Unequal democracy: The political position of Croats in Bosnia and Herzegovina

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Croats in Bosnia and Herzegovina have been marginalized during the last 15 years. Bosniaks have elected a Croat member of the Presidency and formed a federal government twice without legitimate Croat support, completely ignoring Croat electoral will. Bosnia and Herzegovina is at a crossroads today, choosing between the potential for a prosperous future in the EU and the status quo. Reforms of government structures are necessary in order to solve the Croat issue and allow Bosnia and Herzegovina to ascend to the EU. In this paper I map out the history of Croats in Bosnia and Herzegovina since the 1990s and point out the difficulties they face today. I have come to the conclusion that the three entity solution would be the best possible way to provide Croats with equal rights. I hope this unique research will spark interest in the Croat issue and the importance of its resolution for the future of Bosnia and Herzegovina.
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**Acronyms**

ABH- Army of Bosnia and Herzegovina (Armija Bosne i Hercegovine), Bosniak Army during the war in Bosnia and Herzegovina.

CDC - Croatian Defense Council (Hrvatsko Vijeće Obrane), Bosnian-Herzegovinian Croat Army during the war in Bosnia and Herzegovina.

CDU - Croatian Democratic Union (Hrvatska Demokratska Zajednica), Croat center-right party in Bosnia and Herzegovina and Croatia. When referenced in this paper, unless specified otherwise, it is referring to the Bosnian-Herzegovinian branch. It has been the main Croat party since 1990.

CDU 1990 - Croatian Democratic Union 1990 (Hrvatska Demokratska Zajednica 1990), Croat center-right party formed in 2006 as a splinter faction of the CDU.

CNA - Croatian National Assembly (Hrvatski Narodni Sabor), an assembly centered around the CDU that gathers all Croat political parties in Bosnia and Herzegovina.

DF - Democratic Front (Demokratska Fronta), leftist party in Bosnia and Herzegovina formed in 2013 by Željko Komšić.

NHI- New Croatian Initiative (Nova Hrvatska Inicijativa), a minor Croat party during the 2000s, formed as a splinter faction of the CDU.

OHR - Office of the High Representative for Bosnia and Herzegovina

OSCE - Organization for Security and co-operation in Europe

PDA - Party for Democratic Action (Stranka Demokratske Akcije), center-right Bosniak party that has been main Bosniak party since 1990.

SDP- Social Democratic Party (Socijalno-demokratska Partija), leftist party in Bosnia and Herzegovina started as the reformed Communist Party.

SFOR - The Stabilization Force, a NATO led peacekeeping force in Bosnia and Herzegovina.

YPA - Yugoslav Peoples’ Army (Jugoslavenska Narodna Armija), Army of Yugoslavia during the war.
Introduction

Post-Dayton Bosnia and Herzegovina is a unique country. The Dayton Peace Agreement, brokered by the Western powers after the NATO bombing campaign in the country, stopped the greatest amount of bloodshed in Europe since WWII, but also left a highly unstable and deeply fragmented country which is perpetually on the edge of disintegration. Bosnia and Herzegovina lost its “Republic” prefix and became a federation made of two entities and one district formally jointly owned by both entities. Republika Srpska, a Serb-dominated entity functions as a unitary state, while the Bosniak and Croat Federation of Bosnia and Herzegovina is a federal state made up of ten cantons with their respective governments, laws and even police forces.1

Three of the cantons have a Croat majority, five cantons have a Bosniak majority and two are ethnically mixed between Croats and Bosniaks.2 Brčko District, located in the Northeast of the country, is a self-administrated condominium and is ethnically mixed with substantial Bosniak, Croat and Serb population.3 Annex 4 of the Dayton Agreement is the current Constitution, and its implementation is overseen by the Office of the High Representative (OHR). The High Representative, thus far always a European diplomat, has powers to impose laws, amendment entity constitutions, fire officials and prohibit

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2 See Chart 1 and Map 1 in the appendix for a detailed map of the political organization of Bosnia and Herzegovina. Cantons with an ethnic Croat majority are Posavina, Zapadno-Hercegovina and Canton 10. Cantons with ethnic Bosniak majority are Una-Sana, Tuzla, Zenica-Doboj, Sarajevo and Bosansko Podrinje. Cantons Hercegovina (official name Hercegovačko-neretvanski) and Središnja Bosna are ethnically mixed between Croats and Bosniaks. In Središnja Bosna Bosniak constitute a slim majority, while in Hercegovina Croats constitute a slim majority.
3 Nardelli, Dzidic, and Jukic, “Bosnia and Herzegovina.”
officials from holding public offices among other abilities. To make the matter more complicated, the High Representative is the highest interpreter of the Constitution and is not accountable to any institution in Bosnia and Herzegovina, and his decisions cannot be appealed, not even to the Constitutional Court of Bosnia and Herzegovina. Therefore, the High Representative is a de facto a dictator in Bosnia and Herzegovina who can overrule and ignore the political will of the democratically elected representatives of the three constituent Peoples, if he sees such decisions as beneficial for Bosnia and Herzegovina.

While the Serbs make up a vast majority of the Republika Srpska population, Croats and Bosniaks share the Federation. According to estimates, Bosniaks are almost four times more numerous than Croats in the Federation, and coupled with the current election laws in the Federation, this creates ability for Bosniaks to disregard the electoral will of Croats in the Federation of Bosnia and Herzegovina. It is possible for Bosniaks to form the government of the Federation without Croat political parties which have vast popular support among the Croats. Over the years, Croats have ended up in a politically marginalized and unequal position in comparison with the two other constitutional ethnic groups in Bosnia and Herzegovina. The aim of this article is not only to investigate how this has happened, but also to propose possible solutions to the “Croat issue” that is greatly contributing to the instability of Bosnia and Herzegovina and is stalling its path to the European integration and economic development.

5 The constituent Peoples are Bosniaks, Croats and Serbs. They are constituent on the whole territory of Bosnia and Herzegovina, although Serbs mostly live in Republika Srpska, and Bosniaks and Croats mostly live in the Federation. All other citizens, including both national minorities and people who simply declare themselves Bosnians or Herzegovinians, together with undeclared people, form a group called the “Others” in the constitution.
The “Croat issue” is of great significance to the citizens and policymakers of Bosnia and Herzegovina and especially to Croats whose rights and political power are critically endangered today. It is also significant to the international community involved in Bosnia and Herzegovina’s post-war reconstruction and implementation of Dayton Agreement. The International Crisis Group in their last report on Bosnia and Herzegovina claimed that at the moment Bosnia and Herzegovina is slowly spiraling towards disintegration, and hinted that the “Croat issue” can be a deciding factor for the future of Bosnia and Herzegovina.7 Thus, my research is very significant not only to academia that is engaged in the discussion about Croats in Bosnia and Herzegovina since the 1990s, but it is also highly relevant to the policymakers, both Bosnian-Herzegovinian and international. Since no one has definitely answered how Croats ended up in the second-class citizen position that they fill now and what can be done to resolve this issue using a variety of sources and looking at the overarching situation rather than focusing on a specific issue, I believe that my research is highly relevant.

There is a dearth of scholarship in the English language about these issues and I hope to fill the void and internationalize a discussion which is so vigorously debated in Bosnian-Herzegovinian academic circles and the general population alike. The benefit of answering my research question is the potential to illustrate possible paths that Bosnian-Herzegovinian policymakers should take in order to resolve this issue and impending crisis, while the risk of not answering such an important question on time might be the persistence of the status quo, unrest and maybe even the disintegration of Bosnia and Herzegovina in the future. While my article will read as a policy paper with the ultimate

goal of policymakers implementing or at least taking my findings into consideration, I will also reference the academic discussion on this topic that is being held in Bosnia and Herzegovina, especially in the political science journal “Status”.

My main argument is that Croats lost many rights through changes and amendments to the Washington Agreement and misinterpretations of the Dayton Agreement that were mostly perpetuated by the Office of the High Representative for Bosnia and Herzegovina, and that the internal reorganization of Bosnia and Herzegovina is essential if the country is to survive. Quite simply, Croats are not on a politically equal position with the Bosniaks and Serbs, and this creates a lot of friction that might reignite the Bosnian-Herzegovinian powder keg if this issue is not resolved. The changes by the High Representatives (there have been seven office holders since 1995), especially those concerning Federation of Bosnia and Herzegovina, diminished Croat rights over time and culminated in the election of Komšić as Croat member of the Presidency without Croat support.

In order to resolve the crisis I will suggest a variety of possible approaches to the internal reorganization of Bosnia and Herzegovina and legal guarantees for equal rights of all its citizens. The possible approaches to the present political crisis are the creation of a third entity (with a Croat majority), making Bosnia and Herzegovina a union of three republics, regionalization of the country, dissolution of the entities and the cantonization of a whole country, a return to the original Washington Agreements, a unitary and centralized Bosnia and Herzegovina and a status quo. I will analyze all of these possible solutions and list the benefits and dangers of each, although I believe that the third entity would be the best solution in order to protect rights of Croats in Bosnia and Herzegovina
and stabilize the situation in the country. The “Others” (national minorities and citizens who do not declare themselves members of one of the three constituent Peoples in Bosnia and Herzegovina) are also in a politically unequal situation. Their position is not the focus of my research and it is a topic for further analysis. While I acknowledge that all Bosnian-Herzegovinian citizens are not equal at the moment, I will focus solely on the inequalities currently experienced by the Croats, especially in contrast with two other constituent Peoples.

**Methodology**

In order to support my thesis I will use a variety of methods and sources. I have included the most relevant books and journal articles written in Croatian, Bosnian, Serbian and English about this topic. These sources are written using, but not limited to, historical, political, economic, juridical and sociological approaches to the topic. Also, I will use analyses performed by the Institute for Political and Social Research in Mostar and reports by the International Crisis Group. I will in addition use the interview I conducted with Mr. Vladimir Šoljić, the Minister of Defense of the Croatian Republic of Herzeg-Bosnia during the war and president of the Federation of Bosnia and Herzegovina in 1997. Today he is president of the Croatian Community of Herzeg-Bosnia, the main cultural Croat institution in Bosnia and Herzegovina. I will also use a variety of news articles, analysis done by political scientists for state officials, official government documents and websites that have published in relation to this topic.

My approach is a fresh one, because no one has used such a variety of sources before while looking at a general over-arching situation rather than focusing on a specific
sub-issue in the English language. I will start my article by giving a thorough historical overview of Bosnia and Herzegovina from the last days of Yugoslavia up to the Dayton Peace Agreement in order to give readers a much needed background that will shed light on the reasons why Bosnia and Herzegovina is organized as it is and why the “Croat issue” is a relevant issue today. I will give special emphasis to the Muslim-Croat civil war and its impact that resulted in the Washington Treaty. I will then look at the immediate post-war period between 1995 and 2000 which was, despite crimes in Central Bosnia against people trying to return to their homes, generally a positive time for Croats in Bosnia and Herzegovina. I will then examine the last decade and one half when Croats were gradually stripped of any political rights through the actions by Bosniak parties and decisions by the High Representatives. This gradual deconstruction of Croat political rights started in 2001 with the establishment of the “Alliance for Changes” that excluded political parties who received the most Croat votes from Federal government. I will then give special attention to the Croatian Home Rule and the way it was suppressed by the international community in Bosnia and Herzegovina. I shall then proceed to analyze the current issues of Croats in Bosnia and Herzegovina which include political and economic discrimination against them in the Federation. The most famous instance of this discrimination were two elections of Željko Komšić as Croat member of the Presidency with largely Bosniak votes and the formation of Federal government in 2010. I will then proceed to offer possible solutions and evaluate their advantages and disadvantages. I will then conclude my article with my predictions of what may happen and a suggestion of what both the international community and Bosnian-Herzegovinian politicians should
do to resolve the “Croat issue” and allow Bosnia and Herzegovina to finally begin ascension to the EU.

A historical overview of modern Bosnia and Herzegovina up to the Dayton Peace Agreement

Bosnia and Herzegovina has always had a turbulent and rather difficult history. Its history today is highly politicized and skewed by all three constituent Peoples who (mis)use this history to legitimize their own political agendas and projects. Today’s Bosnia and Herzegovina was controlled throughout the centuries by Illyrians, Romans, Slavs (both of Latin and Eastern rite), Hungarians, Ottoman Turks and the Hapsburg Monarchy. All three Peoples in Bosnia and Herzegovina have very different views of their shared history. For example, while for some Ottoman Turks are seen as villains who enslaved the Slavs, for others they are a relatively good force who brought Islam and progress to Bosnia and Herzegovina. Still, pre-19th century Bosnian-Herzegovinian history is not really all that important for this article and its many quasi-historical national myths have no place in serious academic work. One such myth, which is used today by the mostly Bosniak pro-unitary state elements is the common national Bosnian identity of Peoples living in Bosnia and Herzegovina. People living in Bosnia and Herzegovina did peacefully coexist during most of their history, but there was never a joint national identity in which Croats, Muslims and Serbs would identify as Bosnians and

9 (Bosnian) Muslims was a national/ethnic name used by the Bosniaks before 1993, when they decided to rename their ethnic group Bosniaks. To respect this decision and also be consistent, I will use these two terms (Muslim, Bosniak) interchangeably when talking about Bosniaks and their history before 1993. I will use “Bosniaks” only when talking about them after 1993.
Herzegovinians. Rather, Bosnian and Herzegovinan were terms for geographical or regional identity, which is one of the many identities that people in Bosnia and Herzegovina simultaneously have, together with their ethnic and religious identities.

At the beginning of the twentieth century, all associations and cultural clubs in Bosnia and Herzegovina were monoethnic Croat, Muslim or Serb clubs rather than (joint) Bosnian-Herzegovinian clubs. In the nineteen century people in Bosnia and Herzegovina, under the influence of the greater Romantic Movement in Europe, started to form ethnic identities that are crystalized today. Austria-Hungary assumed power over Bosnia and Herzegovina after more than four centuries of Ottoman rule in 1878. After the defeat of the Central Powers in WWI Bosnia and Herzegovina was, together with other Austro-Hungarian territories inhabited by South Slavs and Kingdoms of Serbia and Montenegro, joined into the Serb-dominated Kingdom of Serbs, Croats and Slovenians. This kingdom was later re-named the Kingdom of Yugoslavia. After the fall of Yugoslavia in 1941, the whole of Bosnia and Herzegovina was incorporated into the Independent State of Croatia, a Nazi puppet state led by extreme Croatian nationalists and supported by some Muslims in Bosnia and Herzegovina.

