitimate, defensive and liberating war, with the main goal to defend Croatian territory against Great-Serbian aggression. The Declaration also called for a principle of individual accountability of guilt when dealing with cases of war crimes.¹²²

In February 2001, the ICTY set out a new indictment, against Miro Norac (b.1967), a Croatian army general accused of committing war crimes against Serbs in Gospić and Operation Medak Pocket (*Medački džep*), in September 1993. The veteran's movements and opposition parties once again organized a number of protests throughout

¹¹⁹ The sentence was reduced to 9 years in prison by the ICTY Appeal Chamber. Although Blaškić was not completely dismissed of all charges, 16 out of 19 counts of initial indictment were rejected. In July 2004, he was granted an early release since he already had served 8 years and 4 months of imprisonment.

¹²⁰ The letter was signed by Janko Bobetko, Ante Gotovina, Krešimir Ćosić, Mirko Norac, Davor Domazet, Ivan Korade, Damir Krstičević, Ivan Čermak, Ivan Kapular, Nojko Marinović, Ivan Basarac and Miljenko Filipović. Available at <http://www.hrt.hr/arhiv/2000/09/28/HRT0030.html> (accessed in April 2011)

¹²¹ HRT, 28 September 2000, 'Hrvatski generali pozivaju da se prestane blatiti Domovinski rat' <http://www.hrt.hr/arhiv/2000/09/28/HRT0029.html> (accessed in April 2011)

¹²² Croatian Parliament, Deklaracija o Domovinskom ratu, 13 October 2000, available at <http://narodne-novine.nn.hr/clanci/sluzbeni/274008.html> (accessed in March 2011)

the country. The mass demonstration in Split gathered between 100,000 and 150,000 people under the slogan 'We are all Mirko Norac' ('*Svi smo mi Mirko Norac*'), implying that accusations against the Croatian general were accusations against the War of Independence, Croatia and all Croats. The organizers of the Split protest called for the resignations of Račan and Mesić, labeling them communists and traitors, and called for new elections.¹²³ In the years afterwards, Račan openly spoke out about these events and said that there had been a widespread fear among coalition partners that the country would collapse in crisis and would not manage to get out of it in a democratic way.¹²⁴

In addition, in July 2001, two new indictments were directed against generals Ante Gotovina¹²⁵ indicted for war crimes committed during Operation Storm, and Rahim Ademi¹²⁶ indicted for war crimes committed in Operation Medak Pocket. While Ademi decided to go to the Hague voluntarily, Gotovina went into hiding. At this point, the indictment against Gotovina, which included the allegation about 'joint criminal enterprise', became especially problematic for Croatian government.¹²⁷ Although Račan protested and demanded withdrawal of controversial parts of the indictment, in the years afterwards he acknowledged he did not actually believe in the success of these actions. The main reason Račan got involved in this type of criticism was the pressure from the opposition parties and large-scale protests across the country.¹²⁸

On the one hand, Račan was willing to fully cooperate with the ICTY and introduce necessary reforms, but on the other hand, because of his communist past, he

¹²³ Slobodna Dalmacija, 12 February 2001, 'Split: 150 tisuća puta 'Svi smo mi Mirko Norac'
<http://arhiv.slobodnadalmacija.hr/20010212/novosti.htm> (accessed in April, 2011)

¹²⁴ Duka, *Račan*, pp. 91.

¹²⁵ Ante Gotovina (b.1955) was one of the most capable Croatian military officers. In Operation Storm, he was the commander of the Sector South. In 1998, Gotovina was asked to be questioned by the ICTY, but he did not respond to this request. In July 2001, he was accused of war crimes committed during Operation Storm, and fled shortly after the indictment against him became public. In December 2005, Gotovina was arrested in Tenerife, Spain and transferred to the ICTY's custody. In April 2011, he was sentenced to 24 years in prison, with the right to appeal.

¹²⁶ Rahim Ademi (b.1954) was the sub-commander of the Gospić district and was accused for war crimes committed in Operation Medak Pocket, in September 1993. In 2005, the ICTY transferred his case to the Croatian judiciary and in 2008, he was acquitted of all charges.

¹²⁷ The Croatian army officers Gotovina, Čermak and Markač were indicted as alleged participants in the 'joint criminal enterprise', which included Croatian president Franjo Tuđman, minister of defense Gojko Šušak, general Janko Bobetko, as well as various government officials, military and police officers, whose objective was, according to the ICTY, the permanent removal of the Serb population from the so-called 'Krajina region'. These claims were mostly based on the so-called 'Brijuni transcript'.

¹²⁸ Duka, *Račan*, pp. 93.

was often forced to prove his patriotism by strengthening the image of a ‘patriot Croat’ who defends the state interests by all means.

The ICTY as well as Račan’s approach in dealing with the new indictments had a great impact on Croatian domestic politics. In March 2002, due to disagreement with the government’s soft approach toward the ICTY, Budiša and the HSLs withdrew from the coalition and the HSLs cabinet ministers resigned.¹²⁹ At this point, Račan’s approach of balancing international demands and domestic costs was not very efficient. It was affecting the unity of the ruling coalition, strengthening the right-wing opposition parties and increasing tensions in the public. This was once again proved in September 2002, when former Croatian army general Janko Bobetko was indicted for war crimes committed in Operation Medak Pocket, of which he was in charge.¹³⁰ The veteran’s movements and right-wing parties strongly opposed to his transfer to Hague’s custody and Bobetko himself refused to go to the Hague voluntarily. Moreover, at the time of the indictment, Bobetko was 83 years old and in poor health. Thus, Račan’s government refused to transfer him to Hague’s custody and announced that the Croatian Constitutional court would examine the constitutionality of the indictment. In the early 2003, the ICTY announced that Bobetko was medically unfit to stand a trial and shortly after he died. At this point, Gotovina became the highest ranking Croatian commander hunted by the ICTY.

The ‘Bobetko affair’ and lack of cooperation with the ICTY had seriously threatened Croatia’s path toward the EU. At this point, British and Danish parliaments suspended the ratification of the SAA. The UK especially took a strong stance against Croatia and became a main blocking agent of the country’s opening of accession talks. Many authors argue that the ‘Bobetko case’ revealed all the weaknesses of Račan’s administration, in terms of reluctance and lack of capability to fully carry out necessary reforms and pull Croatia out of Tudjman’s era and closer to the EU. In that sense, Račan’s government was most of the time intimidated by the right-wing protests, which

¹²⁹ Finally, the HSLs split into two parties, where the ‘new’ Libra Party, led by Goran Granić and Jozo Radoš remained faithful to the government, and the ‘old’ HSLs led by Budiša went into opposition.

¹³⁰ Janko Bobetko (1919-2003) was an ex Partisan and Yugoslav Army general, as well as the Chief of Army Staff from 1992-1995, and thus, the highest ranking Croat indicted by the ICTY.

were often used as an excuse in order to avoid difficult decisions.¹³¹ Cooperation with the ICTY was extremely problematic for the government and every new indictment had seriously threatened Račan's political survival. Thus, the government was most of the time unwilling to comply with EU requirements and take out necessary reforms. In addition, Pavlaković argues that the government pursued a policy of denial and secrecy instead of immediately announcing the arrival of new indictments and preparing Croatian public for it, which would be far better and more transparent approach, especially since Croatia was the first country among the Yugoslav successor states that started a real campaign against war criminals and was ready to deal with its recent past.¹³² In addition, this type of approach would have narrowed a space for speculations on the indictments and would demonstrate Croatia's willingness to comply with international commitments.

4.3. The fight against corruption

Another problem that Račan's government had to deal with was corruption. In order to combat corruption and organized crime, the government established a solid legal framework. In May 2001, the State Audit Act of Transformation and Privatization, designed to focus particularly on 1990's privatization deals, was adopted. In October 2001, the government established an independent office specialized to fight corruption: The Bureau for Combating of Corruption and Organized Crime (*Ured za suzbijanje korupcije i organiziranog kriminala – USKOK*). In addition, in March 2002, the government launched the National Anti-Corruption Program and Action Plan, which included a proposal for toll-free telephone lines for citizens who wished to report specific cases of corruption. In accordance with the EU's requirements, the government has also increased international cooperation in these fields.

At the same time, the symbol of 1990's fraudulent privatization, Miroslav Kutle, was arrested in February 2000 and charged with criminal offences in business transactions related to the Tisak enterprise, causing financial damage of more than 48

¹³¹ Pavlaković, Better the Grave, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 458; Fisher, *Political Change*, pp. 182.

¹³² Pavlaković, Better the Grave, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 455.

million HRK. However, due to lack of evidence Kutle was soon released,¹³³ which was almost the standard procedure with other ‘tycoons’ as well. Hence, even when they were arrested, proceedings against them have progressed very slowly and usually ended in dismissing all charges. At this point, the state system was rather powerless in fighting economic crime and other criminal activities from the early 1990’s.¹³⁴ Moreover, Račan’s government was also facing accusations regarding privatization deals carried out after 2000. The well-known case was the privatization of ‘Sunčani Hvar’ enterprise, related to the vice-president of the government Slavko Linić. The government’s decision to sell Sunčani Hvar to the Slovenian company Terme Čatež was later withdrawn and the danger of losing 17.6 million euros was avoided. The vice-president was involved in other controversial cases as well, such as the Viktor Lenac shipyard, the Croatian Post-Bank and the ‘Riječa banka’, where he allegedly assured financial recovery of these enterprises and banks under doubtful conditions.¹³⁵ Therefore, Račan’s government was under pressure not only of revision of fraudulent privatization deals from the 1990’s, but also by controversial privatization deals which occurred during Račan’s term in office.

In addition, one of the main pre-election promises of coalition parties, the revision of 1990’s privatization deals was completed in 2004. The State Audit Office processed 1,556 enterprises and concluded that 15.49 per cent of companies achieved necessary privatization goals, 20.5 per cent did it partially, and 64.01 per cent did not achieve these goals. Moreover, during the privatization process, these enterprises had 635,373 employees or 408 on average, and in a time of revision they had 248,698 employees or 160 on average, which is 386,675 or 60.86 per cent less than previously.¹³⁶ It is important to keep in mind the circumstances in which the privatization process was carried out. In 1991, when the process began, some enterprises were located in the occupied or war-torn area; thus the privatization of these enterprises was carried out later on. At the same time, a great amount of property was completely or partly destroyed, and enterprises were not

¹³³ In July 2004, Miroslav Kutle (b.1957) was eventually convicted and sentenced to six and a half years in prison because of the Tisak privatization. This had happened after Ivo Sanader came to power.

¹³⁴ Račan’s explanation was that most cases were in accordance with the law and not illegal. More on this in Duka, *Račan*, pp. 100.

¹³⁵ Nacional, 12 February 2003, ‘Skupi potpredsjednik Vlade: Linić dosad izgubio 280 milijuna eura’ <http://www.nacional.hr/clanak/10509/linic-dosad-izgubio-280-milijuna-eura> (accessed in April, 2011)

¹³⁶ The State Audit Office (Državni ured za reviziju), ‘Izvješće o radu na provedbi revizije pretvorbe i privatizacije’, September 2004, 1-49, pp. 28, 36.

operating or were operating under difficult conditions. However, a much bigger problem was the termination of business cooperation with other Yugoslav successor states and the loss of markets. According to the State Audit Office report, 5.46 per cent of enterprises were located in occupied territory and 20.65 per cent in the war-torn area. In addition, 15.23 per cent enterprises reported war damage, while 36.76 per cent experienced the termination of business cooperation with their partners in the region and loss of markets.¹³⁷ Therefore, the 1990's privatization process was carried out under difficult conditions of war and occupation of one-third of state territory, which badly damaged transport and communication systems and resulted in the loss of markets for many enterprises. However, these circumstances were at the same time beneficial for those who got involved in fraudulent privatization deals and used the situation of war to their own advantage.

According to Transparency International, the country's corruption perception index in 2003 was 3.7 and Croatia was ranked as 59 out of 133 countries.¹³⁸ Another research conducted in the same period, showed that 65.8 per cent of people believed that corruption was very widespread in the country, while 32.9 per cent considered it merely widespread.¹³⁹ In addition, Chief state attorney Radovan Ortynski was openly criticized by both the ruling and opposition parties for lack of progress in the fight against corruption and organized crime. In 2002, the Parliament rejected his annual report and after both the HDZ and the SDP voted for his removal, he was dismissed from all duties and replaced by Mladen Bajić. In the Parliament, Ortynski said that "every country has a mafia, but in Croatia, the mafia has the state" and later on claimed that the combination of mafia, politics and media pressure was responsible for his replacement.¹⁴⁰

4.4. Unresolved problems in the judiciary

During Račan's term in office, the problems which had emerged in judiciary in the previous years have mostly remained unsolved. In 2003, Croatia had 250 courts and 1,756 judges with the majority of court presidents and other representatives of legislative

¹³⁷ The State Audit Office (Državni ured za reviziju), *Izvešće o radu*, pp. 21-22, 47.

¹³⁸ Transparency International, *Annual Report on Corruption in the World*, 2003.

¹³⁹ Freedom House, *Nations in Transit – Croatia 2003 Report*.

¹⁴⁰ Dalje.com, 19 August 2008, 'Ortynski: Obvious Agreement of Politics and Mafia', <http://dalje.com/en-croatia/ortynski--obvious-agreement-of-politics-and-mafia/194047> (accessed in April 2011)

branch appointed during Tudjman's term in office. Thus, there was constant resistance to possible changes and structural reforms in the legal system, mostly due to the unwillingness of judges to give up their high social and professional status and privileges.¹⁴¹ In addition, the existing legal framework which made it possible for judges to rarely schedule a trial hearing or unnecessarily extend the length between the trial hearings opened many opportunities for misuse of judicial powers. Thus, the government's positive measures mostly faced lack of implementation, which has only increased already existing problems, especially delays in proceedings.

At this point, the judicial sector was still dealing with a great backlog of cases and the length of court procedures in civil and administrative courts posed a serious threat to citizens' legal security. The government's strategy to hire more judges and to delegate less demanding cases to public notaries was not particularly successful. In 2004, there were still 1,640,182 unresolved cases,¹⁴² and although many of them dated from pre-2000 period, Račan's government failed to take necessary measures in order to reduce the backlog of cases and bring in needed improvements.

