
Croatia's European Future

A CONVERSATION WITH
CROATIA'S PRESIDENT IVO JOSIPOVIĆ

FLETCHER FORUM: *A primary reason for your latest visit to the United States is the fifteenth anniversary of the Dayton Accords. Analysts agree that the Accords helped stop the bloodshed in Bosnia and Herzegovina but failed to create the conditions for a stable and just peace. What are your views on the Dayton Agreement fifteen years on?*

PRESIDENT IVO JOSIPOVIĆ: The Dayton Agreement played a role in stopping the war, but history is a dynamic process and what was “good enough” fifteen years ago may be unsatisfactory today. The Dayton Agreement indeed stopped the war and created the possibility of building peace and prosperity in Bosnia and Herzegovina. At the same time, some of its building blocks continue to impede the development of our neighboring country. I believe there are two main issues with the post-Dayton landscape. The expectation in 1995 was for a balance of influence between the two political, territorial entities that constitute Bosnia and Herzegovina: the Bosniak-Croat Federation and the Serbian Republika Srpska. These hopes faded as major political parties that represent the three constitutional nations

The Dayton Agreement played a role in stopping the war, but history is a dynamic process and what was “good enough” fifteen years ago may be unsatisfactory today.

Ivo Josipović won the presidential elections on January 10, 2010, and took his oath of office as President of the Republic of Croatia on February 18, 2010. His main priorities as president are Croatia's accession to the European Union and regional cooperation in Southeast Europe, while on the domestic front he fights against corruption and advocates for social justice. Before assuming presidential duties, he was professor of law and composition of classical music at the University of Zagreb and a member of the Croatian Parliament.

continued to insist on national agendas. A three-way institutional equality in a dual territorial set-up now looks extremely difficult, especially with regard to the position of Croats as the constitutive nation with the smallest population. They feel underrepresented and are often outvoted; this is the first enduring issue. These institutional imperfections were exacerbated by population shifts during the conflict, which were not entirely reversed through the implementation of the Dayton Agreement. As a result, the overwhelming majority of Bosniaks and Croats are concentrated in half of the country (the Federation).

The second issue is how to make Bosnia and Herzegovina a functional state able to conduct reforms needed to join the EU and NATO, and, more importantly, to fulfill its citizens' legitimate needs, concerns, and expectations. Bosnia's neighbors need to support this process but not impose solutions. Croatia sees the forthcoming reform of the Bosnian Constitution, in compliance with the European Convention on Human Rights, as an excellent opportunity for rethinking some of the mechanisms introduced by the Dayton Agreement.

FORUM: *One of the topics that you discussed during this U.S. visit was the role of U.S. diplomacy in sealing the deal in Dayton. How present is the United States in the region now?*

PRESIDENT JOSIPOVIĆ: Understandably, the United States is now less present than it was in 1995. However, its interest, presence, and reputation are still significant enough for the United States to play a key role through its embassy activities and high-level visits to the region.

FORUM: *Dealing with past wrongs seems to be an important part of your personal, academic, and professional agenda. You worked on and wrote about the International Criminal Tribunal for the former Yugoslavia (ICTY), and have dedicated efforts as president to establish closer ties with Serbia and Bosnia and Herzegovina, in particular. How do you see the people and politicians of the Balkans moving forward from the wars of 1990s to a joint future in the EU?*

PRESIDENT JOSIPOVIĆ: Our most recent past is stressful and painful for all three countries. We need to find a way to deal with the past, but also look toward the future and not drown in history. Lessons need to be learnt so that the atrocities of the 1990s never happen again, either here or anywhere else. In more concrete terms, I feel there are several issues that my generation of politicians needs to confront. One of the most pressing issues is the unknown whereabouts of thousands of citizens as a result of war. This presents a huge burden not only to our countries, but also to these citizens' families and loved ones.

Secondly, the breakup of Yugoslavia brought about border disputes, which from time to time cause tensions in the region. Croatia, for example, still has some border issues with all of its neighbors except Hungary and Italy. Croatia advocates that these, if they cannot be dealt with through direct talks, be dealt with through international dispute resolution mechanisms.

The refugee issue is also a complex one. There are people who were driven away from their homes in Bosnia who now live in Croatia or Serbia, people from Serbia who live in Croatia, and Croatian citizens who live in Serbia or Bosnia. A significant number of people left the region. The fact that the main obstacles for their return are now economic, and not political, is encouraging. We need to ensure that refugees have access to their property and to create the conditions for sustainable return. Jobs, infrastructure, and living conditions will motivate young people in particular to come back to cities and villages that their parents left twenty years ago.

The refugee issue is also a complex one. There are people who were driven away from their homes in Bosnia who now live in Croatia or Serbia, people from Serbia who live in Croatia, and Croatian citizens who live in Serbia or Bosnia. A significant number of people left the region.

From a purely legal perspective, dealing with the past also entails issues of succession of the former Yugoslavia, from resolving citizenship status to dividing Yugoslavia's property abroad. That still has not been done.

