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Interview: **Peter Semneby**, Head of the Organization for Security and Co-operation in Europe (OSCE) Mission to Croatia

## **We Are Assisting Croatia to Fulfill the Conditions for European Integration**

*By Margareta Zouhar*

*The OSCE Mission has been in Croatia since 1996. What is its task, how big is its influence on the internal politics of our country and how big, on the other hand, on its international position, is not well-known. We do know that the pressures, to which we are sometimes exposed due to the criticism of the situation in the country by the OSCE, have been putting the Croatian leadership into bad mood, which is avoided in a diplomatic manner by the diplomat during the conversation. However, it can still be concluded from his answers that the OSCE Mission influences the Croatian politics and society in many areas, by a way of accelerating or redirecting the resolution of problems which exist or which were imposed on us.*

***Mr. Semneby, would you please introduce yourself?***

- I am a Swedish diplomat. Prior to my arrival to Croatia, in February 2002, I was the Head of the OSCE Mission to Latvia.

***At the end of November you submitted to the OSCE Permanent Council in Vienna a report on the situation in Croatia pertaining to the last six months. What did you all say in that report on the situation in Croatia?***

- The report shows progress in the areas covered by the OSCE mandate, including freedom of the media, justice system and the rule of law, return of refugees, reintegration and repossession of property, police issues and work with non-governmental organizations for the period between May and November of 2002. The major part of the report pertains to the situation as it is and to the development of events in the last six months. Within the report we try to identify issues where progress is possible and needed. Generally, it is evident from the report that the quality of our co-operation with the Croatian Government significantly improved in the last year. This is not only a reflection of the fact that Croatia signed the Stabilization and Association Agreement with the European Union. It is natural that at this third step of Croatia's aspirations on the way towards the European Integration, in the period prior to Croatia being invited to begin with official negotiations on the membership, political tasks are in the center of attention.

Those political tasks are almost identical to the mandate of the OSCE Mission. Therefore, we assist Croatia, through our work, to fulfill the conditions for European Integration.

***What is that you would especially emphasize, that the Croatian authorities need to work on?***

- In the report we deal with many issues. One of the significant issues for us is the return and integration of refugees and expellees. There are still administrative and legal obstacles in that area and one should work to overcome them. At the same time, we emphasize the need to create a more positive atmosphere with regard to the issue of the return of refugees. In order to realize an integrated and harmonious society, refugees that have still not returned should have a realistic possibility for return as well as for repossession of property in order to have a place to live upon return. It is important to understand that such an integrated society is one of the conditions which Croatia needs to fulfill in order to advance on its way towards the Europe. Namely, Europe does not want to import problems. The return of Serb refugees is not a threat but a possibility and a necessity.

***So far 340,000 refugees have returned to Croatia. How many of them should still return according to your data?***

- One should differentiate between the return of Croatian expellees, meaning persons displaced within the country, and Serb refugees. Until now, the return of only 100.000 Serb refugees has been registered. The rest are Croats, expellees who left the areas affected by war but did not leave Croatia. At this point, there are still 250,000 persons, mostly Serb population, who abandoned Croatia, and who are outside of its borders. Several polls were conducted among that population in which they were asked if they wanted to return and under which conditions. About 30% of them stated that they would reconsider the return to Croatia if some conditions existed. I do not believe that all of them, even out of those 30%, would really return. However, it is important to provide them with a realistic opportunity for return, to offer them property repossession or accommodation as a compensation for the apartments they lost. Only in that case it will be possible to conclude that those people had an opportunity to use their right to freedom of choice on whether they wish to return to Croatia or remain and integrate there where they currently live.

***Was the return not possible until now for all those who wished to do so? I can say with confidence that the UNHCR in Knin provided transport of movable property to all those who wished to return from Serbia to Knin.***

- People will choose what they consider is best from them. There is nothing wrong in searching for the best alternative. One should keep in mind that the majority of areas into which people are returning are the most undeveloped ones in Croatia, where the economic situation is the most difficult. For the majority of people that is a very difficult decision.

***According to the OSCE Mission, what is the situation in towns of Knin and Vukovar, with regard to the number of returnees and, with that, the state of human rights and valid legislation as well?***

- There are differences between Knin and Vukovar. While in Knin the majority of Serb population abandoned the town, the majority of expellees in the Danube Region and Vukovar were Croats. A special regime of protection of minority rights is in effect in the area of the Danube Region, as a part of the entire peaceful reintegration, and the process of return has been completed there for the major part. In Knin and surrounding territory a lot needs to be done for the creation of conditions for the return of refugees who wish to return, which also pertains to repossession of their property. With regard to interethnic relations, progress was noticed both, in Knin and in Vukovar. But, in some places in Dalmatinska Zagora and Sisak-Moslavina County, the situation with the return of refugees is still very difficult as they suffer certain types of discrimination related to repossession of their property.

