

Peter Semneby, Head of the OSCE Mission to Croatia, at the end of his four-year mandate assesses the success of returnee reintegration, minority position and media freedoms

SERBS ARE STILL NOT EQUAL

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By Goran Borkovic

Ambassador Semneby, after having spent almost four years as the Head of the OSCE Mission to Croatia, can you assess the changes that took place in Croatia during that period? What kind of Croatia did you find upon your arrival and what kind of Croatia are you leaving?

When I came to Croatia, the first impression I had was that this was a country that was still quite traumatized and lacked a clear vision where it wanted to go. Croatia is a young country, and at that time had just emerged from a devastating war which left the entire society feeling insecure. The consequence was a high level of nationalism. On the one hand it was the result of a recently ended war and on the other that omnipresent feeling of insecurity. What has happened since then? First of all, there was integration into the European Union. Croatia's entry into the EU has practically become the objective of the political elite, that is, of the majority of the elite. Likewise, although you might view this as a low number, the integration is nevertheless supported by approximately one half of Croatia's population. The position of minorities, primarily of the Serbian minority, received its well deserved recognition, at least at the formal level, in the shape of the Constitutional Law on the Rights of National Minorities as well as through the Agreement signed between the Croatian Democratic Union (HDZ) and Independent Democratic Serb Party (SDSS). One should also not forget important symbolic gestures by Prime Minister **Sanader** on the Orthodox Christmas or when he visited Serb returnees in the Zadar hinterlands. Thus, the joint vision of the necessity to join the EU, as well as the steps taken towards reconciliation and the acceptance of the position of the minorities in Croatia, represent events of historical significance.

EU scepticism

You mentioned positive sides. What about the negative ones?

That side is much more complex than meets the eye. The drop in support for Croatia's accession to the EU was sharper in Croatia than in other candidate countries. That drop needs to be seriously taken into consideration and it needs to be thought about because it

is obvious that not enough has been done to inform the public about the main reasons why Croatia must seek its place within the EU. It seems to me that in the eyes of many, the accession attempt is perceived as something negative. It is considered that, by entering the EU, Croatia is attempting to run away from its past, that is from the Balkans and the territory of the former Yugoslavia. That can function to a certain extent, but motivation based exclusively on negative principles can only be used in a limited scope.

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One of the main issues the OSCE Mission dealt with was the return of refugees and their integration into society. How much have you succeeded in this?

The issue of reconciliation has proven to be a very complex and difficult one, due to numerous limitations. We still observe serious problems at the local level regarding return and reintegration of citizens of Serb ethnicity. There are cases of harassment, return of property to its owners in devastated condition, as well as absurd cases in which owners are required to pay compensation to temporary users for the money they allegedly invested while they were using those houses. That can be resolved through legislative changes, but this is where political leadership plays an important role as well. This is why the Prime Minister’s positive gestures that I was talking about are important, but what is even more important is if decisions are implemented consistently at lower levels because the issue of reconciliation is one of the key issues for the further development and prosperity of Croatian society as a whole.

Progress made by HDZ

Are you afraid of new radicalization in Croatian society since, on the one hand, we have a reformed HDZ that has failed to ensure the beginning of negotiations with the EU, which was of particular importance for Prime Minister Sanader, while on the other hand, the HDZ has problems with its own voters who do not approve of the symbolic gestures that you mentioned?

When we speak of a very sensitive transitional society such as Croatia, what politicians need to have is a sense of statehood, that is, feeling for a long-term perspective, not only for numbers and ratings which are changing on a daily basis. Symbolic gestures are statesman-like in the true sense of this word because there was a large political risk which the Prime Minister took into account when he decided to make them. They were necessary in order to receive positive assessment from the EU regarding whether Croatia is prepared to join the EU at all. I would not focus here on the fact that Croatia failed on 17 March but that it achieved a significant progress in its ambitions to join the EU in an exceptionally short period of time. When I came to Croatia, the Parliament was just voting about the Stabilisation and Association Agreement and HDZ representatives, at the time the oppositional party, left the room not wanting to cast their votes. Since then, the new HDZ Government not only continued in the footsteps of the former Government, but it also made several significant steps forward. Thanks to that consensus between the biggest political parties, Croatia received a positive assessment of the European Commission and the formal status of a candidate country for joining the EU. I think this is truly impressive.

A logical question arises: when will the accession process be completed? In other words, can Croatia count on joining the EU as long as fugitive General Ante Gotovina is at large?

It is not up to the OSCE to judge. A decision on whether Croatia is co-operating with the ICTY will be passed by the EU based on information from the Hague Tribunal. And it is up to Croatia to prove both to The Hague Tribunal and the EU that it co-operates with that body.

