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## The Difficult Business of Perception - OSCE Observers in Croatia

The 18th of November 1991 brought liberation for the city of Vukovar in Eastern Slavonia - in the view of some. As seen by the others, however, Vukovar suffered a terrible defeat on that day.

The same city, the same day, a single event; but one perceived in completely contrary ways, depending on the viewpoint of the observer. Events in this country are often perceived differently; they are often viewed, pondered and interpreted through an ethnic lens. All who talk about them are convinced that they know the truth and that they are passing it on, and yet the stories about one and the same occurrence proliferate in a multitude of versions. Our objective here is to find the facts, examine them carefully and report objectively on the situation in the country. This is, to put it briefly, the daily business of the approximately 150 observers attached to the OSCE Mission to Croatia. The main things they observe are the return of displaced persons and refugees, the implementation of international agreements as well as of Croatian laws, the situation of minorities and the status of human rights. In accordance with the mandate set forth in Decision No. 176 of the OSCE's Permanent Council, the chief tasks of the Mission are:

"To assist with and to monitor implementation of Croatian legislation and agreements and commitments entered into by the Croatian Government on:

- Two-way return of all refugees and displaced persons and on protection of their rights, and
- The protection of persons belonging to national minorities (...).<sup>1</sup>

With Decision No. 176 of 26 June 1997 the Permanent Council expanded the mandate contained in Decision No. 112 of 18 April 1996 and preserved its continuity.<sup>2</sup> Decision No. 112 provided for the establishment of an Observer Mission to the Republic of Croatia and defined its mandate. The responsibilities described here are regarded as the basis of the Mission as enlarged in the autumn of 1997, i.e. the one currently in operation, but they were further

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1 OSCE, Permanent Council, PC Journal No. 121, Agenda item 1, Decision No. 176, PC.DEC/176, 26 June 1997.

2 Decision No. 112 of the Permanent Council of 18 April 1996 provided for the establishment of a Mission to Croatia and serves as the basis for the current Mission, whose responsibilities are further defined in Decision No. 176; cf. OSCE, Permanent Council, PC Journal No. 65, Agenda item 1, Decision No. 112, PC.DEC/112, 18 April 1996.

specified in the follow-up decision of the Permanent Council and, in particular, expanded to include the so-called two-way-return process.

*A Challenge for the Observers in the Field: The Daily Balancing Act between the Truth as Narrated Subjectively and as It Needs to Be Reported Objectively*

It is no easy task to write an objective report based on a large number of subjective stories. It calls for sharp insight, a special feeling and a cool temperament. Every observer bears a heavy responsibility for the transmittal of carefully researched information. Local observations and current events and developments - like the cases presented in OSCE offices by sometimes angry, sometimes desperate people - flow every week into the internal reports. These reports are sent every week by the 21 field offices and mobile representations throughout Croatia, first to the three superior co-ordination centres and then, after the information has been analyzed, to the headquarter in Zagreb. From the autumn of 1997 until the restructuring in the early summer of 1998 there were four co-ordination centres: Vukovar in Eastern Slavonia, Daruvar in Western Slavonia, Knin in the Krajina, and Sisak in the north of the country. Since then there have been three centres: Vukovar, Knin and Sisak. At the headquarter of the "Mission to the Republic of Croatia" in Zagreb the incoming reports are worked up into the official weekly report of the Mission and sent on to the Permanent Council of the OSCE in Vienna. The reports give all 55 participating States of the OSCE<sup>3</sup> weekly information on the situation in the countries in which there are OSCE representations. To simplify, one could say that every OSCE observer, in Croatia or elsewhere, serves as the eyes and ears of the Permanent Council on the local scene.

*Tradition, Transformation, Integration*

Croatia's constitution<sup>4</sup> refers to its centuries old state tradition, especially to the medieval Croatian state in the 9th century, but it is actually quite young as an independent republic if one recalls the history of the present state's founding: The Croatian parliament issued the declaration of independence on 25 June 1991 and declared the republic's sovereignty; on 8 October 1991 it stated that all laws of the Federal Republic of Yugoslavia were null and void. On 15 January 1992 the European Union recognized the new republic. A

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3 The OSCE has 55 participating States but the Federal Republic of Yugoslavia (made up of Serbia and Montenegro) is suspended at the present time.

