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Encounter with Croatia

*Confidence-Building and Post-Conflict Rehabilitation, as Seen by an OSCE Observer*¹

At first sight, Croatia appears to be a place where the capital city, Zagreb, corresponds to one's ideas of a young democracy with a lively metropolis. Strikingly fashionable young people dominate the street scenes, pubs and bars alternate with designer shops and on the streets, along with fresh fruit and vegetables, chocolate, cigarettes and coffee from Germany and Austria are sold. The historic buildings have been carefully restored and a few weathered facades give one a sense of the past glory of the old Habsburg monarchy. Croatian flags characterize the view of the city.

Names like Vukovar and Ilok do remind us of the events of 1991 - of the war that raged here, leaving behind a country fragmented in many respects. But Eastern Slavonia seems a long way away, as though it belonged to another time and another country, and there are only a few visitors who are willing to undertake the four-hour journey to Vukovar.² Still, we don't have to look very far for a confrontation with Croatia's recent past and for an immersion in this chapter of its history. Only a few kilometres east of Zagreb the region of Western Slavonia begins where the war also left unmistakable traces - a region which is an important symbol for the difficult process of normalization in this country. Western Slavonia has not received much attention in the media but here too, the war has left open wounds.

1 The author has worked in West Slavonia since December 1997 as observer and political analyst for the OSCE Mission to Croatia, first in the field offices in Lipik/Pakrac and Nova Gradiska and in the Co-ordination Centre in Daruvar. In July 1998 she was transferred to the headquarters of the Mission in Zagreb to help prepare a conference on the subject of "Reconstruction and Development". Since January 1999 she has worked as a political officer in the political-economic section of the Mission. This paper is based mainly on the author's experiences in West Slavonia because her encounter with the problems of that region had a decisive influence on her activity as a member of the OSCE Mission. The article presents the personal experiences and views of the author and not the official position of the OSCE Mission to Croatia.

2 For a detailed report on the situation from 1991 to 1997, the role of the United Nations and the background of the OSCE mandate, see: Joachim Eicher, The OSCE Mission to Croatia, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 191-197, and Elena Drozdik, The Difficult Business of Perception - OSCE Observers in Croatia, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 195-201.

The Burdensome Legacy of the Past

Approaching the villages of Pakrac and Lipik one passes the "Turistički Biro Lipik". The paneless windows of the completely burnt-out building seem to stare at the visitor. A sign reads "Welcome to Lipik" and yet there are entire streets where there is hardly a house with a roof on it and the facades have visible signs of bullet shots. The glass dome of the former spa-and-bath house lies there in shards. Ivy twines through the paneless windows and doors. A house whitewashed in light pink stands in stark contrast to all this dreariness; it is the Lipik orphanage, financed by private donors. Opposite it, right on the main street that leads to Pakrac, which has also been shot to bits, a blue-white flag is flying over a house with no plaster: it is an OSCE field office with an OSCE jeep parked in front.

The OSCE Mandate and the Mission

The creation of the OSCE Mission to Croatia is based on a decision of the Permanent Council of the OSCE of 18 April 1996 and it began work in mid-July of that year. The mandate has already been extended three times; the last extension began on 19 November 1998 and is to last until 31 December 1999. The Mission's tasks are to ensure the protection of human rights and rights of minorities, to assist the return of refugees and displaced persons, and to contribute to the observance of the rule of law and democratization.³ The mandate was expanded on 26 June 1997 through another decision of the Permanent Council.⁴ The Mission has been instructed to provide assistance and offer monitoring and observation services as well as to work out specific recommendations to the Croatian authorities. However, there is no provision for rights of direct intervention and the use of coercive mechanisms, comparable to the OSCE Mission to Bosnia and Herzegovina.

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- 3 "The Mission will provide assistance and expertise to the Croatian authorities at all levels, as well as to interested individuals, groups and organizations, in the field of the protection of human rights and of the rights of persons belonging to national minorities. In this context and in order to promote reconciliation, the rule of law and conformity with the highest internationally recognized standards, the Mission will also assist and advise on the full implementation of legislation and monitor the proper functioning and development of democratic institutions, processes and mechanisms." OSCE, Permanent Council, PC-Journal No. 65, Agenda item 1, Decision No. 112, PC.DEC/112, 18 April 1996.
- 4 Decision No. 176 of the Permanent Council of 26 June 1997 authorizes the Mission 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; to make specific recommendations to the Croatian authorities and refer, as appropriate, urgent issues to the Permanent Council (...)", OSCE, Permanent Council, PC-Journal No. 121, Agenda item 1, Decision No. 176, PC.DEC/176, 26 June 1997.

