

Peter Semneby, Head of the OSCE Mission to the Republic of Croatia

The task of the OSCE is to assist Croatia

The agreement between the HDZ and SDSS representatives in the Croatian Parliament was a very important step towards reconciliation, as was the appearance of Prime Minister Sanader on the Orthodox Christmas, which he did again this year. Likewise, [an important step] was the Prime Minister's visit with the OSCE Chairman in Office to the areas of significant return of Serb minority members

By Andrija Tunjic

In the process of Croatia's ascension to the EU, the international community and its representatives in the Republic of Croatia were mostly interested in the area of minority and human rights. We discussed with Peter Semneby, Head of the OSCE Mission to the Republic of Croatia, how far Croatia has progressed in resolving these issues and how the international community sees those resolutions in the future.

Significant changes took place in the Republic of Croatia last year in the area of human and minority rights. What do you consider to be the most important?

Since there are several aspects of relations towards minorities, it needs to be said that steps were taken even before regarding the legal and constitutional framework in the sense of allowing minorities to exercise their rights through the Constitutional Law on the Rights of National Minorities. That is the formal side of minority rights. However, last year important symbolic steps took place for reconciliation between the majority population on the one hand and minority members within Croatian society on the other. The agreement between the Croatian Democratic Union (HDZ) and Independent Democratic Serb Party (SDSS) representatives in the Croatian Parliament was a very important step towards reconciliation, as was the appearance of Prime Minister Sanader on the Orthodox Christmas, which he did again this year. Likewise, [an important step] was the Prime Minister's visit with the OSCE Chairman-in-Office to the areas of significant return of Serb minority members. There are certain things that still need to be done, but it is important to mention that the path has already been paved.

What are the things that remain to be done?

On the formal side, the issues that still need to be addressed pertain to minority representation in the state administration, police and judiciary. When it comes to the continuation of the reconciliation process, it is important to provide a sense of security and legal conduct to all those who were affected by the war, primarily those who are displaced because of the war, and eventually to provide them with a "fair deal".

You mentioned reconciliation between minorities and the majority. However, that problem pertains only to the Serb national minority. Why do the international representatives not make an adequate distinction with that regard?

The Serb minority is the one most affected by the war and a large part of that minority are refugees. The experiences which Croats and Serbs had in the war represent a basis due to which it is necessary to ensure special reconciliation precisely between representatives of the Croatian and Serb people. In numerical terms, Serbs are the dominant minority in the Republic of Croatia and the majority of pre-war representatives of the Serb people are still located outside Croatia's borders.

Since Serb refugees, about whom you talk as displaced people, were the first ones to expel and kill non-Serbs, I am afraid it is difficult to expect reconciliation as long as they do not admit that.

There were individuals and institutions that did bad things during the war at the high level and at lower levels, but it is necessary to dispose of the concept of collective responsibility once and for all. Individuals might have been misled and many of them were misled, but this is not a justification to still talk about collective responsibility.

That is not what I had in mind, although you said that there were also institutions which were responsible.

Many Croats were the victims of this war, as well as the majority of Serbs who are still located outside Croatia and have refugee status.

Apart from the above-mentioned, what are other things you are not satisfied with?

As I already said, the situation is generally speaking moving in a good direction, especially in comparison with the time when I came to the Republic of Croatia, approximately three years ago. The situation has definitely changed. For two years in a row I attended the celebration of the Orthodox Christmas, which was organized by the "Prosvjeta" Serb Cultural Society and I remember well what a sensation it was when Prime Minister Sanader greeted the attending believers during last year's Christmas Eve with the words: "*Hristos se rodi*". This year, it would have been a sensation if he had not done that.

Such steps are necessary in order to resolve the remaining problems, especially in the areas which were mostly affected by the war. A political vision is necessary to show people living in war affected areas that it is time to move forward, that Croatia is a state of all its citizens and that, finally, Croatia needs all its citizens. Those parts of Croatia will not be able to return to a normal situation, they will not be able to prosper and progress unless a large part of those who once lived there decide to return.

What about those who do not want to return? Will Croatia be responsible for that?

What needs to be insisted upon today is their free will and free decision-making. Each one of them should have a feeling that they were treated in a fair manner, and that fairness is reflected in the fact that everyone has the possibility to choose whether to return or to stay where they are. That means that if someone decides to return, he should be provided with accommodation and other conditions for a decent life, i.e. if someone decides to stay, he should have the possibility of integration there.

Although you are satisfied with the framework the Croatian state has created for the return of Serb refugees, some Serbs, some of their parties and organizations, constantly complain about Croatia and require from Croatia certain, shall we say, privileges in comparison to others.

I do not know what privileges you are talking about. The basic conditions advocated by the OSCE, i.e. our international partners such as UNHCR or the European Commission, pertain to safe atmosphere for return, possibility of housing accommodation, removal of administrative and bureaucratic obstacles for return and basic infrastructure in the return areas.

I was referring to privileges in relation to Croats from Bosnia and Herzegovina (BiH) who are victims of Serb expulsions from BiH.

Absolutely, they too are victims, and if they want to return, they should be provided with assistance, but one should also bear in mind the fact that the majority of Croats from BiH do not want to return. A large number of them have already obtained Croatian citizenship. When we talk about the return of those who wish to return to BiH, one has to bear in mind that housing accommodation issues were not resolved simultaneously, i.e. they did not have the same course in Croatia and in BiH. Persons who wish to return to BiH and who had occupancy/tenancy rights there before the war, can return to their pre-war apartments, while persons who wish to return to Croatia and who had occupancy/tenancy rights here before the war meet obstacles. Occupancy/tenancy rights in BiH were returned to their previous beneficiaries, while in Croatia those rights were not returned. Likewise, when we talk about reconstruction assistance, it needs to be stated that the reconstruction assistance process in Croatia has far advanced in comparison to the one in BiH.

