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INTERVIEW: PETER SEMNEBY, HEAD OF THE OSCE MISSION TO CROATIA

THE GOVERNMENT EXCEEDED OUR EXPECTATIONS

By Boris Raseta

In spite of some predictions, after several months of expectation Croatia did after all receive a positive avis by the European Commission. Did you expect such an outcome, that is, were you aware that the reply would be positive?

In this case, this was not a matter of surprise. The Croatian Government - whereby I have in mind the former and the current government – did very impressive work, it fulfilled a very demanding task. It did a lot to set the stage for progress on refugee return, rights of minorities, judicial issues, war crimes trials before domestic courts, and so on. However, in any case, a lot still remains to be done. When I talk about political tasks, it is the administrative and legal framework that has largely been established, but attention should now be given to implementation.

Some moves made by the Government were definitely significant on a symbolic level, such as the extradition of defendants to The Hague? However, is that enough?

By no means do I wish to underestimate the significance of symbolic gestures, especially if this is a matter of politically sensitive issues. Some of them were until recently considered taboos. For example, an invitation addressed to Serb refugees to return, which Dr. Sanader sent out already during the election campaign, represented a significant step forward in that sense. Minorities were publicly proclaimed as Croatia's asset by the Prime Minister and he had also shown readiness and good will to expand co-operation with the neighbouring countries. Not so long ago it would have been almost impossible even to talk about this. However, nowadays, in the newly established political context, the citizens acquired the right to these topics. The same assessment could be made in reference to the co-operation with The Hague. By managing the two accused generals to go to the Tribunal without any upheavals, Croatia obviously crossed another, extremely significant, psychological threshold.

How do you comment on the fact that these extraditions, as well as the extradition of the six Bosnian Croats, passed without significant public resistance?

It seems that time played an important role here. People slowly started getting used to accepting statements according to which even individuals on the Croatian side, during the war, maybe committed specific crimes. Moreover, the understanding of the significance of the European integration perspective played an important role. It has become clear that certain conditions have to be fulfilled for the accession to the European integration, and among those preconditions in the very broadest sense – and the citizens of Croatia became aware of that – is also the need for the country to come to terms with its past. Additionally, it seems that it was easier for the Government led by the Croatian Democratic Union (HDZ) to change public opinion in that sense and restrain possible resistance than this would have been the case with the former government. This is the

same syndrome, the same situation which we had thirty years ago at the global level, when it was easier for President Nixon to go to China and start negotiations with the authorities there, that it would have been to some president from among the ranks of the Democrats.

AN ACCEPTABLE MINIMUM

Based on everything you said so far, it ensues that the OSCE does not have any significant objections to the attitude of Sanader's Government.

I would say that until now, if we refer to the Government's activities or statements which it provided, the Government actually exceeded our expectations! However, at the same time, not everything is completed yet and the implementation of a series of solutions remains to be seen. This implementation has so far been slow; Primarily in relation to refugee return. Significant progress has still not been achieved with regard to property repossession issues, as well as with regard to their housing care, if we talk about the former holders of occupancy/tenancy rights who wish to return to the Republic of Croatia. Therefore, there is still a great gap between what has been promised and what is being implemented in the field.

Is the solution by the former Government, from July last year – if we talk about occupancy/tenancy rights – accepted as definite, or is it still possible to expect certain corrections on that level?

We can consider that programme as the lower threshold of acceptance, as some sort of acceptable minimum. On our part, we would prefer to see a more comprehensive solution to this issue. It also needs to be kept in mind that this programme does not solve some of the basic legal issues related to the return of people, although one cannot say that this solution is not pragmatic. But it needs to be put in action. So far, not a single person has been able to benefit from the programme.

How long is the way from the avis to Croatian candidacy, and what will the conditions of the OSCE be in that period?

I cannot speak about deadlines within which the candidacy will be accepted, that is indeed the task of the Council of Europe and we cannot speak on their behalf.

The emphasis was not on deadlines, but on the tasks which should, according to the OSCE, be completed or nearing the end by that time?