At the same time, the local courts brought a number of cases against Croatian ex-military personnel who allegedly had committed war crimes against the Serb population in the 1990's. However, many international as well as domestic non-governmental organizations and human rights observers have categorized these proceedings as slow and unsuccessful. The problematic aspect was that most of defendants were released because of lack of evidence. This was the case in 2002 with the Split 'Lora' verdict and in 2003 with the Gospić verdict; both of them were later on revoked by the Supreme Court and sent back for retrial. On the other hand, the Rijeka County Court sentenced Mirko Norac, accused of war crimes committed in Gospić in 1993, to 12 years in prison, proving that, in some cases, the Croatian judiciary has been to a certain extent ready to deal with war crimes committed by Croatian forces.¹⁴³ At the same time, the number of so-called 'in

¹⁴¹ Freedom House, Nations in Transit – Croatia 2003 Report.

¹⁴² This high figure can be found in many reports, including: Croatian Government, 'Izvješće o ispunjavanju obveza iz Poglavlja 23 – pravosuđe i temeljna prava', 12 May 2011, pp. 9, Freedom House, Nations in Transit – Croatia 2006 Report, and various EU reports on Croatia.

¹⁴³ On 24 March 2003, the so-called 'Gospić group' was sentenced as follows: Tihomir Orešković 15 years in prison, Mirko Norac 12 years in prison and Stjepan Grandić 10 years in prison. Prior to 2000, only one person was tried for war crimes committed by Croatian side. More on this in Pavlaković, Better the Grave, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 455.

absentia' prosecutions against the JNA and para-military Serb forces has largely decreased. Still, according to Freedom House, Croatia's score on judicial framework and independence in 2003 was 4.25, signifying a minor to moderate level of democratic progress in this field in the past two years.¹⁴⁴

4.5. Fundamental rights and freedom of expression

During Račan's term in office, there have been some visible improvements in democratic atmosphere and fundamental rights issues in Croatia. The legal framework that guarantees the national minorities their basic rights has been further strengthened. In terms of legislation, the new 2001 Constitution and 2002 Constitutional Law on the Rights of National Minorities were adopted, as well as number of bilateral agreements regarding protection of national minorities in Croatia, Italy, Hungary, Serbia and Montenegro, etc. Thus, the position of national minorities, which according to official statistics in 2001 accounted for 7.5 per cent of the population in Croatia,¹⁴⁵ has further improved. However, while the national minorities, such as Italians, Czechs, Slovaks and Hungarians have enjoyed fairly good treatment and high respect in regards to their ethnicity, culture and linguistics, the Serb and Roma minorities were still facing a number of problems during Račan's government term.

According to the Croatian Helsinki Committee, the situation was especially difficult at the local level. The problems of the Serb minority have mostly included the following: returnee problems, property return issues, difficulties in finding jobs, and a high level of animosity in the local communities, including several verbal and physical attacks on returnees. On the other hand, Roma minority has mostly faced problems regarding extremely difficult living conditions, inadequate education and segregation, and a certain level of animosity in their local communities. The National Program for inclusion of the Roma minority in the local communities was carried out rather slowly.¹⁴⁶ According to official figures, since 1995 when the refugee return process started until 2004, there were 330,727 returnees, from which majority was Croatian nationality (215,579) and only a smaller number of returnees were minorities, mostly Serbs

¹⁴⁴ Freedom House, Nations in Transit – Croatia 2003 Report.

¹⁴⁵ OSCE, Mission to Croatia, Report on Croatia's Progress, 2006, pp. 7.

¹⁴⁶ Croatian Helsinki Committee (Hrvatski Helsinški Odbor), 'Godišnji izvještaj 2004', Zagreb 2005, pp. 6.

(115,148), which return was complicated because of the property repossession and loss of tenancy rights issues. As mentioned, in 2001 around 10,000 Croatian Serb-owned houses were still occupied by temporary users and refugees from Bosanska Posavina who were at the same time facing strong barriers in their return process to Bosnia and Herzegovina. In addition, the government has not been efficient in providing alternative accommodations for refugees and displaced persons.¹⁴⁷ Moreover, in 2004, around 60 per cent of Croats still believed that Serb return to Croatia would not be a good thing.¹⁴⁸

In terms of the media, the Croatia's media space was gradually democratizing after the democratic turnover in 2000. The next year, the government passed new laws and regulations regarding the media system, such as the Croatian News Agency Act and the Croatian Radio Television Act which transformed these media from state institutions into independent public institution/broadcaster. However, the legal framework left some space for political interference, since the *HRT's* Board of Managers was mostly appointed by the Parliament and obtained delegated powers.¹⁴⁹ However, many authors argue there was a noticeable shift in the political culture in relation to media system. The government was no longer dominating the media agenda and its content was less influenced by the state authorities.¹⁵⁰ Moreover, the *Nova TV* started broadcasting in 2000 and the *RTL TV* in 2004, creating a necessary competition for the *HRT*. This has provided pluralism of the media space and has opened media to more liberal standards. According to Freedom House rankings, the independent media scored 3.50 in 2001. In comparison to 1999, when the score was 5.00, this marks significant positive development in the field of independent media in Croatia.¹⁵¹ At the same time, it is very rare that a country experiences such a positive development in a short time.

However, the problem of questionable court decisions against journalists, newspapers and publishers, mostly based on the so-called 'emotional suffering' of members of the political and business elite, has remained. Especially problematic was

¹⁴⁷ Croatian Helsinki Committee, *Godišnji izvještaj 2004*, pp. 24.

¹⁴⁸ Marius Søberg, 'Croatia since 1989: The HDZ and the Politics of Transition', in Ramet and Matić (eds) *Democratic Transition*, pp. 54.

¹⁴⁹ Freedom House, *Nations in Transit – Croatia 2003 Report*.

¹⁵⁰ Knut Vesterdal, 'Building Liberal Democracy in Croatia', in Ramet and Matić (eds) *Democratic Transition*, pp. 368; Peruško, *Media and Civic Values*, in Ramet and Matić (eds) *Democratic Transition*, pp. 231.

¹⁵¹ Freedom House, *Nations in Transit – Croatia 2009 Report*.

that defamation was still treated as a criminal offense with possible jail sentence. In addition, the HHO reported that the language of intolerance and hate-speech was still present in some Croatian media during 2001-2003 and mentioned *Fokus* and *Hrvatsko slovo* as newspapers lacking necessary professional standards, with *Globus* and *Nacional* as the biggest offenders with strong tendency toward sensationalism. Moreover, the Committee reported that the political pressure on the media had declined, but the media owners' pressure had increased as well as the vulnerability of the ordinary people in media coverage.¹⁵² This widespread practice of creating scandals and sensationalism was partly a consequence of an increasing commercialization of the media space, which made the media vulnerable to various commercial interests of the media owners. At the same time, the lack of professionalism was also present in cases of reporting on the fight against corruption and organized crime.

4.6. Račan's prime ministership: Summarizing the main features

The 2000 coalition parties gathered mostly in order to fulfill one goal – to push the ruling HDZ out of power. The coalition government lacked clearly articulated goals and was often paralyzed by intra-coalition disputes and opposition parties' actions, as in the case of cooperation with the ICTY. In addition, although a good legal framework was set out in many areas, such as the media sphere and the fight against corruption and organized crime, actual implementation failed, and necessary structural reforms, especially in judiciary had not taken place. Moreover, the government failed to reduce the unemployment and improve the living standards of its citizens. However, Račan's government has also brought some positive democratic changes, such as turning the country into a parliamentary democracy and taking it out of international isolation and closer to the EU membership.

At the same time and as previously mentioned, the 2000 elections also opened a space for Croatia to deepen and consolidate its democracy. Although Croatian democracy was still fragile at this point, and political elites as well as citizens were not entirely complying with the basic rules of democratic game in early 2000, this situation had changed slightly by the end of 2003. At this point, it was possible to argue that

¹⁵² Croatian Helsinki Committee, *Godišnji izvještaj 2004*, pp. 63.

democratic institutions were stable and basic rules respected, and in spite of sporadic undemocratic incidents, there was no a real danger that democracy might collapse. However, the danger of a silent erosion of democracy was still present. In addition, although domestic adoption costs were still high for Račan's government, it was possible to observe a certain impact of the EU's political conditionality approach on democratic reforms and consolidation in the country. This also confirms Schimmelfenning's suggestion that, in order for external factors, such was the EU, to exert their influence on domestic politics in the country, the liberal parties must be in power.

5. Sanader's prime ministership (2003-2009)

Under the leadership of Ivo Sanader, the HDZ gradually reformed itself into a modern pro-European democratic party and became a member of the European People's Party (EPP). The HDZ came back to power as a result of the November 2003 parliamentary elections, mainly due to unsolved economic problems. Although the GDP had grown in the early 2000s, mostly because of good tourist seasons, the state debt had further increased, reaching 23,5 billion US dollars in 2003, which was at that point 53.2 per cent of the state GDP. In addition, unemployment rate has reached almost 20 per cent, which was the highest level in the past ten years.¹⁵³ Hence, although the SDP and its coalition partners succeeded in moving the country closer to the EU, they had failed in reviving the economy and improving living standards of Croatian citizens. As Račan has said, "in 2000, the HDZ helped us to gain the power, so in 2003 we helped the HDZ to regain power."¹⁵⁴

5.1. Dealing with Tudjman's legacy

After the elections, the international community was mostly concerned with the idea that Croatia could get a right-oriented government, if the HSP and its leader Anto Đapić participated in Sanader's office. Thus, both Washington and Brussels threatened Croatia with international isolation if the HSP entered the government.¹⁵⁵ The result was a coalition government between the HDZ and HSLHS, DC, HSS, HSU and national minorities' representatives. In addition, Sanader's government became a strong advocate of Croatia's EU membership and was keen to continue with necessary political and economic reforms, which at the same time supported the logic of so-called 'lock-in-effect' and path dependency. Thus, not only did the HDZ reform into a modern political party, but it has also stayed in the same EU course as the liberal parties had previously. Besides, there was a broad political consensus that EU membership is of vital national interest. It is possible to argue that, at this point, the Croatian political party space has

¹⁵³ IMF, Republic of Croatia, Report No. 4/251, August 2004.

¹⁵⁴ Duka, *Račan*, pp. 112.

¹⁵⁵ More on this in Fisher, *Political Change*, pp. 195.

transformed, creating a desirable liberal party constellation in Croatia and increasing the possible impact of EU's political conditionality.

Dr. Ivo Sanader (b.1953) was a prominent HDZ member, who succeeded in building the image of a modern European politician, with perfection in foreign languages. However, he was also quite authoritarian in leading the government as well as his party, and did not allow decisions to be made without his knowledge.¹⁵⁶ However, in order to bring Croatia into the EU, Sanader was ready to deal with the issue of Tudjman's legacy and Croatia's recent past. During his term in office, the word 'de-tudjmanization' (*'Detudjmanizacija'*) was used more frequently. Sanader's government improved the level of cooperation with the ICTY and his personal approach in handling new indictments against Croatian military personnel was welcomed by the international community, namely the EU and the US as well as the ICTY's chief prosecutor. In addition, Sanader's government was also building closer ties with Serbia and Montenegro and, at the end of 2004, Sanader was the first prime minister of independent Croatia to pay an official visit to Serbia. Moreover, he was willing to carry out the necessary political and economic reforms as well as to improve relations with the Serb minority in Croatia. At this point, Croatia surely represented a positive example among Southeast European countries that the international community has desperately looked for.

5.2. Cooperation with the ICTY

In March 2004, the ICTY released new indictments against six Bosnian Croat military officers, accused of war crimes during the Croat-Muslim conflict in Bosnia¹⁵⁷ and against Croatian military officers Ivan Čermak and Mladen Markač, accused of war crimes during the Operation Storm. All of them handed themselves in voluntarily and, unlike in Račan's time, there were no massive protests organized by veteran's movements or nationalist right-wing parties. However, an unresolved 'Gotovina issue' became a main obstacle to Croatia's accession in the EU. In order to prove its full cooperation with the ICTY, Croatia was expected to arrest and transfer Gotovina to the Hague's custody. In

¹⁵⁶ More on this in Goldstein, *Dvadeset godina*, pp. 322-323.

¹⁵⁷ Jadranko Prlić (b.1959), Bruno Stojić (b.1955), Slobodan Praljak (b.1945), Milivoj Petković (b.1949), Valentin Ćorić (b.1956) and Berislav Pušić (b.1952). They were indicted for establishing and participating in the 'joint criminal enterprise', intended to permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats from the so-called 'Herceg-Bosna' region. The verdict is expected in June 2011.

April 2004, Croatia gained a candidate country status, regardless of the resistance of some of the EU member states. The ratification of the SAA in member states' parliaments continued as well, and in February 2005, after the Dutch and the British parliaments ratified it, the Agreement entered into force.

However, some of the key European players strongly opposed Croatian admission to the EU and the pressure regarding Gotovina's arrest continued.¹⁵⁸ In addition, the ICTY's chief prosecutor Carla Del Ponte claimed that Gotovina was hiding in Croatia and that Sanader's government was providing him a shelter. Del Ponte even accused the Catholic Church structures in Croatia of complicity and claimed that Gotovina was hiding in a Franciscan monastery. However, the Croatian bishop denied these accusations. The statement that Vatican itself was protecting Gotovina was probably the peak of del Ponte's accusations.¹⁵⁹ At the same time, Sanader insisted that Gotovina was not hiding in Croatia, but his statements were not perceived as trustworthy among some EU member states. In March 2005, due to lack of cooperation with the ICTY, the EU postponed the official opening of Croatia's negotiation talks. In particular, the Netherlands and the UK adopted a strong stance against Croatia. The UK's minister for Europe, Denis MacShane stated that "Britain would not vote for a positive EC opinion as long as the Gotovina case remained unsolved."¹⁶⁰ These two countries were at this point joined by Germany, France and Italy, while Slovakia, Hungary, Austria and Slovenia were still strong advocates of Croatia's opening of negotiation talks. Some argued that the opening of negotiation talks without Gotovina in prison, would only send negative signals to other Southeast European countries that also needed to fulfill their obligations toward the ICTY, namely Serbia.

