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Mandate review

What did the OSCE Mission manage to achieve in Croatia between January 2002 and April 2005?

Encouraging return and controlling legislation

The question is now what will happen after Semneby's departure. We unofficially learned that he should be replaced by Spanish diplomat Jorge Fuentes Monzonís-Vilallonga, for whom some Croatian media and political circles deem that he is being sent to Croatia to shut down the Mission. On his part, Semneby invited his successor to place priority on the issue of minority representation, provision of fair trials before Croatian courts and the removal of obstacles for refugee return

By Nenad Jovanovic

The period between January 2002 and the end of April 2005, meaning the period of more than three years that Peter Semneby was the Head of the OSCE Mission to Croatia, was characterized by the progress on Croatia's path towards Euro-Atlantic integration and steps forward, sometimes bigger, sometimes smaller, in the issues which were set as priorities within the Mission's mandate. When the issue involves the exercise of individual and collective rights of minorities, primarily of Serbs, improvement of the return process and exercise of returnees' rights, both of returnees to Croatia and to other countries in the region, the OSCE Mission to Croatia played an important role because it provided active contribution or at least it was acquainted with the efforts undertaken in that field. The Mission also provided assistance in the activities related to electoral legislation, police reform, and adoption of media-related legislation.

Mission's efforts related to the adoption of the Constitutional Law

Many people still remember the adoption of the Constitutional Law on the Rights of National Minorities. Although this Law is even now still restrictive in many of its aspects, and although it prevents representatives of the Serb community to be a truly equal partner to the Government, if there had been no efforts on the part of the Mission, the Law could have been much worse. As someone who, without false modesty, participated in the efforts aimed at improving the position of Serbs in Croatia, at least through media reporting on that issue, I am giving just one example. At the last moment, on the eve of adoption of the Constitutional Law on Minorities in December 2002, Peter Semneby proposed to Mato Arlovic, the then-Deputy Speaker of the Parliament and one of the highest-ranking officials of Racan's Social Democratic Party (SDP), to abandon the proposal to have minority representatives elected from party slates from the Parliamentary level down to lower levels. If it had been up to Arlovic, the position of Serbs in Croatia nowadays would have been much worse.

Attempts were made to provide minority members with equal employment opportunities and participation in the work of local and regional administration bodies, state and public services, but even after more than one year has passed since the signing of the Agreement on co-operation between the ruling Croatian Democratic Union (HDZ) and the Independent Democratic Serb Party (SDSS), the situation has not been satisfactory with that regard, although the Serb side did not spare willingness and desire to improve the situation and bring the practice closer to what is written in laws and other regulations.

The OSCE also welcomed as a significant event the signing of the Agreement on the Protection of National Minorities between Croatia and Serbia and Montenegro (SMG), which was ratified by the Croatian Parliament and it yet remains to be done by the SMG Assembly.

Media appearances for the protection of returnees' rights

The document - signed in Belgrade on 15 November 2004 by the Croatian Minister of Justice Vesna Skare Ozbolt and the Minister for Human and Minority Rights of SMG Rasim Ljajic, contained many provisions which have already become European standards, i.e. OSCE standards.

Let us also recall the role of Semneby and the OSCE Mission when a proposal of Amendments to the law was initiated pursuant to which living at the address of permanent residence would be linked with the right to vote, which would be checked by way of police visits. Since such Amendments would affect a large number of Serb refugees and returnees, as well as former occupancy/tenancy rights holders, it is clear that Serb representatives spoke out against those Amendments. The OSCE Mission supported them with a standpoint that such Amendments would affect the most vulnerable part of the Croatian society, as did NGOs which pointed at other inconsistencies and illogicalities in the law. After that, the Government sent the proposal back for finalization while the issue of regulating residence will be resolved within the set of electoral regulations which will be discussed after the local elections.

The OSCE also extensively dealt with the issue of refugees, returnees, and former occupancy/tenancy rights holders, often pointing on the example of one or several of them at poor legal provisions or their poor implementation in practice: from people who spent years living with relatives because temporary occupants would not abandon their houses, to people from whom temporary occupants request large amounts of money for alleged investments although they did not pay owners a single lipa for accommodation in their houses. Since many of those media appearances had strong echoes in the public, it is not surprising that, at least for the time being, those cases had more or less a happy ending.

