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Peter Semneby: Priority to return of the Serbs

In January 2002 Ambassador Peter Semneby replaced former Head of the OSCE Mission to Croatia Bernard Poncet

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First, the problem of the return of Croatian Serbs is by far the most significant post-war refugee problem that we have in the region in terms of numbers, so it is natural that the majority of work will be directed at this issue. Second, we are here to create the conditions for people to be able to return...

By Tomislav Beronic

Is the OSCE involved in any projects related to return and provision of care for settlers?

SEMNEBY: We are not primarily a project organization. We are involved in giving advice on policies and legislation at the state level while on the local level, we are involved in monitoring, and to some extent activities, mostly grassroots projects. We also support many NGOs that bridge the ethnic divide. I should mention here that one important project for us is the support that we have given to the Union of Associations of Settlers to Croatia (ZUNH) and your newsletter.

Are you satisfied with the level of co-operation in the field?

SEMNEBY: Yes and no. There is a lot one can do through NGOs and civil society initiatives, which cannot be done through official authorities. Authorities are often politicised and have a political agenda, which makes things more difficult. It is easier to do things without any preconditions or preconceived ideas when working on the grassroots level with NGOs and civil society initiatives. These initiatives will also eventually have an impact on the political situation, on the interaction between ethnic communities in the municipalities in which we work. I see this as a way of stimulating an integrated and harmonious society.

Are you prepared to recognise the fact that the problems faced by settlers from BiH should be resolved here in Croatia, and not in Bosnia, even though this is not within your mandate? Is it within your mandate to return these people to BiH?

SEMNEBY: I disagree with your assessment that the problem of the settlers is not within the Mission's mandate. Two-way return is very much a part of our mandate. That is the return of Croatian Serbs to Croatia on one hand, and also the return of Croats into BiH. But we are not here to push anybody to do what they don't want to do. It is essential, however, that all refugees have a free choice as to whether to return or to integrate. Conditions should be created for them to be able to exercise this choice, which of course means that anybody should be able to repossess their pre-war properties. But, it does not necessarily mean that if a person decides to stay in the area where they came as a refugee, that they will receive benefits forever. At some point this right to benefits will have to cease and refugees will have to be able to support themselves. But, it is this freedom of choice that we advocate. I believe that we are coming to a point where a greater majority of refugees will decide to continue living in the countries they are now residing in, and not their former country of residence. This is true for Bosnian Croats living in Croatia and Croatian Serbs living in Serbia. But it is important that they understand what conditions are available to them in order for them to properly exercise their freedom of choice.

We are asking you this because we do not have a uniform standpoint of the international community. The US Ambassador Lawrence Rossin stresses, for example, that Croats have to return to Bosnia. Is there any readiness to enable Bosnian Croats to stay in Croatia at all?

SEMNEBY: Again, if people want to stay, they should be able to stay. But, again this does not mean that you will be entitled to free housing care and benefits forever. And if people have access to their original housing in the places they came from, that would mean that the conditions for them to exercise their free choice are there. I would not dare to speculate what the eventual choice of people will be, it is not my role to do so. However, under any circumstances, those who are double occupants should vacate those properties, but that too is another question.

This question is important to us, considering that many settlers have been expellees for more than ten years and their future has again been brought into question, taking into account the pressure by the Croatian Government and international community to vacate occupied houses. Without bringing into question the right to repossess property, we were wondering where all these people will live and when will the international community accept the fact that they have created a new life for themselves here?

SEMNEBY: It is not a matter of putting people on the street. In many cases, these people have access to their old properties in Bosnia. A fundamental principle of a state ruled by law is that the ownership rights are paramount and in the cases where people have occupied properties this has to be recognised. There are provisions stipulated by the Croatian Government to provide various kinds of housing care to those vacating occupied properties. That means that even if people choose to stay in Croatia and not return to Bosnia, I cannot imagine that anybody would be forced out onto the street. If people receive housing care, it will in most cases not be housing that is the same quality as the

property they previously occupied. However, in most cases, people have lived in properties for a long time not having had to pay rent which means that they have been supported.

But they did not ask for it. They were forced to live in this area. Most people cannot return to their houses in Bosnia because they were destroyed. Take for example the Croats who not so long ago came from Drvar to Knin.

SEMNEBY: Fundamentally, we are still talking about overcoming the consequences of a very tragic and devastating war. Any consequence of a war is not a comfortable one. Until we reach a situation where everybody will be able to clearly exercise their freedom of choice as to where they want to settle and what they want to do, some people are going to be discomforted. However, I think that we are in a much better situation now to provide adequate solutions for everybody. Even those who will have to endure the relatively slight discomfort of vacating occupied property are still in a better situation today as we now have peace and everything can be done in an orderly way.

To what extent do you think the return of Croats to Bosnia is possible, bearing in mind that those evicted from Drvar did not return to their homes but came to Croatia instead?

SEMNEBY: As for the people in Drvar, there are still a lot of question marks. There are many different views here as to whether they have access to their original housing in Bosnia or not. I think that the truth is probably somewhere in between. Many do, but others do not.

Do you think that those people have been manipulated with?