During WWII Bosnia and Herzegovina was the site of many massacres and horrible crimes committed by German and Italian occupation forces, the puppet Ustasha government (which included both Croatian and Muslim officials), Serb nationalistic and pro-monarchist Chetnik units and multiethnic Communist Partisan forces headed by the

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11 Ibid, 55.
13 Ibid, 9.
14 Ibid, 10-11.
charismatic but ruthless Marshal Josip Broz Tito.\textsuperscript{15} These war crimes along with the massacres of surrendered Chetnik and Ustasha soldiers, as well as some civilians by Tito’s partisans immediately after the end of WWII left long-simmering animosity and hatred among the three ethnic groups in Bosnia and Herzegovina.\textsuperscript{16} Still, this hatred was buried beneath the surface by the totalitarian Communist regime of Yugoslavia for more than four decades and only reappeared in the 1980s after the death of Tito.\textsuperscript{17} During this period Bosnia and Herzegovina was one of the six Socialist republics that made up the Socialist Federal Republic of Yugoslavia. Bosnia and Herzegovina was unique in this regard because it was officially a republic of three constituent Peoples: Croats, Muslims and Serbs, in contrast to Slovenia or Macedonia which were countries of Slovenian and Macedonian people respectively. Bosnia and Herzegovina was the most ethnically mixed region in the former Yugoslavia.

In 1990 the three main national parties that would dominate Bosnian-Herzegovinian political life in the 1990s were formed in Bosnia and Herzegovina. The main Muslim party was the Party for Democratic Action (PDA) centered around Alija Izetbegović.\textsuperscript{18} Serbs mostly supported the Serbian Democratic Party led by Radovan Karadžić\textsuperscript{19}, while the Croats gathered around the Croatian Democratic Union (CDU) of Bosnia and Herzegovina that changed many leaders in the 1990s, but the most prominent one was Mate Boban.\textsuperscript{20} All the mentioned parties had branches in at least one other Yugoslavian Republic, and the CDU of Bosnia and Herzegovina was actually a branch of

\begin{thebibliography}{9}
\bibitem{15} Ibid, 11.
\bibitem{19} Ibid, 260-1.
\bibitem{20} Ibid, 262-3.
\end{thebibliography}
the CDU from Croatia led by the first Croatian President Franjo Tuđman. On the 25th of June 1991 Croatia and Slovenia declared independence from Yugoslavia and skirmishes had already began in Croatia between Croatian Army and Serb paramilitary units backed by the Yugoslav People’s Army, soon leading to a full-fledged war. It was obvious that the peace in Bosnia and Herzegovina would not last for long unless all three ethnic groups made an agreement on what kind of future they wanted for their ethnic group and for Bosnia and Herzegovina as a whole.

In March of 1991, Bosnia and Herzegovina held a census. The results were used many times in peace proposals during the war. According to the census, Bosnia and Herzegovina had a population of 4,377,033 citizens. Just under 1.9 million or 43.4% of them declared themselves as Muslims, a bit less than 1.37 million or 31.2% as Serbs and some 760 thousand or 17.4% as Croats. Out of the remaining 350 thousand people, some 240 thousand declared themselves Yugoslavs and the others were either national minorities, like Hungarians, or undeclared citizens. Therefore, over 92% of the Bosnian-Herzegovinian population considered themselves to be a part of one of the three main ethnic groups. The first democratic elections in Bosnia and Herzegovina were held on the 18th of November 1990. These elections confirmed that all three main ethnic groups in Bosnia and Herzegovina were polarized and would chose to gather around their ethnic parties rather than to show support for multiethnic parties or reformed

21 Ibid, 241.
24 Ibid, 10-11.
communists. At these elections, the last ones until after 1996, the three national parties together got more than 84% of seats in parliament and all seven seats in the Presidency. It was clear that national parties and their policies had the overwhelming support of their respective ethnic groups.

The Serbs wanted to keep Bosnia and Herzegovina in Yugoslavia which was becoming increasingly unitary and Serb-dominated, but they were also open to joining parts of Bosnia and Herzegovina that they considered Serb to Serbia, while the other parts could gain some sort of independence. Muslims wanted an independent Bosnia and Herzegovina that would be a unitary centralized republic, which would then be dominated by their group through the dominance of sheer numbers. Croats, the least numerous group, supported the confederative model for an independent Bosnia and Herzegovina. Still, certain groups among Croat leaders, especially during the Muslim-Croat War when the breakup of Bosnia and Herzegovina was appearing imminent, would not have minded seceding parts populated mostly by Croats from Bosnia and Herzegovina and joining them with the Republic of Croatia.

The war in Bosnia and Herzegovina, at least for Croats, started on the 1st of October 1991 when the Yugoslav People’s Army (YPA) and the Serbian and Montenegrin reserve forces razed 22 Croat villages and hamlets including Ravno in

25 Ibid. 286-8.
26 Ibid. 287.
28 Ibid.
29 Ibid
Eastern Herzegovina to the ground. The YPA did this in order to secure a flank and gain better artillery positions for shelling neighboring Dubrovnik, Croatia’s southernmost city. At this point, war in Croatia was in full swing and rebel Serb paramilitary forces supported by the YPA were sieging multiple cities and ethnically cleansing villages and towns all over Croatia. The destruction of Ravno and other Croat villages by the YPA was a clear violation of Bosnian-Herzegovinian sovereignty within Yugoslavia and an act of aggression against the Croat population in Bosnia and Herzegovina. Nonetheless, Alija Izetbegović, the main Muslim leader and the acting President of the seven-member Presidency of Bosnia and Herzegovina did not react to it, saying this is not “their war”. Tensions mounted from that point on and almost everyone anticipated war.

During 1991 Serbs started organizing and consolidating municipalities in which Serbs were the majority of population. Five autonomous communities were organized, each of them functioning as an autonomous country within Bosnia and Herzegovina. On the 9th of January 1992, these formed the self-proclaimed Serb Republic of Bosnia and Herzegovina which would adopt its own constitution and de facto declare independence from Bosnia and Herzegovina on the 28th of February 1992. The self-proclaimed Serb Republic of Bosnia and Herzegovina also passed the decision to join Yugoslavia (then comprised of just Serbia and Montenegro). Muslims too were organizing and arming themselves in the anticipation of the war. On the 31st of March 1991 the Patriotic League

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32 Ibid, 330.
33 Ibid, 335-6.
(a Muslim paramilitary group dominated by Party for Democratic Action members) was formed.  

Finally, Croats were also organizing and arming themselves. Croats proclaimed their Croatian Community of Herzeg-Bosnia on the 18th of November 1991, the very same day that the defense of the city of Vukovar in Croatia fell and atrocities were committed against civilians and prisoners of war. Its proclamation resulted out of distrust of the Bosnian-Herzegovinian government and fear that the same destiny that Croats in Croatia were experiencing was awaiting Croats in Bosnia and Herzegovina as well. Still, it is important to note that this Community, which will later rename itself the Croatian Republic of Herzeg-Bosnia, never officially declared separation or secession from Bosnia and Herzegovina. This is in contrast to Serb Republic of Bosnia and Herzegovina, later renamed Republika Srpska. The Croatian Republic of Herzeg-Bosina de iure remained in Bosnia and Herzegovina, even though there were secessionist tendencies among its leadership, especially during the Muslim-Croat War. De facto it was closely aligned with the Republic of Croatia. 

In early 1992, Croat and Muslim leaders in Bosnia and Herzegovina agreed that Bosnia and Herzegovina should gain independence from Yugoslavia and they organized an independence referendum that was held on the 29th of February and the 1st of March 1992. The referendum was boycotted by the Serbs and the Serbian Democratic Party voiced disapproval. Around 64.3% of voters voted on the referendum, representing

34 Ibid, 329.
36 Vladimir Šoljić, interview by Valentino Grbavac, August 22, 2014.
almost every Croat and Muslim voter. More than 99.4% of voters who turned up for the referendum voted for an independent Bosnia and Herzegovina, and on March 3rd President Izetbegović declared independence, despite the fact that the referendum did not have support of the Serbs in Bosnia and Herzegovina.39

Bosnia and Herzegovina was officially recognized on 6th of April by the US and many European countries, but the war had already been raging by then.40 Serb paramilitary forces, backed up by the YPA, were already skirmishing with Muslim and Croat militias and ethnically cleansing areas in Northern, Central and Eastern Bosnia. In April, the siege of Sarajevo was already under-way and thousands of Muslim refugees were fleeing Eastern Bosnia, finding safe havens in ethnically mixed Croat-Muslim Central Bosnia.41 Croats on the 8th of April 1992 formed the Croatian Defense Council (CDC), a Bosnian-Herzegovinian Croat army, with the goal of resisting further Serb attacks.42 Muslims formed the Army of Bosnia and Herzegovina (ABH), officially a state army, but heavily dominated by Muslims which comprised a vast majority of its units.43 The CDC and ABH cooperated to halt Serb aggression in 1992 and parts of 1993, but between 1993 and 1994 they were engaged in a civil war.

Even as early as 1992 there were sporadic skirmishes between Croat and Muslim units, but often not much more than the usual fights between soldiers for loot or for honour.44 During this time, the Republic of Croatia sent a substantial aid in weapons,

supplies, money and experts to the CDC and some Croatian Army units were included in the fighting against Serbs side-by-side with the CDC and ABH. The CDC was officially a part of the Armed Forces of Bosnia and Herzegovina, together with ABH, and this alliance seemed solid.\textsuperscript{45} Croatia was also the only route from which the Sarajevo government could receive weapons and supplies, because they were surrounded by Serbs on all other sides. Croatia even accepted some 450,000 Muslim refugees, mostly women and children, and provided them with shelter and food, thus increasing friendly relations between Croats and Muslims.\textsuperscript{46} Nonetheless, the relations between the CDC and ABH went poorly after the fall of Jajce on the 29\textsuperscript{th} of October 1992.\textsuperscript{47} Jajce was a relatively big town in Central Bosnia that was defended by both the CDC and ABH units. Because of lack of proper cooperation and the superior firepower of the Serb forces, Jajce fell, leaving thousands of Croats and Muslims to find refuge in Central Bosnia. Croat refugees went further to Croat-dominated Western Herzegovina, while the Bosniak refugees stayed around Travnik in Central Bosnia.\textsuperscript{48} Croat and Muslims started blaming each other for the fall of Jajce, creating a very hostile environment.

The Vance-Owen Peace Plan that had the aim of stopping the war and creating a federal Bosnia and Herzegovina consisting of three Serb, three Muslim and three Croat cantons (with Sarajevo as an ethnically neutral canton and a capital) was signed by all three sides, but was never ratified.\textsuperscript{49} The CDC was supposed to assume control over the ABH units in Croat cantons, while the ABH would assume control over the CDC in

\textsuperscript{45} Miroslav Tuđman, \textit{Bosna I Hercegovina U Raljama Zapadne Demokracije} (Zagreb: Despot Infinitus, 2013), 44.  
\textsuperscript{46} Ibid, 193.  
\textsuperscript{48} Ibid, 3.  
Muslim cantons. Soon Bosnian-Herzegovinian Serbs held a referendum about the plan, rejecting it. ABH headquarter rejected to put ABH units in command of the CDC in Croat cantons, despite Croats already trying to achieve this on the ground due to the negotiations of Vance-Owen Peace Plan. This decision spared tensions that ignited the conflict and started another war in Bosnia and Herzegovina. The main problem was that Canton number 10, which was on an area of much of Central Bosnia, had a slim Croat majority before the war, but with thousands of refugees coming from Eastern Bosnia and finding shelter there, Muslims had the actual majority in 1993. Moreover, Muslims, who made up 44% of population were cornered on some 15% of Bosnian-Herzegovinian territory. They needed Central Bosnia to house their refugees and they desperately needed arms factories in Vitez and Novi Travnik controlled by the CDC.

As a result of both the CDC and the ABH clinging onto this important area and refusing to leave it under control of the other ethnic group, skirmishes occurred all across Central Bosnia in March 1993. The full blown war did not start until the 16th of April later that year. On that day CDC took over a strategically important village of Ahmići that connected two Croat enclaves in central Bosnia, massacring around 110 Bosniaks. The very same day in the nearby Konjic municipality the ABH massacred 22 Croats in the village Trusina. Vitez, headquarters of the CDC in Central Bosnia was shelled by ABH on the same day and the war between Muslims and Croats was in full swing. It is important to note that the CDC had some 8,000 soldiers in Central Bosnia, while the

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52 Ibid, 85-89.
53 Ibid, 92-95.
ABH had between 82,000 and 84,000 thousands, making the ratio 10:1 in favor of the ABH.55 While all CDC soldiers were in fighting units, the ABH had some 25,000 in frontline units and the rest in reserve, making the actual ration closer to 3:1. We should keep in mind that Croats could not replenish their losses while the Muslims could, based on the reserve. ABH also had more artillery pieces, so Croat enclaves in Central Bosnia were under siege from the start of the conflict until the ceasefire in 1994.56

Because the CDC was so outgunned and outnumbered, they used the doctrine of active defense, committing some crimes like Ahmići in the process.57 The ABH committed crimes as well, especially their Mujahedeen fighters that flocked from Islamic countries to take part in what they saw as Jihad between Bosnian-Herzegovinian Muslims and Bosnian-Herzegovinian Christians. Mujahedeens committed many gruesome crimes during the war, like ritual beheadings. A few thousand Mujahedeens fought in ABH units, even forming a 1,800 strong “El Mujahedeen” battalion, adding a religious element to the conflict.58 More than 100,000 Croats were expelled from Central Bosnia by the ABH, while some 50,000 Muslims were expelled by the CDC, forever creating animosity between the two ethnic groups.59 The Republic of Croatia supported the CDC with arms, supplies and volunteers during the conflict, and because of that there was international pressure on Tuđman to stop the aid or else face sanctions like Yugoslavia was facing at that time. The US managed, under the threat of sanctions, to bring both sides to the

56 Ibid, 69.
57 Ibid, 72.
negotiation table and broker a peace with the Washington Treaty that was signed on the 18th of March 1994.60

The agreement stopped the war between the ABH and the CDC and effectively made them allies against the Serbs once again. It also created the Federation of Bosnia and Herzegovina, a Croat-Bosniak entity. The Washington Treaty was not an ideal solution for Croats because they had to share one entity with Bosniaks, but it was still better than the continuation of the war that was disastrous for both sides, as well as the prospect of the complete ethnic disappearance from Central Bosnia. The original text of the Treaty gave a lot of power to the cantons, which were effectively federal units within the Federation with their own laws and government. Still, once this Treaty began to be amended by the High Representative Croats were slowly to become second-class citizens in the Federation.