***What is the OSCE standpoint with regard to the issue of validity of the Erdut Agreement?***

- The Erdut Agreement and the Letter of Intent are international agreements with different provisions, some of which are time-limited, while others are valid permanently. The time-limited provisions are those which pertain to the United Nations' administration and its tasks. Other provisions, which pertain to particular rights of individuals, for example, the right to return and repossession of property, are not time-limited. It would be natural to re-consider the provisions of those documents, taking into account that they are, by their sheer nature, aimed at finding specific solutions for specific problems which were characteristic for the period of time in which they were signed. However, the Erdut Agreement and the Letter of Intent remain valid and continue with their role of supporting the development of communities in the Danube Region.

***How do you assess political situation and the level of democratization in Croatia? What was the role of the OSCE Mission's advisors in it?***

- The OSCE recently had a significant influence on certain events in the country. The Mission participated in the work on the Law on National Minorities and it offered advise and assistance during the work on the Law on Croatian Radio and Television. We will monitor the manner in which minority rights are implemented and respected and the manner in which minority self-government at different levels is established. As far as the judicial reform is concerned, we support the reform in co-operation with the European Union and the European Commission. We pay special attention to domestic institutions for the protection of human rights, the Constitutional Court and the Ombudsman. We are monitoring the manner in which war crimes issues are being resolved within the judicial system in Croatia, because it is one of the important indicators of the normalization of situation. It is most evident here whether the judiciary is able to get a grip of the war crimes issue and resolve them in an objective and fair manner. The OSCE advisors are working on the introduction of a new programme related to the assistance in police

issues, and the programme is called “Community Policing”. The purpose of that programme is to reach better mutual relations between the police and the people living in a community in which police officers are working. The objective is to focus on the prevention of crime, not only on the resolution of crime after it had already occurred. Next year, the OSCE will assist the Government when it starts working on the Law on Electronic Media, which will also pertain to private media. As far as the return process is concerned, we are able to provide advice to the Government due to the network of offices which the OSCE Mission has throughout Croatia. I would say that in some situations our understanding of the entire situation is even better than the one of the Government, taking into account that the Government has its own network of information channels, which are not always the most reliable ones. An important factor in the work of the OSCE Mission is assistance and support we provide for the development of civil society and non-governmental associations. We have supported different projects in war-affected areas. Those were the projects aimed at strengthening different non-governmental associations. The purpose of our assistance is to build social infrastructure and once again offer support to those projects which bridge the gap between different ethnic communities.

***In your opinion, is only one Ombudsman enough for Croatia?***

- There are countries, among which is also Sweden, where there are several specialized ombudsmen for particular areas. But, in a transitional country such as Croatia, it is of great importance to have such a body, which is relatively easily accessible to citizens and where there are no obstacles that exist in most courts. The Ombudsman plays a very important role in the assessment of work of various officials. He can be an important counter-balance to the misuse of power, which occurs in many countries.

***After the report in Vienna, you met with the Deputy Prime Minister Goran Granic. What was the topic of your discussion?***

- During the recent meetings I had with the Deputy Prime Minister Granic, we mostly discussed the Constitutional Law on National Minorities. I emphasised some important principles which need to be adhered to in the drafting of the Law. I said that it was important that national minorities themselves see the Law as useful and legitimate. If minorities were against such a law from the beginning, it would not be very useful. That Law has to provide for the protection of previously acquired rights. The Law should enable the protection of specific minority interests at all administrative levels. During our discussion, a question arose whether it was reasonable for Croatia to offer such high level of minority protection, which in some cases even exceeds the level of protection of national minorities in most other European countries. The answer to that question is that legislation on national minorities, apart from fulfilling a certain minimum of conditions, must also take into consideration the specific situation in each particular country. In Croatia, which has quite complex history of inter-ethnic relations, the need for a better Law on Minorities is more present than in some other countries. The fact is that the majority of the Croatian minority population still lives outside the country.

***The Croatian Helsinki Committee assessed that the human rights situation this year is worse than it was last year. What is your opinion on this?***

- I came to Croatia only at the beginning of the year, but I can say that there are areas in which positive developments are taking place, but there are also areas which are still quite problematic. The problems of the Croatian judiciary fall among human rights problems. The Government is aware of that problem, thus we are still waiting for some greater progress forward in that field. With regard to that, the right of access to a court is guaranteed. However, Croatian courts are not always at the disposal of Croatian citizens, due to a large number of unresolved cases, which also makes the passing of a court decision within reasonable time more difficult. Occupancy/tenancy rights were cancelled for refugees of Serb ethnicity, who used to live predominantly in urban areas, after their departure.