

Interview with Ambassador Peter Semneby, Head of the OSCE Mission to Croatia

Croatia's accession to the European Union depends on issues the OSCE deals with

We spoke with Head of the OSCE Mission to Croatia, Peter Semneby during his visit of the Zadar County, one of the hardest hit areas during the war and an area where all the fundamental issues which warrant such a mission in this country surface. This interview takes place a year and a half following Semneby's arrival and his first introduction to the Zadar County.

Croatia is at the moment "answering" the many questions related to the process of association and possible EU candidacy. The European Commission will give its opinion of Croatia's association process in the spring of next year. Certainly, the OSCE Mission is the best acquainted with conditions in Croatia and on the field. To what extent will OSCE's assessment of Croatia affect the EU and how do you see the current situation in Croatia when it comes to political issues, which is a subject covered by your mission?

It is true that issues related to Croatia's association to the EU are also topics covered by the Mission. For this reason I am relatively optimistic that we will be seeing an improvement in these important processes (and difficult questions) in Croatia over the next couple of months. There have been important developments of events such as the adoption of the Constitutional Law on National Minorities. The government has, when looking at housing of refugees which have returned, adopted amendments to the Law on Areas of Special State Concern and in so doing has incorporated the issue of refugee tenancy/occupancy rights onto its agenda. We are seeing things which were almost inconceivable a year ago as well as significant advances in legislature. Implementation, however, is poor. I think it is essential that we see an improvement in the way these issues are carried out by the spring of next year when the EC will decide on Croatia's candidacy for the EU, stressed Semneby.

The issues of refugee return, property repossession, the reconstruction of homes and lives as well as Croatia's EU membership bid are not the only issues your mission is dealing with.

There are many other issues which the EU is interested in such as the Law on Media, where we had a whole package of new laws which were either adopted or presented

before Parliament. We have greatly contributed to this along with the European Commission and Council of Europe.

5,000 occupied homes and 40,000* reconstruction requests

** NB: An incorrect quote was made on the number of reconstruction requests as being 40,000 cases. The correct figure is 20,000.*

What are the main problems which prevent the practical implementation of legal decisions on property restitution and reconstruction in the field?

There is still a huge number of houses which are occupied or whose owners have not been able to repossess. We are talking about 5,000 such houses. This problem must be resolved once and for all. The deadline to resolve this issue by the end of last year, a deadline which the government imposed upon itself, was not abided. It did not even fulfil provisions by which owners who were not able to repossess their properties were eligible for financial compensation for time spent waiting. Only a section of such owners are receiving compensation. There is also a large number of unresolved reconstruction requests, almost 40,000* such requests submitted by refugees in Croatia, and this issue also needs to be resolved relatively quickly. We also have the problem of housing refugees who previously lived in apartments for which they had tenancy rights. As I have said before, we have seen a major improvement in the fact that the Government has included this issue on its agenda and has adopted a program for refugees wishing to return, however, we are still waiting for the implementation of this project. I would also like to point out that the program the Government is offering regarding tenancy rights is in fact a humanitarian program and does not resolve the legal question which is at the core of this problem i.e. was the termination of tenancy rights justified or not. This is a particular issue which most likely the European Court for Human Rights will have to deal with sooner or later.

Among other issues, this also concerns the fact that Croatia requires a great deal of financial resources to resolve these issues, which certainly presents a real problem for Croatia particularly if there is no significant assistance by the EU or any other countries?

Certainly, this will cost a lot of money and the state budget will have to carry the largest load during this process. There is also the question of political priorities, should the money be given to this or something else. I would have to say that this is an obvious investment in the future, for Croatia to finally rid itself of the aftermaths of war; an investment to resolve the fundamental housing issues which are still the cause of so many tensions in society. It is also the precondition to building an integrated, open, harmonised society which is necessary for Croatia on its path towards the EU.

Does this mean that if Croatia fails to take an important step by, let's say, providing a good legal regulative which will point the way towards realising these programs in the field, this could cause an obstacle in its path towards EU membership?

Europe is monitoring all of these issues with interest and we are co-operating closely with the EU on these issues. It is correct that these issues must be resolved and that there must exist a political decision and political obligation by the Government in order to allocate the necessary funds. By this, particular priorities, political initiative and leadership is shown. The first steps have been taken and I do not underestimate what has been done in the previous year. However, these problems are far from being resolved.

Without development, return is difficult; but without a house, it is impossible

You have spoken a lot about the interrelatedness of issues such as return, reconstruction and housing with that of the economy and development. The Zadar Prefect insists on this connection. Do you share his opinion?