Tasks and Challenges

Against the background of this mandate, different priorities emerge for the Mission and its observers. First, a network establishing links between various offices, along with co-ordination centres and field offices, and the local authorities in Croatia must be guaranteed. Beyond that it is a question of observing and monitoring the system of justice and the police, the rule of law and the observation of human rights, of supporting the reintegration of refugees and displaced persons, and of bringing about democratization and a liberalization of the media.

Structure of the Mission

In addition to its headquarters the OSCE Mission to Croatia now has three co-ordination centres in Knin, Sisak and Vukovar, and over 17 outposts - so-called field offices. The number of international Mission members has grown from 140 to almost 250 since 1997. Among them are 108 police observers who have been working for the Mission since October 1998. The international police officers, who during their service as OSCE Mission members are freed from their responsibilities at home, accompany Croatian policemen on their patrols and assist them with written office work. The international policemen do not limit themselves to giving advice but make the Croatians aware of internationally accepted legal norms and clarify these when Croatian officers violate them. If in such a case the officer in charge makes no effort to alter his approach to the method protested against, the upper level of the OSCE office, at the recommendation of police observers, is prepared to intervene at the political level.⁵

The OSCE Mission to Croatia aims at co-operation and partnership with the host country. Therefore, its opportunities for action are limited and the Mission is confronted at all levels with these limitations. They apply to the observer in a field office just as much as to the head of a co-ordination centre and the Head of Mission. This structure offers a special opportunity, however, because the lasting influence of a mission free of the constraints of operating as a protectorate is more likely to bring about long-term revision towards a co-operative and collective security concept. But visible progress can only be made slowly and is often hard to grasp because normalization, democratization and reintegration are long-term processes.

5 On the police observation work of the OSCE see Gerald Hesztera, *The Future of the Civilian Police within the OSCE Framework*, in: OSCE Yearbook 1998, cited above (Note 2), pp. 243-248. The Police Monitoring Group of the OSCE Mission to Croatia compiles a monthly report to the OSCE in Vienna (Police Monitoring Group Report).

Between Hope and Resignation: the Responsibilities of an Observer

The reality of Croatia forces a visitor to this country into a permanent balance between hope and resignation - a balance that is hard to maintain if one is not first and foremost a guest in the country but, rather, a critical observer from an international organization with a political mandate. After a comprehensive introduction in Bonn and Vienna to the work of the Mission and the responsibilities of the OSCE in Croatia, the observers are first sent to the Mission's headquarters in Zagreb for a short orientation. At the introduction in Vienna special attention is given to security precautions, because there are still many weapons in private hands and the situation can be tense in many villages. The problem of mines and their related risks are the chief topic in Zagreb. Along the former confrontation line, there are innumerable mines which are not all indicated on the United Nations Mine Action Center (UNMAC) maps, however there are many suspected mined areas.⁶

After the orientation observers are sent to one of the three co-ordination centres, where they meet with other Mission members, both international and Croatian, to get an overview of the concrete problems in the area where they are to be stationed.

On their way to the co-ordination centres, the observers witness a Croatia different from the modern, developed and lively Zagreb which they saw at first. In the country-side, time seems to have come to a stillstand. Men and women pull their ploughs by hand and offer their products for sale along the edge of the road. The state of the villages, which show the marks of war only too clearly, doubtless leaves none of the observers untouched. The houses riddled with bullets, the numerous abandoned villages - the dreariness of this sight doesn't really fit in with the surrounding nature. Unimpressed by political events, it continues to grow rampantly. Bushes and trees grow out of many of the roofs of destroyed buildings and sometimes smoke rises from an occasional chimney where individual families have returned and are eking out a miserable existence under wretched conditions. One feels helpless in the face of such a situation but there is also a trace of enthusiasm because one is here to make an effort to improve the situation. But the opportunities of observers to really change things are limited, in spite of - but perhaps also because of - their manifold responsibilities.