The *avis* made it quite clear that the standpoints of the European Commission are to a large extent comparable or identical with our standpoints. As I already said, there are still many tasks and their implementation will certainly require time. There is a clearly defined agenda in the *avis* for the implementation of those tasks, as well as the fact that the international community is speaking with one voice, there is no discord. In short, I expect more forceful activity on the implementation of these issues, which may even mean a larger workload for the OSCE in the forthcoming period.

At the top of the priority list is return of refugees and their reintegration into Croatian society. However, from all reports of NGOs which are following this issue, it ensues

that a small, almost insignificant percentage of refugees is inclined towards return. That would mean this task is achievable for the Government and that it actually represents nothing more than a simple test of good will?

It is clear that the majority of refugees will stay where they are now. It is a tragic fact that had the conditions for return been created before, many more refugees would have returned. But now, when they are used to the places in which they live, when their children are grown up and have started attending a new school, for many of them the return to Croatia would be too much of a burden, both psychological and physical. It is important that the decision on return is a free choice of each individual. What we stand for is that the conditions should be created in which all those willing to return would do so freely and without obstacles. The most important issue, which is still unresolved, is the issue of housing care. The issue of property repossession has not been completed yet. Reconstruction of destroyed houses has not been completed and – what is very important – the issue of remedies for former occupancy/tenancy rights holders who want to return. The security situation is satisfactory in most parts of the country, but basic physical insecurity of returnees still creates a serious obstacle for the return in some places. Here I am referring to incidents which recently occurred in the Dalmatian area. I also need to mention here arbitrary arrests of returnees with charges of a very questionable legal quality. That is also a significant obstacle for the return. Although the majority of such charges are dismissed later, only one or two such cases may deter a very broad population of potential returnees. We have to keep in mind that there are also other subtle ways to disturb returnees, i.e. which can be created by local authorities.

That is why the signals, which the Prime Minister sent with that regard, are important, and we noticed a positive effect those signals had on some local officials, especially local HDZ officials, who are now talking differently, in a positive manner, about return of refugees, their reintegration and the exercise of minority rights. That is definitely something that still needs to be worked on, but as a tendency, it is highly commendable.

WE WANT THE PRIVATIZATION OF “SLOBODNA DALMACIJA”

The Government tried on two occasions to misuse, even to forge the OSCE opinion when it comes to changes in the world of the media. For the first time when they wanted to change the Law on Croatian Radio and Television (HRT) and for the second time when they were talking about the privatization of Slobodna Dalmacija. In both cases, the opinion of the OSCE did not match the intentions of the HDZ?

When it comes to the Law on HRT, I have to say that it has been a very complicated issue from the very beginning. It pertained both to the previous and the current government. I think we have established reasonable working relations which would lead to a quality, permanent solution to that problem. As you know, a couple of weeks ago we held a joint press conference which was attended by the Deputy Prime Minister, Ms. Jadranka Kosor, Head of the European Commission Delegation and myself. During that press conference we stated that the future work on the Law on HRT should be based on recommendations provided by a group of experts who came to Zagreb upon the invitation of the OSCE, the European Commission and Council of Europe. When we talk about the current Law on Croatian Radio and Television and the current situation, we have to bear in mind two

things; we need to try to reconcile two interests. First, it is necessary to remove the possibility of political interference with the work of the HRT Council, direct or indirect. Second, it is necessary to ensure stable working conditions of the HRT now that it is facing serious competition for the first time. What it means is that the present HRT Council should remain in place and the Law should ensure that future procedure of the appointment of members of that Council is less politicized. In that process, civil society should play a more important role.

Slobodna Dalmacija?

When it comes to *Slobodna Dalmacija*, a clear recommendation is that the Law on the Media should restrict media concentration. What that threshold would be in percentage – that is up to the Government to decide, which needs to assess market conditions. We are not favouring any bidder, nor do we disfavour someone. We want the privatisation of *Slobodna Dalmacija* to take place as soon as possible under fair and transparent conditions.