Certainly, the economic state is very important for return, particularly for what we call sustainable return. However, you must understand that there exists a hierarchy by which these conditions must be fulfilled. We have so far focused our attention on those restrictions which make return impossible. Without economic development, return is difficult, but not impossible; however, without housing care it is impossible. If a refugee does not receive adequate documentation, return is impossible. If he fears for his life, it is impossible. Till now, we have concentrated on these issues. Security issues are for the most part satisfactory. There still exist some administrative impediments for returnees, but I think this situation will soon be resolved. Progress in resolving the issue of housing is visible and certainly following this our attention will turn to the economic situation and sustainability of return. What we have seen today through the activity of de-mining is an excellent example of an activity which directly contributes to the sustainability of return; ensuring conditions for economic revitalisation is an important area for potential return.

You mentioned several figures on return, property, etc, but you have not said anything on those that have given up on return and have grown accustomed to a new environment. This is a fact present in all ethnic groups, even outside Croatia, in BIH and Serbia and Montenegro. I know this does not change your mission, but it is clear that many people have, in the meantime, over seven or ten years, created a new life and home

It is clearly a big decision for every displaced person to return, particularly if it is to an area which is economically depressed and devastated. Much time has passed, many people have jobs in the areas they live, children have grown used to their surroundings, they go to school there – from this it is clear that a large number of refugees will stay and not return. Our task is not for all of them to return, but to create conditions for everyone to be able to choose whether they want to return or not and that everyone has peaceful and acceptable conditions to return.

I will again return to the material and financial support of other countries in resolving these problems. Can it be greater in any segment?

Croatia cannot expect, and I think the Government does not expect other countries to carry most of this burden. Croatia is not perceived as a poor country. Understanding that these measures will result in a society with decreased tensions, a strong, integrated society, this should be looked upon as a modest investment. The international community can contribute, which may be harder for the local level, by giving advice and sharing its experiences on the way they resolved various issues. We, as the OSCE, contribute to this.

Physical security of returnees

You mentioned the issue of fear, the actual endangering of lives of returnees, as one of the starting points. During earlier periods, there were such incidents. However, life experience and following up on the situation through the media points to the fact that this period is now behind Croatia. Does the OSCE share this view?

Yes, there are certain isolated incidents but physical safety, for the most part, is completely satisfactory throughout the entire country. We have very closely co-operated with the police on this issue. Today we are still co-operating, we have just changed the way in which we work. From following individual incidents, we are now providing support for the development of the "Community policing" program, which is directed at integrating communities and multiethnic areas, and also the general relationship between authorities and citizens.

Croatia definitely belongs in the European Union

After a year and a half of living in Croatia, even though your mission has primarily tied you to problems in the country, I would like to know your personal opinion on Croatia and where you see it. Do we belong in the EU?

In the European Union, absolutely. This is my opinion without any qualms or reserve.

An election campaign without the issue of minorities and refugees

I think issues which are of key concern to the OSCE will not be the fundamental issues dealt with by pre-election campaigns and I do not see a reason for this. Following talks with leaders from all major political parties in Parliament, I have a strong feeling that they all share the same basic attitudes to questions of minorities and refugees. These are not such burning issues on this level, in the way that they are important to us and I honestly hope that they won't be a part of the campaigns. Croatia, I presume, will invite international election monitors as is the practice in all countries. OSCE's institution in charge of monitoring elections, ODIHR, is preparing to send limited monitoring missions. At the last elections, everything went smoothly so I think in the technical sense everything will be fine. We are concerned about the possibility of voters voting outside of the country, and who are members of national minorities, primarily refugees. We have already commenced discussing this issue with the Government.

Refugee return is not a threat but paves the way to Europe

This is certainly one of the hardest hit areas in Croatia. The line of separation, the front line, was in this area. There was a lot of destruction and the traces are still visible everywhere. Clearly, this has left deep emotional scars, and for this reason, it is necessary to work on public opinion in these areas. This was one of the issues I discussed with Prefect Sime Prtenjaca. We also discussed how the public should be addressed and for a message to be sent to the public that refugee return is not a threat, but that it should be looked on as a way to overcome the burden of the past. Tensions should continually be overcome and move towards a joint vision which everyone can share. The European Union, and this is what I discussed with the Prefect, is such a powerful and strong vision which can be shared by everyone in this country regardless of their nationality. This is a vision which carries opportunities for economical revitalisation and peace, and is also a vision which was built on basic standards of human rights. These are actually the standards upon which the OSCE was built on. With all this, and the vision of Croatia as a part of this community, a part of something bigger, I think that this country can finally overcome its past and move forward.

In sections of local media, war wounds are not closed but opened!

Besides progress related to amendments to laws regarding the media, what is your perspective of the current realistic situation in Croatian media when we speak about issues important to the OSCE?

It is better than it used to be. A very positive development is visible in Croatian Radio and Television. They are showing a much larger interest for the questions of minority rights, return of refugees and problems related to these issues. Reporting is fairly balanced and primarily it has more content. But we see, especially in many local media, situations where reports on ethnic issues and return of refugees are done in a way which does not contribute to the healing of wounds, but rather, that they remain open. This is regretful. I hope that this will finally be resolved and that the reporting we sometimes see today will soon be a thing of the past. Of course, we are following up on this, particularly OSCE's Representative for the Freedom of Media.