Reality and Ideals

It is essential for the work of the observers to hold regular meetings with the local authorities. The observers meet with prefects, mayors and local authori-

6 Cf. United Nations Mine Action Center (UNMAC), Report of the regional center in West Slavonia, internal document for the information of a delegation of the European Community on 24 February 1998. More than 1,000 mine fields are assumed to be still in the region. These mines constitute one of the biggest obstacles for the returnees and for a lasting and secure settlement of Croatia.

ties as well as with representatives of other international organizations. At these meetings, developments and problems of the region are discussed, especially with a view to the return of refugees and displaced persons, their social, political and economic integration, and related problems. Also, special attention is given to facilitating peaceful relationships and community life through co-operation between the local authorities and national and international non-governmental organizations (NGOs) which are active in this area. Although the OSCE does not seek to solve individual problems, it is occasionally necessary for the Organization to intervene. An example is the frequently confused situation with regard to living space and the delayed financial and social support for returnees. An oral or written intervention by the Organization can help to set the bureaucracy in motion and even to find a concrete solution to problems, so that refugees and displaced persons can really return to their houses and receive social assistance. If the Mission intervenes, members of the Organization also point out structural problems of the region, e.g. the lack of clear guidelines dealing with property issues. Here, too, the Mission reaches its limits because these interventions depend on a friendly and co-operative relationship and respect for Croatian sovereignty must be ensured. However, if there have been violations of guidelines and agreements that Croatia has accepted, it is the responsibility of the Mission to talk emphatically with the authorities about these matters.

Observers participate regularly in seminars and workshops dealing with matters relevant to the OSCE mandate such as the return process, confidence-building and post-conflict rehabilitation. These meetings also serve to establish valuable contacts. In addition, observers attend court hearings, monitor the implementation of the rule of law and offer legal advice to returnees and refugees. The observers also follow closely developments in the media. In the course of 1998, there has been more intense discussion on democratization, especially with a view to the forthcoming elections, and this has taken place in close co-operation with NGOs for the purpose of revitalizing civil society and providing political support for Croatian citizens' rights and human rights organizations. The main focus of observers' work, however, is to follow the process of returning refugees closely.

Passing on and Evaluating Information

The Mission prepares a weekly report on their activities that is sent to the OSCE in Vienna. The report informs all 55 OSCE participating States on the situation in Croatia especially in view of the political events. The report reflects the extent of individual observations by Mission members only to a limited degree since it aims to deliver a political message and is a political document. Observers start by collecting the most concrete information available on the local situation and pass it on to the co-ordination centres. The observations are analysed there. These analyses of the situation and events in

the areas where observers are stationed are then sent on to Zagreb. While the reports from observers serve to give their colleagues at headquarters a detailed overview of the local situations, a decision is made in Zagreb on which information from the field reports can be used for reporting purposes to Vienna and which information calls for action. Thus, the weekly report to Vienna contains a political message as to progress and regress of the Croatian government's fulfilment of agreements. The same applies to the progress report which the Mission produces every four months to assess the fulfilment of international commitments by the Croatian government.⁷

These various ways of processing information are often a source of frustration to the observer in the field: solving problems has usually been initiated by the Croatian government based on long-term political dialogue and appeals to its own interests - while the problems themselves call for a quicker and less bureaucratic solution. When people cannot return to their homes because they have been occupied, when they receive no social services or other forms of support, then they suffer in a concrete and immediate way and turn to OSCE observers in the hope of quick assistance. But the latter are seldom able to help these individuals because immediate intervention is not part of the observer's task to monitor and advise and the possibilities for changing the situation are mainly in the hands of the authorities. Observers do occasionally intervene, in writing or verbally, but they do not solve any individual cases.

OSCE observers are not social workers and they provide no humanitarian assistance. The mandate of the OSCE Mission to Croatia provides for observers to contribute to stabilization and democracy in the country by calling attention to problems that crop up in connection with the return of refugees and displaced persons, the protection of human rights, the process of normalization and reintegration. For that reason it is sometimes difficult for an observer to strike a balance between the urge to provide practical assistance, on the one hand, and the actual need to limit himself to observation, reporting and advising, on the other. It is also hard to avoid feelings of resignation because the many individual hardship cases are touching and contribute to a picture of Croatia that is difficult to reconcile with the image of a modern, democratic country. It is hardly acceptable, for example, that returnee families, even after a court decision acknowledging their property rights, are unable to return to their houses and apartments, or Croatian displaced persons living in third countries are not permitted to vote. The hope of making at least a small contribution to improving democratic practices and living conditions in this country gives motivation to OSCE observers. But this motivation cannot always be easily sustained in view of the many problems in this country and the frequently one-sided and prejudiced attitude of the population. These

7 The progress reports of the OSCE Mission to Croatia have so far appeared four times, between May 1998 and May 1999: OSCE Mission to Croatia, Progress Report No. 1, 20 May 1998; No. 2, 8 September 1998; No. 3, 26 January 1999; No. 4, 18 May 1999.

problems are clearly visible in Western Slavonia and are typical in all of Croatia.