SEMNEBY: It is difficult to say. Regarding the Drvar situation, there are a number of things to keep in mind. There is also the issue of fairness here. Migrants from Drvar will come to the areas of special state concern in Croatia, where the situation is very difficult, and put a strain on resources there. These resources would otherwise have been used to provide housing and conditions for the return of those people who had originally lived in those areas. That would not be a fair development. The first priority for any kind of housing assistance or housing care, in the areas of special state concern in Croatia, should be to those who originally lived there. Those people are also in a difficult situation. They have lived in refugee camps, and are coming back to areas that are really not that dynamic today. So this issue of fairness must also be taken into consideration. I realize that the situation is very difficult, and that many parts of Bosnia are economically worse-off than the Dalmatian hinterland. Not all issues should be looked upon in terms of conflict between ethnic communities. In fact, both communities have suffered and there are obligations to both the Croatian Serbs refugees and Bosnian Croats refugees. Their fates may be different in one way, but, in other ways the situation is very similar. The objective is to provide normal living conditions for both communities.

The problem of Drvar is that Croats were evicted from occupied houses while no alternative accommodation was provided for them. They cannot return to their home and they were compelled to come to Croatia.

SEMNEBY: If those people do not have anywhere to go, the objective should be to find a solution for them within Bosnia and Herzegovina, which is the country that they came from. As I said, it would not be fair if they put a strain on resources which are needed in order to provide conditions for the return of those who came from war affected areas in Croatia and want to return.

But those people are not staying in Bosnia but are coming to Croatia instead. They were evicted by force, exercised by the UN police. That means that this problem remains and could not have been resolved in Bosnia.

SEMNEBY: Again, at least some of those people we are talking about have access to housing in Bosnia. I do not think that all possibilities for finding a solution in Bosnia have been exhausted. It requires a degree of co-operation also from the people themselves. I think that the individuals concerned here should also be encouraged to participate more actively in seeking a solution.

Since national parties won the elections in Bosnia, can we expect a more radical obstruction of return?

SEMNEBY: I would really not like to speculate yet about what we would see after the elections in Bosnia. It is too early to say.

But we all know well what will happen. The power will be divided along national lines. We expect more obstruction to return and settlers will once again find themselves in a very difficult situation. The Croatian Government is “raising the stakes” with statements claiming that the repossession of property will be completed by the end of this year while there is still no possibility of return to Bosnia.

SEMNEBY: Of course the international community in Bosnia will continue to insist on an agenda to promote the return and repossession of property. There is nothing that will change in that respect. If we are going to see a more intransigent attitude on the side of the authorities then the efforts of the international community in Bosnia will be strengthened. But I will say that you have to see the bigger picture in Bosnia as well. There has been quite a bit of return taking place across the interethnic boundary line. This is also reflected in the development of attitudes among communities in Bosnia, with a recognition of the constituent peoples in both entities.

Positive development can be observed only with regard to Serbs and Muslims, while the majority of Croats remain outside their homes. Around 5,000 Serbs returned to Drvar but not one Croat returned to Bosanska Posavina. What do you think is the reason behind the perception shared among the majority of Croats that the

international community is more willing to assist the return of Serbs to Croatia rather than the return of Croats to their former residences?

SEMNEBY: I will say two things here. First, the problem of the return of Croatian Serbs is by far the most significant post-war refugee problem that we have in the region in terms of numbers, so it is natural that the majority of work will be directed at this issue. Second, we are here to create the conditions for people to be able to return, if they want to. That is, we are here to create conditions in Croatia for the return of those people who came from here, and to enable Bosnian Croats, if they choose to return to their original places of residences in Bosnia. If people choose to remain living where they live today, the integration is more a responsibility of the receiving state than of the international community. The international community is here to provide conditions for overcoming the consequences of the war, and not to take over what are essentially functions of different states in the region.

The Croatian Government promised to return property by the end of this year. This was welcomed by the international community, as well as by our organization, as this implied a resolution of housing care issues. The deadline is getting closer but still there are no results.

SEMNEBY: The Government has clearly taken upon itself a very ambitious task here. We welcome the commitment as well. I agree with you that the objectives may have been a little too ambitious to carry out on time. Still, preparations have been made while clear signals on behalf of the Government, in terms of a more resolute policy on this issue, have encouraged many of those people who still live in occupied properties to seek other kinds of accommodation. I heard that there has been some voluntary movement as a result of this.. At least most of those who occupy other people's properties realize that these properties belong to others and that they should be returned to their owners.

You recently presented your half yearly report on Croatia at the OSCE Permanent Council in Vienna. What were the findings of your report?

SEMNEBY: Let me say that our report details, over 30 pages, progress made in areas under the OSCE mandate. This not only includes refugee return and the reintegration and restitution of property, but also freedom of the media, justice and rule of law, policing issues and work with non-governmental organizations. In the past six months, we have seen that the Government has made efforts towards resolving several outstanding issues related to the Mission's mandate and the Stabilization and Association Agreement with the European Union. But, although many important decisions have been taken and the trend is positive, the overall picture still remains contradictory. Progress in terms of implementation has remained slow and many initiatives have been stalled or remain incomplete. What is even more important to the Mission, and to ZUNH, is that the Government's commitment to some of the issues, notably refugee return, is still ambivalent. This, for instance, has been demonstrated by the fact that refugee return has been omitted from the list of priorities adopted by the Government in July.

The OSCE report also mentions the work of Non-governmental organisations?

SEMNEBY: That's right. The OSCE has noticed an increasing awareness in Croatia of the importance of the role of NGOs and civil society development. This can also be seen by the establishment of a new semi-government body for civil society development. However, we believe that civil society development is still hampered by a shortage of financial resources and a regional imbalance that limits resources available to war-affected areas.