FORUM: *Building on this legal perspective, how do you, not only as an expert in international criminal law but also as a politician, evaluate the legacy of the ICTY?*

PRESIDENT JOSIPOVIĆ: Much like Dayton, the ICTY played an extremely important historical role in the region and the international community. The genocide in Srebrenica happened after the ICTY's establishment, but in the longer run, the ICTY did help put an end to the most heinous atrocities. It also provided an incentive for domestic judiciaries to conduct proceedings impartially and to accept international legal standards. The experience of the ICTY was the starting point for the creation of the International Criminal Court, as well.

Unfortunately, I am not convinced that the persons indicted by the ICTY were always the ones most responsible for the committed crimes. Some of the proceedings lasted unreasonably long because the prosecutor

had not prepared for the case well enough. As a professor of law, I also found it difficult to accept the attempts to introduce legal concepts that had not existed beforehand either in the legal systems of the countries in question, or in legal theory. Guilt, not objective responsibility, should be the reason for punishment. This is what I strongly believe as an individual and as a professor of law.

FORUM: *Croatia has been negotiating its accession to the EU since 2005. What are the main challenges on Croatia's path to full membership?*

PRESIDENT JOSIPOVIĆ: The main challenge was our legal and economic system itself. While it was easy to change laws, it was much more difficult to ensure compliance and to change the way people think and behave. Reforming the judicial system continues to be our imperative as

Unfortunately, I am not convinced that the persons indicted by the ICTY were always the ones most responsible for the committed crimes. Some of the proceedings lasted unreasonably long because the prosecutor had not prepared for the case well enough

we approach the end of accession talks.

We need to ensure that politics have no influence on the judiciary, both in terms of appointment and the duration of judges' terms, as well as with access to justice and proceedings themselves. We are also struggling with a huge backlog of cases. With 4.5 million citizens, five years ago we had 2 million unresolved court cases. Today, the number stands at about 750,000, which is still not fully acceptable. The second challenge is to ensure that our industries, particularly our world-renowned shipyards, are competitive, while at the same time

taking away the subsidies that they were receiving from the government. Shipyards are now in the restructuring and/or privatization process, which would enable them to be competitive on the free market, while the subsidies are eliminated. This restructuring might be socially a painful process. Finally, over the past year, corruption has emerged as a key challenge. A number of ongoing high-level anti-corruption cases in Croatia, one of them including the former prime minister, may at first cause disbelief and shock, but are in the long run a giant leap forward. Corruption became a way of life for a number of people, which is why Croatia has no future and no prosperity if it fails to proceed with the adopted "zero tolerance to corruption" approach.

FORUM: *Croatia seems to be one of the strongest regional supporters of an*

independent Kosovo and spoke in its favor in front of the International Court of Justice (ICJ). How do you see the ICJ's 2010 Advisory Opinion on Kosovo's 2008 declaration of independence influencing long-term regional dynamics?

PRESIDENT JOSIPOVIĆ: From our perspective, Kosovo is an independent country like any other. We do not want our good bilateral relationship to cause any harm to anyone else. I am happy that Serbia and Croatia managed to overcome the negative atmosphere that was prevalent early in my term in office, and that we
continue to build a close relationship.

Serbia and Croatia have a number of issues of mutual interest on the table and it would not be good if our relationship were based upon the "either/or" approach.

From our perspective, Kosovo is an independent country like any other. We do not want our good bilateral relationship to cause any harm to anyone else.

FORUM: *In our last issue, EU High Representative Catherine Ashton spoke about the role of small states in the EU.*

What can Croatia, with its 4.5 million people, offer to the EU, and how can its voice be heard?

PRESIDENT JOSIPOVIĆ: If Croatia and its neighbors were all that unimportant, we would not have had so many wars closely related to the region over the past century. I believe that our contribution to an enlarged EU is not only one of geostrategic nature, but also one that encompasses natural beauty, cultural heritage and tradition, also new business opportunities. We will not be the main decision-maker in the EU, composed of twenty-eight or thirty countries and leaders, but we will be at the table where decisions are being made. We will contribute with our unique, rich, and sometimes painful perspective and experience.

FORUM: *Can Europe speak with one voice, and can this voice ever rival the American one?*

PRESIDENT JOSIPOVIĆ: It's a process. The United States is a superpower with a single voice, but it did not become one overnight; it took two hundred years of history, development, and precedents. Europe will never be a carbon copy of the United States, nor is that desirable. It will need to find other mechanisms to unify its voice. Let's check back in two hundred years and see if we find enough patience to calm the wild waters of European tradition and history that often cause dissonance in the single European voice that you mentioned.

FORUM: *Speaking of wild waters, as a composer of classical music and a musician, how do you reconcile the wilderness and the dynamics of law, politics, and international relations with the serenity of classical music?*

PRESIDENT JOSIPOVIĆ: You have obviously never heard any of my compositions. They are not at all tranquil; people usually leave the room when I start playing them! On a serious note, yes, music calms people down. It is part of our common spiritual heritage, and is sometimes as wild and passionate as politics, but in a good sense. I don't see them in conflict. Music is just another form of human expression. The only conflict that I do see is between my role as president and as composer, since politics doesn't leave me with enough time to compose and play.

FORUM: *On that note, have you completed writing your opera on John Lennon?*

PRESIDENT JOSIPOVIĆ: Not by far! It will obviously be one of my unfulfilled electoral promises. But I remain intrigued by the contradiction between a fan's apparent admiration and obsession with an artist, which leads him to murder the artist. I look forward to examining this contradiction in my opera. ■