

JORGE FUENTES MONZONIS-VILALLONGA, HEAD OF THE OSCE MISSION TO CROATIA

Croatia can enter the EU in 2009 or 2010

by Nives Rogoznica

We talked with Ambassador Jorge Fuentes, the newly appointed Head of the OSCE Mission in Croatia since May this year, on the occasion of his first visit to Zadar County. During this visit, Fuentes visited some returnee families in Smokovic and Biljane Donje, visited Ostrovica, laid a wreath at the monument for fallen war defenders at the Skabrnja local cemetery, and met with the heads of the Town and County.

You told the returnees whom you met that you will present their problems to town and county authorities and ask for solutions. You also met the representatives of the Town and County authorities and became familiar with their viewpoints. What kind of level of co-operation do you expect?

During my visits I have until now acted in a similar manner. I have sent letters to mayors and prefects, and have received good results. My requests and demands have been mainly granted. Of course, I have not asked for the impossible or too much. On this occasion I will also remain pragmatic. I have a picture of what I can expect, what is possible, and what can be done in a short timeframe. I'll also point out that all the places we have visited are encompassed in the Reconstruction Program, which was presented by the Ministry of Foreign Affairs only a few days ago.

Level of tolerance - wonderful

Having reviewed the Government's Reconstruction Program, can you assess how realistic this program is with regards to the situation on the field? What are the chances of the reconstruction being completed by the end of 2006, as you told the returnees during your visit?

I truly believe in this. I believe the Government's representatives studied all the possibilities at their disposal. They found all the necessary means and the political will certainly exists for this problem to be resolved. What is rather complicated, but not impossible or difficult, is the fact that a large number of housing units is in question. Some of them need to be reconstructed, some need works, and some need to be built from scratch, while some units need to be returned to owners. The issue concerns a large number of people and housing units and as such demands thoughtful preparation and devoted work. I however believe that this is feasible.

In your recent interview for *Slobodna Dalmacija* you said that being a Serb in Croatia today has become normal. Following the latest incident in Zadar County, in Ostrovica, do you still have this opinion?

I would not like to give an unserious answer to this very sensitive question. I am very sorry for what happened in Ostrovica. There have been two or three recent cases of harassment. Even one case of intimidation is one too many. One should of course take into consideration that not much time has passed since the end of the war and with regard to this fact one can say that the level of tolerance in Croatia is wonderful. If we put Croatia in context with some other countries and other wars, we can say that the situation in Croatia is very good.

Two years for judicial reform

The OSCE has recently published “Guidance for Return to Croatia” and implemented the campaign regarding return, primarily focusing on refugees from Croatia to Bosnia and Herzegovina. What is the reason for the poor return to Croatia? How satisfied can the OSCE be with this campaign, especially because you are preparing a similar campaign targeting refugees in Serbia and Montenegro?

At this moment we can not be totally optimistic. The first campaign on informing people and raising public awareness towards return to Croatia did achieve certain positive results; a certain number of people did return after they became acquainted with the content of the “Guidance”. They were not however the numbers we had hoped for. We managed to persuade the Government to prolong the period for submitting applications for the return of ownership for an additional three months. We believe that the result of this will be an increased number of returnees. Our forthcoming campaign will be directed at two groups of people. On the one hand we would like to animate people who until now have not been informed about the possibilities they have at their disposal to be able to decide whether they want to return. On the other hand we would like to animate people from here, who live in areas of return, to accept those who will return and welcome them back into their community.

To what extent does the OSCE Mission follow the court cases dealing with the return of occupancy/tenancy rights (OTR)? What is your opinion on this issue, taking into consideration that some of these cases have been ongoing for more than ten years?

We cannot be content when we speak about the realization of OTR for former holders. We insisted for the Government to do more, but the reality is as it is. Only a few cases have been resolved successfully. This issue is one of the most complicated ones our Mission deals with in the framework of our Mandate. What we can do is to continue pressuring the Government for this issue to be put off the agenda as soon as possible.

