

*Slobodna Dalmacija*, 9 December 2001

*Interview – Nearing the end of his mandate: Ambassador Bernard Poncet, Head of the OSCE Mission to Croatia*

## **When Will Minorities Leave Racan's Desk?**

The recommendations on the issues and rights of minorities have been on the Government's desk for a long time. I am concerned and saddened that the new Law has not been adopted yet, and further delays seem likely. My standpoint is that it is not moving in the desired direction, says Ambassador Poncet

*By Bisera Lusic*

After two and a half years, which he spent at the post of the Head of the OSCE Mission to Croatia, Ambassador **Bernard Poncet**, is leaving his duty. In the last interview for the Croatian media, which Poncet gave to *Slobodna Dalmacija* from the position of the first man of the OSCE in Croatia, he looked back at what was achieved in the last 30 months and stated the areas in which the expected progress was missing.

**How do you see the role of the OSCE in Croatia in the next half a year and what are the main tasks the Mission will deal with?**

First of all, I would like the relations between the OSCE Mission and the Croatian Government to be based on advice and assistance. That would mean that the dialogue would be efficient, regular and active with those who pass decisions. We need to work together in searching for mutually acceptable solutions. Naturally, the Mission will still monitor what is going on, not as an arbiter, but as an "outside" adviser with experiences from abroad, in order to assist Croatia in the fulfillment of its commitments. Croatia has set a very ambitious goal ahead for itself, and I believe that the OSCE can be a useful adviser, in order for your country to resolve some complex or sensitive issues which are placed along that path, including the return of refugees and displaced persons, their property, judicial reform...

**There is an impression in Croatia that the current Government is not too "thrilled" with the announced new extension of the OSCE mandate to Croatia. Have you also received such an impression?**

At the moment while we are talking, the mandate has still not been extended. Therefore, I do not want to speculate on this. I am not sure who you refer to when you say that some officials in the Croatian Government are not satisfied. While talking to the majority of the officials, and according to what the Croatian media write about, I would say that they are satisfied with our co-operation. That was also confirmed by Minister **Tonino Picula** in Bucharest.

## **OBSTRUCTION**

**What was, in principle, the co-operation between the OSCE and Croatia like in the last two and a half years, since you became the Head of the Mission?**

The problem is not dialogue per se. We have meetings at all levels and we can talk any time. The problem is not there, but in the results, in the implementation of what was agreed. We are often facing, especially with regard to sensitive issues, with the phenomenon of obstruction at the local level. Still, it is not happening everywhere. People usually say, there is some kind of prejudice, that obstructions take place where local authority is in the hands of HDZ representatives, but that is not the case. Things are not that simple. Mostly, it depends more on the people than on their political preferences. However, I also have a feeling that we are sometimes facing obstructions from within the central administration.

**Why? In what sense?**

I think you know the answer to that question yourself. Because no changes took place in certain sectors, regardless of the election results last year.

**You are leaving Croatia soon, so, tell us what impressions have you received during your stay in our country, taking into account that you were the Head of the Mission during the former and the current authorities?**

A truly commendable progress has been made in the last year and a half. However, there are arrears from the former period, which still influence relations between Croatia and the international community. My main conclusion is, and have been here for two and a half years, that I sometimes have a feeling that we are thinking in two different systems of logic.

### **For a Happy Future**

**Since this is the last interview I am giving to the Croatian media, I would like to extend the best wishes to Croatia and its people through “Slobodna Dalmacija”, for a happy future and fulfillment of all wishes and aspirations.**

## **REFORM OF THE JUSTICE SYSTEM**

**Do you have any example of this “different logic”?**

I have two of them: in Croatia, in the areas of special state concern, for example, there are problems with charging people for the use of electrical power. Since the owner, as a person who signed a contract with the Croatian Electrical Power Industry (hereinafter: the HEP), is obliged to pay the bills, some people, the owners, carry the debts on their backs which the HEP wants to charge and which were made by other people. That has a great impact on the return process. When the owner returns to Croatia, to his home, and wants to have electricity, the HEP requests him first to pay the bills for those people who had been using his house free of charge, regardless of the fact if those people were

accommodated in his house by the former authorities, or they moved into the house completely illegally.

Another example: there is a joint evaluation that the user of someone's property has the right to a compensation because he was "maintaining" or "redecorating" other person's home. In my country, that such an idea, or such an expectation, is simply unimaginable! That such a practice is also far from the standards of the European Union. If the user decides by himself to make some changes inside a house, or an apartment, which he rents, he does that at his own expense, unless there is a different agreement with the owner.