The Process of Return

Many returnees follow the official path of "organized" return which is run by the local authorities in co-operation with the United Nations High Commissioner for Refugees (UNHCR). The waiting period for confirmation of a possible return can be lengthy and many people circumvent this process because they have personal and economic reasons for a rapid return. This "spontaneous" return creates substantial problems. Even when the return has been organized by the state, local conditions - economic, political and social - often do not permit a long-term stay in the region under circumstances adequate for human beings. Difficulties arise, for example, in getting the necessary papers, legal protection, health care and social services. Often, there is no electricity or running water, jobs are in short supply, and large parts of the country are still mined. Things are made more difficult for the "spontaneous" returnees because of the problem of obtaining valid papers, access to their property as well as finding an alternative place to live.

There is discrimination in many areas, particularly with respect to discriminatory legislation and its application to particular population groups, but also in the social area, owing to the unequal distribution of social services, and in political matters - especially with regard to the right to vote and freedom of expression.

Observers learn a great deal about the destinies of people who have returned from other parts of Croatia or third countries after years of absence. But it is only with time that observers acquire a balanced view of their area of assignment, develop contacts and find out who is able to provide dependable information and who is less interested in the truth.

Economic Problems and the Aftermath of War

There was a flourishing industry in Western Slavonia before the war (textiles, furniture, chemicals) and substantial agriculture, along with fisheries and wine growing. Almost every mayor in this region speaks with pride of how Western Slavonia was once attractive to tourists because it had extensive hunting areas and countless thermal baths. During the war the line of confrontation ran directly through this area which not only had devastating economic and political consequences but left behind deep psychological wounds. Under these circumstances there is little room for reconciliation or peaceful coexistence.

Status of Refugees and Displaced Persons

As a general rule neither the Croatian government nor the people living here welcome or support the return of refugees or the influx and settlement of displaced persons. As a young and independent country, Croatia has many problems, and the subject of refugees is only one of many. The Croatian people are just as concerned about unemployment, which in some places is over 80 per cent, the high cost of living, the lack of a promising future, the generally deteriorating economic situation and corruption. The resulting atmosphere hardly favours an open relationship with minorities nor engenders a positive attitude towards them.

In 1991, about 55,000 people lived in this region; of these around 70 per cent were Croats, 20 per cent Serbs and ten per cent other minorities (mainly Czechs, Hungarians and Italians). There are no dependable figures on the present composition of the population. However, it is obvious that the hopeless economic situation as well as the difficult social and political circumstances have largely destroyed the foundations of life in this region and brought a fundamental change in the structure and composition of the population.

Return and Reintegration under Difficult Conditions

The few Serbian families that stayed in this region or returned to it suffer more or less open discrimination and it is difficult for them to integrate into society. Hardly a family succeeds in asserting their ownership claims. The returnees are received in a hostile atmosphere. Envy often plays a role as well because there is an opinion amongst the population that the international community - particularly the OSCE - is only interested in the fate of the Serbs. Apart from a few initiatives - e.g. that of the European Community - there are hardly any government projects for the construction of Serbian housing. Serbs are often denied public assistance. Without any real protection under the law there is little hope of justice in the event of arbitrary expropriation and when it comes to job distribution, Serbian returnees often have the poorest chances in comparison with other applicants.

The situation is similar for refugees from Bosnia the majority of whom are Croatian citizens now, and thus more likely to have their rights acknowledged than Serbs, but who nonetheless feel themselves to be second-class citizens. Their integration into Croatian society also occurs with much discord and in some villages of Western Slavonia the situation has become so tense that mayors openly admit that they would rather have Serbs back than refugees and displaced persons from Bosnia or Kosovo. Such comments are really astonishing in view of the generally negative attitude towards Serbs, however they are an accurate reflection of the mood in this region.

Neighbouring States and Links to the Croatian Dilemma

The problems in Western Slavonia cannot be separated from the problems in Bosnia and Herzegovina. Very few Bosnian refugees are likely to return to their homeland. This is not only due to the destitute economic situation but also to political circumstances in Bosnia. Many of these Bosnian refugees today live in houses that were abandoned by the Serbian population during the war. When the Serbs now return from third countries (e.g. Germany or the Republic of Yugoslavia) or from other parts of Croatia they often have to take administrative and/or legal steps to get back their property and back into their houses. And even when they have received a favourable decision recognizing their property rights, it cannot be taken for granted that the problem has been solved; indeed, that is more the exception than the rule because it is seldom that the returnees, refugees or displaced persons, have alternative housing. There are housing commissions in these communities meant to deal with these problems but in many places they process cases very slowly if at all. As an observer, one sees the limited options on the local scene very clearly, but one has to wonder whether the ineffective involvement of the commissions has practical causes or results from a lack of political will. Still, it is true that structural problems of this kind cannot often be solved at the local level because the communities, in their work and in the decision-making process, are bound by the instructions of the Croatian government. In any event, there is no visible will by officials to introduce momentum to the return process, and this is of course reflected in the work of the communities.

