

INTERVIEW: ALESSANDRO FRACASSETTI, SPOKESPERSON OF THE OSCE MISSION TO CROATIA

Thousands Of Refugees Are Only “Passing” Through Croatia

Since the end of the war, almost one hundred thousand people returned to Croatia, but much fewer of them have actually stayed in the country due to objective obstacles: they cannot enter their homes, their houses are destroyed, occupancy/tenancy rights were taken away from them, they cannot receive pensions...

By Davorka Blazevic

The Spokesperson of the OSCE Mission to Croatia, **Alessandro Fracassetti**, is one of those diplomats who deems it important, in order to better understand the circumstances in the country in which he is deployed and the mentality of its people, to master as much as possible the language of those people, as well, which enables him to have an easier and direct communication. However, as he admitted, this is his first interview which he gave in its entirety in Croatian language. We were talking at an exceptionally sensitive moment for Croatia, at the time of the visit of the Chief Hague Prosecutor, **Carla Del Ponte**, to Zagreb and the Government's efforts to resolve the Bobetko case with as little internal and external shocks as possible.

What objective consequences could Croatia suffer if it does not resolve the problem of delivery of the indictment to General Bobetko in the foreseeable future? Are the threats with sanctions merely a method of pressure, a bugaboo, as an attempt to scare the people and discipline the Government or are they a realistic consequence of a lack of co-operation with the Tribunal in this case?

- We have heard on several occasions the standpoint of European institutions with regard to these issues. Croatia has always been called upon and encouraged to fully co-operate with the Tribunal and that is important. I would not enter into speculations related to sanctions, but it is clear that this co-operation is crucial in terms of the process of Croatia's Euro integration.

Does that mean that Croatia could not come under isolation because of the Bobetko case itself?

- I would not say that this is a realistic scenario. I think the Government will fully co-operate with The Hague, understanding its commitments. We have no doubts that Croatia will do everything possible in order not to break that co-operation.

The Tribunal

In the Croatian public, special dissatisfaction and tensions have been caused by some parts of the indictment against General Bobetko, in which the Homeland War is qualified as ethnic cleansing and genocide. Is there a possibility that at least that part of the indictment is revised in the appellate procedure?

- I am not competent to comment on that, but I think there is a procedure which Croatia has now entered and we need to wait and see what the Tribunal is going to say about that.

Some people conclude, on the basis of such observations by the Tribunal, that the goal of the International Crime Tribunal is actually to declare the Homeland War a civil war, which is certainly unacceptable.

- I think the goal of the International Crime Tribunal for the Former Yugoslavia is to process war crimes.

Special Co-ordinator of the Stability Pact, Erhardt Busek, recently stated that the “Bobetko case” is definitely not the reason which could block Croatia’s ascension to the EU and stressed five key conditions – from the return of refugees to the reform of the judiciary and the HRT – which regulate the dynamics of Croatia’s integration into the EU. How far has Croatia progressed in that?

- Those are the criteria that were explicitly mentioned in the Stabilisation and Association Agreement and those are, as you know, also issues that the OSCE Mission to Croatia is dealing with. I would not link those issues with the Bobetko case. I think that a lot of energy needs to be focused precisely on those issues and we are in continuous contact with the Government with regard to that.

Security

In which of those five key conditions Croatia has done the least?

- I would not enter into an assessment as to where the most or the least has been achieved, but there is still a lot of things that need to be done in each of those key conditions. The essence in all those processes is to affirm the rule of law as a guarantee of security to all citizens. For example, when the return of refugees is concerned, an important step was made in the legislation and a big step forward in the creation of an atmosphere for the development of that process, and we also see that the reconstruction of the destroyed houses belonging to Serb refugees has also started.

However, it is necessary to make a few more steps, e.g., accelerate the procedure for repossession of private property, pass laws which will also provide for the repossession of all other forms of property, not only houses, and to find adequate solutions for the occupancy/tenancy rights issue, which is one of the main unresolved issues. It should be pointed out here that neither the international community nor the OSCE insist upon the return of occupancy/tenancy rights in the extent and form in which they existed in socialism, but we advocate the provision of an adequate legal remedy for those refugees and expellees whose occupancy/tenancy rights were cancelled.

This is especially important for the people who want to return, because the apartment was the only home for many of them. It is important that occupancy/tenancy rights are resolved throughout Croatia, and not only in the areas of special state concern, because we are of the opinion that the largest number of such apartments was located in big cities which are outside of the areas of special state concern. With regard to the issue of minorities, I think that we are on a good way to resolve it through legislation.

However, it seems that the representatives of the Serb national minority are dissatisfied with the proposed Law, if one should judge by the statements of the SDF leader, Milorad Pupovac?