As Ramet and S oberg argue, Sanader's government strongly believed that Croatia had fulfilled all necessary criteria for EU membership, and that the country would not be put on hold only because of the failure to arrest Gotovina.¹⁶¹ However, after the opening of negotiation talks was postponed, the Croatian government took the Gotovina issue

¹⁵⁸ The pressure was exerted mostly by the Britain led-block, which included: the Netherlands, Sweden, Finland and Denmark.

¹⁵⁹ More on this in Fisher, *Political Change*, pp. 197 and Pavlaković, Better the Grave, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 459.

¹⁶⁰ Hodge, Britain's Relations, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 417.

¹⁶¹ Ramet and S oberg, Challenges Facing Croatia, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 12.

more seriously and introduced an ‘Action Plan’. The plan aimed at locating and arresting Gotovina as well as at shutting down his financial support network. In addition, two persons were arrested on charges of having provided Gotovina with a forged passport. These actions resulted in a positive change in the ICTY’s opinion and Del Ponte reported that Croatia was fully cooperating with the ICTY. In October 2005, Croatia officially opened negotiation talks and two months later Gotovina was arrested at Tenerife, Spain, thanks to crucial information the Croatian government provided some months previous.

Although the Gotovina case temporarily damaged Croatia’s reputation, Ramet and Sørensen argue that at this point, after years of suspicion, Croatia was finally treated like a reliable partner.¹⁶² For sure, Croatia fostered its international position and became a factor of stability in the Southeastern Europe. Moreover, the Gotovina case once again proved that the EU’s political conditionality approach works, especially in a decisive phase of negotiation talks. In order to prove its cooperation with the ICTY and open negotiation talks, the government had taken the necessary steps to arrest Gotovina and thus, had complied with the EU requirements. However, Croatia’s cooperation with the ICTY remained a politically controversial question in the following years as well.

Subsequent developments also contributed to increased euro-skepticism among Croatian citizens. In March 2005, the support for EU membership was 45 per cent, but declined to only 28 per cent in September 2005.¹⁶³ Fisher argues that various Croatian governments, which labeled unpopular reforms as strictly European, take part of the blame for this decline since they failed to clarify that Croatia had to take these reforms anyhow.¹⁶⁴ However, the roots of Croatian euro-skepticism are deeper than that. As Ramet and Sørensen argue, part of the problem was the EU’s neo-Titoist policy of balancing guilt between Croatia and Serbia. Thus, many Croats feared that the EU aimed at postponing Croatia’s accession talks until Serbia would be ready for EU membership. In addition, the EU’s treatment of Mladić, Karadžić and Gotovina as moral equivalents was offensive to all Croats, as was the ICTY’s characterization of Operation Storm as a

¹⁶² Ramet and Sørensen, Challenges facing Croatia, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 12, 14.

¹⁶³ Data are taken from Ramet and Sørensen, Challenges facing Croatia, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 14.

¹⁶⁴ Fisher, *Political Change*, pp. 204-205.

‘joint criminal enterprise’ with more than 1,000 government officials included.¹⁶⁵ Finally, the EU’s approach toward Croatia and its recent past touched directly upon the questions of statehood and national identity, and thus, created strong anti-EU attitudes and frustration with EU policies among many Croats.

5.3. The fight against Corruption and Sanader’s second term in office

In order to deal more efficiently with corruption and restore citizens’ trust in the state institutions, Sanader’s government improved the legal framework by adopting a package of anti-corruption laws, including: the Conflict of Interest Prevention Act, the Corporate Criminal Liability Act, the Witness Protection Act, the Right to Access to Information Act, and several others. In addition, Croatia has signed and ratified the UN Convention against Corruption and improved its international cooperation in the relevant fields. In 2005, the government introduced a rigorous anti-corruption program: the National Anti-Corruption Program for 2006-2008, which was adopted by the Parliament in March 2006. The overreaching goal of the program was to reduce corruption to a level where it would no longer be an obstacle to the social, economic and political development of the country. In order to increase transparency in business and public administration, the program also introduced the so-called ‘one-stop-shop’ service Hitro.hr. Moreover, the judiciary, the health care system, local self-government and public administration were detected as main fields to address.¹⁶⁶ In addition, the privatization concept was changed and the model of non-transparent sale of state enterprises was abandoned. At this point, all interested parties had a free access to capital markets. In 2007, Croatian citizens obtained the opportunity to buy stocks of the Croatian oil company INA and the Croatian telecommunication company HT.¹⁶⁷

However, regardless of the fairly good legal framework, the actual implementation was highly problematic. According to Transparency International, the corruption perception index in Croatia, in 2006 was 3.4, as high as in previous years.¹⁶⁸

¹⁶⁵ Ramet and Søberg, Challenges facing Croatia, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 13. More on this also in Hodge, Britain’s Relations, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 418.

¹⁶⁶ Croatian Parliament (Sabor), ‘Nacionalni program suzbijanja korupcije 2006-2008’, pp. 4.

¹⁶⁷ More on this in Goldstein, *Dvadeset godina*, pp. 333.

¹⁶⁸ Transparency international, Report on the CPI in Croatia, 2006.

This implies that the government was not doing enough in order to change the perception of corruption and increase citizens' trust in state institutions.

Moreover, government officials were also involved in some corruption scandals. The minister of foreign affairs Miomir Žužul was forced to resign in 2005, after a series of newspaper articles about his alleged involvement in various corruption scandals. It was the first time that a senior official was forced to step down because of charges of conflict of interests and public pressure. In 2006, Sanader was involved in the so-called 'Verona Affair', when the opposition accused him of fixing the sale of the Croatian pharmaceutical company Pliva to the American company Barr. However, this was never proven and Sanader himself denied these accusations.¹⁶⁹ A major corruption scandal occurred in 2007, when three vice-presidents of the Croatian Privatization Fund were arrested for having secured privileged arrangements for some private companies. Although the government announced that there could be possible further arrests on a high-level, this did not happen during Sanader's term in office.¹⁷⁰ At the same time, the police arrests as well as criminal prosecutions against persons involved in corruption and organized crime were generally rare, and often ended in the discharge of all allegations.

In 2007, despite these accusations and a lack of fight against corruption, Sanader's government succeeded in obtaining a new four-year mandate. While the SDP, under the leadership of Zoran Milanović,¹⁷¹ based its campaign on a promise of eliminating the right to vote for those not living in the country ('*diaspora*'), the HDZ personalized its campaign and simply said '*Let's move on*' ('*Idemo dalje*'), capitalizing its previous success, mostly in relation to the EU's accession negotiations. Although Mesić¹⁷² was hesitant in deciding who would get the mandate to form a government, Sanader succeeded in recruiting the support of the HSS, HSLs and HSU as well as minority representatives and thus, attained his second term in office.

¹⁶⁹ Novi list, 13 February 2010, 'Od Verone do Dugobaba: Sve Sanaderove afere', <http://www.novolist.hr/hr/Vijesti/Hrvatska/Sve-Sanaderove-afere> (accessed in May 2011)

¹⁷⁰ More on this in Goldstein, *Dvadeset godina*, pp. 330.

¹⁷¹ After Račan died in April 2007, Zoran Milanović (b.1966) became the president of the SDP in June 2007.

¹⁷² Stjepan Mesić obtained his second mandate in the 2005 presidential elections. For more details on the election results see Appendix II.

Moreover, the 2007 elections were specific for three things: (1) the two biggest parties, the HDZ and the SDP won 122 out of 153 seats in the Parliament, which was almost 80 per cent of all seats. This result has showed clear polarization of the Croatian political scene; (2) the right-wing party HSP won 3.47 per cent of votes and only 1 seat in the Parliament. In comparison to the previous elections, when the party won 6.46 per cent of votes and 8 seats in the Parliament, this was more than an obvious drop. At this point, the HSP and its leader Anto Djapić were practically pushed to the margins of political influence in the country. As in the 2003 elections, other right-wing parties won less than 1 per cent of votes and did not even enter the Parliament.¹⁷³ As Goldstein argues, right radicalism in Croatia became a phenomenon that works on similar patterns as in other European countries – these radical circles occasionally succeed in stirring up media attention and creating an impression of their strength, but they remain unsuccessful in confirming this in elections.¹⁷⁴ (3) And finally, it was the first time that Roma minority got their representative in the Croatian Parliament and participated in the government decisions.

Sanader's second government continued its pro-European policies and, in the following years Croatia succeeded in achieving remarkable international success and further strengthened its position in the region and the world. In 2007, the country was elected a non-permanent UN Security Council member and the OSCE mission in Croatia ended its mandate; in 2009, Croatia became a member of NATO. With that, the country reached its high point in foreign policy and one of the two main foreign political goals was accomplished. In addition, the 2006 OSCE report on Croatia's progress stated that the country had experienced positive developments and continuous improvements in the democratic atmosphere over the past years, especially with respect to responsiveness to reforms based on international commitments, the fight against corruption, the securing of media freedom and national minority groups.¹⁷⁵ However, in 2008 Croatian public was shaken by the murder of Ivana Hodak, a daughter of the well-known lawyer Zvonimir

¹⁷³ In other Southeast European countries, right-wing parties still represent an important political force. For example, the right-wing Serbian Radical Party, previously led by Vojislav Šešelj (accused by the ICTY of committing war crimes against the non-Serb population in Vojvodina region, Serbia) and later by Tomislav Nikolić, regularly obtains around 30 per cent of votes in Serbia.

¹⁷⁴ Goldstein, *Dvadeset godina*, pp. 325.

¹⁷⁵ OSCE, Mission to Croatia, Report on Croatia's Progress, 2006, pp. 4.

Hodak. At first, the murder was related to the case of Hodak's client, Vladimir Zagorec, who was arrested in Austria and extradited to Croatia's custody.¹⁷⁶ Later on, the murder was attributed to a homeless man blaming her father, Zvonimir Hodak for his problems in life. In March 2010, he was sentenced to 30 years in prison. After Hodak's murder, the chief of Zagreb's police department Marijan Benko, minister of interior affairs Berislav Rončević and minister of justice Ana Lovrin were forced to withdraw. Their positions were taken by Tomislav Karamarko and Ivan Šimonović, who were perceived as professionals, free from political influence. Therefore, this government's action was welcomed by the international community as well.

5.4. Small improvements in the judiciary

During Sanader's term in office, the judiciary was still facing several problems: the problem of corruption, a large backlog of cases, a high share of long procedures and war crime issues. Croatian minister of justice, Ana Lovrin, explicitly said that the judiciary was one of the most corrupted sectors in the country. Therefore, in order to make the courts' work more transparent, the government introduced a number of reforms to fight corruption in the judiciary, including property cards for judges, as well as a reform of the land registers.¹⁷⁷ The latter reform, which included the necessary modernization and digitalization of data, has limited possible manipulations in this area and thus, represented an important measure of judicial reform in general. In addition, the government's plan was to analyze the network of courts and state attorney's offices, relocate a certain amount of cases from overburdened to less burdened courts and assure necessary mechanisms to monitor the implementation of criteria for the appointment and promotion of judges.¹⁷⁸

According to the 2006 Freedom House Report, Croatia had 110 misdemeanor, 106 municipal, 21 county, and 12 commercial courts, as well as 1,907 judges which placed it among European states with the highest number of courts and judges in

¹⁷⁶ Vladimir Zagorec (b.1963) had an important role in supplying the country with weapons while Croatia was under the UN embargo in the early 1990's. In 2008, he was accused of jewelry smuggling and damaging state budget for 5 million \$. In March 2009, he was sentenced to 7 years in prison.

¹⁷⁷ Dalje.com, 15 May 2007, 'Lovrin: Najkorumpiraniji su zdravstvo i sudstvo', <http://dalje.com/hr-hrvatska/lovrin--najkorumpiraniji-su-zdravstvo-i-sudstvo/44224> (accessed in April, 2011)

¹⁷⁸ Croatian Parliament (Sabor), 'Nacionalni program suzbijanja korupcije 2006-2008'.

proportion to the total population.¹⁷⁹ Therefore, in order to rationalize the network of courts, the Parliament adopted a new Law on Courts in December 2005. Moreover, in January 2006, the Parliament passed the Judicial Reform Strategy and its Action Plan for 2006-2010 period. The main goal was to strengthen the rule of law, independence and efficiency of the judiciary. In order to achieve that, the government set out several preconditions, including: the further reduction of the backlog of unresolved cases, the enhancement of professionalism through quality training of judges and court officials, and the full enforcement of court decisions. Although the government had reduced the amount of backlog of cases in the previous years, Croatia still had to deal with 1,032,305 unresolved court cases in 2006,¹⁸⁰ which presents a direct violation of citizens' right to have their trials scheduled in a reasonable time. As Matić argues, the judiciary was still in general "characterized by a shortage of experience and knowledge, poor decision making and prolonged court cases that infringe upon the citizen's right to a trial within a reasonable period of time."¹⁸¹

At the same time, Croatia has demonstrated the political will as well as the judicial capacity to conduct war crime prosecutions against Croatian military personnel. In 2005, the ICTY transferred the Ademi case as well as the Norac case to the Croatian justice system, as a part of its 'Completion Strategy'. In these cases, both Rahim Ademi and Mirko Norac were accused of war crimes committed in the military operation Medak Pocket in 1993. These trials were an important test for the Croatian judiciary to demonstrate its readiness to deal efficiently with issues of war crimes committed by Croatian military personnel. In 2008, the Zagreb County Court sentenced Norac to seven years in prison, while Ademi was acquitted of all charges. At this point, Norac and Ademi were the highest-ranking military personnel to be tried in Croatia. At the same time, the Split County Court has conducted a new trial in the Lora case, while the previous judge was removed from retrial proceedings. In the 2006 retrial, the court convicted eight former Croatian soldiers of having committed a war crime in Split's prison Lora in the early 1990's. The trials led to positive remarks from the international community and other non-governmental organizations, since Croatia had demonstrated

¹⁷⁹ Freedom House, Nations in Transit – Croatia 2006 Report.