On the 11th of July 1995 the Serbs captured Srebrenica, a small Bosniak enclave in Eastern Bosnia and massacred more than 8,000 boys and men in only a few days.61 This act of genocide created outrage in the international community, which decided that it was time to act more deliberately to stop the war in Bosnia and Herzegovina. The same fate was threatening the city of Bihać in late July 1995, and the ABH, the CDC and the Croatian Army arranged a joint military command and prepared operations that had the main objective of taking over Serb-held areas, effectively ending the war.62 The Croatian Army, the CDC and the ABH managed to take over large areas of territory from the Serbs in July, August and September of 1995. The war in Croatia was effectively over

62 Tuđman, Bosna I Hercegovina U Raljama Zapadne Demokracije, 532-5.
and Serbs in Bosnia and Herzegovina had such losses that they were forced to the negotiation table. The bombing campaign Operation Deliberate Force by NATO in Bosnia and Herzegovina against the Bosnian Serb Army also helped to bring their leadership to the negotiations.\footnote{“Operation Deliberate Force,” \textit{Global Security}, accessed April 8, 2015, http://www.globalsecurity.org/military/ops/deliberate_force.htm.} The results of these negotiations was Dayton Peace Agreement signed on the 14\textsuperscript{th} of December 1995, effectively ending the war in Bosnia and Herzegovina, even though some violence sporadically occurred long into 1996.

By the Dayton Peace Agreement, Bosnia and Herzegovina was politically divided into two entities: Republika Srpska with a Serb majority and Federation of Bosnia and Herzegovina with a Bosniak and Croat majority. The area of the Federation was changed from the one agreed to in the Washington Treaty and after which the Federation was composed of ten cantons on 51\% of Bosnian-Herzegovinian territory, a change from the original map of the Federation that was composed of eight cantons on 58\% of Bosnian-Herzegovinian territory.\footnote{Tadić, \textit{Ustavnopravni Položaj Hrvata u Bosni i Hercegovini od Vašingtongskog Sporazuma do Danas}, 34.} The three cantons in the Federation had Croat ethnic majority, five cantons had Bosniak ethnic majority. Two cantons, in Central Bosnia and Neretva regions were the fighting during Muslim-Croat civil war were the heaviest, were ethnically mixed cantons with roughly half Croat and half Bosniak population. The Dayton Agreement also created the Office of the High Representative and some 60,000 UN troops were deployed in Bosnia and Herzegovina to secure peace. Today, there are still 600 EUFOR troops in Bosnia and Herzegovina, who succeeded UN troops in their task to oversee the military aspects of the Dayton Peace Agreement.\footnote{“The World Factbook: Bosnia and Herzegovina,” \textit{Central Intelligence Agency}, accessed April 8, 2015, https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html.}
In short, no one was satisfied with the Dayton Agreement. Serbs were not happy that they were forced to stay in independent Bosnia and Herzegovina, although they received their own entity on which they make up around 90% of the population, and hope that they might secede one day. Bosniaks were uneasy about Republika Srpska and are still afraid that it might one day secede. They are also afraid that Croat territories in Bosnia and Herzegovina (Croat municipalities in the Federation) might also try to secede, which would leave a Bosniak state surrounded by Croatian and Serbian countries. Consequently, they want a unitary state and the abolition of the Dayton Bosnia and Herzegovina, which in Bosniak opinion is a result of genocide of Bosniaks. Croats, on the other hand, are against the disparity that the Dayton brought and they demand their own entity in order to prevent losing political rights, as is happening in the Bosniak dominated Federation in which Croats make up just over 20% of the population. Therefore, no one was happy with the agreement, but at least it ended the war and allowed Bosnia and Herzegovina to remain an independent country. Hostilities between the three ethnic groups are still very much alive, and conflict has continued since the Dayton Agreement. The conflict is now political rather than militant. The years between the Dayton Agreement and 2001 were generally seen as good years during which much of the country was rebuilt, and some refugees returned to their homes.

67 Ibid.
68 Ibid.
The golden age for Croats in Bosnia and Herzegovina

The years between 1996 and the end of 2000 are generally seen as the golden age for Croats in Bosnia and Herzegovina. During this time Croats, despite having to share the Federation with the Bosniaks instead of having their own entity like the Serbs, enjoyed a great political freedom and relative economic prosperity. They were able to freely elect their own representatives in the canton, Federation and state levels, and they were politically equal with the Bosniaks in the Federation. During this time a lot of infrastructure in Bosnia and Herzegovina was rebuilt, and Croats also enjoyed financial support from the Republic of Croatia. Moreover, Croat refugees slowly started going back to their homes in most of Central Bosnia, although not nearly in the same numbers that were expelled during the war. Consequently, today this area has substantially less Croats than it did in 1991. Their return to parts of Central Bosnia next to Croat enclaves that survived the war was more sustainable due to a substantial number of Croats in that region that stayed during the war, especially in contrast to Central-East Bosnia or Northern Bosnia. These parts had a substantial number of Croat refugees who never returned to their homes. Tensions were still high, and sporadic acts of violence were common, but the country was slowly transitioning to the peaceful period. During this period, Croats had their own TV station and enjoyed substantial cultural and educational autonomy in their own language, as education is administered by Cantons rather than at the Federal or state level.

69 Vladimir Šoljić, interview by Valentino Grbavac, August 22, 2014.
70 Ibid.
The Croatian Republic of Herzeg-Bosnia was formally dissolved on the 14th of August 1996 and it transferred its power and “Croat legitimacy” to the Federation of Bosnia and Herzegovina, but even today Croats are celebrating its establishment on the 18th of November.72 On the 14th of September 1996, the very first post-war elections were held with a record turnout of almost 80%. The CDU candidate Krešimir Zubak won almost 89% of Croat votes, while the Party for Democratic Action candidate Alija Izetbegović won 80% of Bosniak votes, and the Serbian Democratic Party candidate Momčilo Krajišnik won 67% of Serb votes.73 This showed that the same three national parties that were in power during the war still had overwhelming support from their respective ethnic groups.

The main problem during this time period, together with war scars and hostile political rhetoric, was that of refugee return. Despite good efforts by international organizations, thousands of refugees never returned to Bosnia and Herzegovina. They either could not return due to economic problems or ethnic hostilities, or just chose to live in more prosperous countries. Most of them permanently immigrated to Western Europe and North America, as well as Croatia, Serbia and Montenegro. During the conflict, 65% of Croats were displaced and driven away from their homes, some internally, and some as refugees and asylum seekers.74 This is a staggering number, especially in comparison with the 53% of Bosniaks and 52% of Serbs that were displaced during the same time.75

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74 Mladen Ančić, “Što ”svi znaju” i što je ”svima jasno” glede rata u Bosni i Hercegovini,” STATUS Magazin Za Političku Kulturu I Društvena Pitanja, no. 2 (May/June 2004): 38.
75 Ibid.
Refugees mostly returned to places where their ethnic group was dominant, and did not really return in significant numbers to places in which they were a minority due to a combination of fear and lack of a jobs and opportunities for a sustainable future.

Therefore, Croats returned only to parts of Central Bosnia, while the other parts in which they had substantial population before the conflict, like Kakanj and Bugojno did not see much return. The return rate to the Posavina region (Northern Bosnia) in Republika Srpska was even worse and today only a fraction of the pre-war Croat population lives here. In general, populations of all three ethnic groups mostly returned or relocated to the parts of the country in which their ethnic group was a majority. Thus Croats never really returned in great numbers to parts of Central Bosnia from which they were ethnically cleansed during the war.

The war changed the ethnic map and cemented ethnic divisions. There was no town or city in Bosnia and Herzegovina during this period, which is also mostly true today, that did not have a substantial ethnic majority of one of the three Peoples.

According to estimates and looking into electoral statistics, most towns and cities today are ethnically dominated by one group, and those which are not completely dominated as a whole, as is the case with Mostar, are divided into different ethnic neighborhoods. The era of multiethnic towns ended with the war, and all three ethnic groups are largely solidified on their new ethnic territories. Therefore, during this golden period for Croats, the three ethnic groups largely coexisted next to one another, but they did not mix.

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78 See maps 2 and 3 in the appendix for the ethnic composition of Bosnia and Herzegovina in 1991 and an approximation for it in 2005.
79 Vladimir Šoljić, interview by Valentino Grbavac, August 22, 2014.
or share joint identities. Effectively, the area that the three armies in Bosnia and Herzegovina controlled in December 1995 became *de facto* new ethnic territories of three groups, and they did not always coincide with the ethnic map from 1991 when most of Bosnia and Herzegovina’s towns and municipalities were partially ethnically mixed.

A large issue from late 1990s for Croats was the question of Mujahedeen foreign fighters, some of whom gained Bosnian-Herzegovinian citizenship after the war and created significant instability in Central Bosnia due to their connections to Al-Qaida and other terrorist and radical Islamist groups. They committed bombing attacks of Croat churches and private houses in Central Bosnia during this period, as well as a few massacres of refugees in Central Bosnia, further raising hostilities and creating distrust between Croats and Bosniaks. These crimes and massacres were often left unsolved and their investigations were often obstructed by Bosniak elements in police and politics, resulting in a more difficult return of refugees.

The incidents were carefully investigated by Jozo Leutar, a Croat who was the Deputy Minister of Internal Affairs in the Federation from 1996 to 1999, and a strong voice who warned against the radical Islamist violence that Croat refugees were targeted by. He was assassinated when a bomb exploded under his car in March 1999, and until today no one has been sentenced for this terrorist act. Even though crimes against refugees returning home and the assassination of Leutar created more distrust between Croats and Bosniaks, this period was a political golden age in Bosnia and Herzegovina.

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81 Ibid, 134.
82 Ibid, 116.
83 Ibid, 228-9.
for Croats during which they enjoyed the same rights as Bosniaks and Serbs. Two incidents marked the end of this period and ushered in a new era of Croat history in Bosnia and Herzegovina, an era of diminished Croat rights when they became second-class citizens and created Croat distrust towards the international community in Bosnia and Herzegovina.

The first event was a forceful eviction of Croats from Drvar, Grahovo and Glamoč by SFOR units in 1998. These municipalities were predominantly Serb before the war, but in 1995 they were taken by the CDC and Croat refugees from other parts of Bosnia and Herzegovina relocated into empty Serb houses that were abandoned by the Serbs while fleeing the CDC. Most of them were finally evicted in 2002 in order to allow Serb refugees to return. What left a bitter memory for Croats was the fact that the international community and SFOR took part in these evictions, while they did not do the same in other parts of Bosnia and Herzegovina. Those Croats in these municipalities eventually left for Western Europe and Croatia rather than returning to their original homes in Bosnia and Herzegovina from which they fled during the war, despite trying to stay in their temporary homes in these three municipalities. Because of this incident, Croats felt targeted by the international community, in a way that further radicalized them in wanting to gain more autonomy or to eventually connect Croat territories in Bosnia and Herzegovina to Croatia proper.

The other event, that marked the end of this “golden period”, was the forced closure of Erotel, the Croat TV channel in Bosnia and Herzegovina on the 17th of

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February 2000. SFOR units closed the TV station because it illegally broadcast significant amounts of programming from Croatian Radio Television, the main Croatian public channel in the Republic of Croatia, even though Croatian Radio Television did not mind this at all. Also, the goal of the international community was to create a Federal TV that would be the main public TV for Croats and Bosniaks in the Federation and thus encourage cooperation between these two groups. Federal TV was established in October 2001, and the Erotel infrastructure and journalists were incorporated into this new TV station that was supposed to deliver news and programming in both Croatian and Bosnian languages.

Still, most of the program is done in the Bosnian language and Croats do not see Federal TV as their TV channel, but rather as Bosniak TV. This means that Croats do not have a TV channel in their own language, thus putting them in an unequal position in comparison with Serbs and Bosniaks, because they cannot access information from Croatian sources on public TV. Federal TV can be highly politicized, often favoring Bosniaks, and thus it is not hard to understand why Croats want its dissolution and the establishment of their own TV channel. Even today, most Croats refuse to pay the required TV subscription, and since 2005 the CDU tried to push for a TV station in the Croatian language through the parliament, but all the efforts thus far have been fruitless due to

90 Miroslav Vasilj, “Modeli ustroja javnih RTV servisa u pluralnim državama,” STATUS Magazin Za Političku Kulturu i Društvena Pitanja, no. 16 (Summer 2013): 131.
obstructions by Bosniak political parties. In a way, the Erotel case was just a dress rehearsal of reforms that happened in 2000 and 2001, which had the goal to create a more “civic” and “multiethnic” Federation, but which put Croats in a marginalized political position in comparison to Bosniaks. In a desperate attempt to resist these reforms, disgruntled Croats declared home-rule and de facto seceded from the Federation for a few months in 2001, but did not secede from Bosnia and Herzegovina itself.

**The marginalization of Croats and the Croatian Home Rule**

In October 2000, just a month before the elections held on the 11th of November, Robert Barry, chief of the OSCE mission to Bosnia and Herzegovina, suggested electoral amendments and changed the way officials are elected to the House of Peoples of the Federation of Bosnia and Herzegovina. The Federation’s parliament is bicameral, with a House of Representatives acting as the lower house. Its members are elected in their electoral units by popular vote, in a fashion very similar to the one used in parliaments in national unitary countries in Europe. The Federal House of Peoples is an upper house with the goal of representing Peoples (originally Bosniaks and Croats, later on also Serbs) in the Federation, giving them veto powers to any law or decision by the House of Representatives that goes against vital national interests of their respective constituent Peoples. The reason why this house exists is to provide Croats with a legal mechanism to veto the laws that might be bad for their vital national interests in the Federation, due to the fact that Bosniaks dominate the House of Representatives by sheer numbers and

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93 Tadić, Ustavnopravni Položaj Hrvata u Bosni i Hercegovini od Vašingtonskog Sporazuma do Danas, 60.
could form a government without any Croat party. The idea was that such a government could not function then, because all its decisions would be vetoed by the Croat Club in the House of Peoples, thus protecting less numerous Croats from political marginalization in the Federation.