You mentioned the non-implementation of the Constitutional Law on the Rights of National Minorities. How can appropriate representation of minority members be ensured in state bodies at the local level?

This can be achieved through a programme by which minority members would be encouraged, using various incentives such as positive discrimination, to apply and join civil service, courts and the police.

Reflexes of the past

“Approximately two percent of judges employed in the judiciary are of Serb ethnicity while, according to data from the latest census, there are approximately 4.5 percent of Serbs living in Croatia. There are certain areas with a majority Serb population where not a single Serb works in the police.”

Can you clarify this, since in some communities there is exceptionally large resistance on the part of local politicians?

Minority members need to be constantly encouraged to take that step. Therefore it seems reasonable to me that if there is under-representation in certain bodies and several candidates fulfil the certain conditions, priority should be given to the member of a national minority in order to somewhat rectify that under-representation. The same could be said for hiring a person and their promotion. For example, there are approximately two percent of judges employed in the judiciary who are of Serb ethnicity while, according to data from the latest census, there are approximately 4.5 percent of Serbs living in Croatia. There are certain areas with a majority Serb population where not a single Serb works in the police. We are not talking about the introduction of a marking system here where everyone will, when taking a post, be labelled as a Serb, Croat, Roma or Italian. There are other manners and programmes which were proven to be successful for ensuring adequate representation in service.

Will the resolution of this issue be a priority for your successor or will the Mission be engaged with other issues in the future?

There are several areas which are high on the OSCE agenda. Minority representation is definitely among them. That is part of a broader complex of issues the OSCE will be dealing with and which I could name together with the issue of reconciliation in Croatian society. Reconciliation can only be realized when all Croatian citizens, regardless of their ethnicity and religious affiliation, have equal possibilities in the society. That also pertains to the issue of refugee return. All those who were forced to leave the country because of the war should be enabled to make a fair decision whether they want to return to Croatia and live here. Likewise, all citizens should be equally treated before courts, especially when the issue involves war crimes and property repossession.

“When it comes to media freedom, it is necessary to get rid of the remains of the past, such as the sentencing of journalists for libel.”

How would you assess the situation in Croatia media?

Free media and their pluralism are an inseparable part of every democratic society. I would not want to judge whether the situation with Croatian media is better or worse than in other transitional countries, but it is definitely an area which will continue to require our full attention in the forthcoming period. It is necessary to get rid of those reflexes which are still evident and which represent the remnants of another, different totalitarian or authoritarian regime, such as sentencing journalists because of libel, as well as the still-existing possible temptation related to exerting political pressure against the media. It would be useful to establish a functional and ethical body which would deal with all complaints related to media. That means to create an ethical committee which would have to display a higher level of authorities with regard to the existing ones and which would show teeth whenever that might be necessary.

RETURNEE PROBLEMS

How did you spend the last four years? What experiences from Croatia are you taking with you?

Those were four intensive years during which I managed to meet most parts of your country and a large number of people, but that was all more or less work-related. I travelled throughout the country but the fact is, the parts of the country that I saw the least are usually the areas which foreigners visit the most. That is why I plan to visit them, as well.

What did you want to change during your mandate but failed?

I expected that we would be in a position to resolve the return issue much faster and more successfully than was the case. Practical problems on the one hand, but also resistance on the other, proved to be more difficult than I had anticipated.

Although it is known that you understand Croatian very well, you never publicly spoke Croatian. At least not on television. Why?

English is the universal working language in the international community and I sometimes had problems expressing the issues I was dealing with in Croatia in my mother tongue, Swedish.

Which duty will you assume after Croatia?

First I will go on vacation. That will be the longest vacation in my career so far. There are many places I would like to go to. After that, we will see. I still cannot tell you with certainty where I am going, but what I can tell you is that this was an exceptional experience, both personally and work-wise. It was not easy but, despite all the problems which we faced, I think that we managed to achieve many positive steps forward in the last three years, thanks to the exceptional quality personnel in the OSCE Mission.

APOLOGY ONCE AGAIN

Is there any progress in the investigation of the traffic accident for which the media accused a Georgian diplomat who once worked in the OSCE Mission in Gracac and in which two people were killed? As far as is known the following day he was urgently withdrawn from Croatia to Georgia...

It is a very tragic event which occurred before my arrival so I am not aware of all the details. Responsibility was not clearly established back then, while the issue of immunity of the OSCE Mission Member who drove the vehicle and who was involved in the accident should be resolved by the country which sent him. The reason why the case has not reached court yet is precisely the fact that the issue of immunity has not been clarified. What I can do is express my deepest condolences to the family of the victims who were killed in this accident. I would like to use this interview as an opportunity to do so once again.