¹⁸⁰ Croatian Government, Izvješće o ispunjavanju obveza iz Poglavlja 23, pp. 9.

¹⁸¹ Matić, Political Culture, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 185.

the political will as well as its judiciary's capacity to conduct war crime prosecutions against Croatian military personnel. Another important step forward was increased regional cooperation in the prosecution of war crimes between Chief state attorneys of Croatia, and those of Bosnia and Herzegovina, and Serbia and Montenegro. At the same time, Serb indictees accused of war crimes against the Croatian population had a better chance of receiving a fair trial than had been the case in the past.

5.5. Fundamental rights and freedom of expression

During Sanader's term in office, there were further improvements in terms of democratic atmosphere, tolerance and fundamental rights issues in Croatia. The important step in that direction was the Sarajevo Declaration, signed in January 2005 by Croatia, Bosnia and Herzegovina, and Serbia and Montenegro. This declaration set up the road in the regional process of refuge return, which included housing care, repossession and reconstruction of property. According to the OSCE 2006 Report, more than 120,000 Croatian Serb refugees had returned to Croatia. In addition, the state rebuilt 140,000 out of 190,000 destroyed properties and the Croatian Serb returnees were major beneficiaries of these policies. Another significant improvement occurred in regard to repossession of private property. In April 2006, only 219 Croatian Serb houses were still occupied, compared to 10,000 in 2001 and 19,500 in 1995 on the whole.¹⁸²

At the same time, Croatian government continued with the implementation of a housing program for former tenancy rights holders. In the period 2007-2009, the government's program provided housing for 4,900 former tenancy rights holders. The target for 2009 was additional 2,070 flats, from which the state secured 1,300 available housing units (62.8 per cent) and 1,024 have been handed over (49.5 per cent).¹⁸³ Moreover, a joint list between Croatia, Bosnia and Herzegovina, and Serbia and Montenegro on 2,500 missing persons from Croatia was finally reached.

In addition, in both the 2003 and 2007 parliamentary elections, national minorities obtained eight representatives in Croatian Parliament, and they were an important part of

¹⁸² OSCE, Mission to Croatia, Report on Croatia's Progress, 2006, pp. 13-16, 26.

¹⁸³ European Commission, 'Interim Report from the Commission to the Council and the European Parliament on reforms in Croatia in the field of Judiciary and Fundamental Rights (Negotiation Chapter 23)', 2 March 2011, COM (2011) 110, pp. 6.

government's ruling coalition. As aforementioned, in the 2007 parliamentary elections the Roma minority got their first representative in the Parliament and became the government's coalition partner with other minority representatives. In 2008, the Roma representative Nazif Memedi highlighted his good cooperation with Croatia's authorities in solving the problems of the Roma minority. From 2004 to 2008, the number of Roma children in primary schools tripled, 280 Roma pupils reached the final year of high school and 11 Roma students were studying at the universities. In addition, the infrastructural problems were solved in many Roma settlements and six of them had been legalized. Besides, the government has provided a certain amount of financial aid for Roma employment.¹⁸⁴ However, Croatia still had to address some problems in terms of inclusion of national minorities in the state administration, the judiciary and public institutions. According to the OSCE, national minorities constituted only about five per cent of all judges in 2005 and about four per cent of Croatia's 52,000 civil servants in 2006.¹⁸⁵

In the media sphere, the political pressures were lower than in the 1990's, but they have never completely stopped. There were frequent attempts to control the media through some suitable editorial structure, as in the case of the public service broadcaster, the *HRT*. In addition, Sanader's government was increasingly using the new spin technologies and old 'party channel control-the-editor-who-controls-the-program' techniques to ensure a positive presentation of its policies.¹⁸⁶ On the other hand, commercial TV's, such as *Nova TV* and *RTL* were often pressed by commercial interests and ownerships' attempts to influence their editorial programs as well.

At the same time, there were several physical attacks on journalists covering issues of war crimes and corruption. In 2008, a prominent journalist of the daily newspaper *Jutarnji list* Dušan Miljuš was seriously beaten up, due to his articles about corruption in business and politics.¹⁸⁷ Moreover, in October 2008, a journalist and a publisher of the weekly magazine *Nacional*, Ivo Pukanić, as well as a marketing manager

¹⁸⁴ Nazif Memedi, Press release, 10 January 2010, <http://nazifmemedi.com/index.php?showById=33> (accessed in May 2011)

¹⁸⁵ OSCE, Mission to Croatia, Report on Croatia's Progress, 2006, pp. 8.

¹⁸⁶ Peruško, Media and Civic Values, in Ramet and Matić (eds) *Democratic Transition*, pp. 231.

¹⁸⁷ In this case, two suspects were arrested for attempt of murder by the end of 2010. They have been granted one-month detention that was further extended in April 2011.

Niko Franjić were murdered by a bomb planted on a motorcycle and parked in a front of *Nacional* magazine's premises.¹⁸⁸ All of these cases were directly related to and committed by organized crime groups.

In addition, there were several judicial cases against Croatian journalists led by the ICTY. In August 2006, a journalist of the daily newspaper *Slobodna Dalmacija* Josip Jović was fined 20,000 euros for having revealed the name of president Mesić as a protected witness in the Blaškić trial in 1997. In addition, in 2007 an independent journalist Domagoj Margetić was fined 10,000 euros and three months in prison for having revealed the identity of several protected witnesses. The same practice continued in the years afterwards, when a number of journalists were questioned for publishing the ICTY's trial documents. The Reporters Without Borders classified these procedures as setting a disturbing precedent and violation of press freedom.¹⁸⁹

5.6. Sanader's prime ministership: Summarizing the main features

During his first term in office, Sanader succeeded in bringing Croatia closer to the EU membership. There were several reasons for that: (1) Sanader was ready to deal with Tudjman's legacy and Croatia's recent past, (2) he improved the cooperation with the ICTY and (3), he was ready to build closer relations with the neighboring countries as well as with national minorities in Croatia, especially the Serb minority. Moreover, it was the first time that representatives of the national minorities participated in the government.

However, Sanader failed in dealing with a couple of things, which turned into a heavy burden during his second term in office: (1) regardless a fairly good legal framework, the substantial fight against corruption never took place, (2) judicial reform, especially in terms of reduction of backlog of cases, was progressing rather slowly and (3), the economic problems further emerged, especially with the global economic and financial crisis in 2008. Moreover, after several achievements in foreign policy, Croatia faced serious problems in terms of its international position: the EU's negotiation talks

¹⁸⁸ In November 2010, six people were convicted for murder of Pukanić and Franjić, and sentenced to prison terms from 15 to 40 years.

¹⁸⁹ Reporters Without Borders, Press release 20 June 2007, <http://en.rsf.org/croatia-disturbing-precedent-seen-in-20-06-2007,22625.html> (accessed in May 2011)

were blocked because of open bilateral issues with Slovenia and lack of cooperation with the ICTY in terms of the so-called ‘artillery documents’ (*‘topnički dnevници’*).¹⁹⁰

To conclude, having in mind Linz’s and Stepan’s as well as Schedler’s criteria of measuring democratic consolidation, it is possible to argue that during Sanader’s term in office Croatia was functioning as a consolidated democracy. The democratic institutions were stable and there was a widespread respect for democratic rules of the game by the political elites as well as Croatian citizens. At the same time, it was obvious that the EU had taken a tougher approach toward Croatia than it had toward some other post-communist countries, such as Romania and Bulgaria, believing the country could serve as a positive example for other Southeast European countries. In addition, the EU’s political conditionality approach was an effective tool in forcing the country to take necessary democratic reforms, especially prior to official opening of accession negotiations and in terms of the ICTY cooperation. Thus, it was possible to observe the EU’s positive impact on democratic changes and consolidation in the country.

¹⁹⁰ The so-called ‘artillery documents’ describe the number of shells used during the Operation Storm. The ICTY’s chief prosecutor’s office requested these documents in 2008. The Croatian government has submitted some of them, while others appeared gradually and some were never found.

6. Kosor's prime ministership (2009-in progress)

During Sanader's second term in office, public support for the government's actions was declining, mostly due to a deep recession into which Croatia had slid as well as unsolved corruption issues. In July 2009, Sanader suddenly resigned as prime minister and as party president, and decided to withdraw from active politics. This decision came as a surprise since Sanader's name had often been mentioned in the context of forthcoming presidential elections, as a potential HDZ presidential candidate. At the same time, he did not provide any reasonable explanation for his resignation, thus opening space for various speculations about the reason for his resignation: among the reasons suggested were pressure from the international community, the border dispute with Slovenia and lack of support from his European partners, the blockade of EU accession negotiations, the economic situation in the country for which he did not want to take responsibility, and so on. However, recent investigations revealed his role in some of the corruption scandals, which suggests that the reason he resigned could also have been an attempt to escape criminal prosecution.¹⁹¹

6.1. Kosor's term in office and European integration issues

In July 2009, after Sanader resigned Jadranka Kosor took over the prime minister's position. Jadranka Kosor (b.1953) had been a close associate of Ivo Sanader and the HDZ's presidential candidate in 2005 presidential elections. The opposition leaders claimed that Kosor did not have a mandate to lead the government and demanded early elections. However, after Kosor was confirmed in the Parliament, she became Croatia's first female prime minister. Already in summer 2009, Kosor's political approach largely contributed to a more positive atmosphere in Croatian-Slovenian bilateral relations. The governments agreed that the border dispute would be solved at the arbitral tribunal, and both Parliaments ratified this agreement. This was an important step forward that led to the unblocking of Croatia's accession negotiations. In addition, Kosor's government had to face other challenges as well, such as: the fight against corruption, cooperation with the ICTY, and domestic economic problems.

¹⁹¹ More on this in Goldstein, *Dvadeset godina*, pp. 343.

In January 2010, when Kosor personally stopped Sanader's attempt to return to active politics and evicted him from the party, her position was further strengthened. The resolution of the Sanader case, the end of tensions with Slovenia, and her readiness to deal openly with corruption issues in state enterprises, led to high public support for Kosor's government. By January 2010, 55.2 per cent of people supported the government's work, which was the highest public support since the last parliamentary elections in 2007. Moreover, Kosor was the most positive political figure for 21.5 per cent of people, while Mesić dropped to second place and the SDP's presidential candidate Ivo Josipović was third.¹⁹²

Although Croatia had missed the opportunity to catch up with other Central European countries on their way toward EU, many Croats had expected that it could still join Romania and Bulgaria in the second round of EU enlargement in 2007. However, Croatia's accession was first extended to 2009 and then to 2010, later to 2011, pushing the final date ever further away. Currently, the Government's intention is to finish negotiations by the summer 2011. In its annual strategy report for 2010-2011, the EU stated that Croatia is progressing well in meeting EU requirements, and there is a good degree of compatibility with EU rules in most areas.¹⁹³ In April 2011, the EU Enlargement Commissioner stated that the closure of Croatia's negotiations was 'within reach', but stressed that further efforts needed to be taken in the field of judicial reform, the fight against corruption, and full cooperation with the ICTY.¹⁹⁴ At the same time, while Croatia is closer to entering the EU than ever before, the latest public opinion poll conducted in May 2011, showed that only 44.6 per cent support Croatia's membership in the EU, which is the lowest support in the last five years, while 41.8 per cent were opposed to it.¹⁹⁵

¹⁹² HRT, 7 January 2010, 'Kosor najpozitivnija političarka', [http://www.hrt.hr/index.php?id=ispis&tx_ttnews\[tt_news\]=58792&cHash=dd9a46d1d1](http://www.hrt.hr/index.php?id=ispis&tx_ttnews[tt_news]=58792&cHash=dd9a46d1d1) (accessed in May 2011)

¹⁹³ European Commission, Conclusions on Croatia, 2010-2011.

¹⁹⁴ Štefan Füle, Commissioner for Enlargement, at the 12th Ministerial Meeting on Accession Negotiations with Croatia and the EU-Croatia Association Council, 19 April 2011, <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/293&format=HTML&aged=0&language=EN&guiLanguage=en> (accessed in May 2011)

¹⁹⁵ HRT, 6 May 2011, 'Protiv ulaska u EU 41,8 % građana', [http://www.hrt.hr/index.php?id=48&tx_ttnews\[tt_news\]=114984&tx_ttnews\[backPid\]=38&cHash=8f3a74c2a9](http://www.hrt.hr/index.php?id=48&tx_ttnews[tt_news]=114984&tx_ttnews[backPid]=38&cHash=8f3a74c2a9) (accessed in May 2011)

6.2. The issue of cooperation with the ICTY as a never ending story

In December 2005, when Gotovina was arrested, it seemed that Croatia had successfully completed the last condition regarding its cooperation with the ICTY. However, new requirements were gradually added in the years afterwards. In 2008, the ICTY demanded the surrender of the ‘artillery documents’ (*topnički dnevnic*) from Operation Storm, which the Croatian government claimed had been lost. This proved to be yet another reason for the ICTY’s negative report and for the postponement of Croatia’s accession negotiations until February 2010.¹⁹⁶

Having in mind these developments at the ICTY, it is possible to observe continuous tension between the ICTY’s chief prosecutor’s office and the Croatian governments, where the blame was not always entirely on the Croatian side. The ICTY and especially the chief prosecutor’s office¹⁹⁷, deserve an important part of the blame as well. Cooperation with the ICTY has always been presented as a highly-relevant political concern and the necessary shift from the political to the legal arena, where it belongs, has never happened. In addition, the hot debates prior to the official visit of the ICTY’s chief prosecutor to Croatia were common, as well as anxiety and lobbying attempts prior to the official report on Croatia’s cooperation with the ICTY. Moreover, the chief prosecutor would always be hosted on the highest state level, by the president and prime minister, which gave this function an apparent significance that, on its own merits, it never should have had. Although in 2005, when Gotovina was arrested, it appeared that the shift from the political to the legal arena would finally take place, the ‘artillery documents’ became another obstacle on Croatia’s path toward EU membership as already mentioned. Moreover, ‘the full cooperation’ phrase, frequently used by the ICTY and other international actors has become a rather vague term, very often applied broadly and whenever possible.

