

Croatia is not an island

Peter Semneby, Head of the OSCE Mission to Croatia

Croatia should perceive itself more as a bridge towards the East, instead of being a wall towards it

It is imperative to realise that Croatia cannot exist in isolation as an island in the sea. Croatia will have to open up in terms of economy; it will also have to give up a part of its sovereignty, so that it can become a part of the Union. For that reason, it remains to be seen whether this would cause a backlash, meaning isolationist tendencies which could appear. They are possible, but they need to be suppressed.

By Boris Raseta

Peter Semneby, a 43-year old Swedish diplomat, Head of the OSCE Mission to Croatia, has an impressive professional carrier behind him: he worked as a diplomat in Swedish diplomatic offices in Moscow, Leningrad, Vilnius, Kiev and Bonn. He was the Head of the OSCE Mission in Latvia. He was educated in Uppsala and Harvard. After a one-year stay in Croatia it seems that Semneby is well informed about all parts of the Croatian social and political reality.

At the end of the last week, Croatia applied for membership in the European Union. What could be the answer to that request?

That primarily depends on Croatia, on Croatia's political leadership. However, it also depends on the public, on whether a consensus on that issue can and will be achieved. Furthermore, the authorities at the local level will also have an important role. The extent to which laws passed in the Parliament will be implemented in practice depends on local authorities; the laws do not have a particular purpose if they cannot be applied at those levels.

Since last Friday, we have found ourselves in a fundamentally different situation. This time the matter has become quite serious. Croatia will have to fulfil all undertaken commitments and there will be no more excuses for a failure in fulfilling them. From now on, the eyes of all Croatian partners will be turned to Croatia. They will be turned towards the fulfilment of commitments, which are mainly of political nature.

Is Croatia ready for this?

Basically, I am an optimist. I am of the opinion that the newly developed situation offers many possibilities, and they have to be used. The European Union, on its part, can play a very important role in the healing of wounds which are still very alive in this area.

There are various ways in which this can be achieved. One of the most important of them, in my opinion, is the fact that the European Union will ensure a uniform outlook on

things, whereby it will no longer be important whether you are a Croat, Serb or of some other ethnicity.

Croatia's request for the accession to the EU is the first significant step in that direction. That act can also contribute to the feeling of security, and that is a feeling which has been lacking in this country since its inception. That feeling of vulnerability has been present in Croatia since the creation of the state itself. It is important to say that membership in the European Union will certainly not send Croatia back towards what is called a Yugo-Balkans integration, or anything similar.

You claim that Croatia's accession will depend on the achievement of a national consensus on the willingness to join. It is considered here that this consensus has already been achieved?

It is imperative to realise that Croatia cannot exist in isolation as an island in the sea. The changes which will have to happen before Croatia becomes a member of the Union are very significant, serious and deep. They imply the resolution of some problems which Croatia has been facing since the war. In addition, we also have to bear in mind the economic interest. Croatia will have to open up in terms of economy. This could create resistance of different economic groups which will not favour that opening. Furthermore, Croatia will have to give up a part of its sovereignty, so that it can become a part of the community. It will have to act as a member of the community. This is particularly painful for a young country such as Croatia. For that reason, it remains to be seen whether a so-called backlash will occur, meaning isolationist tendencies which could appear. They are possible, but they need to be suppressed.

Recently, the OSCE has been quite critical of the Croatian authorities because of the draft of the law which would prevent the damage compensation for the facilities mined outside the zone of war activities?

Unfortunately, the laws proposed by the Croatian Government are not a result of consultations with us or other international organisations. If they were, they would have certainly looked different. The draft law on the compensation for damage caused in terrorist activities is not justified. It retroactively repeals all lawsuits for the compensation for physical damage. This refers both to the lawsuits where the compensation has already been determined by the court, but also to the pending lawsuits, which have been in courts since the date when they were filled, which was until 1996. The same refers to the law on the state's responsibility for the damage caused in the activities of military and police forces. The draft equalises the acts which would, under normal circumstances, be treated as criminal acts, with war damage: they include looting, arson etc. Those acts are considered war damage, which means that the victims of such acts will not have the possibility to access a legal remedy.

However, we are not interested in the war damage per se, but in the consequences such a decision might have for the idea of the rule of law in Croatia. The fact that the largest number of initiated lawsuits is being retroactively repealed, represents a very negative precedent.

The OSCE has not enthusiastically accepted the Law on the Croatian Television either? The Law's apologists claim that not a single country in transition has left the television under the parliamentary control as it is the case here?

I would not indisputably claim that this is a step backwards. In many segments, this Law contains significant steps forward. Important steps forward are the increased power of the Programme Council and a more logical management structure within which it should be easier to work.

There is also one essentially important issue which can represent a big problem. It is the procedure of appointment of members of the Programme Council or the manner of appointment of members to that Council. Croatia was, in fact, one of the most advanced countries in the Central and East Europe when the representation of civil society representatives in the supervisory structure of the Radio and Television was concerned. However, this is significantly changed in this Law. We are waiting with our final standpoint on the Law, because much will depend on the manner of its implementation.

Return of refugees is still high on the OSCE priority list, although in our public it is considered that most of this issue has been resolved.

Attitude towards the issue of return of refugees is twofold, which is something I have noticed during my stay in Croatia. On the one hand, some persons look at those issues as a backlog from the past, which can be resolved simply by a stroke of the pen, in other words, by way of reconstruction of a certain number of houses. From my point of view, this is a dangerous way of thinking when it comes to return of refugees. The most important thing related to that problem is to ensure a more favourable social climate pertaining to the return, meaning, to ensure that the society is more open and accessible to the ideas of return of refugees. That would mean harmonization of the Croatian system of values with the system of values which exists in Western Europe today. Those values are participation, openness, tolerance, etc. It does not happen over night, and cannot be imposed by technical means. Instead, it requires long-term efforts on the part of the political establishment and the public.

Technical issues are only one part of the problem. Otherwise, repossession of property implicitly includes the restitution of approximately seven thousand housing units, reconstruction of houses - approximately 40,000 requests are awaiting to be resolved – and the restitution of apartments to persons who had occupancy/tenancy rights before the war.

The Government has already exceeded the deadlines for property repossession?

That is correct. There are still approximately seven thousand occupied housing units. We are expecting that a procedure for compensation of damage to owners, who did not repossess their property within the stipulated deadline, will be established soon.

Polls still show a high level of xenophobia and intolerance towards minorities?

Results of such polls give reasons for concern. However, it seems that those tendencies are getting weaker. The attitude towards the European Union is increasingly positive. A new generation, which is less burdened with the old problems, emerges. Of course, the existing economic situation will improve by Croatia getting closer to the European integration, which will raise the level of foreign investments. It will provide new benefits

for the state and its citizens, because one of the key obstacles for the return is terrible economic situation in the areas of return. In order to attract foreign capital, Croatia should also change the manner in which it perceives itself. It should perceive itself more as a bridge towards the East, instead of being a wall towards it.

In the last year, since you came here, the Croatian Government was not very successful in terms of co-operation with the ICTY, either, especially in the Bobetko and Gotovina cases.

Those are still outstanding, but important issues. Among other things, it is important because the arrival of new indictments is expected, thus, if some old indictments represent an unresolved problem, it can make co-operation between Croatia and the ICTY more difficult.

In that context, one also has to take into consideration the readiness of the Croatian judiciary to resolve such cases on its own. The Lora case especially represented a step backwards for Croatia.