Farewell talks with President Mesic

The OSCE way of thinking also moves in a direction of European regions, thus this organization welcomed the Sarajevo Declaration on the resolution of refugee-expellee

issues from the end of January this year in which three countries – Croatia, SMG and Bosnia and Herzegovina - committed themselves to improving and bringing to an end the return process, meaning that all those who are returning must be provided with a decent life.

Semneby spoke about issues related to the mandate of the OSCE Mission to Croatia in his farewell talks with President Mesic, Minister of Foreign Affairs and European Integration Kolinda Grabar Kitarovic and County Prefect Nikola Safer during his visit to Vukovar-Sirmium County. Mesic expressed gratitude to Semneby for everything he had done while leading the OSCE Mission, assisting Croatia in its work in the fulfilment of the tasks which lay ahead of it such as, first and foremost, further democratization, strengthening of the rule of law, and return of all refugees who wish to do so. On that occasion, Semneby emphasized that Croatia achieved extraordinary progress during his mandate and expressed hope that the OSCE assisted Croatia, at least in a small part, in achieving the status of a candidate country for membership in the EU. Semneby also commended Mesic on the quality of his political leadership with regard to all difficult issues the OSCE in Croatia was facing and emphasized the importance of continuation of initiated processes, particularly the need to further work on reconciliation both within the Croatian state and outside its borders.

Vukovar-Sirmium County as an example

His standpoint is that refugees in Serbia should be encouraged to return if they wish to do so, which requires a signal from the Croatian side that they are welcome, not that their return is simply tolerated.

“That means incidents should be prevented which have a negative echo among refugees,” said Semneby while agreeing with Mesic on the need to continue with the implementation of the Constitutional Law on the Protection of National Minorities and the need to include members of national minorities into state bodies to a much larger extent than has been the case so far, as well as on the need to realize conditions for economic growth and revitalization of all parts of Croatia, especially its war-torn areas.

While talking to Kolinda Grabar Kitarovic, Semneby emphasised that partnership relation between the Croatian Government and the OSCE Mission achieved mutually satisfying results, and they also mentioned the active role of the Croatian Prime Minister Ivo Sanader and the Government itself in reconciliation and regional co-operation processes, from the signing of the Minority Agreement up to the Sarajevo Declaration.

While talking to Safer, Semneby stated that Vukovar-Sirmium County now has an opportunity and responsibility to serve as an example for the reconciliation process to the rest of Croatia, which it fulfils. Safer said that, despite the fact that the destiny of more than 500 citizens of the county is still unknown, its inhabitants best illustrate reconciliation with their everyday life.

People who remained here realized that, if they wish to survive and move forward, they must act together, regardless of ethnicity, said Safer adding that the county cannot remain a closed enclave but it has to open towards itself and neighbouring regions. He also said that from a “problematic county” it has become a “role model county” not only to other counties in Croatia, but to other regions outside Croatia, as well.

Closing of the Mission to Croatia follows?

After all those nice words, the question remains what will happen after Semneby’s departure. We unofficially learned that he should be replaced by Spanish diplomat Jorge Fuentes Monzonís-Vilallonga, who should become the fourth Head of the OSCE Mission to Croatia since its inception in 1996.

Some Croatian media and political circles deem that he would also be the last Head of Mission, because he was allegedly sent to Croatia to stop the monitoring and shut down the Mission, following the decrease of the number of Mission members and its activities which was initiated during Semneby’s mandate.

The story in the corridors is that Semneby and Mission staff magnified the cases only for the Mission to stay so that they would have a well-paid job. It is true that there are bureaucrats among representatives of international organizations, but the Mission staff, as well as numerous activists from minority organizations, including Serb representatives and, first and foremost, numerous returnees and refugees whose position has been improved thanks to everyday dedication and direct or indirect engagement of the Mission, can best testify about the falseness of such claims and speculations.

That is why Semneby’s invitation to his successor to place priority on the issue of minority representation - because reconciliation can only be realized when all Croatian citizens have equal and fair opportunities in the society, on the provision of equal treatment of all citizens by the Croatian courts and on the removal of obstacles for refugee return and the availability of housing accommodation, speaks for itself. Because the Government under no circumstances wants to change certain illogical regulations or prevent practice pursuant to which the right of a temporary occupant outweighs the right of an owner.

We will see soon, during the mandate of Semneby’s successor, whether such situation will remain in the future, as well.