This system functioned well between 1996 and 2000 and Croats used vetos frequently to protect their rights and interests, but with Barry’s amendments to the electoral laws, Croats de facto lost this vital mechanism to protect their interests in the Federation. Originally, the Federal House of Representatives had 140 members. The House of Peoples had 30 Bosniaks, 30 Croats and a proportional number of “Others”, who is a term used for national minorities and other citizens which are not ethnically Bosniak, Croat or Serb. Barry’s amendments to the Federal electoral laws allowed that representatives in the House of Peoples, elected from Cantonal assemblies, can be nominated and elected by anyone in the cantonal assembly, not only the members of that ethnic group. So, now it is possible for Bosniak members of the Cantonal assembly to vote and choose Croat representatives to the Federal House of Peoples from that Canton, which is especially evident in a Bosnia-Podrinje Canton where there is less than a handful of Croats.

Also, until the 2002 amendments created by High Representative Wolfgang Petritsch, Serbs were not constituent in the Federation, and were considered “Others” for political purposes, as well as Croats and Bosniaks were considered “Others” in Republika

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94 Ibid, 60-61.
Srpska. His sets of amendments to the Federal Constitution, reducing the number of members in the House of Representatives to 98, which effectively reduced the proportional number of Croats that could be in this house of the Parliament. Moreover, they added a quota of a minimum of six members of each constituent Peoples in the House of Representatives, even though that also meant that the Serbs would receive more members than their proportional share of population in the Federation. This brought in the possibility that the Croats, but especially Bosniaks, might elect these members merely by their sheer numbers. Thus Serb members of the parliament might be ethnically Serb but support Bosniak and Croat policies and interests, rather than Serb ones.

The Petritsch’s 2002 amendments to the Constitution concerning the Federal House of Peoples were drastic and are at the root of almost all current political problems that Croats face in the Federation. The amendments made Serbs constituent People in the Federation, and Croats and Bosniaks in Republika Srpska. Although this sounds good in theory and it was supposed to increase multiculturalism and cooperation between ethnic groups, in practice it caused even more problems. The Federation was originally designed as a Croat-Bosniak entity, and adding Serbs to this mix complicated things and left a lot of room for abusing this decision. Today we have a situation when Bosniak politicians run as “Serb” or “Croat” candidates, and thanks to Bosniak votes, get positions in the parliament that are by Constitution reserved for less numerous Croats and Serbs.

The House of Peoples members were originally elected from Cantonal assemblies, with mostly Bosniak cantons electing Bosniak members, and Croat cantons

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97 Tadić, Ustavopravni Položaj Hrvata u Bosni i Hercegovini od Vašingtonskog Sporazuma do Danas, 63.  
98 Ibid, 63.
electing Croat members, number of members from one ethnic group proportional to the number of people from that ethnic group living in that canton.\textsuperscript{99} Even in Bosniak Cantons’ assemblies, only Croats were electing Croat representatives for the House of Peoples, and vice versa. After Petritsch’s amendments, instead of 30 Bosniaks and 30 Croats and a proportional number of “Others”, 17 Bosniaks, 17 Croats, 17 Serbs and 7 Others are elected to the House of Peoples.\textsuperscript{100} This made Barry’s already bad amendments even worse, because now it is easier for Bosniaks to elect Croats and Serbs to the Federal House of Peoples, taking into consideration that the number of Croat representatives was almost halved. The constituent status of Serbs, only a few thousand of which remain in the Federation, does not make sense. It puts them in an “equal” position with the Croats and Bosniaks in the Federation, while Parliament in Republika Srpska has only one house and lacks a House of Representatives, even though it has the largely ineffective Council of Peoples that does not have as much weight as the Federal House of Peoples. Therefore, the present system is asymmetrical.

Still, before all of these amendments by High Representative Petritschi\textquotesingle s further worsen Croat political position, Barry’s amendment said that at least one member of each constituent Peoples would be elected from each Canton. While this sounds fine in theory, this means that the Bosnia-Podrinje Canton, where Bosniaks make up 99\% of population and there are only a few Croats, elects one Croat representative, while Posavina Canton, in which Croats make up more than 66\% of constituency and there are more than 30,000

\textsuperscript{99} Ibid, 60-62.  
\textsuperscript{100} Ibid, 63.
Croats also elects one Croat in the House of Peoples. In reality, this means that Bosniaks can elect 6 Croat members from 5 Cantons (one of Bosniak Canton elects two Croat members) with Bosniak majority, while Croats in theory could elect only 3 Bosniak members from 3 Cantons with Croat majority. If we keep in mind that it takes at least 2/3 of representatives in the National Club (Croat, Serb and Bosniak) of the House of Peoples to veto a law, it means that Bosniaks can elect 1/3 of Croat representatives in the House of Peoples and prevent Croats from using veto laws, which actually happened during the last term. At the same time, Croats cannot influence Bosniak Club in any way, so they do not even try to do so. It is important to keep in mind that originally only 1/2 of votes in a club were enough for a veto, but this changed with the 2002 amendments by the High Representative Petritsch who raised this value to 2/3.

This means that in the Federation, according to current laws, it is entirely possible to form a Federal government without any Croat representatives that were elected by Croat votes. This marginalized Croats, removing all political rights on the Federal level from them. Taking into consideration that more than 90% of Croats in Bosnia and

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104 Tadić, Ustavopravni Položaj Hrvata u Bosni i Hercegovini od Vašingtonskog Sporazuma do Danas, 62-63.

Herzegovina live in the Federation, this effectively means that Croats do not have the same political rights and are not equal to Bosniaks and Serbs.106

In order to protest Barry’s amendments, which preceded much harsher Petritsch’s amendments that I mentioned above, only two weeks after implementation of Barry’s amendments, the CDU, the main Croat party that enjoyed close to 90% of Croat support then, decided to organize a Croatian National Assembly in the town of Novi Travnik. During their first session, they elected the leadership of this Parliament, which largely coincided with the CDU’s leadership. Also, they decided that on the 11th of November Croats will not only vote in elections, but will also vote on a referendum about whether they support the Croatian National Assembly (CNA) as a highest institution of Croats in Bosnia and Herzegovina to possess “Croat legitimacy” or not. Over 90% of Croat voters supported this referendum question.107 CDU also got almost 90% of Croat votes on this election, and they won 25 seats out of 140 in the Federal House of Representatives. The CDU also tried to repel Barry’s amendments, but their efforts were futile.

On the 23rd of January 2001, the Alliance for Change was formed, a coalition of ten parties that formed the government in the Federation. The Alliance was centered around the Social Democratic Party (SDP), the reformed Communist party of Bosnia and Herzegovina.108 The SDP have always had overwhelmingly Bosniak members and voters,

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106 Ivan Vukoja, “Primjeri ne-konstitutivnosti i ne-jednakopravnosti Hrvata u Federaciji BiH,” STATUS Magazin Za Političku Kulturu i Društvena Pitanja, no. 16 (Summer 2013): 93.
even though they claim to be a multiethnic party.\textsuperscript{109} They were joined by another major Bosniak party, seven small Bosniak or Bosnian pro-unitary state parties and the New Croatian Initiative (NCI), a minor Croat party. The NCI won a bit more than 1\% of all votes in the Federation and had only 2 deputies in the House of Representatives, in contrast to the CDU’s 18\% and 25 deputies.\textsuperscript{110} The CDU and a majority of Croats alike felt that the new government is formed without parties that have a majority of Croat support, and is not a legitimate government that can represent them. Clearly, almost 90\% of Croats and their votes were silenced, and the CDU’s response might seem like drastic, but it was a desperate attempt to protect the political will of Croats in Bosnia and Herzegovina.

Disgruntled by Barry’s amendments, the closing of Erotel, the new government that did not have legitimate Croat support and the situation in the Federation in general, the Croatian National Assembly declared an inter-municipality council that consisted of municipalities in the Federation with a Croat majority.\textsuperscript{111} They decided that on this territory decisions by the new government of the Federation of Bosnia and Herzegovina would not be respected.\textsuperscript{112} On the 27\textsuperscript{th} of March 2001 the president of CDU and the newly elected Croat member of Bosnian-Herzegovinian Presidency, Ante Jelavić, called on former members of the CDC, now in to the joint Croat-Bosniak Federal Army units, to cease their alliance to the Federal government and enter in the service of the Croatian

\textsuperscript{111} For a map of the area on which the Home Rule was proclaimed, check Map 4 in the appendix.
National Assembly.\textsuperscript{113} Croatian Home Rule organized by CNA was quite effective and there was nothing that politicians in Sarajevo or the Bosniak Cantons and municipalities could do to prevent it without starting another war and inevitable bloodshed. Any military engagement was out of the question.

Under international pressure, Home Rule was ceased on the 6\textsuperscript{th} of October 2001, marking a new era for Croats in Bosnia and Herzegovina, an era in which they will lose all of their political agency and equality with Bosniaks in the Federation. What really brought down the Home Rule were actions by the High Representative and the Federal government in Sarajevo that economically crippled the institutions running Home Rule. While firing executive boards in public companies loyal to the Home Rule was one way to cripple it, the straw that broke the camel’s back was the case of Hercegovačka Banka (Herzegovinian Bank).

The Herzegovinian Bank ran more than one third of all transactions in the Federation and it was largely a Croat bank closely associated with the CDU, and thus also with Home Rule. On 6\textsuperscript{th} of April 2001 SFOR units entered the bank and blew up the safes, confiscating all the equipment and money.\textsuperscript{114} Tens of thousands of Croats lost their life savings and a few thousand mostly Croat businesses also lost their capital.\textsuperscript{115} Croats were shocked by this event, and it deepened the mistrust about the intentions of

\textsuperscript{113} Ibid, 8.
\textsuperscript{115} Bank customers never got their savings back, and many, including my father, have given up any hope of ever receiving compensation.
international community in Bosnia and Herzegovina, that remains today.  

Without financial resources and backing provided through the bank, Home Rule crumbled. The leader of the CDC and Home Rule, Ante Jelavić, who was the acting Croat member of the Bosnian-Herzegovinian Presidency at the time, was dismissed from his function by the High Representative in March 2001, despite being democratically elected and receiving a majority of Croat votes in the past elections.

Instead of Jelavić, Jozo Križanović, a member of the SDP, a Bosniak-dominated party which received very few Croat votes, was elected as new Croat member of the Presidency in the Parliament vote. He received only 6 out of 42 votes, and only two of those votes were Croat votes. Jelavić was also banned from assuming public office or any other political activity until 2009, and subsequently he moved to Croatia and is living there now. Quite a few Croats were not only furious because of these decisions, they were also disheartened by the failure of Home Rule, and since its failure, their political position became increasingly worse every year. Croats have been politically marginalized due to the decisions and amendments made by the High Representatives. These decisions were often politically abused by Bosniaks in the Federation.

The High Representatives did not necessarily have malicious intentions toward the Croats, nor are the Serbs and Bosniaks happy with all of their decisions. The OHR decisions are primarily based on the assumption that if they reduce the political rights of

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the three Peoples and encourage the creation of an overarching Bosnian identity, the three ethnic groups in Bosnia and Herzegovina may overcome their differences, leaving the past behind and embracing Western-style multiculturalism in the process. The goal of these policies was the establishment of a more centralized and stable Bosnia and Herzegovina. Sadly, while this sounds good in theory, due to the political realities of Bosnian-Herzegovinian political and social life, these decisions were often abused by the more numerous Bosniaks in the Federation. Because of their numbers and the nature of the amended electoral laws, Bosniaks usurped Croat political rights and positions in the Federation. Hopefully, the OHR will soon realize that only through the decentralization, federalization and true respect of collective political rights will progress be made in Bosnia and Herzegovina. The liberal-democracy unitary state model cannot work in a multiethnic country such as Bosnia and Herzegovina.

An analysis of the amendments to the Federal Constitution

The Federal constitution between 1994 and 2008 was amended 109 times, and around two thirds of those amendments were simply imposed by the OHR, while only one third actually followed the regular procedure in the Federal Parliament. A lot of those amendments eroded Croat political rights and eventually brought them into today’s position in which they are second-class citizens. Today’s Constitution of the Federation is almost unrecognizable in comparison to the original treaty signed in 1994 in Washington which stopped the Croat-Bosniak conflict. It is unlikely that Croats would have ever accepted Washington Treaty if they knew how much the Federal Constitution would be

119 Mato Tadić, Ustavnopravni Položaj Hrvata u Bosni i Hercegovini od Vašingtonskog Sporazuma do Danas, 159.
amended.\textsuperscript{120} For example, the original Washington Treaty, which includes the Constitution of the Federation, also said that the Republic of Croatia and the Federation of Bosnia and Herzegovina may enter into confederation, which was done as a compromise in order to compel Bosnian-Herzegovinian Croats into signing the treaty and allow them to indirectly join Croatia through this confederation.\textsuperscript{121} However, this was never realized, and some may feel that Croats were tricked into signing the Treaty with this promise that international community never expected to be implemented.

Furthermore, adding Serbs as constituent Peoples in the Federation did not only leave room for political games like Bosniaks getting elected as Serb representatives, but it is also highly absurd.\textsuperscript{122} Serbs did not take any part in the creation of the Federation, and Serb leadership was actually militarily engaged against the Federation until the Dayton Agreement. The original Federation was supposed to be bigger (58\% in contrast to today’s 51\%), and contained more Croat ethnic space in Northern Bosnia.\textsuperscript{123} The amendments of the Federal constitution that really put Croats in an unequal position were amendments between 2002 and 2006, including amendments mentioned in the previous section.