In addition, the ICTY’s verdict against Gotovina and Markač in April 2011 represented another challenge for Kosor’s government. The ICTY for the most part

¹⁹⁶ In 2008, the ICTY’s chief prosecutor’s office requested a number of ‘artillery documents’ on number of shells used during the Operation Storm. The Croatian government has submitted some of them, while others appeared gradually and some were never found. In 2010, the ICTY Court Chamber eventually denied Chief prosecutor’s request on Croatia to deliver artillery documents.

¹⁹⁷ Carla del Ponte was appointed the ICTY’s chief prosecutor in August 1999. In January 2008, she was succeeded by Serge Brammertz.

accepted the implications about the ‘joint criminal enterprise’ stated in the indictments, and sentenced Gotovina to 24 years and Markač to 18 years in prison for war crimes committed during Operation Storm in the summer 1995. The verdict provoked consternation in the country including among high state officials; President Josipović¹⁹⁸ and Prime Minister Kosor said that the verdict with the implication of ‘joint criminal enterprise’ was unacceptable for Croatia. They have, however, stressed that Croatia respects the rule of law and thus, the state authorities will consider possible legal actions to annul these unacceptable implications.¹⁹⁹ A similar reaction came from the leaders of the majority of opposition parties as well.

On the other hand, the veterans’ movements and some right-wing party leaders claimed that the ICTY verdict against Gotovina and Markač was more than just a verdict against Croatian generals but was a verdict against the Homeland War, the Croatian people, and the Croatian state as such. They organized mass protests in all major cities in Croatia, including Zagreb, Rijeka, Split, and Osijek, in order to show their disagreement with the ICTY’s verdicts. The Zagreb protest drew around 30,000 people, where protesters called for political responsibility on the part of present as well as previous Croatian political leaders, calling the verdict and the political elite’s actions treasonous. At the same time, the street protests erupted into fury against the EU and demanded an end to accession negotiations. The support for EU membership at that point dropped from 60 per cent to 38 per cent, while 90 per cent of respondents said they felt bitter and 93 per cent described the verdict as unfair.²⁰⁰

According to Pavlaković, there are several controversies regarding the work of the ICTY: (1) first, accusations regarding the planned ethnic cleansing during the Operation Storm suggest that the casualties were not merely side effects but the intended goal of military actions, (2) second, the sources used by the tribunal are questionable since the ICTY relied heavily on statistics provided by ‘Veritas’ and Savo Štrbac, well-known for his anti-Croat propaganda, based on the allegedly ‘genocidal nature of Croats’. In

¹⁹⁸ Ivo Josipović became the third Croatian president in 2010. For more details see Appendix II.

¹⁹⁹ HRT, 15 April 2011, ‘Neprihvatljive teze o udruženom zločinačkom pothvatu’, [http://www.hrt.hr/index.php?id=ispis&tx_ttnews\[tt_news\]=112396&cHash=ce817bca39](http://www.hrt.hr/index.php?id=ispis&tx_ttnews[tt_news]=112396&cHash=ce817bca39) (accessed in May 2011)

²⁰⁰ Nova TV, 16 April 2011, ‘Nakon presude generalima dramatično pala potpora ulasku u EU’, <http://dnevnik.hr/vijesti/hrvatska/nakon-presude-generalima-dramaticno-pala-potpورا-ulasku-u-eu.html> (accessed in May 2011)

addition, the number of killed that ‘Veritas’ provided for the ICTY was in excess of 1,500 people and included persons who were alive or who had died of natural causes. On the other hand, the Croatian Helsinki Committee documented a total of 667 victims; (3) third, the perception of the ICTY as a source of ‘historical truth’ about the 1990’s wars; (4) fourth, the idea of ‘joint criminal enterprise’, which contradicts the tribunal fundamental principle of individual responsibility, as well as international law and finally, (5) the construction of the ICTY as a ‘political court’.²⁰¹ Although the court was founded by the UN, it is not completely financed from the UN budget, but relies also on funding from some governments and private organizations. Thus, having in mind how the ICTY is financed and the context in which the court was established in the early 1990’s, there is certainly a political element in its work. However, according to Marijan Damaška, the prominent law expert and professor at Yale University, it would be dubious to claim that judges are making decisions based on politics rather than on the basis of evidence presented within a judicial framework.²⁰²

6.3. The fight against corruption stronger than ever

The economic crisis in Croatia, which started during Sanader’s time, has continued during Kosor’s term in office as well. The Croatian economy has been strongly affected by the global economic and financial crisis. The rate of GDP growth has fallen to -5.8 per cent in 2009, while unemployment increased to 17 per cent. At the same time, the external debt increased rapidly over the past years, and in 2009 it reached 97.4 per cent of the GDP.²⁰³ The situation improved slightly in the year afterward, with a GDP growth of 1.4 per cent. However, unemployment increased as well, exceeding 18 per cent, while the state debt threatened to reach the level of almost 100 per cent of the GDP. This trend is expected to continue in 2011 as well.²⁰⁴ Having in mind these figures, the economic

²⁰¹ Pavlaković, Better the Grave, in Ramet, Clewing and Lukić (eds) *Croatia since Independence*, pp. 464-467.

²⁰² Večernji list, 20 April 2011, ‘Damaška: Iznosite olakotne okolnosti, kazna se može ublažiti’, <http://www.vecernji.hr/vijesti/damaska-iznesite-olakotne-okolnosti-kazna-se-moze-ublaziti-clanak-278196> (accessed in May 2011)

²⁰³ IMF, ‘Republic of Croatia: Staff Report for 2010’, Report No. 10/179, June 2011.

²⁰⁴ Večernji list, 23 December 2010, ‘HNB: Nezaposlenost u 2011. bit će 18,1%, a BDP će rasti 1,4%’, <http://www.vecernji.hr/vijesti/hnb-nezaposlenost-2011-bit-ce-18-1-a-bdp-ce-rasti-1-4-clanak-231918> (accessed in May 2011)

situation and the standard of living in Croatia remain important challenges for Kosor's government.

At the same time, the government has made an important step forward in the fight against corruption and organized crime. During Kosor's term in office, a number of people involved in corruption and other criminal activities were arrested, including ex-vice-president of the Government, Damir Polančec, the HDZ party treasurer and a head of the Croatian Custom Service, Mladen Barišić, and ex-minister of defense and internal affairs, Berislav Rončević.²⁰⁵ In addition, several senior officials and executives of national highway and railroad companies as well as university professors were investigated and accused of corruption as well. These actions culminated in the arrest and detention of the former prime minister Ivo Sanader in Austria, in December 2010. Sanader is suspected of having conspired to commit crime and abuse of power in several corruption cases, and awaiting extradition. Kosor's government has opened a number of high-level corruption investigations and made it quite clear that no one is untouchable in the fight against corruption, demonstrating the government's policy of zero tolerance for corruption.

The high-level corruption cases have revealed that corruption has been deeply rooted in Croatian society, but at the same time, it demonstrated the government's will to finally deal with widespread corruption cases. In addition, these actions have shown that implementation of anti-corruption measures has improved in the past years, especially after Kosor took over the prime minister's office. At the same time, the recent positive developments in the fight against corruption were also recognized by the international community. The EU has especially pointed out that the number of court verdicts increased, unlike in previous years when many accused were released because of lack of evidence. However, the problem of preventing conflicts of interests and the further enhancement of professionalism of the police service have remained important tasks for Kosor's government.²⁰⁶

In order to enhance the professionalism of the police, the Croatian Parliament adopted a new Police Act in March 2011. The Act introduces a more transparent system

²⁰⁵ In December 2010, Rončević was sentenced to four years in prison, due to mismanaging state funds and abusing the power in buying military vehicles from Italian company Iveco (the so-called 'Affair Trucks').

²⁰⁶ European Commission, Conclusions on Croatia, 2010-2011.

of evaluation, promotion, and rewards in the police. At the same time, it prohibits police officers from being members of political parties, carrying out any political activities within their service, and competing in state or local elections. In addition, it encourages merit-based instead of political appointments, since the General Police Director's position must be obtained through a public vacancy announcement and other positions within the police through an internal vacancy announcement. Having this in mind, it is possible to observe strong EU pressure as well as the government's willingness to comply with EU requirements in the final phase of the accession negotiations.

In addition, according to Transparency International, the corruption index in 2010 in Croatia was 4.1, which suggests that the perception on corruption has changed slightly for the better over the past years, in comparison to 2006 when corruption index was 3.4. Thus, it is possible to observe a changing perception of the country's performance in the past years. At the same time, in 2009, 71 per cent of respondents believed that the government's measures in the fight against corruption had not been successful, while only 16 per cent thought these measures had been successful. A year later, 56 per cent believed these measures had not been successful, while 28 per cent believed they had been, signifying that the government's policies in the fight against corruption had achieved certain positive results. However, in 2010, the general public still perceived the judiciary as the most corrupt sector in Croatia, and 57 per cent of people had the impression that the level of corruption over the previous three years had increased, while 33 per cent expressed the view that it had remained the same, and only 10 per cent believed it had decreased.²⁰⁷ It is important to keep in mind that any substantial changes in the perception of corruption are likely to emerge only over a longer period of time.

Moreover, in order to increase efficiency in disclosing as well as prosecuting corruption at all levels, the government introduced additional measures in its 2009-2010 program. These measures include the further improvement of the legal framework, the strengthening of state bodies in the fight against corruption, especially the police and

²⁰⁷ Transparency International, Report on the CPI in Croatia, 2010.

USKOK, strengthening international cooperation, the prevention of conflicts of interest, and further education of judges and court officials.²⁰⁸

6.4. Further improvements in the judiciary

Croatia has made some improvements in the judiciary in the past years, and this was also recognized in the latest EU report on Croatia. The EU has confirmed that progress has been made in many areas, and especially in the field of the rule of law. In general, the number of case backlogs has decreased, the criteria for the appointment of judges and prosecutors has become more transparent and the length of court proceedings has been reduced. Moreover, Kosor's government has made further progress in the handling of war crimes issues, by reviewing various doubtful 1990's *'in absentia'* verdicts.²⁰⁹ However, the EU report has also pointed out the specific issues that need to be closely addressed before the closure of the Chapter 23. Thus, in order to strengthen the rule of law and to increase professionalism in the judiciary, the Parliament amended and adopted a new package of laws in the period 2009-2011, including: the Law on Courts, the State Judiciary Council Act, the State Attorney Offices Act and the State School for Judicial Officials Act, as well as the Judicial Reform Strategy for 2011-2015 period. With this in mind, the recruitment of judges and prosecutors has become more transparent and disciplinary proceedings in the judiciary are further enhanced.

Moreover, in order to improve efficiency of the judiciary and to reduce the overall case backlog, the government has strengthened the administrative capacity of the most burdened courts, such as the Municipal Civil Court in Zagreb, the Municipal Court in Split, the County Court in Zagreb, and several others. According to the Ministry of Justice Report, the number of backlogs at the end of 2004 was 1,640,365 cases, reduced by the end of 2008 to 886,872 cases, while at the end of 2010 this number was further reduced to 785,561 cases, which is reduction of more than 50 per cent in five years. At the same time, the number of municipal courts was reduced by 35 per cent, and of state

²⁰⁸ Croatian Government, 'Program Vlade Republike Hrvatske u mandatnom razdoblju 2009-2011', pp. 84-86.

²⁰⁹ European Commission, Interim Report, Negotiation Chapter 23.

attorney's offices by 23 per cent.²¹⁰ From December 2009 to December 2010, Croatia further reduced the backlog of cases from 795,722 to 785,561 cases, which is reduction of 1.3 per cent.²¹¹ The implementation of necessary measures, such as the reduction of the backlog of cases, especially of old civil cases, shortening the duration of court procedures, and the rationalization of the municipal courts and state attorney's offices network can increase the efficiency of the judiciary in the coming years. In addition, the further education of judges and court officials, as well as the establishment of comprehensive Free Legal Assistance for the most vulnerable part of the population largely contributed to positive EU reports and has brought some encouraging changes to Croatian judicial system.

At the same time, the Croatian judicial system continued working on war crimes issues, throughout investigations and prosecutions of all domestic war crimes regardless of the ethnicity and the rank of the perpetrators. In order to improve the handling of domestic war crimes issues, the government also adopted a set of strategic and operational documents and plans, which was completed in February 2011, with the 'Strategy for the Investigation and Prosecution of War Crimes Committed in the period 1991-1995'. In addition, specialized war crime chambers as well as war crime divisions have been established in Zagreb, Rijeka, Split, and Osijek. The option of transferring cases to other courts in order to avoid possible implications of partiality and pressures from the local community, has further strengthened the quality of procedures. Regional cooperation in regard to war crime issues has improved as well. Moreover, in 2009 Branimir Glavaš was sentenced to 10 years in prison for war crimes committed against Serb population in Osijek in 1991. Furthermore, although he ran away to Herzegovina, Glavaš was arrested and is now serving his sentence there, in Zenica prison. This also proves the enhanced regional cooperation on war crime issues. In addition, the close cooperation between the regional State Attorney's Offices resulted in investigation

²¹⁰ Croatian Government, 'Pregovori o pristupanju RH EU u području pravosuđa: Pregovori u Poglavljima 23 i 24, 2001, http://www.oefz.at/cms/index.php?option=com_docman&task=doc_view&gid=269 (accessed in April 2011)

²¹¹ European Commission, Interim Report, Negotiation Chapter 23, pp. 3.

against 23 and indictments against 19 Serbian citizens for committing war crimes on the Croatian territory against the Croat population.²¹²

6.5. Fundamental rights and freedom of expression

At the same time, the country has made considerable progress in the field of fundamental rights. According to an EU report, the general legal framework for human rights protection has been improved, as well as access to justice, and freedom of expression. There has been progress in regard to the protection of national minorities, especially the Serb and Roma minorities. Moreover, a number of measures were taken in order to increase tolerance in the society. However, a lot of issues still remain to be addressed, such as: housing care and refugee return in the case of the Serb minority as well as difficult living conditions and pre-school education in the case of the Roma minority. In addition, it is important to increase the level of employment of national minorities in the wider public sector where they remain underrepresented, according to an EC Report.²¹³

Furthermore, in 2010 the government introduced a new measure regarding the house care beneficiaries and former tenancy rights holders, outside areas of special state care. The new measure allows this group to purchase housing units at a price that is much lower than the market price. However, it remains important to increase economic possibilities in the areas of special state care that largely lag behind other parts of the country. The returnees to these areas are still facing problems of reconstruction of roads, water supply and electricity infrastructure as well as difficulties in finding jobs and in access to health services. In regard to the Roma minority, the government has taken several steps to improve their position in the society, such as: the fight against discrimination, the struggle for the preservation of traditional Roma culture, and upgrading Roma education, health care, employment, and housing. At the same time, the number of Roma children in the pre-school education has increased from 350 in 2005/2006 to 734 in 2009/2010, while the number of Roma children in primary schools has quadrupled from 1,013 in 2005/2006 to 4,186 in 2009/2010. Moreover, a total number of 283 Roma pupils in high-schools and 25 Roma students in universities receive

²¹² Croatian Government, *Izveštće o ispunjavanju obaveza iz Poglavlja 23*, pp. 22.