4 Constitution of the Republic of Croatia, Introduction, 1. Historic Foundations.

look at its past makes clear that Croatia has quite a chequered history; it has been under the influence of various great powers, from the Roman Empire to the empire of the Habsburgs. The various parts of Croatia have rarely experienced a common and unified historical development. While the coastal area, Dalmatia and Istria, were mainly subject to Latin cultural influences, central Croatia and Slavonia were much more under the influence of Austria-Hungary. This diversity has its charm but it also calls for much flexibility. Every part of the country can claim its own historic, cultural and political development. And there is, in addition, the ethnic variety: Croatians, Serbs, Bosniacs (Bosnian Muslims), Montenegrins, Macedonians, Albanians, Sinti and Roma, Ruthenians, Ukrainians and Germans live in Croatia - and this list makes no claim to be exhaustive. Its only purpose is to illustrate the complexity of the country in ethnic and cultural as well as historical and political terms. There are parts of Croatia which even in very recent times have undergone a development of their own.

#### *Eastern Slavonia under International Supervision and Administration*

The United Nations came to Croatia already in February 1992. Units of the UNPROFOR (United Nations Protection Force) were distributed throughout the country and deployed there to supervise the withdrawal of the Yugoslav National Army and the process of demilitarization. Since 1992 there have been a number of UN Missions with various mandates. The last one, for the "United Nations Transitional Administration for Eastern Slavonia" (UNTAES), provided for a transitional administration in Eastern Slavonia with the goal of reintegrating the area into the Croatian state. The UN Transitional Administration is based on a resolution of the UN Security Council and, in conformity with the provisions of the Erdut Agreement<sup>5</sup>, was set up in Eastern Slavonia on 15 January 1996 with its main office in Vukovar. The agreement on reintegration under UN supervision was negotiated and signed, on 12 November 1995 in Erdut, Eastern Slavonia, by the then US Ambassador to Croatia, Peter Galbraith, the UN envoy and former Norwegian Foreign Minister, Thorvald Stoltenberg, Croatian government representatives and representatives of the Serbs.

The mandate of the UN Transitional Administration in Eastern Slavonia<sup>6</sup> ended on 15 January 1998 and since that time the territory has once again been completely under Croatian administration. The blue signs which once

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5 Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium.

6 The United Nations is, however, still represented, on the basis of a mandate that focuses on police work, in the form of the United Nations Police Support Group. It is highly likely that the OSCE Mission to the Republic of Croatia will take over the responsibilities of the police mandate after the United Nations mandate expires on 15 October 1998.

announced entry into the UNTAES region, like the barriers with checks of international ID cards and other identity documents (as if at an international border), have long since been removed.

The OSCE oversaw the transfer to the Croatian authorities and is now monitoring observance of the UNTAES agreements that were negotiated with the Croatian government. These agreements relate to the schools in the region and to the educational system in general, to the field of health care, to infrastructure, radio, television and telecommunications, to administrative arrangements ranging from pension claims to trade, customs and the use of police forces, and to other matters.<sup>7</sup>

Eastern Slavonia, Baranja and Western Sirmium - the former so-called UNTAES region - has, on the basis of the provisions of the Erdut Agreement and under the transitional administration of the United Nations, undergone a special development during the last two years leading up to the transfer to Croatia on 15 January 1998 - a development whose consequences can still be felt even after reintegration. This can be seen especially in the implementation of Croatian legal arrangements and international agreements; in some cases thought had to be given to adaptations needed to ensure conformity with the named international agreements. The educational system can serve as an example of the special situation in the Danube Region. School attendance for persons belonging to minority groups - the biggest, at the present time, being the Serbian minority - is handled differently in the former UNTAES region (which is now called the Croatian Danube Region) than in other parts of Croatia. Especially confusing is the fact that arrangements for teaching Serbian children in this region are different than those for the Serbian minority outside the Danube Region. This occasionally looks like a giant puzzle whose parts are not always easy to put together. Anyone who wants to do that has to have spent years studying this part of the world and to have gained a great deal of experience.