There is something else, something often forgotten by the OSCE as well, and that is the security of Croats and Bosniaks in the areas under Serb control. How much do you, as an OSCE official, discuss this issue at higher levels?

That can be a problem in certain parts of BiH and, if such a problem really exists, then it is a joint responsibility of BiH authorities on the one hand and the international community on the other. However, I am of the opinion that the security situation in BiH has also significantly improved over the last couple of years and I am saying that taking into account the number of returnees who returned despite the internal ethnic borders.

Some minorities claim they are neglected compared to the Serb minority, for example with regard to representation in administrative bodies, ministries, police, etc. Do you agree with that?

The legal protection of minority rights encompasses all minorities and the right to representation also pertains to all minorities. After all, you have eight representatives, members of national minorities, in the Croatian Parliament, out of whom only three are from the ranks of the Serb minority, regardless of the fact that Serbs constitute more than a half of members of all minorities in the Republic of Croatia in total. Thus, someone could come up with a counter argument and claim that precisely members of other minorities, taking into account their number, are those who are somehow favoured, who have a larger representation than they should have according to the census.

Are you satisfied with the Governments relations towards the Roma minority?

When we talk about the Roma minority, there is still a series of issues that need to be addressed. The Government did a part of the work in the sense of adopting the National Programme for Roma, but there are still some problems left, for example the ones pertaining to the education of Roma minority members. Although we are also interested in issues pertaining to members of the Roma minority, it is the Council of Europe, with which we have good co-operation, that took over the leading role in the resolution of Roma issues.

Can the international community financially assist the resolution of the Roma issue in Croatia, as well?

The international community can provide most assistance within the framework of defining policy towards Roma. Naturally, there are also available financial means, among other things the pre-accession EU funds which will be used for that purpose.

Why does the OSCE attempt to influence trials against Serbs who are charged with war crimes during the aggression against the Republic of Croatia, by asking for reciprocity with regard to Croats?

We do not attempt to influence war crimes trials in any manner. We are simply monitoring war crimes trials that are taking place before the Croatian courts. Based on our observations, we produce reports that contain some strong conclusions, some strong statements which the Government of Croatia also took into consideration. The objective of our recommendations at the political level is to create an atmosphere and structure which will be conducive for a fair atmosphere at war crimes trials in Croatia, regardless of the ethnicity of the perpetrators of crimes or their victims.

There is an impression that you wish to exercise influence.

Without entering into the details regarding ethnicity, there is a large problem when it comes to war crimes trials at lower levels in Croatia and that is a large number of verdicts against which appeals were lodged at the Supreme Court. In the majority of cases, the Supreme Court alters such verdicts, i.e. annuls them.

Does that not indicate fairness?

On the one hand it indicates that the Supreme Court indeed acts as a corrective and that ultimately you can really have fair verdicts. But, on the other hand, in an ideal situation such verdicts would not even reach the Supreme Court because they would be resolved in a fair manner before the court of first instance.

Are you satisfied with the media treatment of national minorities in Croatia?

The treatment of minorities in the media has significantly improved. Prior to the last parliamentary elections, we conducted the monitoring of television programmes in co-operation with the Media Council of the Croatian Helsinki Committee and we noticed that the majority of coverage dedicated to national minorities was devoted to the political level, instead of being devoted to issues such as economy. The conclusions pertaining to media at the national level indicate that the situation has been improving, while for the

situation at the local level we can notice that there are still problems, that there are still cases of hate speech.

To end - has the time come for the OSCE to leave Croatia?

The OSCE will not be here forever, but I believe that there are still areas in which we can be useful and assist Croatia. We have experience gained through our long stay here and we can act as a mediator in the resolution of problems which still exist within the society. Basically, our task is to assist Croatia and I strongly believe that we have done a lot and managed to help Croatia to come where it is at the moment: at the doorstep of entering the EU.

I do not want to enter into comparing ideologies

Chetnik incidents took place for the Orthodox Christmas in Borovo Selo and in Eastern Slavonija. How would the OSCE react if the Croatian state authorities acted in a repressive manner and prevented those extremist and chauvinistic incidents?

The answer to your question depends on how the Croatian state would react. What needs to raise concern is the use of past ideologies and symbols of past ideologies for the purpose of inciting ethnic unrest and dissatisfaction, which has already happened in Croatia on several occasions, both on the Croatian and on the Serb side. One of the problems which exist in Croatia pertains to the need to act against the expressions of extremism regardless of where they are coming from. All necessary legal mechanisms have not yet been put in place in order to regulate such activities.

What do you propose?

Be careful when passing such laws. That is an issue which requires public discussion.

Public discussion has been ongoing for a long time about the prohibition of Nazi and fascist symbols, while the so-called leftists attempt to postpone a discussion on communist symbols in the name of which crimes were committed that were equal to Nazi-fascist crimes. What do you think about this, as a person coming from Sweden?

I do not want to enter into such a discussion and I do not want to compare different ideologies, but one has to take into account not only the totalitarian element of the communist regime, but the anti-fascist origin of that regime. I do not want to go deeper into making comparisons at all.

But a crime is a crime.

As I said, this is a discussion which needs to be conducted within Croatian society.

What we are interested in and what we will continue to react to in the future is the instrumentalisation of past ideologies in today's society, i.e. instrumentalisation of past ideologies for the purpose of inciting certain national conflicts or unrest. Instead of being burdened with issues from the past, Croatian society should look into the future and share joint visions of the future.