**That the Croatian justice system is basically inefficient and overloaded with cases, is also emphasized in the last report of the OSCE. How should these problems be resolved in the sense of development of the Croatian justice system?**

## **LEGAL REMEDIES**

I consider the reform of the Croatian justice system as one of the most significant issues. The great problem is the cases, which the courts are overloaded with. That happened due to several reasons, inter alia, the lack of judges, especially in the war affected territories. As an example, there is no permanent judge in Korenica, and many cases, specifically pertaining to property, are awaiting their resolution. Maybe the solutions could be sought in engaging again those judges who were retired in the last decade, as it was proposed by the President of the Supreme Court, or their different reassignment to posts. Such ideas should be seriously reconsidered, however that is only a suggestion. We do not pass decisions in this country.

Another problem with the justice system is that the legally valid verdicts are not enforced. That is an acute case, especially with regard to the returnees who are awaiting the return of their property. The legally valid verdicts need to be enforced, regardless of political discussions, and I am deeply convinced that this is the only way to continue. A decision of a judge is a decision of justice. And that is it. It cannot be discussed further. Until such a principle does not take place, Croatia will have large problems.

**Why has Croatia, in spite of recommendations and warnings, still not "resolved" the disputable, discriminatory provisions with regard to the repossession of property, especially of Serb returnees?**

You should ask that the Government. We constantly advise that legal remedies should be introduced so that those discriminatory provisions would cease to be valid. The Government is aware that the repossession of property is the greatest obstacle for a more extensive return of people to Croatia. We provided advice on how to conform that part of legislation to international legal standards. We cannot do more. I repeat again, we are not the ones passing decisions.

**What is your comment about the discussion on a more rigorous Law on Occupancy Rights?**

I am pleased that the media, including “*Slobodna Dalmacija*”, took part in the public discussion with regard to occupancy rights. It is the first time that has happened. I am surprised in a positive manner that the majority of media recognizes that some sort of legal remedy needs to regulate the lost occupancy rights issue, regardless of the form of the compensation. It is encouraging that people currently write and discuss about the issues which, two years ago, would not get even a single line in the newspaper. That is very important, as it is not a discussion between the international community and the Croatian Government, but a discussion among the Croatian public. And that is a major difference. I do not intend to repeat our standpoints with regard to occupancy rights as they are known to everybody. Our proposals on how to resolve that issue have been forwarded to the Government and we expect specific steps forward in order to proceed. That is inevitable. I consider that a problem cannot be resolved by being ignored.

## **LONG-STANDING RECOMMENDATIONS**

**The Law on the Rights and Protection of Minorities has still not been passed. How do you comment it?**

We provided recommendations in this regard a long time ago. They have been at the Government’s desk for quite some time. That is why I am saddened and concerned over the fact that the new Law has still not been passed. There seems to be a possibility of further delays. My standpoint is that it is not developing in the direction in which it should be developing.

**Has it been brought to your attention who is going to succeed you in the position of the Head of the OSCE in Croatia?**

No. I can only guess, but it is all I will say. I believe that this issue will be discussed in Vienna, at the same time when the extension of the mandate is discussed, which will be at the end of this month, before the holidays.

**You are returning to the French Ministry of Foreign Affairs?**

That is correct.

**Will you continue dealing with issues from this region?**

I cannot say anything for the time being.

**When we talked about the disappointment of a part of the Croatian politicians over the announced extension of the mandate, it related to the statements that the implementation of Croatia’s international commitments would already be closely monitored by the Council for the Implementation of the Stabilisation and Association Agreement, and that it would then be double control, along with the OSCE, which Croatia does not need. What do you think about it?**

If I were a citizen of this country, I would not be afraid of that experience. Experience has shown that such mandates involve mutual supplementation. There are no contradictions there. Along with Croatia, the OSCE has all member states of the

European Union, all member states of the NATO and the majority of member states of the Council of Europe in its membership. That means that all those countries have a possibility to express their positions through the Mission. The goals are identical, and, in that case, it is not important if the international community declares itself on a certain issue through a “person A” or a “person B.”

### **The Media Become Protectors of the Public**

**How do you assess the situation in the Croatian media, and, especially, the transformation of the HTV, which has been mentioned for so many times? Has there been any progress with regard to that?**

Since I arrived in Croatia up until today, the Croatian media has, in general, undergone great changes. The atmosphere is completely different, more open. I think that no one can dispute that, if we are intellectually sincere. The media are slowly becoming the protectors of the public, and such is their role in all democratic societies. So far as the HRT is concerned, its transformation is still at the beginning, but the Information Programme now includes more research and analytical programmes, which we did not see earlier.

I think that, in that sense, the General Manager **Mirko Galic** has played a positive role, and I would especially mention journalist **Denis Latin**, whose show has opened numerous discussions, because it shows that some people in this country would like to have an open discussion on very important issues. That is excellent! Our Office for Media Relations in Vienna will soon issue a report on the HRT, and it will also give recommendations on how to conform the Law on the HRT and the Law on Telecommunications to the European standards.