The Serbs are, incidentally, the most recent minority in the Republic of Croatia. Until the separation from Yugoslavia they were, like the Croatians, a leading nation. It takes time to adapt to this change of status; there are, indeed, many who still have to become accustomed to it. Our task under the OSCE mandate is to observe on the spot whether the minority rights of this community as well as those of the other minority groups are respected and being appropriately implemented. In general, the human rights situation and the observance of international conventions and standards have to be monitored. In accordance with existing human rights conventions and international standards, to which the Republic of Croatia has committed itself, all people are entitled to respect for their human rights, regardless of ethnicity,

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7 Cf. UNTAES/United Nations (Publ.), Documents pertaining to the Reintegration of the UNTAES Region into the Republic of Croatia, 5 October 1997.

religion or sex. Generally speaking, the Croatian government has already made efforts to improve the situation but it must be recognized that in the various localities the rules are not always implemented without difficulty. A trend that can be seen is that there are many bureaucratic obstacles and stumbling blocks that make life difficult for the people, e.g. in applying for documents, raising pension claims, and having diplomas and certificates accepted. It is often difficult to do anything about this in specific cases. Among many people there is a growing feeling of helplessness in the face of an uncooperative and excessively powerful bureaucracy. No doubt this sort of experience is not new, nor is it limited to this particular country; however, it does little under current circumstances to create confidence in the institutions of the state. Protection of minorities and human rights are among the responsibilities which will continue to require special attention from the international community.

### *Return and Confidence-Building*

Other points of emphasis are the return of displaced persons and refugees - the so-called two-way-return process, economic reconstruction, freedom of the media, confidence-building, security and police work. There is much that must be expanded, restored and improved, and the problems are very complicated. This is particularly clear in connection with the return of displaced persons and refugees. "Displaced persons" refers to those who in the course of conflict have fled from one part of the country to another but have remained in Croatia. "Refugees" are people who have fled to other countries, e.g. the present Federal Republic of Yugoslavia or, for example, to Austria, Germany or Norway. The right of return is guaranteed in various international agreements. UNTAES, for its part, worked hard to set up mechanisms for this purpose and in the early summer of 1998 the Croatian government, too, adopted a programme for return. The two-way-return process mainly provides for the return of Croatian displaced persons to Eastern Slavonia, Baranja and Western Sirmium and, in response to that, the return of Serbian displaced persons from those places to their homelands in other parts of Croatia, chiefly the Krajina and Western Slavonia. The Serbian population fled from these areas in particular during the military operations "Flash" (in May 1995 in Western Slavonia) and "Storm" (August 1995 in the Krajina). The two-way process has often been criticized as a "one-way return" as the flow of returnees mainly went in one direction, namely, to Eastern Slavonia. The returnees are mostly Croatians but among them there are also Hungarians whose home was originally in Eastern Slavonia. Here, too, it must be noted that there have so far been fewer Croatian returnees than were origi-

nally expected. There are no precise figures; the statistics in use are chiefly those obtained by UNHCR (United Nations High Commissioner for Refugees) and are regarded as reasonably dependable. Other figures come from the Croatian Office for Refugees and Displaced Persons whose task is, among other things, to certify the status of returnees in a systematic way. According to them, about 17,000 Croatians have returned to the Danube Region (of an estimated number of 70,000 Croatians who are supposed to have left the region since 1991).<sup>8</sup> Of these, about 12,800 are supposed to have recognized status as returnees, the others are regarded as spontaneous returnees. However, in the view of UNHCR, no more than three to five thousand of the above-mentioned Croatian returnees live permanently in the Danube Region. The return movement in the other direction, particularly to Western Slavonia and the Krajina, is proceeding at a snail's pace - hence the impression that it is more of a one-way rather than a two-way return that is involved here. Indeed, an effort should really be made to achieve a more complex return process that would send refugees from Bosnia who came to Croatia back to their homeland or home villages.