²¹³ European Commission, *Interim Report, Negotiation Chapter 23*, pp. 6.

scholarships from the Croatian government.²¹⁴ In order to address the remaining issues of national minorities, the government has also adopted the Action Plan on the implementation of the Constitutional Act on the Rights of National Minorities for the 2011-2013 period and the Action Plan on the employment of national minorities in state administration bodies for the 2011-2014 period.

At the same time, the media are generally perceived as independent from political influence, especially on the national level. However, there are still some concerns about political influence on the local media by the local governments. In addition, the owner's influence on media's editorial policies is increasing, which contradicts the basic idea that media should be independent, not only from governments but also from their owners. In Croatia, the Europapress Holding (EPH) is one of the biggest media companies, publishing more than 30 newspapers and publications, such as *Jutarnji list*, *Slobodna Dalmacija* and *Globus*. It is 50 per cent owned by German Westdeutsche Allgemeine Zeitung (WAZ). At the same time, Austrian company Styria Media Group owns *Večernji list*, *24 sata* and *Poslovni dnevnik*.

Thus, freedom of expression, pluralism and diversity are in general threatened by the concentration of the media ownership. In order to avoid this, media control as well as ownership should be widespread. It is not a surprise then that, according to Freedom House, the index on independent media in the past years has even worsened, and in 2010 it was 4.00, signifying partly free media. The main reason for this was the growing interconnectedness among politicians, big business and media interests which creates less opportunity for investigative journalism and further reduces the quality of the media.²¹⁵ Although it is hard to expect absolutely fair and disinterested journalism in the private media, there is an urgent need to improve the present situation. Moreover, commercial networks have also contributed to the commercialization of the media space. Television and the tabloid press are becoming increasingly important and the media in general are failing to inform the people about political processes in the country that are of great importance.

²¹⁴ Croatian Government, *Izvješće o ispunjavanju obaveza iz Poglavlja 23*, pp. 42.

²¹⁵ Freedom House, *Nations in Transit – Croatia 2010 Report*.

6.6. Kosor's prime ministership: Summarizing the main features

At this point, since Kosor's term in office is still in progress, it is difficult to reach a final verdict on her prime ministership. However, it is possible to observe certain developments in the past two years. After reaching an agreement with Slovenia on how to solve the border dispute, which led to the unblocking of Croatia's accession negotiations, Croatia's international position has been further strengthened. At the same time, the efforts the government has put in the fight against corruption are greater than ever, as well as the results, which were also recognized by international actors, such as the EU. Positive changes have also occurred in the field of the judiciary and fundamental rights. However, economic problems remain largely unsolved, which resulted in strong anti-government protests at the beginning of 2011. Moreover, only 13.7 per cent of the public supports the work of government at this point, which is mostly related to citizens' frustration with the economic situation in the country.²¹⁶ Therefore, economic problems remain the government's most important challenge in the near future. In addition, the government's commitment regarding its cooperation with the ICTY's cooperation remains an important condition for Croatia's EU membership.

At this point, it is possible to conclude that the EU's political conditionality had a strong impact during Kosor's term in office, especially in the last phase of Croatia's accession negotiations and in regard to fight against corruption. Besides, the EU's pressure resulted in the government's adoption of entire set of new laws and regulations in the areas covered in the Chapter 23. Furthermore, having in mind Linz's and Stepan's as well as Schedler's measurement criteria, is it possible to argue that Croatia is functioning as a consolidated democracy for some years now. Moreover, the question of democratic consolidation, at least as Schedler perceives it, is no longer an issue. There is no danger of silent erosion of democracy in Croatia, and especially there is no possibility for democracy to break down. Thus, it is possible to argue that democracy has become 'the only game in town' and is here to stay. In that sense, Kosor's government's task is to take another step forward and continue working on the quality of democracy.

²¹⁶ HRT, 5 May 2011, 'Vladi niska ocjena i potpora', [http://www.hrt.hr/index.php?id=ispis&tx_ttnews\[tt_news\]=114757&cHash=49ad7bc600](http://www.hrt.hr/index.php?id=ispis&tx_ttnews[tt_news]=114757&cHash=49ad7bc600) (accessed in May 2011)

7. Conclusion

Having in mind the country's specific features, such as the war of independence and the legacy of Croatia's first president Franjo Tudjman, this thesis has assessed the democratic consolidation in Croatia within the context of the EU accession negotiations in the past decade. The thesis has analyzed major challenges the country has faced and looked specifically at the impact of the EU enlargement policies and the political conditionality approach on democratic consolidation in Croatia. In addition, it has observed how have different Croatian governments responded to various EU requirements and considered whether the EU political conditionality approach has been an effective tool in promoting democratic change and consolidation in the country. Thus, the thesis has considered the state of play in the following areas particularly: cooperation with the ICTY, the fight against corruption, the consolidation of an independent judiciary, and fundamental rights, with special attention to freedom of expression. These issues clearly indicate the importance of the rule of law, which is crucial for consolidation of democracy. Moreover, these particular issues have often been pointed out as areas Croatia needs to handle correctly in order to join the EU and, at the same time, have been for many governments painful to deal with.

In this thesis, I have argued that EU's enlargements policies and political conditionality approach had a significant impact on democratic changes and consolidation in the country. In my view, some of the issues that are crucial for country's democratic consolidation, such as the rule of law and the fight against corruption, were closely addressed only after the EU has exerted its pressure on Croatian governments. This was the case both prior to official opening of accession negotiations when the EU had pressed Sanader's government to fully cooperate with the ICTY, as well as prior to foreseeable closing of accession negotiations, when the EU has pushed Kosor's government to deal more efficiently with corruption issues.

Furthermore, due to domestic pressures of various interest groups, such as veteran's movements, Croatian governments have often been unwilling to proceed with necessary political and social reforms and have resisted fulfilling the EU's membership conditions. Thus, the governments' hesitation to introduce necessary democratic reforms

has for a long time presented an important obstacle to substantial changes and consolidation of the country, as well as to Croatia's EU membership. This was also evident during Račan's government term, when Račan and his coalition partners, due to mass protests of veteran's movements and strong resistance of Croatian citizens, were reluctant to comply with the EU requirements to fully cooperate with the ICTY. The main coalition partner's threat to leave the government was another reason for lack of compliance with the EU's membership conditions. Apparently, domestic adoption costs were higher than actual EU incentives, which also confirms that the EU's success or failure regarding its impact on democratic changes and consolidation in particular country depends on the country's willingness to accept or resist European policies. There are no doubts that both Račan's and Sanader's governments made some important steps forward. However, there was a significant gap between reforms adopted and actual implementation during this period of time.

In addition, Croatia's war of independence and Tudjman's personality and style of governance were the center of focus during the 1990s, rather than democratic reforms. This had slowed down democratic changes and consolidation in the country for a whole decade. Due to specific war circumstances, the country did not achieve its territorial integrity until 1998, and the opportunity for the consolidation of democracy only opened after the 2000 elections, when liberal parties took over power.

Finally, although some authors argue that the enlargement policies have not changed much in the past years, it is possible to observe that the EU's approach has evolved. The EU wants a potential member state to entirely measure up all the accession criteria even prior to formal membership and thus, Croatia had to fulfill different standards that had not been previously required. On the one hand, the EU's approach has encouraged the country to deal more efficiently with the enforcement of necessary political and social reforms, and has to some extent signified the possible EU's position toward other Southeast European countries. On the other hand, it has often eroded Croatian citizens' support for EU membership, and perhaps not always sent a clear signal to Croatia as well as other Southeast European countries that the membership is reachable once the country introduces all necessary democratic reforms. It is crucial for the EU's requirements to be credible, which means transparent, determinate and consistent.

However, this has not always been the case. Although majority of EU requirements were clearly stipulated, some of them, such as ‘full cooperation with the ICTY’ were rather vague and subject to different interpretations and additional extensions. This also makes governments less willing to take necessary democratic reforms and comply with EU membership conditions, since the potential benefits get further postponed. At this point, any further postponement of the closing of Croatia’s accession negotiations could result in adverse effects, such as further decline in citizens’ support for EU membership, as well as in neighboring countries’ disillusion that the EU membership is possible in the foreseeable future. It could also send a signal that the EU’s approach is not completely functioning, and thus have impact on other Southeast European countries in terms of lack of adoption and implementation of necessary democratic reforms.

Having all this in mind, it is possible to argue that, measured by Linz’s and Stepan’s as well as Schedler’s behavioral, attitudinal and constitutional criteria, Croatia today is a stable and consolidated democracy, to which EU enlargement policies and political conditionality have significantly contributed. Although there are still many problems to resolve and issues to address, especially in terms of fight against corruption and war crimes issues, there is no direct threat from democratic breakdown or erosion of democracy in the country. In other words, in spite of some doubts and dissatisfactions regarding the quality of democracy, the fear that the democratic process could be stopped or eroded no longer exists. Thus, it is possible to argue that democracy in Croatia has become ‘the only game in town’. However, the country will also have to overcome possible challenges in regard to changing values, which is also an important element of democracy. Therefore, the important issue for Kosor’s and any other future government is the quality of democracy, especially since democracy is an ongoing process that must be kept alive and always additionally reinforced.

Bibliography:

Bryman, Alan *Social Research Methods*, New York: Oxford University press Inc., 2008.

Čular, Goran 'Political Development in Croatia 1990-2000: Fast Transition – Postponed Consolidation', *Political Thought: Croatian Political Science Review*, 37: 5 (2000) 30-46.

Dolenc, Danijela 'Europeanization as a Democratising Force in Postcommunist Europe: Croatia in Comparative Perspective', *Political Thought: Croatian Political Science Review*, 5 (2008) 23-46.

Duka, Zdenko *Račan: Biografija*, Zagreb: Profil, 2005.

El-Ojeili, Chamsy and Hayden, Patrick *Critical Theories of Globalization*, New York: Palgrave Macmillan, 2006.

Fisher, Sharon *Political Change in Post-Communist Slovakia and Croatia: From Nationalist to Europeanist*, New York: Palgrave Macmillan, 2006.

Goldstein, Ivo *Croatia: A History*, translated from Croatian by Nikolina Jovanović, London: C. Hurst and Company, 1999.

Goldstein, Ivo *Dvadeset godina samostalne Hrvatske*, Zagreb: Novi Liber, 2010.

Grubiša, Damir 'Political Corruption in Societies in Transition', *Erasmus – Journal for Culture and Democracy*, 14 (1995) 32-41.

Haughton, Tim 'When Does the EU Make a Difference? Conditionality and the Accession Process in Central and Eastern Europe', *Political Studies Review*, 5 (2007) 233-246.

Häberle, Peter 'The 1991 Croatian Constitution in the European Legal Comparison', translated from German by Tomislav Martinović, *Political Thought*, 37: 1 (2000) pp. 49-55.

Hoare, Marko Attila 'The War of Yugoslav Succession', in Ramet, Sabrina P. (ed.) *Central and Southeast European Politics since 1989*, Cambridge: Cambridge University Press, 2010.

Hodge, Carole 'Britain's Relations with Croatia. A Study in Active Diplomacy', in Ramet, Sabrina P., Clewing, Konrad and Lukić, Reneo (eds) *Croatia since Independence: War, Politics, Society, Foreign Relations*, München: R. Oldenbourg Verlag, 2008.

Huntington, Samuel P. 'Democracy For the Long Haul', *Journal of Democracy*, 7: 2 (1996) 3-13.

Ilšin, Vlasta 'Political Values and Attitudes', in Ramet, Sabrina P. and Matić, Davorka (eds) *Democratic Transition in Croatia: Value Transformation, Education and Media*, College Station: Texas A&M University Press, 2007.

Lavenex, Sandra and Schimmelfennig, Frank 'Relations with the Wider Europe', *JCMS*, 44 (2006) 137-154.

Linz, Juan J. and Stepan, Alfred 'Toward Consolidated Democracies', *Journal of Democracy*, 7: 2 (1996) 14-33.

Matić, Davorka 'Political Culture, Socio-Cultural Values and Democratic Consolidation in Croatia', in Ramet, Sabrina P., Clewing, Konrad and Lukić, Reneo (eds) *Croatia since Independence: War, Politics, Society, Foreign Relations*, München: R. Oldenbourg Verlag, 2008.

Moses, Johnaton W. and Knutsen, Torbjørn L. *Ways of knowing: Competing Methodologies in Social and Political Research*, New York: Palgrave MacMillian, 2007.

Pavlaković, Vjieran 'Better the Grave than a Slave: Croatia and the International Criminal Tribunal for the former Yugoslavia', in Ramet, Sabrina P., Clewing, Konrad and Lukić, Reneo (eds) *Croatia since Independence: War, Politics, Society, Foreign Relations*, München: R. Oldenbourg Verlag, 2008.

Peruško, Zrinjka 'Media and Civic Values', in Ramet, Sabrina P. and Matić, Davorka (eds) *Democratic Transition in Croatia: Value Transformation, Education and Media*, College Station: Texas A&M University Press, 2007.

Radoš, Ivica *Tudjman izbliza: Svjedočenja suradnika i protivnika*, Zagreb: Profil, 2005.

Ramet, Sabrina P. (ed.) *Central and Southeast European Politics since 1989*, Cambridge: Cambridge University Press, 2010.