Cantons were originally even more autonomous than they are today. They were originally in charge of police, education, culture, taxes, energy, public services, land policies and media, as well as most of legal matters.\textsuperscript{124} Some of these were gradually transferred to the Federal level, and some Federal level authorities were transferred to the

\textsuperscript{120} Ibid, 29.
\textsuperscript{121} Ibid, 11.
\textsuperscript{122} Ibid, 27.
\textsuperscript{123} Ibid, 29.
\textsuperscript{124} Ibid, 56.
state level, thus creating more centralized Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina, something that Croats and Serbs have always dreaded. For example, even today there is an unconstitutional Ministry of Education on the Federal level created by the OHR, even though the Constitutional Court decided that the education is in the jurisdiction of Cantons, and in some cases of Croat municipalities in Bosniak Cantons, even on the municipal level. Furthermore, foreign policy, defense and customs were originally on entity level, but all of these were later transferred to the state level. Again, this creates fear of further centralization of not only the whole country, but also the Federation itself which might very easily become de facto Bosniak entity instead of a Croat-Bosniak entity if the Cantons lose their original powers and functions.

As explained earlier, the number of seats in the House of Representatives was reduced, much against Croat wishes. The House of Peoples, the only way that Croats could protect their national interests, is so changed that today Bosniaks can easily prevent Croats from being able to use veto powers in the house by electing 6 out of 17 Croat members, thus making the Federation a de facto Bosniak entity in which Croats cannot wield any political power. In the most bizarre episode of modern Bosnian-Herzegovinian history, in March 2011, the president of the Federation and his deputies were elected in the House of Peoples, despite having only 5 votes from the Croat Club, even though the constitution says that in order to elect the president and his deputies, at least one third of members of each Club in the House of Peoples has to vote for them. This law is in

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125 Ibid, 58.
126 Ibid, 60.
127 Ibid, 79.
place to prevent election of the president and deputies that do not have support of their respective ethnic groups in the House of Peoples. Everyone with even the most rudimentary math skills can easily calculate that at least one third of 17 is 6, not 5.

Croats complained to the Central Electoral Commission, which declared this election unconstitutional. Nonetheless, for reasons known only to him, High Representative Inzko simply decided to suspend this decision, and allowed the formation of the Federal government in 2011 which not only lacked Croat support and legitimacy, but was also unconstitutional.\(^{128}\) In reaction, Croats started using “5≠17/3” as a sign of protest against the High Representative Inzko and the illegitimate Federal government, showing their distain by putting signs with this mathematical expression around Mostar on the 25\(^{th}\) of November 2013, the official Bosnian-Herzegovinian Statehood Day, which is often not celebrated by Croats.\(^{129}\)

Originally, the Federal government had 11 ministries, 4 ministers without portfolios, a president of the Federation and his deputy, who was also a minister, and who had to be Croat if president was Bosniak, and vice versa.\(^{130}\) Bosniaks had 7 ministries and 3 ministries without portfolio, while Croats were allocated 5 ministries and 1 ministry without portfolio. Also, every minister had a deputy who was from a different ethnic group, keeping them in check and preventing them from making decisions that might be malicious towards other ethnic groups. This changed through the amendments because Serbs were now also constituent People in the Federation. Now, Federal government had


\(^{130}\) Mato Tadić, Ustavnopravni Položaj Hrvata u Bosni i Hercegovini od Vašingtonskog Sporazuma do Danas, 31.
16 regular ministries, 8 of which are allocated to the Bosniaks, 5 to the Croats and 3 to the Serbs. Also, deputy minister positions ceased to exist. This was bad for Croats, who cannot check decisions by more numerous Bosniak ministers.131 Furthermore, while decisions were previously made by a consensus that involved both Croats and Bosniaks, after the amendments by the OHR, the government only needs one half of all ministers to vote in order to pass a decision. In practice this means that Bosniaks can pass decisions even if the Croat and Serb ministers do not agree with them.132 Also, Serb ministers are often elected from Bosniak and pro-Bosniak parties, further intensifying Bosniak power in the executive branch of Federal government in the process.

Even more worrisome is the fact that even the Constitutional Court is not immune to these political games and the outvoting that came into existence due to amendments put forward by the OHR. Judges on the Federal constitutional court are elected by a simple majority in the House of Peoples, which means that Croat judges can be elected without any support from major Croat parties, due to the fact that Bosniak parties do not only control the Bosniak Club, but also quite often Serb and Others Clubs, giving them a vast majority in this house.133 Also, the Federal constitutional court now, after amendments, has nine members, and it needs five votes to accept or decline a motion. The amended constitution says that out of nine judges, at least two shall be Croat, Serb and Bosniak, and one “Other”. This means that it is possible to have four Bosniak judges, which can with one Other judge, who is usually elected by Bosniaks in the parliament,

131 Ibid, 82.
132 Ibid, 82.
133 Ibid, 98.
form majority (five out of nine) in the constitutional court.\textsuperscript{134} This means that Croat political will and interests can not only be ignored in legislative and executive branches of the Federal government, but also in juridical branch as well, which is especially worrying. Also, it is important to note that out of 34 judges of the Supreme Court in March 2012, only three of them were actually Croat, again putting Croat interests in danger.\textsuperscript{135}

Moreover, it is strange that all the positions in public institutions, which have ethnic quotas and reserve spots for ethnic groups, are actually set according to the census from 1991. Taking into consideration how drastically the ethnic map of Bosnia and Herzegovina has changed because of the war, it leaves us with “Croat officials” being elected from places where Croats were ethnically cleansed during the war and where they did not return in great numbers.\textsuperscript{136} Furthermore, two “mixed cantons” enjoyed special rights and laws, with the aim of protecting both Croats and Bosniaks in these cantons from being dominated by the other group. Through amendments, these special statuses were revoked, which is worrying because of the bad position of Croats in the Central Bosnia Canton, where the ratio used to be almost 1:1 between Croats and Bosniaks, but today is closer to 1:1.5, thanks to the fact that many Croats could not return or chose not to return to their homes after the war.\textsuperscript{137}

Finally, on the Federal level, Mostar, the city with the highest number of Croats and their cultural and academic center in Bosnia and Herzegovina, has a special status that was imposed by the OHR. Its electoral law divides Mostar into 7 districts, 3 on the

\textsuperscript{134} Ibid, 103.
\textsuperscript{135} Ibid, 108.
\textsuperscript{136} Ibid, 119.
\textsuperscript{137} Ibid, 142.
“Croat side”, 3 on the “Bosniak side” and one in the center that cannot directly elect representatives at all. All of the 6 neighborhoods elect 3 representatives each, despite the fact that one of them on the Croat (Western) side of the city has four times as many people as one of the neighborhoods on the Bosniak (Eastern) side of the city. This is especially puzzling because Travnik, the seat of the other mixed Canton, which was also a significant site of Croat-Bosniak War, does not have this special status. It is not hard to figure out why Croats are dissatisfied with such a position of Mostar, which they treat as their capital in Bosnia and Herzegovina, and which has a Croat majority today.

Therefore, the political position of Croats in the Federation is almost unbearable after all the amendments, especially the ones between 2002 and 2006. Still, the Croat position on the state level is not so bad, and they are relatively equal with the other two ethnic groups, except for the electoral laws for Presidency that were already abused twice by Bosniak voters and politicians, which is the topic of my next section. The only other problem at the state level is the fact that originally Bosnia and Herzegovina was way less centralized. Today, Bosniaks (who will probably soon make up more than 50% of the total population) are calling for more centralized Bosnia and Herzegovina. Such centralized Bosnia and Herzegovina could then be dominated by Bosniak political power through their sheer number. For example, according to research conducted in 2010, more than 80% of Bosniaks support a centralized state without any cantons or entities. In

138 Ibid, 147.
139 Ibid, 153.
contrast, 70% of Croats support three entities solution, while 80% of Serbs support
secession of Republika Srpska and a merger between this entity and Serbia.\textsuperscript{141}

The Dayton Peace Agreement was amended only once, and all the additional
powers that the state level assumed from the entities did not come through constitutional
reforms, but rather through decisions of the OHR.\textsuperscript{142} This puts Bosnia and Herzegovina
in a weird position where the present state structure is unconstitutional, one example
including having a defense ministry and state army rather than entity armies as it is
written in the Annex 4 of the Dayton Peace Agreement.\textsuperscript{143} Still, the real problem for
Croats lies within the Federation, because this is the level of administrative division in
which they lost their entire political agency, while they lost only some minor ones on the
state level.

When one looks back at the original Washington agreement on which Croats
agreed, and the present state of the Federation, the difference is staggering. It is probable
that Croats, if they knew what would happen to the Federation over time due to the OHR
amendments and decisions, would have never signed the Washington Treaty and would
rather take chance with the war they were losing then effectively signing away their
freedoms and rights. The period between 2002 and 2006 elections was, except for these
amendments, rather uneventful and Croats did not attempt to stage another Home Rule,
also due to the fact that their legitimate parties were part of the government during this
period. The true agony for Croats started with the 2006 elections, when for the first time
voting rights were so misused that Bosniaks managed to elect both Bosniak and Croat

\textsuperscript{141} Ibid.
\textsuperscript{142} Mato Tadić, \textit{Ustavnopravni Položaj Hrvata u Bosni i Hercegovini od Vašingtonskog Sporazuma do Danas}, 153.
\textsuperscript{143} Ibid, 221.
members of the tripartite Presidency of Bosnia and Herzegovina. The same thing also happened in 2010, when Bosniak parties also usurped all the power on the Federal level, and something similar was attempted in 2014, but did not succeed due to the reasons that I will explain later on in this paper.

The phenomenon of Željko Komšić

The elections in 2006, held on the 1st of October, were marked by a controversy that is still often discussed, and which showed that Croats lack proper laws and protections that would allow them to elect their own representatives. On this day Željko Komšić was elected as a Crotian member of Bosnian-Herzegovinian Presidency, which is made up from three members: one representative of Croats elected in the Federation, one representative of Bosniaks also elected in the Federation, and one representative of Serbs elected in Republika Srpska. Komšić, who is an ethnic Croat from Sarajevo and who is a highly decorated ABH soldier, was nominated by the Social Democratic Party (SDP) in his presidential bid. The Social Democratic Party, as already noted, is a reformed Bosnian-Herzegovinian Communist Party from the Yugoslavian era, and as such, by its definition it is a left-leaning party, in contrast to most other parties in Bosnia and Herzegovina which are center-right and right parties. Still, even though SDP is a nominally multiethnic “Bosnian party,”144 its members and voters are largely Bosniaks.

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144 “Bosnian”, “civil” or sometimes “patriotic” party are colloquial terms in Bosnian-Herzegovinian political life for parties that support the idea of a unitary Bosnia and Herzegovina and reject divisions based on ethnicity. The SDP is the most prominent example of such a party. These parties want Bosnian-Herzegovinian citizens to start identifying as Bosnians rather than as Bosniaks, Croats or Serbs, in order to overcome divisions in society. Because of the specific role that ethnic groups play in the political life of Bosnia and Herzegovina, this call for a unitary Bosnia and Herzegovina is problematic and can be easily misused to promote Bosniak nationalistic ideas disguised as pro-unitary and pro-liberal ones.
In his analysis of 2010 general elections, sociologist Ivan Vukoja estimated that SDP has support of some 1.5% of Serb voters, 2.5% of Croat voters, and a staggering 27.5% of Bosniak voters in Bosnia and Herzegovina. This shows that even though SDP promotes the ideas of a unitary Bosnia and Herzegovina without ethnic divisions and claim that they are not a Bosniak party, close to 90% of their voters are Bosniaks and they do not enjoy much support from the other two groups. Such a unitary state that SDP propose would function as a typical democracy in most Europeans national states, and because of it, Croats and Serbs are afraid that the more numerous Bosniaks would outvote them and elect their own representatives, as it happened with Komšić in 2006 and 2010. Vukoja also claims that the unitary state policy of the SDP is just a Bosniak nationalistic policy of a unitary state that would dominate disguised as a pro-Bosnian and liberal option that overlooks ethnic divisions.

In the 2002 elections, Croat member of the Presidency Dragan Čović got close to 115,000 votes, or almost 62% of all “Croat” votes in Bosnia and Herzegovina out of some 187,000 votes casted for Croat members of the Presidency. In 2006 Komšić received just over 116,000 votes, or just under 40% of all votes for Croat member of the Presidency. The CDU’s candidate won 77,000 and a candidate of the CDU 1990, a splinter faction of CDU that was formed earlier in 2006 as an independent party, won

146 Ibid, 86.
over 53,000 votes. Together with other candidates, over 293,000 voters voted for Croat member of the Presidency. This is some 106,000 more votes than only four years ago, which raised quite a few questions of where these votes came from.

It is important to note that other Croat candidates won in all the municipalities with a Croat majority, while Komšić won the majority of votes in only two municipalities. One of them is the mostly Serb municipality in Western Bosnia which has around 3,000 people, and the other one is Gračanica, a largely Bosniak-populated municipality in North Bosnia. This municipality, which has around 50,000 people, almost all of them Bosniaks, had only 132 Croats, or less than 0.3% in 1991 (and probably even less today). When we take this in consideration, it quickly becomes obvious that Komšić got a majority of his votes from Bosniak voters rather than Croats, despite him being elected as a Croat member of the Presidency. Quite ironically, some western journalists, who are not familiar enough with the complex political situation in Bosnia and Herzegovina, celebrated Komšić’s victory as a hope for post-ethnic Bosnia and Herzegovina, overlooking the fact that the Croat right to elect their member of the Presidency was usurped by more numerous Bosniaks.

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149 Ibid.
150 For a visual representation of this, please check Map 5 in the appendix. Also, compare municipalities in which Croats are the majority with the election results in order to comprehend the extend to which Croat electoral will was silenced.
The electoral manipulation was even more obvious in the 2010 elections, held on the 3rd of October. Running again to be a Croat member of the Presidency, Komšić won staggering 337,000 votes, or 60% of all votes cast for the post.\textsuperscript{153} The CDU candidate Borjana Krišto won 110,000 votes, and other Croat candidates had another 110,000 votes cast for them.\textsuperscript{154} This means that more than 557,000 voters in the Federation voted for Croat members of the Presidency. In contrast, all Bosniak candidates won around 466,000 votes, or some 90,000 votes less than Croat candidates.\textsuperscript{155} Bearing in mind that Bosniaks are almost four times as numerous as Croats in the Federation of Bosnia and Herzegovina, it is obvious that those 557,000 votes cast for Croat candidates could not all come from Croat voters. Moreover, even by most generous estimations, it is estimated that there are around 450,000 to 500,000 Croats in the Federation.\textsuperscript{156} This means that even if all eligible Croats voted (doubtful, as the number of Croat voters in the Federation is usually between 180,000 and 220,000), there is still a question of where the other 200,000 votes came from. This question can be easily answered by examining the municipalities from which Željko Komšić got most of his votes.

