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INTERVIEW: PETER SEMNEBY, HEAD OF THE OSCE MISSION TO CROATIA ON RELATIONS WITH THE HAGUE TRIBUNAL AND ACCESSION TO THE EU

Processing War Crimes is an Obligation of Each Croatian Government

Treatment of war crimes on the part of The Hague Tribunal, as well as on the part of domestic courts, remains an issue on top of the agenda for Croatian international partners. That is true whatever government is in power.

By Zoran Krzelj

Ambassador Peter Semneby was appointed new Head of the OSCE Mission to Croatia in January, succeeding in that post Ambassador Bernard Poncet.

Your latest bi-annual report on Croatia's fulfilment of international commitments put the main emphasis on the achieved progress in the establishment of a democratic legal framework of regulations, but it also stressed the fact that it still remained to be seen how the laws would be implemented?

- In terms of implementation of laws, we see problems in many areas, we could say virtually across the board. We are now getting to a point where we can say that we have a satisfactory legal framework for refugee return. As far as protection of minorities is concerned, the Constitutional Law on National Minorities is good. In terms of judicial reform and media legislation, there are a number of laws in the pipeline that should in a relatively short time provide for an acceptable legal framework. But, as I already said, the implementation of these laws is much more problematic.

Refugees who want to return do not have realistic possibilities

The OSCE has been preparing a large public campaign project in order to increase awareness about needs and the importance of the return of refugees. How do you assess the situation with regard to the return of refugees?

- The return of refugees requires strong political commitment. That means that political leadership should create such an atmosphere which would encourage return, not create obstacles. Political leadership is also necessary in order to provide necessary financial resources and create conditions which might contribute to a more successful realization of return. Unfortunately, we must clearly state that we still do not have such a relationship and such pre-conditions for refugee return, that is, all refugees who want to return still do not have realistic possibilities to do so. As we already said, repossession of property and the resolution of status of the so-called occupancy/tenancy rights represent key factors necessary for the acceleration of that process.

A frequent subject is the departure and completion of the OSCE Mission to Croatia. It has been said that Croatia is now on the safe track towards democratization, thus

OSCE monitoring is no longer required. Do you agree with such opinions? What kind of additional assistance can the OSCE provide Croatia?

- We are a unique organization in Croatia. We operate at the political level and give advice to the Government, but at the same time we have a highly developed organizational structure in the field, throughout the country. That system enables us not only to provide concrete assistance to NGOs, institutions, individuals, but it also provides a good basis for the advice that we give to the Government. Our developed monitoring in the field enables us to perform that function in a high quality manner, with full credibility.

The sooner [Croatia enters] the EU, the better

I think we are in fact now busier than ever before. But, it is not a bad sign. On the contrary, this has to do with the fact that Croatia submitted a request for membership in the European Union, and there is a large agenda that has to be fulfilled by the middle of next year on that path. Until then, political conditions for membership should be fulfilled on the part of Croatia while the European Commission should produce a report during the course of next year on the basis of which the decision is going to be made whether Croatia will be invited for full membership to the EU. This significantly changes our role, as well. During the course of next year, we are ready to contribute to the fulfilment of pre-conditions for accession to the EU and I believe that the OSCE can assist Croatia a lot in the fulfilment of this strategic objective.

Then you are in the position of assessing how realistic our chances are of becoming a member of the EU by 2007?

- This decision is not within the competence of the OSCE, but I can personally say - the sooner the better. I think that EU membership is going to have profound and significant consequences for the country. Perhaps more than anything else it will provide a certain vision for everybody in the country. A vision that everybody will be able to share, no matter whether they are Croats, Serbs, Italians or members of another ethnic group. In any case, isolation is not a part of the Croatian tradition and by entering the EU, Croatia will confirm that it shares the values of European integration.

Original concern was not addressed

You also criticized the legal proposals for compensation for damages caused by terrorist acts committed during the war. Do you think those people, whose houses were mined, will still be damaged by that Law? What do you see as the key problem and what do you think should be done to resolve it?

- The law, as it has been adopted, does not address our original concern, which is that the law retroactively suspended claims for compensation for damages which are already pending in court. This is primarily a rule of law issue, that is, an issue pertaining to the right to a trial within a reasonable deadline. There are more than 300 claims for compensation for damages caused by terrorist acts which are suspended by this law.

Relations toward war crimes, that is, co-operation with The Hague is one of the key conditions for Croatia's accession to the EU. President of the HHO, Zarko Puhovski,

stated for our newspaper that the HDZ Government and the Government of 3 January treat war crimes in a similar manner?

- Treatment of war crimes, both by The Hague Tribunal (ICTY) and by domestic courts, remains an issue at the top of the agenda of Croatian international partners. That is a fact, regardless of whatever government is in power in Croatia.

Returnees should be enabled to live in the areas in which they previously lived

You stated refugees should have their apartments returned or should be fairly compensated. That seems to be much more specific than what the Government has expressed willing to provide so far, because the POS programme represents nothing more than the purchase of apartments under somewhat more favourable conditions than market conditions?

- The Government's programme in principle contains minimum measures and that is a solution, you call it compensation if you will, for those refugees who want to return. This means this programme does not exhaust the problem. Beyond that, there are certain legal issues and problems that remain open. For example, whether court decisions on terminations of former holders' occupancy/tenancy rights were justified. These issues have not been resolved by the Government's programme and will be presumably decided upon by court. In any case, we welcome the Government's programme, which provides new apartments to returnees. However, we recommend that, wherever possible, returnees should be enabled to live in the areas in which they used to live before the exile.