Ramet, Sabrina P., Clewing, Konrad and Lukić, Reneo (eds) *Croatia since Independence: War, Politics, Society, Foreign Relations*, München: R. Oldenbourg Verlag, 2008.

Ramet, Sabrina P. and Matić, Davorka (eds) *Democratic transition in Croatia: Value Transformation, Education and Media*, College Station: Texas A&M University Press, 2007.

Ramet, Sabrina P. 'Politics in Croatia since 1990', in Ramet, Sabrina P., Clewing, Konrad and Lukić, Reneo (eds) *Croatia since Independence: War, Politics, Society, Foreign Relations*, München: R. Oldenbourg Verlag, 2008.

Ramet, Sabrina P. and Søbørg, Marius 'Challenges facing Croatia since Independence (An Introduction)', in Ramet, Sabrina P., Clewing, Konrad and Lukić, Reneo (eds) *Croatia since Independence: War, Politics, Society, Foreign Relations*, München: R. Oldenbourg Verlag, 2008.

Ramet, Sabrina P. and Wagner, F. Peter 'Post-socialist models of rule in Central and Southeastern Europe', in Ramet, Sabrina P. (ed.) *Central and Southeast European Politics since 1989*, Cambridge: Cambridge University Press, 2010.

Rosamond, Ben *Theories of European Integration*, New York: Palgrave MacMillan, 2000.

Sadkovich, James J. 'Franjo Tuđman: An Intellectual in Politics', in Ramet, Sabrina P., Clewing, Konrad and Lukić, Reneo (eds) *Croatia since Independence: War, Politics, Society, Foreign Relations*, München: R. Oldenbourg Verlag, 2008.

Schedler, Andreas 'What is Democratic Consolidation?', *Journal of Democracy*, 9: 2 (1998) 91-107.

Schedler, Andreas 'Measuring Democratic Consolidation', *Studies in Comparative International Development*, 36: 1 (2001) 66-92.

Schimmelfenning, Frank 'European Regional Organizations, Political Conditionality and Democratic Transformation in Eastern Europe', *East European Politics and Societies*, 21: 1 (2007) 126-141.

Schönfelder, Bruno 'The Impact of the War on the Economy', in Ramet, Sabrina P., Clewing, Konrad and Lukić, Reneo (eds) *Croatia since Independence: War, Politics, Society, Foreign Relations*, München: R. Oldenbourg Verlag, 2008.

Sedelmeier, Ulrich 'The EU and democratization in Central and Southeastern Europe since 1989', in Ramet, Sabrina P. (ed.) *Central and Southeast European Politics since 1989*, Cambridge: Cambridge University Press, 2010.

Søbørg, Marius 'Croatia since 1989: The HDZ and the Politics of Transition', in Ramet, Sabrina P. and Matić, Davorka (eds) *Democratic transition in Croatia: Value Transformation, Education and Media*, College Station: Texas A&M University Press, 2007.

Tomac, Zdravko *Predsjednik: Protiv krivotvorina i zaborava*, Zagreb: Slovo M, 2005.

Vesterdal, Knut 'Building Liberal Democracy in Croatia', in Ramet, Sabrina P. and Matić, Davorka (eds) *Democratic Transition in Croatia: Value Transformation, Education and Media*, College Station: Texas A&M University Press, 2007.

Internet sources and reports:

Croatian Helsinki Committee (Hrvatski Helsinški Odbor), 'Godišnji izvještaj 2004', Zagreb 2005, pp. 1-71.

<http://www.hho.hr/adminmax/files/documents/HHO%20godisnji%20izvjestaj%202004.pdf>.

Croatian Government (Vlada Republike Hrvatske):

- 'Program Vlade Republike Hrvatske u mandatnom razdoblju 2009-2011', pp. 1-106, <http://vlada.hr/hr/preuzimanja/publikacije>.
- 'Izvešće o ispunjavanju obaveza iz Poglavlja 23 – Pravosuđe i temeljna prava', 12 May 2011, <http://www.mprh.hr/vladausvojila-izvjesce-o-ispunjavanju-obveza-iz-po>.
- 'Pregovori o pristupanju RH EU u području pravosuđa: Pregovori u Poglavljima 23. i 24.', pp. 1-6, http://www.oefz.at/cms/index.php?option=com_docman&task=doc_view&gid=269.

Croatian Parliament (Sabor):

- 'Nacionalni program suzbijanja korupcije 2006-2008', http://vlada.hr/hr/preuzimanja/publikacije/nacionalni_program_suzbijanja_korupcije.
- 'Deklaracija o suradnji s Međunarodnim kaznenim sudom', 14 April 2000, <http://www.hrvatske-novine.com/slike/Zakoni/DeklaracijaOsuradnjiSMeđunarodnimKaznenimSudom.htm>.
- 'Deklaracija o Domovinskom ratu', 13 October 2000, <http://narodne-novine.nn.hr/clanci/sluzbeni/274008.html>.

European Bank for Reconstruction and Development (EBRD), 'Transition Report 1999: Ten years of transition, Economic Transition in Central and Eastern Europe, the Baltic states and the CIS', Ref: 4050 Transition Report – 9 November 1999, London, pp. 1-299, <http://www.ebrd.com/downloads/research/transition/TR99.pdf>.

European Commission (EC):

- 'Interim Report from the Commission to the Council and the European Parliament on reforms in Croatia in the field of Judiciary and Fundamental Rights (Negotiation Chapter 23)', Brussels, 2 March 2011, COM(2011) 110, pp. 1-7, http://ec.europa.eu/enlargement/pdf/hp/interim_report_hr_ch23_en.pdf.

- Conclusions on Croatia, extract from the Communication from the Commission to the Council and the European Parliament ‘Enlargement strategy and Main Challenges 2010-2011’, COM(2010) 660, http://ec.europa.eu/enlargement/pdf/key_documents/2009/conclusions_on_croatia_en.pdf.

Freedom House, Nations in Transit, Reports on Croatia:

- Croatia 2010 Report, pp. 159-176, <http://www.freedomhouse.eu/images/Reports/NIT-2010-Croatia-final-final.pdf>.
- Croatia 2009 Report, pp. 167-182, <http://www.freedomhouse.eu/images/nit2009/croatia.pdf>.
- Croatia 2006 Report, pp. 1-18, <http://www.freedomhouse.eu/nitransit/2006/croatia2006.pdf>.
- Croatia 2003 Report, <http://www.freedomhouse.org/template.cfm?page=47&nit=194&year=2003>.

International Monetary Fund (IMF):

- ‘Republic of Croatia: Staff Report for 1999’, Report No. 00/7, January 2000, pp. 1-54. <http://www.imf.org/external/pubs/ft/scr/2000/cr0007.pdf>.
- ‘Republic of Croatia: Selected Issues and Statistical Appendix’, Report No. 04/251, August 2004, pp. 1-51, <http://www.imf.org/external/pubs/ft/scr/2004/cr04251.pdf>.
- ‘Republic of Croatia: Staff Report for 2010’, Report No. 10/179, June 2010, pp. 1-59, <http://www.imf.org/external/pubs/ft/scr/2010/cr10179.pdf>.

Organization for Security and Co-operation in Europe (OSCE), Mission to Croatia, ‘Report on Croatia’s progress in meeting international commitments since 2001’, 9 June 2006, pp. 1-35, <http://www.osce.org/zagreb/19519>.

Organization for Security and Co-operation in Europe (OSCE), Office of the Secretary General, Annual Report 2001 on OSCE activities, SEC.DOC/3/01, 26 November 2001, pp. 1-123, <http://www.osce.org/secretariat/14514>.

Speech of the President of Croatia Franjo Tudjman in the Croatian Parliament, 30 May 1990, <http://www.sabor.hr/Default.aspx?art=1765&sec=444>.

Speech of the President of Croatia Franjo Tudjman in the Croatian Parliament on the State of the Nation in 1998, 20 January 1999, <http://www.hrt.hr/arhiv/99/01/20/HRT0024.html>.

Speech of the European Commissioner for Enlargement and European Neighborhood Policy, Štefan Füle, at the 12th Ministerial Meeting on Accession Negotiations with Croatia and the EU-Croatia Association Council, 19 April 2011, <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/293&format=HTML&aged=0&language=EN&guiLanguage=en>.

State Audit Office (Državni ured za reviziju), 'Izvešće o radu na provedbi revizije pretvorbe i privatizacije', September 2004, pp. 1-48, http://www.revizija.hr/izvjesca/2007/revizije-pretvorbe-i-privatizacije/000-izvjesce_o_radu.pdf.

Uzelac, Alan 'Mediji u sudskom postupku: Izveštaj i konačni rezultati projekta'. Istraživanje Hrvatskog Novinarskog Društva (HND), <http://alanuzelac.from.hr/Pdf/hnd-finalrep.pdf>.

Transparency International Reports:

- Report on the Corruption Perception Index in Croatia, 2010, <http://www.transparency.hr/index.php?kategorija=17>.
- Report on the Corruption Perception Index in Croatia, 2006, <http://www.transparency.hr/index.php?kategorija=17>.
- Annual Report on Corruption in the World, 2003, pp. 1-32, http://www.transparency.org/publications/publications/annual_reports/annual_report_2003.

Appendix I: Croatian modern history – Chronology

- January 1990 – the League of Communists of Croatia joined the League of Communists of Slovenia in withdrawing from the League of Communists of Yugoslavia.
- May 1990 – the first multiparty parliamentary elections held in Croatia, victory by the Croatian Democratic Union (HDZ) and Franjo Tuđman.
- August 1990 – Serbian separatist forces joined with Belgrade, set up barricades along highways around Knin area in Croatia, initiating a rebellion.
- October 1990 – Croatian and Slovenian proposal of reorganization of Yugoslavia as a confederation. The proposal was ignored by Serbian side.
- 22 Dec 1990 – the Croatian Parliament (*Sabor*) adopted a new constitution (known as the Christmas Constitution – *Božićni Ustav*).
- February 1991 – Serb separatist forces in Croatia declared their secession from Croatia.
- 19 May 1991 – Croatia carried out a referendum on independence, where 95.74 per cent of voters voted for independence.
- 25 June 1991 – Croatia declared its independence.
- 3 July 1991 – occupation of the Baranja region of Eastern Slavonia by the Yugoslav People's Army. This act is treated as formal beginning of the war in Croatia.
- 8 Oct 1991 – Croatia dissolved all state relations with the former Socialist Federal Republic of Yugoslavia (SFRY) and became an independent state.
- 15 Jan 1992 – the European Union (EU) recognized Croatia's independence.
- May 1992 – admission of Croatia to the United Nations (UN).
- May 1995 – Operation Flash (*Operacija Bljesak*) –military action carried out by Croatian Army and police forces in Western Slavonia, in order to regain control over areas occupied by Serb separatist forces.
- August 1995 – Operation Storm (*Operacija Oluja*) –military action carried out by Croatian Army and police forces in the so-called 'Krajina region' in order to regain control over areas occupied by Serb separatist forces.
- 12 Nov 1995 – Erdut agreement (*Erdutski sporazum*) between Croatian government

and the local Serb authorities about peaceful reintegration of Danube region (*Podunavlje*) under Croatian territorial integrity and sovereignty.

- 21 Nov 1995 – Dayton Peace Agreement signed, ending the 1990's wars.
- May 1999 - The European Commission (EC) proposes the creation of the Stabilization and Association Process (SAP) for Albania, Bosnia-Herzegovina, Croatia, Macedonia and the FR of Yugoslavia.
- Dec 1999 – death of President Franjo Tuđman.
- January 2000 – a coalition led by the SDP won the parliamentary elections and the SDP leader Ivica Račan became the new prime minister.
- January 2000 – Stjepan Mesić elected to a five-year term as second president of Croatia.
- 29 Oct 2001 – The Stabilization and Association Agreement signed in Luxembourg.
- 18 Dec 2002 – The Croatian Parliament accepted the Resolution on the Accession of the Republic of Croatia to the European Union.
- 21 Feb 2003 – Croatia applied for the membership in the European Union.
- Nov 2003 – HDZ led by Ivo Sanader won parliamentary elections and Sanader became the new prime minister.
- 18 June 2004 – Croatia was granted the status of an official EU candidate country.
- January 2005 – Stjepan Mesić elected to a second five-year term as president of Croatia.
- 1 Feb 2005 – The Stabilization and Association Agreement (SAA) entered into force.
- 3 Oct 2005 – The launch of accession negotiations between Croatia and the EU.
- Nov 2007 – Croatian parliamentary elections, victory of HDZ and Ivo Sanader; Second term in office, supported by HSS, HSLs and national minorities.
- April 2009 – Croatia joined the NATO.
- July 2009 – Resignation of Ivo Sanader, Jadranka Kosor took over as the new prime minister of Croatia.
- January 2010 – Ivo Josipović elected as the third Croatian president.
- 15 April 2011 – The ICTY sentenced Croatian generals Ante Gotovina and Mladen Markač for committing crimes against humanity in Operation Storm.

Source: Constitutional Court of Republic of Croatia official website, Ministry of Foreign Affairs and European Integration of Republic of Croatia (MFAEI) official website, and Sabrina P. Ramet and Davorka Matić (eds.) *Democratic Transition in Croatia*.

Appendix II: Referendum and Election Results 1991-2011

1. Results of the referendum on status of the Republic of Croatia, 19 May 1991:

Question: Do you support that the Republic of Croatia as a sovereign and independent state, which guarantees cultural autonomy and all civil rights to Serbs and members of other nationalities in Croatia, can join into an alliance of modern states with other republics?

	Votes	Votes in percentages %
<i>Voted</i>	3, 008, 206	82.37
<i>Invalid ballots</i>	36, 055	1.20
<i>Valid ballots</i>	2, 972, 151	98.80
FOR	2, 845, 521	95.74
AGAINST	126, 630	4.26
Total	2, 972, 151	100.00

2. Results of the first multi-party elections in Croatia, 22 April 1990:

The number of registered voters: 3, 544, 112

The number of votes: 2, 989, 443 (84.35%)

1²¹⁷	2	3 (%)	4	5 (%)
HDZ	1, 196, 059	41.61	55	68.75
SKH-SDP/SS-SSH/SSOH	1, 015, 895	35.34	20	25.00
KNS	439, 372	15.29	3	3.75
SDS	46, 418	1.61	1	1.25
Independent – Hrvoje Kačić	25, 690	0.89	1	1.25
Total	2, 874, 286*	100,0	80**	100.00

*The number includes the votes for minor parties that have not obtained seats in the parliament, and thus I have not included them in this table.