Komšić did not win most votes in any municipality in the Federation which has a Croat majority, while it got the majority of all votes cast in a vast majority of municipalities in Bosnia and Herzegovina that have Bosniak majority.\textsuperscript{157} For example, in Kalesija, a municipality of some 35,000 people, Komšić won over 7,000 votes. At the

\textsuperscript{154} Ibid.
\textsuperscript{155} Ibid.
\textsuperscript{157} See Map 6 in the appendix.
same time, other Croat candidates together won 33 votes. It is estimated that between 93% and 99% of Kalesija’s population are Bosniaks, and they were only 35 Croats in Kalesija in 1991 (or less than 0.1%). Just looking at this municipality and taking the above information into consideration, it is obvious that Komšić won thanks to Bosniak votes. It is estimated that out of 337,000 of votes that Komšić got in 2010 elections, Croats gave him some 4,500 votes, or just over 1.3% of all votes he received. When we take into consideration that this means that he got support of only 2.3% of all Croat voters, it becomes obvious that he was elected without support of Croats in Bosnia and Herzegovina, and thus lacks legitimacy to represent Croats in the Presidency, despite being legally elected according to the current electoral laws. Actually, Komšić has almost become a symbol of inequality and the lack of political power for Croats in Bosnia and Herzegovina.

It is important to note that Komšić is not the only Croat representative elected without Croat votes or support. In Republika Srpska, which has a Serb entity president and Croat and Bosniak vice-presidents, in 2010 Emil Vlajki was elected as a Croat vice-president with 6,000 votes, most of them non-Croat voters. This was some 500 more than the next Croat candidate and Vlajki became vice-president of Republika Srpska,

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161 Ibid.
162 Ivan Vukoja, “Primjeri ne-konstitutivnosti i ne-jednakopravnosti Hrvata u Federaciji BiH,” STATUS Magazin Za Političku Kulturu i Društvena Pitanja, no. 16 (Summer 2013): 96.
despite not having Croat legitimacy and not being elected by Croats. Still, this was only on the entity level rather than state level, and the case of Željko Komšić is more important than that of Vlajki, because 95% of Croats live in the Federation where Croat and Bosniak members of the Presidency for the state level are being elected. Moreover, even Bosniak diplomats like Mr. Arifhodžić represent themselves as Croats in order to get diplomatic positions reserved for Croats, as one third of all diplomatic posts are reserved for Croats, showing how easy it is to manipulate the system and usurp Croats rights.

The problem of Komšić’s election was not only in the fact that he got elected without Croat support, but also in the way that questions about legality and the legitimacy of Komšić’s election were discussed in the Bosnian-Herzegovinian academic community. For example, Eldar Sarajlić, a respected Bosnian-Herzegovinian political scientists and philosopher, has argued that the election of Mr. Komšić can be seen as a positive trend, because he was elected by Bosnian-Herzegovinian citizens who reject ethnic divisions, and he is not the only one who supports such an argument. I find this argument to be either naïve or very cynical, because of the very nature and history of Bosnia and Herzegovina as a multi-ethnic country. Sarajlić argues that it is everyone’s right to decide what ethnicity they are, and that no one has the right to tell to the Komšić’s voters that they cannot constitute the Croat ethnic group in Bosnia and Herzegovina.

163 Ibid, 93.
166 Eldar Sarajlić, Kultura Kultura: Etnicitet, Postmodernost i Politika (Mostar: Dijalog, 2010), 244-6.
I find Sarajlić’s argument to be the prime example of demagogy that occurs when such a complicated political matter as the election of Komšić is abstracted to the theoretical level, without taking into consideration the political realities of Bosnia and Herzegovina and its turbulent past. While I do think that everyone should have the right to self-identify themselves, this liberal right can easily be turned into a political weapon that denies certain ethnic groups political rights and freedom to choose their representatives in multi-ethnic countries. The best example of this would be the elections of Željko Komšić as the Croat member of the Presidency without Croat support. In practice, that is a clear usurpation of power for political ends, and not any exercise in self-identification and liberalism. If Komšić, as a candidate for the Croat member of the Presidency, got less than 5,000 Croat votes, in contrast with the other candidate that got 110,000 Croat votes, then he clearly does not have the support of Croats in Bosnia and Herzegovina. It is very unlikely that those Bosniak voters who voted for Komšić, and a number of whom, ironically, probably fought Croats as members of ABH during the war, declared themselves ethnically Croat and their native language as Croatian on the 2013 census. After all, even Komšić, who is supposed to represent Croats, officially said that his native language is Bosnian (which is spoken by Bosniaks) rather than Croatian.

Another Bosnian-Herzegovinian academic, Asim Mujkić, argues that the one man, one vote principle of the SDP’s proposed unitary Bosnian-Herzegovinian state is the most democratic principle, because it would allow people to vote also based on their

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associations to other groups (such as class), rather than just their ethnic group.\textsuperscript{168} This principle of a liberal democratic state, which is often the case in European national states, works well on an abstract level (as does Komšić’s election), but is just candy-coated Bosniak nationalism once we project it onto political realities. The war in Bosnia and Herzegovina during 1990s was fought between three ethnic groups who tried to establish and dominate “their” ethnic areas of Bosnia and Herzegovina (often expanded and consolidated through ethnic cleansing by all three sides), and not between higher and lower classes or supporters of one football club over another. Therefore, it is ridiculous to say that belonging to a specific class or other group can be more important to a majority of people in the political reality of Bosnia and Herzegovina than the ethnicity of politicians and their voters. Thus, the election of Komšić was clearly an electoral manipulation of existing laws and very harmful for political rights of Croats in Bosnia and Herzegovina.

**Why the election of “Komšić Mark 2” failed**

Because the law limits members of the Presidency to only two terms, Komšić could not run again in the 2014 elections held on October 12. In 2013 Komšić founded Democratic Front (DF), social democratic party which is a splinter party of the SDP. Soon, many members of the SDP left the SDP for the DF. Only four candidates were nominated for Croat member of the Presidency: Dragan Ćović, leader of the CDU of Bosnia and Herzegovina and Croat member of the Presidency between 2002 and 2006, Martin Raguž, leader of the CDU 1990, and two minor candidates, one from a minor

Croat/Bosnian party and another one nominated by Komšić’s DF. The DF also nominated a candidate for Bosniak president, and they were the only party that had more than one candidate, while all the other parties supported just one.\textsuperscript{169} Čović, who was supported by the CDU and some minor Croat parties, won 128,000 votes, and Raguž nominated by the CDU 1990 almost won 95,000 votes, while two other candidates won 15,000 and 7,000 votes respectively.\textsuperscript{170} This means that there were 245,000 votes cast for the Croat member of the Presidency, less than half of the votes cast in the 2010 elections, which also points that Komšić was elected by Bosniak votes. At the same time all Bosniak candidates won some 753,000 votes, way more than in 2010.

While the DF’s candidate for the Croat member of the Presidency obviously won only 7,000 votes, their candidate for the Bosniak member of the Presidency won 114,000 votes and was not elected. There were still electoral manipulations on part of the Bosniaks that wanted to prevent Čović, who is an advocate of the further federalization of Bosnia and Herzegovina, from getting elected. Martin Raguž, leader of the CDU 1990, a party which since its formation in 2006 was seen as a center-right alternative party for Croat voters disappointed in the inefficient CDU which failed to improve the political position of Croats in the Federation, changed his rhetoric a few months before the elections. His rhetoric became less Croat centre-right rhetoric and closer to the rhetoric of Bosniak parties, in contrast to the somewhat hard-liner rhetoric by the CDU and Čović.\textsuperscript{171} No wonder that he was seen as less of two evils to many voters that dread Čović’s calls

\textsuperscript{170} Ibid.
for the formation of a third entity with a Croat majority. Even during his campaign, Bosniak First Bosnian-Herzegovinian Party leader Šeherezada Delić promised that her 20,000 members will vote for Raguž on the next elections, despite members of her party being almost all Bosniaks.\textsuperscript{172}

Even though Raguž lost and Čović was elected Croat member of the Presidency, Bosniak votes that Raguž received show that just due to mere chance and fragmentation on Bosniak political scene (record ten candidates ran for Bosniak member of the Presidency) Croats managed to actually elect their legitimate candidate into the office that was usurped for eight years. An analysis performed by the Institute for Political and Social Research from Mostar showed that around 52\% of Raguž’s votes, or over 49,000 votes, were cast by Bosniaks rather than Croats.\textsuperscript{173} For example, Raguž received roughly three times less votes in three Croat cantons and in Croat municipalities in the two mixed cantons than Čović.\textsuperscript{174} On the other hand, in Bosniak cantons, Raguž won three times as many votes as Čović, and also eight times as many votes as his party (CDU 1990), which brings us to the conclusion that at least 50\% of all his votes were casted by Bosniaks rather than Croats.\textsuperscript{175} For example, in Bosnia-Podrinje Canton, where there are less than one hundred Croats, Čović won 43 votes, while Raguž won 564 votes. At the same time Raguž’s party CDU 1990 won only one vote in this Canton. This means that Raguž

\begin{flushright}
\textsuperscript{172} Ibid. \\
\textsuperscript{174} Ibid. \\
\textsuperscript{175} Ibid.
\end{flushright}
received 564 times as many votes as his party, which point to the abuses of the electoral laws by the Bosniaks.\textsuperscript{176}

It was only due to pure luck that Bosniak candidates for Presidency were more numerous than ever (making Bosniak voter body more fragmented in the process) that this time Croats managed to elect their own legitimate representative for the Presidency. Also, the Croat vice-President of Republika Srpska was actually elected by Croat votes, denying Emil Vlajki another term of usurping the Croat position.\textsuperscript{177} Still, it is evident that the election law has to be changed, because on the next elections Bosniaks might again choose Croat member of the Presidency.

**The unconstitutional usurpation of Croat political positions in the Federation**

In 2010 elections the CDU got 112,000 votes in the Federation, while the CDU 1990 coalition, which included the right-wing Croatian Party of Rights, won 50,000 votes.\textsuperscript{178} The People’s Party for Work and Betterment, a party run by the Croat tycoon Lijanović family which received quite a few Bosniak votes, got 49,000 votes.\textsuperscript{179} As mentioned earlier, the SDP and the Party for Democratic Action, together with two minor Croat parties, the Croatian Party of Rights and the People’s Party for Work and Betterment created a coalition on the Federal level, the so-called “Platform.” The CDU and the CDU 1990 were not part of this government that was formed in March 2011, even though it is estimated that they won more than 85\% of Croat votes in the

\textsuperscript{176} Ibid.
\textsuperscript{179} Ibid.
The government was formed despite the fact that they needed one third support in the Croat Club in the Federal House of Peoples.

This coalition had only five votes out of 17 Croats in the House of Peoples, all of them elected in Bosniak cantons by Bosniak votes. Still, according to the constitution they needed six votes, and the Central Electoral Committee proclaimed the new government illegal. This decision was suspended by High Representative Valentin Inzko, who said that they had enough votes, because apparently five is one third of 17, and in this surreal episode of Bosnian-Herzegovinian political history, as noted earlier, allowed usurpation of Croat political rights not only in the Presidency, but also on the Federal level. Because of the fact that the Federal government was formed without parties that had Croat support, much like in 2001, the CDU and the CDU 1990 said that they would not accept any decisions made by this government, which was thus crippled from the start.

It is interesting to note that in the state parliament, both the CDU and the CDU 1990 were part of the majority coalition. This fact points out the fact that the real problem for Croats in Bosnia and Herzegovina is not the state constitution, but the heavily amended Federal constitution. This is especially evident when taking into consideration that the state level has relatively few powers in comparison to entities, and 95% of Croats live in the Federation, the bigger out of two entities. As a response to the formation of the Federal government without Croat parties, the CDU and the CDU 1990, together with

some other minor Croat parties, revived the Croatian National Assembly (CNA) in April 2011, in what some journalists described as a bomb that can potentially explode and destroy Bosnia and Herzegovina. Still, this time, Home Rule was not proclaimed, but rather the CNA is trying to reform Bosnia and Herzegovina and secure an entity for Croats through legal means. The formation of the CNA raised some anxieties about its aims, because the memories of Home Rule are still fresh.

In 2014 all the parties of the CNA, except for the CDU 1990, jointly formed a list for elections, centered around the CDU and its candidates. As already mentioned, the CNA/CDU candidate Čović became the new Croat member of the Presidency in the 2014 elections held on the 12th of October. The CNA list won majority votes in every single municipality with a Croat majority, having support mirroring the support that CDU enjoyed in the early 1990s. In the state parliament they have four representatives in both the House of Representatives and the House of Peoples, while the only other Croat party, the CDU 1990 has only one representative in both houses respectively. Also, on the Federal level the CDU as leader of the CNA coalition won 13 seats in the Federal House of Representatives, and 13 seats in the House of Peoples. In contrast, the CDU 1990 has 4 and 1 seats, respectively, while the other three Croat seats in the House of Peoples are from non-Croat parties.

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182 Ibid.
185 Ibid.
This means that any future Federal government cannot be formed without CDU/CNA support, because this time not even High Representative Inzko could make a claim that three or four is one third of 17. Therefore, there were vigorous negotiations between the CDU, the Party for Democratic Action (PDA) and the DF in forming the Federal government, and the government formed on 31st of March, but due to the ideological differences of these parties will have problems remaining functional. The CDU calls for the entity or federal unit with a Croat majority, while the PDA and the DF are against it and they want to create either a unitary Bosnia and Herzegovina, or preserve the current status quo. Bakir Izetbegović, the son of Alija Izetbegović and leader of the PDA has said that he would not allow a Croat federal unit nor even a TV channel in the Croatian language, because according to him, that would be further division of an (already divided) country based on ethnic borders. And while other multiethnic European countries, such as Belgium or Switzerland, have found solutions to protect all ethnic groups and give them equal rights, the “Croat issue” still troubles Bosnia and Herzegovina.