- We saw the Draft Law on Minorities and commented on it already in July, and I think that it was a good draft, which included a lot of positive solutions. We have not seen the new draft yet, but our assessment will most definitely depend on what the minorities themselves will say, because they have to perceive it as being useful and legitimate. At the same time, some general standards have to be represented. After all, the OSCE High Commissioner on National Minorities was in Croatia in September and he

consulted all the people who are dealing with those issues. One of the important issues is also the so-called positive discrimination which does not come down only to the right of “dual vote”, there are also other solutions which can be applied.

I believe that you would agree with an estimate that significant steps forward have been achieved in Croatia. Can it be stated, therefore, that there are positive trends in Croatia’s fulfillment of the conditions for accession to the EU?

- Yes, the trend is there. The implementation is a bit slow, but we are of the opinion that it is very important to pass legislation because once a legislative framework is made, the implementation will occur in time, as well. Things are moving slowly at the local level, where a lot more effort is needed in the creation of a positive environment for the return and reintegration of refugees.

Millions

The return does not include only housing issues, but the creation of economic conditions, as well. Is there a possibility that the international community would support the economic reconstruction in Croatia with significant funds in the near future?

- The European Commission has recently approved a programme worth EUR 23 million to assist the return of refugees, expellees and displaced persons, which contains several segments. Apart from the reconstruction of devastated houses, the programme is also directed towards the civil society and NGOs, which need larger financial assistance both by the Government and the international community. However, I must say that the housing issues have still not been resolved, because a certain number of returnees is still in the situation that they have no place to reside: their houses have not been reconstructed or remain occupied.

Pursuant to the Law on Amendments to the Law on the Areas of Special State Concern, by 30 October 2002, the decisions on temporary use of other people’s houses for which a request for property repossession was filed prior to the coming into force of the Law, should have been annulled, and the decisions on all other users of other people’s houses, should have been annulled by 31 December. October passed, and the Law obliges the Government to compensate the owners for the time which they had to spend outside their houses after the expiration of that deadline. We will see in the next days and months how that will go on, however, it is a fact that property still has to be returned to thousands of people.

How many refugees have returned to Croatia so far, according to your data?

- More than 96,000 people returned since the end of the war until 1 October 2002, about 68,000 of them from the FRY, 5,700 from BiH and more than 22,000 from the Danube Region. However, it should be noted that the number of people actually remaining in Croatia is much smaller, because there are objective obstacles for that: several thousand of them still cannot enter their homes, others’ occupancy/tenancy rights have been taken away from them, the third group has their houses destroyed. There are still people who cannot obtain pension for the years of service in civilian services, which they acquired at the time of “Krajina”. As far as we know, the Ministry stated that it may set another deadline for the submission of requests for pensions for those people because many could not do so before for different reasons. In some places, we still have the situation that the Croatian Electrical Company also requires that returnees pay the electricity debts for the period of time when they did not live in those houses, when they

were occupied by some other tenants who were not required to pay the bills for the consumed electricity.

European future

Croatia is only in the second group of the transitional countries putting up candidacies for membership in the EU. Under which criteria are, say, Bulgaria or Romania more compatible with the Union, than Croatia?

- I believe that nothing should be concluded in advance. It is important that Croatia focuses on its own situation and its obligations. It is absolutely clear that Croatia's future is in Europe, and in that sense, one cannot go backwards, one should look ahead only. The process of inclusion in the Euro-Atlantic integration goes through a multicultural, tolerant and open society, where there is space for everyone, where differences are viewed as richness. Therefore, there is no reason for worry over the status of other countries, because Croatia has its own path. When it will become a member of the Union, as well, depends on the dynamics of fulfillment of the set conditions, but the existing trends are certainly good.

Politics and the HRT

What is your opinion about the changes at the HRT and how far are we still from public television?

- The main issue here is legislation, although we know that it is not all and that the Croatian Television needs a complete reform. The Law on the HRT, which was passed in 2001, was a step further, but not a sufficient step towards the transformation into a public television. The Law does not provide for an adequate internal structure of the HRT, which would provide for an efficient reform of the television. Secondly, the Law failed to give sufficient guarantees against political influence over the HRT. We do not say this is the case now, but it is important that the Law does not provide for any institutional possibility for politics to influence the HRT. From the Ministry of Culture, which is competent for the reform of the HRT, we received information that amendments to the law are under preparation and we hope that they will also include the proposals of international institutions, especially with regard to the independence of the HRT.

The Rule Of Law

How do you assess the reform of the judiciary?

The reform of the judiciary is extremely important, first and foremost in the context of the respect of human rights, hence it is necessary to introduce measures for the improvement of the legislative and institutional framework to provide for fair and efficient domestic solutions. Apart from that, there are still many unresolved cases of return of private property, which affects both the return process and the economy. Trust in the judiciary and the rule of law are important elements for the realization of more significant investments in the economy.