The whole interview so far was dedicated to two topics representing the key objections to Croatia’s accession to the EU - the problem of the return of refugees and the shortcomings of the judiciary. Are you able to assess when the Croatian judiciary will be acceptable for the EU, being aware of the fact that the Croatian judiciary is now busy with issues such as resolving cases related to the return of OTR to citizens of Serb nationality?

I have learned to be very modest when making such assessments. Namely, I am very much convinced that we are going to be here only in the beginning to help Croatia with

the process of judicial reform. This process will take a long time but the Mission is not going to stay in Croatia for this whole period. The reform of the judiciary is similar to educational reform. For the reform of the educational system one whole generation is needed and the same goes for the judiciary. During my meeting with the President of Zadar County Court, Mr. Antun Klismanic, we discussed the problems the County Court faces. Those problems are familiar to us from earlier days: an insufficient number of judges, unsatisfactory education, and the lack of the will for further education and professional improvement, as well as a large number of backlogged cases. We haven't mentioned corruption, a problem which Croatia has to solve. The reality is that judicial reform is necessary, and it will be implemented. For this Croatia will get support from the OSCE as well as from other countries through various bilateral programs. According to my personal assessment, Croatia will need at least one to two years to fulfil the Copenhagen Criteria.

Croatia's starting position – good

During the recent local elections the majority of local self government units did not perform their legal obligation of comparing data from voter registers with the latest census in order to affirm whether a certain national minority had the right to have a councillor in representative bodies. What are the perceptions and conclusions of the OSCE Mission with regard to this issue?

The Mission of course also thoroughly followed this segment of electoral execution. In general I am convinced that the Government holds an unbiased standpoint. In other words the national minorities really have the opportunity to enter local government and take positions in local administration. However, when we sink from this general level to the field, we see that in certain regions, respectively in certain towns and municipalities, the situation is not that idealistic. More concretely, in Zadar you have nine members of the Executive Board who are all Croats. This does not necessarily mean that this is how it is going to be in the future. I believe that in the future the national minorities - of which Croatia has 22, some of which are numerous like the Serbian and Italian minorities - will be better integrated into society and into the organs of executive authorities. With regard to this, in September we will organize in co-operation with the Council for National Minorities in the Republic of Croatia a roundtable about national minorities and their representation. We expect that Furio Radin, President of the Parliament's Committee for National Minorities and Human Rights, will be a guest of the roundtable.

Can you try to predict when the EU pre-accession talks for Croatia will start? When will Croatia finally join the EU and what are the chances for negotiation talks to start if General Gotovina is not in The Hague?

I would start with your last question: the solution to the problem of General Gotovina is certainly one of the conditions that must be fulfilled. It is not however necessary for General Gotovina to be arrested and transferred to The Hague for negotiation talks to start. What Croatia has to do is convince the ICTY that everything is being done in its power for General Gotovina to be arrested. I talked with Chief Prosecutor Carla del Ponte during her last visit to Zagreb. She left the impression that she was convinced that the

Croatian Government was trying to do its best. She said that Croatia will need some more months to assess the situation and to determine the level of co-operation with Croatia.

At the moment when the Hague Tribunal confirms Croatia's full co-operation and delivers this assessment to the EC, the negotiation talks can start. Whether this is going to be in September or in October - what I personally hope for, or a bit later, it is still early to say. When the negotiation talks finally start, Croatia will have a good starting position and I believe that the negotiation talks will go fast. Namely, Croatia is a developed country. The economic indicators are very good. When Croatia finds itself in the position to fulfil the conditions of the OSCE Mandate, and I believe that this is possible by the end of next year, there will for sure be no further great objections for Croatia's accession to the EU. If you are really asking for my calculation, if the negotiation talks start by the end of this year then it is possible that Croatia will join the EU in 2009 or 2010.