The CDU leader and CNA president Čović said on the 28th of February 2015 during the latest session of CNA that further federalization of Bosnia and Herzegovina is the only way out of the political crisis and the only path that would ensure Croats that their political will not be violated in the future. Croats are very unsatisfied with the current situation and rightfully so. During two weeks of February of 2011, more than

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140,000 Croats in Bosnia and Herzegovina signed a petition against the political marginalization of Croats, and asked for their political rights to be respected.\(^\text{190}\) They are not only unsatisfied with the political situation, but also with the economic one, which is a byproduct of the way taxes work in Bosnia and Herzegovina, which I will analyze in the next section.

Even the European Parliament discouraged the unitary tendencies of some Bosniak and pro-Bosnian politicians, and called for equality of Croats in Bosnia and Herzegovina.\(^\text{191}\) European Parliament members from Croatia actively drew attention to the problems that Croats face in Bosnia and Herzegovina, and one possible solution is the further federalization of Bosnia and Herzegovina which would give Croats their own federal unit, making sure that they can elect their own representatives.\(^\text{192}\) Quite simply, the present situation in the Federation is not sustainable much longer, both economically and politically, and a new solution must be found soon. For example, the Federal minister of War Veterans in the last government was a Bosniak politician closely associated with the people that ethnically cleansed Croats from Bugojno and which run some of the 331 concentration camps for Croats that were present in Bosnia and Herzegovina during the war.\(^\text{193}\) Recently, the CDU delegate in the Bugojno municipal council was verbally attacked by a Bosniak member of the council, a cousin of the Federal minister Helez, and he was threatened that Croats would be again slaughtered in Bugojno, as they were


during the war.\footnote{Ana Popović, “Skandal Na Sjednici: Pobili Svo Vas ’93., Pobit Čemo Vas Opet!,” Večernji.hr, May 31, 2014, http://www.vecearnji.hr/svijet/pobili-smo-vas-93-pobit-cemo-vas-opet-942115.} This one episode just shows the type of problems Croats face in the Federation today, and why a reform is necessary if they want to enjoy the same rights as Bosniaks and Serbs.

Another problem with the current system is the fact that it is highly complicated, illogical and overly expensive and bureaucratic. For example, in the last elections only 13 Serbs were initially elected into the Federal House of Peoples, instead of the required 17, because there were simply not enough Serbs in cantonal assemblies.\footnote{Valentina Rupčić, “HDZ BiH Najjača Stranka S Ukupno 13 Mandata,” www.vecernji.ba, January 14, 2015, http://www.vecernji.ba/hdz-bih-najjaca-stranka-s-ukupno-13-mandata-984017.} Another example that shows all the complexity and expensiveness of the current Bosnian-Herzegovinian political apparatus is the fact that there are 13 prime ministers in the country (10 cantons, 2 entities and state level), and in total 569 members of various parliaments and governments, and this is only in the Federation and Cantons, without counting the state level, Republika Srpska and Brčko District.\footnote{“Hrvatska Republikanska Stranka - Prijedlog Ustavnih Promjena U BiH,” HRS, January 26, 2015, http://www.hrsbih.org/index.php/dokumenti/prijedlog-ustavnih-promjena-u-bih.} For a country of barely 3.7 million people, all these officials plus their deputies, secretaries, drivers and other staff is simply too much of a burden to carry, especially in a country where unemployment is close to 44%.\footnote{“Bosnia and Herzegovina Unemployment Rate,” accessed April 8, 2015, http://www.tradingeconomics.com/bosnia-and-herzegovina/unemployment-rate.} Bosnia and Herzegovina, and especially the overcomplicated Federation, is simply too bureaucratic and expensive to be sustainable without substantial foreign aid. This becomes even more evident once we start to look at taxes and the way they are distributed, which is another reason why Croats want reforms of the Federation or their own entity.
Taxes, census, demonstrations and the current state

Two entities in Bosnia and Herzegovina function like mini-countries; the unitary Republika Srpska and the complex Federation of Bosnia and Herzegovina. Taxes in the Federation, and the way they are run create a lot of anti-Sarajevo (the Federation’s capital) sentiment, not only in Croat cantons, but also in some Bosniak cantons, which call for a fairer system and less centralization.\textsuperscript{198} In only eight years between 2006 and 2013, the Sarajevo Canton received 1.2 billion Bosnia and Herzegovina convertible Marks more than it paid through Federal indirect taxes. From all the tax revenues that the Federation collects, 36.2\% is used to finance Federal institutions, 51.48\% is used to finance Cantons, 8.42\% is used to finance municipalities and 3.9\% is used to finance roads.\textsuperscript{199} Those 51.48\% for financing cantons is then divided, from a joint account, and sent to every canton. The amount that they receive is based on the population, number of elementary and high school students, and to a less extent, area of the canton in km\textsuperscript{2}. This number is then multiplied by the coefficient, which is normally one, except for the two poorest (Croat) cantons where the coefficient is 1.1 and 1.5, and the smallest Bosniak canton with the coefficient 1.8, in order to offset underdevelopment of these cantons.

Sarajevo’s coefficient is 2 because of its Federal capital status, which when translated into revenues means that Sarajevo receives 30\% of all Federal tax income revenues for Cantons. This means that Sarajevo and Bosnia-Podrinje cantons receive roughly double the tax revenues per capita than other cantons. The Institute for Social


and Political research has calculated that just in the last eight years, through this tax system, Croat cantons have lost 120.9 million Marks, and two mixed cantons have lost 336.9 million Marks, which means that Croats paid roughly 300 million Marks in taxes then were than given for the development of predominately Bosniak Sarajevo. If Croats had their own political unit in Bosnia and Herzegovina, they could be reassured that their taxes are used for development of Croat municipalities, rather than redirected towards Sarajevo.

Still, the borders of such units are not easily determined in Central Bosnia, but they can be, once the ethnic breakdown of results of the 2013 census, the first official census after 1991, is published in June 2015. Still, there are genuine fears that more people were recorded than actually live in Bosnia and Herzegovina, for political purposes and manipulation. Even so, the number of 3.7 million is likely to decrease close to more realistic 3.4 million through additional checks, and this census will finally give us important information about the Bosnian-Herzegovinian population and changes in ethnic structure and distribution that resulted from the war. Likely, the census will show that most municipalities have a 80+% majority of one of the three ethnic groups, and that few mixed municipalities are actually divided between Croat and Bosniak parts. Nonetheless, the census and its results will be important tools in determining possible reforms in the internal structure of Bosnia and Herzegovina.

Hopefully, the census results and the fact that neither Federal nor state government can be formed without Croats this time should be used as a basis for

200 Ibid.
territorial reorganization, whose proposals I will tackle in the next section. Only once the political situation is solved and all three ethnic groups have equal rights, as well as national minorities, it will be possible to tackle the economic and social problems that plague Bosnia and Herzegovina. As I wrote in my column, poverty, emigration and radicalization of certain Islamic elements in Bosnia and Herzegovina are plaguing the country.\textsuperscript{202} Unemployment is at 44%, even though it is likely that the real number is over 50%, and young and educated people are leaving the country. Just in 2014 68,000 people emigrated from Bosnia and Herzegovina, a staggering 2%, and this trend is likely to continue, especially amongst Croats who have Croatian passports and can freely travel across the EU.\textsuperscript{203} Finally, it is estimated that a few hundred young radical Wahhabi fighters have left Bosnia and Herzegovina for Iraq and Syria, and the real danger is in possible attacks that these people might commit in Bosnia and Herzegovina once they come back, thus raising already high ethnic tensions. In order for Bosnian-Herzegovinian society to effectively tackle these issues, first there have to be political changes that would give Croats equal rights and return their fate in the future of Bosnia and Herzegovina. Otherwise, Bosnia and Herzegovina might face social unrests that can easily spiral into ethnic conflict, as almost happened in February 2014.

In February 2014, spontaneous protests in larger Bosniak towns and cities, like Tuzla and Sarajevo, nearly grew into social movements that demanded changes in government and better living opportunities. The protesters clashed with police in multiple


\textsuperscript{203} “Poražavajuće: 68.000 Građana Napustilo BiH, U Migraciji Blizu 100.000 Ljudi!,” \textit{6yka.com}, March 9, 2015, \url{http://www.6yka.com/novost/76487/porazavajuce-68-000-gradana-napustilo-bih-u-migraciji-blizu-100-000-ljudi-}. 
towns, and even burned Cantonal government buildings in Mostar and Tuzla. They also, sadly, burned down a section of the Presidency building in Sarajevo together with the official Archive of Bosnia and Herzegovina, destroying thousands of historical documents in the process.\textsuperscript{204} This is so called the “Bosnian Spring”, which did not really catch on in Serb and Croat parts of Bosnia and Herzegovina, despite all three sides being similarly impoverished. What was worrying is that many protesters in Bosniak towns in the Federation called for the abolition of Cantons, justifying it with saving money on the administration and organizing the Federation and then all of Bosnia and Herzegovina as a centralized liberal democracy.\textsuperscript{205} The fear of many Croats voiced in the media is that the protests, which started as social unrest due to poverty, are turning into political protests that aim to abolish Cantons, the only level of three main levels of government in Bosnia and Herzegovina where Croats can still freely elect their representatives without fear of someone manipulating elections or outvoting them. This really showed that although a liberal unitary post-ethnic state sounds very appealing as an idea, in reality, it would just further diminish Croat, and also consequently Serb, rights. Given political realities of Bosnia and Herzegovina, this idea is far from liberal, it is very close to the rightist Bosniak nationalist rhetoric from the 1990s, disguised under quasi-liberal rhetoric.

In the research conducted in November 2013 on 1,200 people, political scientist and PR expert Božo Skoko found out some interesting information about what ethnic groups in Bosnia and Herzegovina think of each other. For example, almost one third of Bosniaks think that Bosnia and Herzegovina is, or rather should be, a Bosniak national


state. Also, some 73% of people said that the consequences of war like ethnic tensions are still present in Bosnian-Herzegovinian society, which is worrying information.207 Still, not everything is so grim. 84% of people think that it is the time for reconciliation, which gives hope that Bosnia and Herzegovina can function as a normal state led by its own politicians without the High Representative with dictatorial powers.208 The only question is what this new Bosnia and Herzegovina should look like. More than 70% of Bosniaks and Croats would like to change the illogical Dayton constitution (78% and 71% respectively, and although for almost completely different reasons), only 27% of Serbs are willing to do so, because they are quite satisfied with the rights they have in Republika Srpska.209 Finally, it was very surprising that 60% of people were in favor of the three entities solution which would give one Federal unit to each ethnic group in the new, Federal Bosnia and Herzegovina, especially when we compare these results with the 2010 research mentioned earlier.210 It is interesting to see that 77% of Serbs like this idea, even more than Croats (69%), who would benefit the most from this solution. Even Republika Srpska leader Milorad Dodik stated on multiple occasions that Croats have to get their own entity made of Croat territory in the Federation in order to solve the “Croat issue”, thus creating an unlikely alliance between Bosnian-Herzegovinian Croats and Bosnian-Herzegovinian Serbs.211 Still, only 37% of Bosniaks are in favor of this idea, which is still an all-time high number.

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208 Ibid, 28.
209 Ibid, 30.
As the largest ethnic group and the ethnic group that is most concerned about the survival of Bosnia and Herzegovina as a united country, Bosniak politicians should look more into possible solutions to the “Croat issue” and other political issues plaguing the country, if Bosnia and Herzegovina is to survive in the long run. Otherwise, Republika Srpska might secede, followed by Croat parts of Bosnia and Herzegovina, leaving the Bosniak parts surrounded by somewhat hostile Serbian and Croatian states. This is the worst possible scenario for Bosniaks. None of the possible solutions is perfect, but as always, there are bad, terrible and even worse solutions, and all three ethnic groups in Bosnia and Herzegovina should agree on the most feasible solution, which in my opinion is the three federal units (entities) solution. Finally, it is important to note that the lack of understanding in the west, especially in the US, about the political realities of Bosnia and Herzegovina, and the problems that Croats face today is disturbing. I truly hope that this paper will shed some light on these problems, because it is unbelievable that in the analysis for the US senate about current issues in Bosnia and Herzegovina the case of Komšić and usurpation of Croat positions are not even mentioned.  

**Possible solutions:**

**A unitary state**

A unitary state, organized like many European national states, would dissolve the special rights of the three ethnic groups and solve the problems of national minorities unable to be elected in the Presidency at the moment. Moreover, it is believed that such a state would be more functional, and with reduced administration, more economical and

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sustainable. Even though such a solution, which would put everyone in the “equal legal position” seems like a good idea, it could never work in practice. This solution is advocated by pro-Bosnian parties and some Westerners probably far removed from Bosnian-Herzegovinian realities. Almost all Croats and Serbs are against it, and it is very likely that they would blockade such a solution in the parliament, and even rise in rebellion if needed. Quite simply, a unitary state could never be achieved, unless Croats and Serbs are militarily defeated in detail by Bosniaks in another war which cannot happen today. Croats and Serbs fear that they would be dominated by more numerous Bosniaks in a unitary state, and therefore such a solution could not be sustainable in the long run.

The drawback is that Bosnia and Herzegovina is a highly complicated multinational state with a bloody history, and a liberal unitary state is just not a feasible solution. Such a state, even if established, would soon find itself embroiled in civil war, or at least in civil disobedience and uprisings by Croats and Serbs. Moreover, a unitary state would not solve the “Croat issue” and their marginalization, but would further marginalize them, removing the protection and political power that they have at Cantonal levels. The centralized state, dreamed of some Bosniaks, is even warned against by the EU, and it is the one out of my seven possible solutions that is most likely to fail. Simply, Republika Srpska would veto any effort to reorganize Bosnia and Herzegovina in such way that it would completely erase the stipulations of the Dayton Peace Agreement. Any serious discussion about this solution is pointless, because it would fail in reality

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despite sounding achievable in theory. Therefore, this solution should be scratched off the table, and any pursuit of such goals may only result in further divisions and separatist sentiment from Croats and Serbs as a counter to such tendencies.