**There was 1 non-attached member of the parliament, and all together 4 representatives of national minorities.

²¹⁷ 1. Name of party or coalition, 2. Votes cast to candidates, 3. Votes cast to candidates, in percentages, 4. Distribution of seats in the Parliament, 5. Distribution of seats in the Parliament, in percentages.

3. Results of Parliamentary elections in Croatia, 2 August 1992:

The number of registered voters: 3, 558, 913

The number of votes: 2, 690, 873 (75.61%)

1	2	3 (%)	4	5 (%)
<i>HDZ</i>	1, 176, 437	44.71	85	61.59
<i>HSLs</i>	466, 356	17.72	14	10.14
<i>HSP</i>	186, 000	7.07	5	3.62
<i>HNS</i>	176, 214	6.70	6	4.35
<i>SDP</i>	145, 419	5.53	11	7.97
<i>HSS</i>	111, 869	4.25	3	2.17
<i>IDS/DA/RDS</i>	83, 623	3.18	6	4.35
<i>SNS</i>	28, 620	1.09	3	2.17
Total	2, 631, 535*	100.00	138**	100.00

*The number includes the votes for minor parties that have not obtained seats in the parliament, and thus I have not included them in this table.

**There were also 5 non-attached members of the parliament (not included in the table), and all together 5 representatives of national minorities.

4. Results of Parliamentary elections, 29 October 1995:

The number of registered voters: 3, 634, 233

The number of votes: 2, 500, 040 (68.79%)

1	2	3 (%)	4	5 (%)
<i>HDZ</i>	1, 093, 403	45.23	75	59.06
<i>HSS/IDS/HNS/HKDU/SBHS</i>	441, 390	18.26	14	11.02
<i>HSLs</i>	279, 245	11.55	12	9.45
<i>SDP</i>	215, 839	8.93	10	7.87
<i>HSP</i>	121, 095	5.01	4	3.15
<i>IDS</i>	-	-	4	3.15
<i>HND</i>	72, 612	3.00	1	0.79
<i>ASH</i>	40, 348	1.67	1	0.79
<i>SNS</i>	-	-	2	1.57
Total	2, 427, 374*	100.00	127**	100.00

*The number includes the votes for minor parties that have not obtained seats in the parliament, and thus I have not included them in this table.

**There were also 4 non-attached members of the parliament (not included in the table), and all together 12 representatives of 'diaspora' and 7 of national minorities.

5. Results of Parliamentary elections in Croatia, 3 January 2000:

The number of registered voters: 3, 686, 378

The number of votes: 2, 821, 020 (76.53%)

1	2	3 (%)	4	5 (%)
SDP/HSLs/PGS/SBHS	1, 133, 136	40.84	(-)	(-)
SDP			44	29.14
HSLs			24	15.89
PGS			2	1.32
SBHS			1	0.66
HDZ	676, 264	24.38	46	30.46
HSS/IDS/HNS/LS	431, 484	15.55	(-)	(-)
HSS			17	11.26
IDS			4	2.65
HNS			2	1.32
LS			2	1.32
HSP/HKDU	146, 496	5.28	5	3.31
SNS	-	-	1	0.66
Total	2, 774, 280*	100.00	151**	100.00

*The number includes the votes for minor parties that have not obtained seats in the parliament, and thus I have not included them in this table.

**There were 3 also non-attached members of the parliament (not included in the table), and all together 6 representatives of 'diaspora' and 5 of national minorities.

6. Results of Parliamentary elections in Croatia, 23 November 2003:

The number of registered voters: 3, 690, 936

The number of votes: 2, 466, 481 (66.83%)

1	2	3 (%)	4	5 (%)
HDZ	800, 503	33.23	66	43.42
SDP/IDS/Libra/LS	560, 593	23.26	(-)	(-)
SDP			34	22.37
IDS			4	2.63
Libra			3	1.97
LS			2	1.32
HNS/PGS/SBHS	198, 781	8.25	11	7.24
HSS	174, 960	7.26	10	6.58
HSP	155, 588	6.46	8	5.26
HSLs/DC	99, 467	4.13	3	1.98
HSU	98, 299	4.08	3	1.97
HDSS/HDC/DPS	23, 787	0.99	1	0.66
SDSS	-	-	3	1.97
Total	2, 409, 240*	100.00	152**	100.00

*The number includes the votes for minor parties that have not obtained seats in the parliament, and thus I have not included them in this table.

**There were also 4 non-attached members of the parliament (not included in the table), and all together 4 representatives of 'diaspora' and 8 of national minorities.

7. Results of Parliamentary elections in Croatia, 25 November 2007:

The number of registered voters: 3, 824, 731

The number of votes: 2, 425, 269 (63.41)

1	2	3 (%)	4	5 (%)
HDZ	834, 203	34.91	66	43.14
SDP	776, 656	32.50	56	36.60
HNS	168, 439	7.05	7	4.58
HSS/HSLs	161, 813	6.77	8	5.23
HSU	101, 091	4.23	1	0.65
HSP	83, 006	3.47	1	0.65
HDSSB	44, 552	1.86	3	1.96
IDS	38, 267	1.60	3	1.96
SDSS	9, 115	0.38	3	1.96
Total	2, 389, 391*	100.00	153**	100.00

*The number includes the votes for minor parties that have not obtained seats in the parliament, and thus I have not included them into this table.

**There were also 5 non-attached members of the parliament (not included in the table), and all together 5 representatives of 'diaspora' and 8 of national minorities.

8. Results of Presidential elections in Croatia, 2 August 1992:

First round:

The number of registered voters: 3,575,032

The number of votes: 2,677,764 (74.90%)

Candidates	Number of votes	Percentage (%)
1. Franjo Tudjman (HDZ)	1, 519, 100	56.73
2. Dražen Budiša (HSLs)	585, 535	21.87
3. Savka Dabčević-Kučar (HNS)	161, 242	6.02
4. Dobroslav Paraga (HSP)	144, 695	5.40
5. Silvije Degen (SSH)	108, 979	4.07

*There were 8 candidates, the rest of the candidates have obtained less than 4 per cent of votes. Tudjman had won in the first round.

9. Results of Presidential elections in Croatia, 15 June 1997:

First round:

The number of registered voters: 4,061,479

The number of votes: 2,218,448 (54.62%)

Candidates	Number of votes	Percentage (%)
1. Franjo Tudjman (HDZ)	1, 337, 990	61.41
2. Zdravko Tomac (SDP)	458, 172	21.03
3. Vlado Gotovac (HSLs)	382, 630	17.56

*Tudjman had won in the first round.

10. Results of Presidential elections in Croatia, 25 January 2000:

First round:

The number of registered voters: 4, 251, 109

The number of votes: 2,677,561 (62.98 %)

Candidates	Number of votes	Percentage (%)
1. Stjepan Mesić (HNS)	1, 100, 671	41.11
2. Dražen Budiša (HSLs, SDP)	741, 837	27.71
3. Dr. Mate Granić (HDZ)	601, 588	22.47
4. Slaven Letica (Independent)	110, 782	4.14
5. Ante Đapić (HSP)	49, 288	1.84

*There were 9 candidates, the rest of the candidates have obtained less than 1 per cent of votes.

Second round:

The number of registered voters: 4, 252, 921

The number of votes: 2, 598, 120 (60.88%)

Candidates	Number of votes	Percentage (%)
1. Stjepan Mesić (HNS, HSS, LS, IDS, ASH)	1, 433, 372	56.01
2. Dražen Budiša (HSLs, SDP)	1, 125, 969	43.99

11. Results of Presidential elections in Croatia, 2 January 2005:

First round:

The number of registered voters: 4, 251, 109

The number of votes: 2,677,561 (62.98 %)

Candidates	Number of votes	Percentage (%)
1. Stjepan Mesić (SDP, HNS, HSS, IDS, Libra, LS, PGS, SDA)	1, 089, 398	48.92
2. Jadranka Kosor (HDZ)	452, 218	20.31
3. Boris Mikšić (Independent)	396, 093	17.79
4. Đurđa Adlešić (HSLs)	59, 795	2.68
5. Dr. Slaven Letica (Independent)	57, 748	2.59
6. Ljubo Česić (Independent)	41, 216	1.85
7. Ivić Pašalić (Hrvatski blok)	40, 637	1.82

*There were 13 candidates, the rest of the candidates have obtained less than 1 per cent of votes.

Second round:

The number of registered voters: 4, 392, 220

The number of votes: 2, 241, 760 (51.04 %)

Candidates	Number of votes	Percentage (%)
1. Stjepan Mesić (SDP, HNS, HSS, IDS, Libra, LS, PGS, SDA)	1, 454, 451	65.93
2. Jadranka Kosor (HDZ)	751, 692	34.07

12. Results of Presidential elections in Croatia, 27 December 2009:

First round:

The number of registered voters: 4, 495, 233

The number of votes: 1, 975, 909 (43.96 %)

Candidates	Number of votes	Percentage (%)
1. Dr. Ivo Josipović (SDP)	640, 594	32.42
2. Milan Bandić (Independent)	293, 068	14.83
3. <i>Andrija Hebrang (HDZ)</i>	237, 998	12.04
4. <i>Nadan Vidošević (Independent)</i>	223, 892	11.33
5. <i>Vesna Pusić (HNS)</i>	143, 190	7.25
6. <i>Dragan Primorac (Indep.)</i>	117, 154	5.93
7. <i>Dr. Miroslav Tuđman (Indep.)</i>	80, 784	4.09

*There were 12 candidates, the rest of the candidates have obtained less than 4 per cent of votes.

Second round:

The number of registered voters: 4, 495, 528

The number of votes: 2, 253, 154 (50.12 %)

Candidates	Number of votes	Percentage (%)
1. Dr. Ivo Josipović (SDP)	1, 339, 385	60.26
2. Milan Bandić (Independent)	883, 222	39.74

Source: State Election Commission (Državno izborno povjerenstvo, DIP), available at <http://www.izbori.hr/arhiva/arhiva.html> (accessed in May 2011).

Appendix III: Short biographies of political and societal actors 1991-2011

Dr. Franjo Tuđman (1922-1999) – an intellectual, a scientist and a politician as well as the first president of Croatia as an independent state. Tuđman was also an ex Partisan and the youngest JNA general. During the 1960's, he was a highly placed member of Croatia's communist elite and Director of the Institute for the History, a major research institution that was often perceived as a parallel political centre. In 1967, he was purged and put under detention because of his anti-totalitarian political views. In the first multiparty elections in Croatia in 1990, Tuđman and his party the HDZ won, and shortly after Tuđman became the first president of an independent Croatia. He was reelected twice and remained in power until his death in December 1999.

Ivica Račan (1943-2007) – actively involved in politics for more than 30 years. Račan had obtained high-duties in socialist Yugoslavia. First, he was a member and later a chairman of the Croatian League of Communists. In 1990, he was a leader of Croatian delegation in the 14th Congress of the League of Communists of Yugoslavia, when both Slovenian and Croatian delegation left the Congress after they were voted down by Slobodan Milošević's supporters. Few months later, Račan had organized the first multiparty elections in Croatia. Under Račan's leadership, the communist party had transformed itself into a left-oriented democratic and socialist party, SDP. After ten years in opposition, the SDP-HSLS coalition won the 2000 parliamentary elections and Račan became the new Croatian prime minister.

Stjepan Mesić (b.1934) – a high-ranking communist and the last president of socialist Yugoslavia. In 1967, when a group of Croatian intellectuals published the Declaration on Croatian language, Mesić denounced it as an attack against Yugoslavia and called for authors' prosecution. However, in 1974 he was sentenced and spend one year in 'Stara Gradiška' prison for supporting the Croatian spring movement, which called for Croatia's equity within Yugoslavia. In the early 1990's, as a member of the HDZ, Mesić held a position of a Croatian prime minister and then a speaker of the Parliament. In 1994 he left the ruling party, and in 1997 became a member of the Croatian People's Party. In the

2000 presidential elections, Mesić was elected the new Croatian president. In 2005, he was reelected for his second term in office.

Dr. Ivo Sanader (b.1953) – a politician and a prominent HDZ member. During the 1980's he lived in Austria and worked as a journalist and a private entrepreneur. Since Croatia's independence, he obtained several duties, such as: the minister of science and technology, deputy minister of foreign affairs and head of the office of the prime minister. In 2000, Sanader was elected leader of the HDZ and, after winning the 2003 parliamentary elections, came back to power and became the new prime minister of Croatia. In the 2007 parliamentary elections, Sanader was reelected for his second term in office. In 2009, he unexpectedly resigned a prime minister's position.

Jadranka Kosor (b.1953) – a former journalist and a politician, as well as the first female prime minister since Croatia's independence. During the early 1990's Kosor worked as a journalist covering war topics, such as refugees' and war veterans' problems. In 1995, Kosor became a member of the HDZ as well as a member of the Parliament. After 2000, she became a vice-president of the HDZ, and in the 2005 presidential elections Kosor was the party's candidate. In both Sanader's governments, she was a vice-president of the government and a minister for family, veterans and inter-generational solidarity. After Sanader's resignation in July 2009, Kosor became both the president of the ruling HDZ and the new Croatian prime minister.

Dr. Ivo Josipović (b.1957) – a university professor, a legal expert and a composer. Josipović had entered politics as a member of the League of Communists of Croatia, and with Račan made an important contribution to democratization of the party. In 1994, he left politics, but came back in 2003 as an independent member of the Parliament and was reelected in the 2007 parliamentary elections. In the 2010 presidential elections, as the SDP candidate, Josipović became the third Croatian president.

Source: Official web sites: the Office of the President of Croatia, the Government of the Republic of Croatia, the Croatian Democratic Union, the Social Democratic Party of Croatia.