The efforts of the OSCE Mission to Croatia, in collaboration with the Mission to Bosnia and Herzegovina and with other international organizations, to bring movement into this confused situation seems to be having some initial success. For example, the number of Bosnians who want to resolve their property affairs at home or at least learn what condition their homes are in, has been growing.

Political Culture and Local Change

Owing to prevailing leadership structures and the dominance of the Croatian Democratic Party (*Hrvatska Demokratska Zajednica*, HDZ) the political situation is extremely inflexible, so that local changes can be made only slowly and hesitantly. Through dialogue between observers and local authorities and organizations, as well as the locals themselves, the OSCE attempts to reinforce the protection of minorities and create political rethinking. This works when small steps are taken but has proved to be a very difficult and protracted process. Success was achieved, for example, when the occasional mayor who had been very resistant in dealing with the problem of returnees and taken no initiatives to bring about a more constructive atmosphere in the

community finally began trying to find solutions to housing problems and other sources of conflict that poison the atmosphere in the region. This effort started, as a rule, when the mayor realized that more could be accomplished in the long-term interest of the region by co-operation and partnership with the OSCE and other international partners than by insisting on past practices and holding fast to unfair treatment and taking advantage of people. A vivid example is provided by the village of Dragalič in Western Slavonia which succeeded in obtaining financing for the reconstruction of certain facilities and for mine clearing from international donor organizations. Dragalič is regarded as "returnee territory" even though mines are actually visible along the path to the school and the overall economic situation is very tense. But a plan was worked out, in co-operation between the local authorities and a field office of the OSCE Mission, to improve the conditions of life in this community and determine what financing options might be available. This plan provided the basis for contacts with donor organizations and was an important reason why the proposals received a favourable response.

Nevertheless, problems continue to exist. The state is organized centrally and action can only be taken upon directives from the capital. The personal/local initiative is to a large extent stifled rather than promoted and local successes are only small steps on the path to normalization. In addition, the people here still suffer from the consequences of the war and there are hardly any official initiatives to conduct a dialogue aimed at rapprochement and reconciliation between the various population groups. Indeed, the opposite is the case: the refugee problem is often used as a political device for conjuring up images of aggression and expulsion.

Leading Figures and Challenges to Society

It is only in exceptional cases that politicians, particularly those in cities such as Pakrac that were hit hard by the war, have the will to change the situation. They often simply continue spouting inflammatory, nationalistic war rhetoric. The leading figures of society do little to alter this situation. Bishop Antun Skvorčević of Požega, capital of the Požeško-Slavonska region in Western Slavonia, is surely an exception when he calls for reconciliation between the various population groups and emphasizes the importance of a multi-national identity for Croatia, thus engaging the church as a conciliatory element in the process of normalization. Nevertheless, the Croatian people need practical assistance in building a civil society and above all time to come to terms with the memory of the war and the ability to live with it.

International Involvement

Western Slavonia is only a small part of Croatia but the problems associated with the complex reintegration process, rapprochement, coming to terms with the past and the protracted process of normalization are typical for Croatia as a whole. These multiple problems provide fertile soil for tensions and conflicts which should not be underestimated. The sense behind the OSCE Mission and its effectiveness as well as the presence of observers are closely linked to two factors: Croatia's strategic patience along with the long-term developments occurring there and a political transformation of the generations, their convictions, and their attitudes.

In its function, the OSCE Mission to Croatia reflects the international commitment to Croatia. In any regional structure for security and stability, a democratic and modern Croatia will have to play a key role. The Mission and the observers have to perform gradual political persuasion and in the process appeal to Croatia's long-term self-interest which must be understood in terms of coming closer to European norms and continuing the process of normalization and democratization. Croatia is in a very difficult and onerous transitional phase of its history and faces the decision of whether to model itself upon Europe more closely or to remain standing on its threshold. The effects of the most recent Balkan war and Croatia's active role in that conflict remain a constant factor in its political, economic, cultural and social development. As a result of the Kosovo conflict, Croatia, especially in 1999, has had to fight against the stigma of still being a crisis region and as a consequence ran the risk of missing the European connection and slipping off into political and economic isolation.

It remains an open question, despite our involvement in this region, what path Croatia will follow with the help of the international community.