There were additional flows of refugees from Croatia to the Federal Republic of Yugoslavia, particularly Serbia and the Vojvodina. According to information from the Croatian Office for Expellees and Displaced Persons, about 17,600 Serbs returned to their homeland - out of several hundred thousand Croatian Serbs who lost their homes in the course of the conflict. Among them are those who were forced out within Croatia and others who have returned to Croatia from the present Federal Republic of Yugoslavia. This is, however, a process in flux, and it would be premature to draw conclusions now about the future population structure. One of the most difficult problems in connection with the return process is the shortage of housing. The houses of many who fled have been destroyed, some of them burned to the ground; and the people often do not know where they should return to. Other houses are occupied by people who have themselves been driven from their homeland and are likewise in a desperate situation. Conflicts can occur when the owners return and find their houses occupied. There are so-called housing committees at the local level whose task is to mediate in these disputes and find practical solutions. Beyond the housing problem there is also the question of jobs. The slowness of economic reconstruction is a real hindrance to the return process.

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8 According to UNHCR figures and the 1991 census there were altogether 84,600 Croatians, 67,000 Serbs and 40,300 Yugoslavs, Hungarians and others living in the area that later became the UNTAES region. According to information collected by the United Nations Military Observers (UNMO) there were about 8,800 Croatians, approximately 73,100 indigenous Serbs and, additionally, around 46,600 Serbs driven there from other areas, as well as about 15,300 persons belonging to other nationalities still living there in 1996. UNHCR estimates for 1998 (as of May 1998): about 11,800 Croatians, around 62,100 indigenous Serbs, about 11,200 expelled Serbs and approximately 13,600 others.

Confidence-building is a difficult matter because it cannot be grasped, seen or measured. In some respects the situation is still a sorry one, but we should bear in mind that only a relatively short time has passed since the horrible events of the war. Building confidence between people and population groups calls for time, patience, understanding and tolerance. On 2 October 1997 the Croatian government adopted a programme for restoring confidence, the return of people and the normalization of living conditions in the regions of the Republic of Croatia<sup>9</sup> affected by the war. This programme provides for the creation of a central national committee on confidence-building which would have appropriate sub-committees at the county and local level. The programme is designed, among other things, to contribute to a climate of tolerance and security, to the equality of all citizens vis-à-vis the state administration, to the building of confidence between all citizens and to a normalization of the social, political and economic conditions of life, as well as to the return process and to an improvement of the security situation. Furthermore, all citizens are to participate in building a democratic society within the framework of the existing democratic system. By the end of 1997 the committees had been established throughout the Danube Region, while in other parts of the country the creation of local committees proceeded slowly. It has to be pointed out that almost all of these bodies, unfortunately, exist for the most part only on paper; some of them hold meetings at irregular intervals but it cannot be said that the objectives set forth in the programme have been realized at the local level. The committees lack the organizational structure and financial resources needed to carry out concrete projects, and they lack initiative as well. Still, it ought to be possible to accomplish something, bearing in mind that at the local level the committee chairmen are usually the mayors. Will this role be used to promote confidence-building in their own communities? Or to strengthen the confidence of the citizens in the local administration? The many reports of unfair treatment - imagined or real - that are piling up in the OSCE offices speak for themselves. The committees are not being used politically as an instrument of confidence-building. Wherever there are people of good will the situation is improving. Where such people are not to be found, the result is dissatisfaction, insecurity, fear, rejection, injustice and mistrust. The people describe their feelings, the way they feel determines their quality of life; this brings us to a point where an excellent discussion of subjectivity and objectivity might be carried on.

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9 Cf. Programme of the Government of the Republic of Croatia on Establishment of Trust, Accelerated Return and Normalisation of Living Conditions in the War Affected Regions of the Republic of Croatia.