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Interview with Ambassador Peter Semneby, OSCE

Former holders of occupancy/tenancy rights discriminated against

Deadline soon to expire for the Croatian Government's adoption of fair and transparent solutions and their application

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The OSCE Mission to Croatia, the UNHCR and the EC addressed a letter to the Government last week, in which they demanded a comprehensive and swift solution to the problem of former holders of occupancy/tenancy rights. We talked to Ambassador Peter Semneby, the Head of the OSCE Mission to Croatia, about the requests outlined in the letter.

“Our priority is for refugees who want to return, and who are the former holders of occupancy/tenancy rights, to receive a fair legal remedy. This means the authorities must establish a transparent and effective system guaranteeing that such returnees would be accommodated in state-owned apartments regardless of whether they are returning to the Areas of Special State Concern or to the larger cities. The authorities must devise a procedure for application that would be simplistic and based on equality. The former users of socially-owned apartments must be well informed about their rights. The timeframe for return should not be limited. After returning, the priority would be the housing problems of returnees, regardless of where in Croatia they were previous holders of occupancy/tenancy rights.”

• Croatia talks about providing housing care for returnees and former holders of occupancy/tenancy rights, while the OSCE talks about “compensation” for lost apartments. Is the OSCE requesting compensation also for those who do not wish to return?

First we have to resolve the priority cases, that being refugees who want to return. Other issues are still open, especially whether occupancy/tenancy rights were terminated in a legal manner. The European Court of Human Rights in Strasbourg will adopt a decision on that issue.

• Therefore, the OSCE does not consider it questionable that those who do not wish to return be compensated?

Yes, the issue is still open.

• Is the issue concerning compensation still open for those who live in Croatia, and who lost occupancy/tenancy rights through forced evictions from the subject apartments?

Yes, as we emphasised in the letter addressed to the Government. The right to accommodation must be comprehensive. It does not include only returnees, but also other categories of former holders of occupancy/tenancy rights.

- **Does this mean that compensation would pertain also to those citizens who lost occupancy/tenancy rights pursuant to effective court decisions in questionable court proceedings?**

If court proceedings were questionable, that category of people must be included.

- **Many interpret your suggestion as a request for the treatment of occupancy/tenancy rights as ownership. Is this really the OSCE position?**

The problem can be viewed as the endangerment of ownership rights or as discrimination based on nationality against citizens who were former holders of occupancy/tenancy rights. Our greatest concern is discrimination itself. Our goal is not to reinstate occupancy/tenancy rights. Our goal is to ensure that all citizens are treated in a fair and equal manner.

- **Is there a deadline within which the Croatian Government must resolve the issue of former holders of occupancy/tenancy rights?**

The deadline for the adoption of fair and transparent solutions and their application expires very soon. It should be established well ahead of the EU examination of the Croatian application for accession, which is planned for the middle of next year.

Campaign

- **Minister Cacic called on the OSCE to devise an information campaign for refugees. Has that campaign been devised?**

We stated in the letter that we were ready to provide assistance, but on the condition that our recommendations were taken into consideration.

Refugees' return like the accession to the European Union

- **The Government claims that it has done its best. It would be resolving the cases of former users of socially-owned apartments in the Areas of Special State Concern and of those who are returning to those areas. The Government would enable former users to rent or purchase apartments in towns within the POS Programme (subsidised apartment construction). The Government claims that this is in compliance with laws and available funds.**

It is necessary for the Government to show strong political will in providing for the return of refugees and to eliminate the obstacles, an important one among them being the problem of former holders of occupancy/tenancy rights. It is also important for the Government to send a clear message to refugees that they are welcome in Croatia. Local authorities must be called on to not obstruct the return. The issue of return must be of strategic importance, this relates to the entire political establishment. National consensus must be achieved. The return process must be a priority as is accession to the European Union. Refugee returns is one of the most difficult political conditions which Croatia must fulfil in its approach to the EU.