**Regionalization**

A “regions solutions” is an interesting proposal that is simply a modified “unitary state” model. Because of this association it suffers from many dangers and drawbacks that the previous solution also suffers from. This model, advocated by most pro-Bosnian and Bosniak parties, but also some Croat parties, would reorganize the country into regions. Bosnia and Herzegovina would be more centralized, and the Federation and Republika Srpska would be dissolved. The new state would have a number of multiethnic regions which would not be absolutely dominated by either ethnic group. Politicians suggesting this solution hope that it would bring the end to ethnic divisions, and suddenly, being a citizen of Bosnia and Herzegovina will become more important than being a Serb, Croat or Bosniak. Again, in theory, this proposal seems like a good one. The country would have four to five multiethnic regions, which would speed up regional development. Also, a simple structure of municipality-region-state would save a lot of resources in comparison with today’s gigantic bureaucratic apparatus. Also, the premise is that if there are no ethnic cantons and entities, people are more likely to put past grievances aside and just identify as Bosnians and Herzegovinians.

The main drawback of this proposal is that again, there is a fear of marginalization of non-Bosniaks because Bosniaks make almost 50% of population and

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216 Ibid.
they could easily form government in the parliament without Croat and Serb parties, something that happened twice in the Federation already. Republika Srpska and its representatives would never allow such change, because the war was stopped only after limited independence within Bosnia and Herzegovina was guaranteed to the Serbs in the form of Republika Srpska. It is not likely that they would give these freedoms and rights away twenty years after the war, especially because tensions in Bosnia and Herzegovina are as high as ever. Moreover, this model would not secure Croats their political rights and no one could guarantee Croats that they would be able to elect their legitimate representatives. Furthermore, future regions even if they would not have absolute majority (two thirds of population) of any ethnic group, would still have the relative majority of one ethnic group in every of them. This would create political competition of ethnic groups for power in these regions, and possibly result in civil disobedience and even rebellions by the relative minorities in these regions. We should not forget that almost every single city, town and village in Bosnia and Herzegovina is dominated by one ethnic group and ethnic groups in Bosnia and Herzegovina are always trying to preserve their self-interest over other groups. Finally, it would be very hard to establish these regions and to define not only their borders, but also their powers. Therefore, even if by some miracle there is a reorganization of Bosnia and Herzegovina and Serbs are bypassed in it, the regionalization would not be functional. Even if it is not as bad as an “unitary state”, in the end Bosnia and Herzegovina would end up as a centralized state dominated by Bosniaks, something that Croats and Serbs could never let happen without going to war.
Cantons

Cantonization of whole Bosnia and Herzegovina is a good compromise solution, but it is very unlikely that it would be ever accepted by Serb politicians, and depending on the nature of cantonization, also by Bosniak politicians. The goal of such reformation of Bosnia and Herzegovina would be to make it more like Switzerland for example, where Cantons would make up the middle layer of government between municipalities and state, protecting the rights of ethnic groups. While many Bosniak politicians would likely accept this solution if it would mean the dissolution of Republika Srpska, Serb politicians would never accept such a deal.\textsuperscript{217} Cantons might be a good solution, but it would be very hard in practice to determine the borders and powers of these cantons. It is very likely that some of them would be very underdeveloped, while the Sarajevo canton, much like today’s in the Federation, would receive excess tax revenue in comparison with other cantons. Also, cantonization would not solve the problem of marginalization of ethnic minorities in cantons where one ethnic group is the absolute majority (more than 2/3 of the population). Therefore, the Croat issue would not necessarily be completely solved.

Croats are actually the most vocal group in support of this solution, because they believe that the cantons would protect their rights in the territory in which they are the majority, as well as giving Croats separate electoral units, in contrast to the present state in which Croats share electoral units with four times more numerous Bosniaks. Actually, depending on the number of cantons, it is possible that the new administration might be as gigantic as the current administration, and then there is always the question of the

\textsuperscript{217} Ibid, 17-9,
power of cantons. If they have powers that entities enjoy today, then the administration is likely to become even more expensive and simply unsustainable in most of the country. If they have fewer powers, then Bosnia and Herzegovina would become more centralized, a fear of many Croats and Serbs. Therefore, even though it seems like a good compromise solution, cantonization of the whole of Bosnia and Herzegovina is unlikely to happen, and even less likely to become politically and economically sustainable. Serbs will veto any reform that would take power from Republika Srpska, and would never allow its dissolution, even in the face of the war. Moreover, the real problem in Bosnia and Herzegovina is not Republika Srpska and its organizations, but rather the Federation in which Croats and Bosniaks are often struggling for more power. Therefore, to solve the Croat issue and ease tensions, we should look at ways to reform the Federation of Bosnia and Herzegovina rather than the whole state, because it is unlikely that the Serbs would ever allow any changes to the organization of the territory under Republika Srpska.

**Return to the original Washington Agreement**

One relatively easy way to reform Bosnia and Herzegovina and solve the Croat issue would be to simply revert back to the original Washington Agreement in the Federation, or at least remove some of the more controversial amendments to the Federal constitution created by the OHR. Still, this is impossible while the OHR is still active in Bosnia and Herzegovina, and it is unlikely that the Bosniak parties would support amendments to do such a thing. The good thing about this reform would be that Croats could enjoy the protections and rights that they did in the 1990s after the war, without touching the structure of the country mapped out in the Dayton Agreement. Moreover, these reforms, together with the introduction of a separate Croat electoral unit for
Presidency, would allow Croats to enjoy their political rights without further division of the country and the redrawing of borders. It is very likely that Croats would accept this solution, as well as the Serbs, who do not really care what is going on in the Federation, as long as it does not influence Republika Srpska. Bosniak politicians would likely be against such counter-reforms, but are more likely to accept this solution as a compromise rather than the three republics or three entities solution.

The representatives of the “international community” in Bosnia and Herzegovina headed by the OHR would never allow the removal of controversial amendments in order to revert back to the more or less original Washington Agreement, because it would portray the OHR’s involvement and reforms in the last two decades as one huge failure. Moreover, this could potentially solve the Croat issue, but it is still a question if Croats would be satisfied with only that after a decade of marginalization and losing their rights. It is likely that they would want better guarantees than this, ideally in the form of third entity. Moreover, this solution would not solve the problem of a gigantic administration financed through foreign aid and massive loans that Bosnia and Herzegovina simply cannot pay back. Therefore, the reformation of the electoral laws might be a good immediate first step to protect Croat rights until a better reform can be agreed upon in the near future. Still, just by itself, it is not a good solution and is likely to be little for departing from the status quo, because Bosnia and Herzegovina in the present form is unsustainable and will likely fail, and possibly dissolve if a viable solution is not implemented relatively soon.

The status quo and possible dissolution

The biggest danger facing Bosnia and Herzegovina is retaining the status quo and not reforming at all. Reforms are necessary in order to protect the Croats and reverse the increasingly centralistic tendencies of Bosniak parties in order to create a new Bosnia and Herzegovina which will be loved by all three ethnic groups and national minorities. The implementation of Sejdić-Finci ruling by the European Court of Human Rights that found the Bosnian-Herzegovinian constitution and the method of running elections to the Presidency were in violation of the European Convention of Human Rights. Bosnia and Herzegovina must correct this in order to begin negotiations with the EU. Still, any such reforms should also include administrative reforms in Bosnia and Herzegovina to make it financially more sustainable, as well as making sure that Croats have an equal position with Serbs and Bosniaks. Therefore, until Bosnia and Herzegovina is reformed, it is impossible for it to join the EU, and hence it is stuck in the status quo that had lasted for almost two decades. Bosnia and Herzegovina today is plagued with poverty, ethnic tension and extremism. The status quo is simply not sustainable for much longer. A compromise must be found soon, otherwise the country faces the grim possibility of dissolution and the renewal of violence. The German ambassador in Bosnia and Herzegovina, Christian Hellbach said that reforms are necessary, because Bosnia and Herzegovina simply cannot finance administration and pensions any more by taking foreign loans. Soon, it will run out of options, and when that happens, social unrests

like the ones in 2014 can easily turn into ethnic violence. Such a road would lead Bosnia and Herzegovina into chaos and dissolution.

The Serbs are fine with their position in Bosnia and Herzegovina, and while they have separatist tendencies, there are unlikely to be realized unless the situation in the Federation radicalizes. The burden of responsibility for the future of Bosnia and Herzegovina is on Bosniak and Croat politicians in the Federation, and on their ability to reach a compromise and to reform the Federation. If that does not happen soon, quite ironically, pro-Bosnian politicians who swear to maintain integrity and uphold the unity of Bosnia and Herzegovina might cause its dissolution. Even the International Crisis Group predicted such a possibility in their last report on Bosnia and Herzegovina.

They said that such a scenario might not be the worst, if Bosnia and Herzegovina cannot reform in an independent country that treats all its three constituent peoples equally.\(^{221}\) Therefore, it might be time for Bosniak politicians to accept the reality that Bosnia and Herzegovina is a multiethnic state with a troubled past and an unsustainable present economic situation, and as such, the only hope of survival is if it is reformed into a decentralized state that treats all three ethnic groups equally, no matter how politically and emotionally painful these reforms might be for some Bosniaks who dream of a unitary state. The status quo is simply unsustainable, and will likely be fatal for the future of Bosnia and Herzegovina, because without political reforms, Bosnia and Herzegovina cannot enter the EU, nor reform its economy and take advantage of EU funds to curb its record unemployment and poverty.

Three republics

The very first “peace plan” offered to the Bosniaks, Croats and Serbs in Bosnia and Herzegovina was the so-called Lisbon Plan that offered three republics plan. It was rejected by the Bosniaks in March 1992, only a few days before the full escalation of the war. It would be somewhat ironic if Bosnia and Herzegovina would be reorganized into a federal union of three republics more than two decades after this original proposal that might have stopped the bloodshed. Such a proposal would likely leave Republika Srpska as one republic, and create two republics from the territory of the Federation: one with a Croat majority from Croat cantons and Croat municipalities in mixed cantons, and one Bosniak with Bosniak municipalities and cantons. These new republics would have the power of today’s entities, and maybe even some additional ones from the state level up in order to make a Bosnia and Herzegovina more decentralized country. Serbs are very likely to accept this proposal, and it would likely be a dream come true for Croats. Still, Bosniaks are very much against this proposal, because some of them see Bosnia and Herzegovina as an exclusive Bosniak homeland, and any further internal borders and divisions based on ethnic lines are seen as an introduction to the final dissolution of Bosnia and Herzegovina by separatist Croats and Serbs.222 Maybe, given all the dangers of the status quo, Bosniaks would accept this deal in the near future, in exchange for less power to these republics than entities have at the moment, which would then again be vetoed by the Serbs. Simply, there is no good solution to the Bosnian-Herzegovinian puzzle and the Croat issue that would satisfy all sides. It is likely that, if they want the country to stay together and enter the EU eventually, Bosniaks will have to swallow a

bitter pill and acknowledge the Croat right to their own entity or republic as Serbs have today.

The upsides of the new republic system would be that each republic would have a territory for each ethnic group, and the administration could be cut down in size. There would be just two republics in the territory of the Federation, thus cutting down from ten cantonal and one federal government to just two republic governments. Moreover, such reorganization would solve the Croat issue and provide long lasting peace and the rebuilding of trust between Croats and Bosniaks. It is likely that the economy would also benefit, because now Croats would pay taxes to the Croat republic, and thus people would be less likely to evade taxes than before when they were going to Sarajevo. Also, other issues, such as the Croat TV channel could be solved in a new republic governments, which would also eliminate the need for two houses of parliament. Finally, another upside of this system would be the solution of the Sejdić-Finici issue and the potential for Bosnia and Herzegovina to enter the EU eventually. Each of the three republics could elect one member to the Bosnian-Herzegovinian Presidency, and members of the Presidency would not have to be ethnically Bosniak, Croat and Serb respectively, but rather just elected in each one of these three proposed republics.

The downside of this proposal is that Bosniaks will likely not agree to it, especially because of the idea of giving more powers to the republics than entities have today. Also, there would be the question of protection of national minorities in these new republics which would form new Confederal Bosnia and Herzegovina. There would have to be laws and mechanisms in place that would guarantee the protection of Bosniaks, Serbs, and Others in the Croat republic (and vice versa), but such mechanisms are
possible to establish, as they already exist (although they are less than perfect) in Republika Srpska. Another danger is the possible secessionist tendencies of Serb and Croat republics and their wish to join Serbia and Croatia respectively at some later point.\textsuperscript{223} I think that such issues are easily solvable by stating in the new constitution that secession is only possible if all three republics agree that it is in everyone’s best interest, thus reassuring Bosniaks that the Serbs and Croats will not secede and leave a small Bosniak state surrounded by Croat and Serb republics. The real issue would be finding exact borders of new republics.

While it would be easy for the Serb republic, which would have the borders of Republika Srpska plus the Serb parts of District Brčko, it might be harder for the Croat and Bosniak republics. Even though eight cantons have clear ethnic majorities (with the exception of two Croat municipalities in one Bosniak canton and three Serb municipalities in one Croat canton), the problem is in the two mixed cantons. Still, I believe that municipality borders in these cantons can be easily changed so that few multiethnic municipalities in Central Bosnia are “divided” into Croat and Bosniak municipalities by the ethnic structure of different towns and villages, based on the 2013 census whose ethnic results will be published in June 2015. Moreover, because of the territorial discontinuity of the three new republics, any secessionist tensions would be hard to achieve, except maybe in Serb case because they would have a more or less territorially continuous republic. The discontinuity of republics could reassure Bosniaks that Croats will not try to secede. Still, I think that Bosniaks are not very likely to accept

\textsuperscript{223} Ibid.
such a deal, and thus a three entities compromise would be more realistic and if reached it could even unblock the negotiations of Bosnia and Herzegovina with the EU.

**Three entities**

Three entities, a slight modification of the three republic proposal, would be the best solution in my opinion. Serbs would be fine with it, as long as it does not take away any powers from their entity. Croats would finally feel like they are on an equal level with Serbs and Bosniaks. Bosniaks do dislike the idea, but realistically it is the only proposal that would allow all three ethnic groups in Bosnia and Herzegovina to be equal, and therefore allowing Bosnia and Herzegovina to eventually join the EU. Because of this Bosniaks should accept it if they want Bosnia and Herzegovina to finally escape the political and economic black hole in which it was stuck for last two decades. It might seem to some as accepting Croat war goals, but it is nothing more than what ethnic groups have in other multiethnic European states such as Belgium and Switzerland. In order to alleviate the fear of the Bosniak public, it might be a smart idea to call new entities by medieval historic names of Bosnia’s and Herzegovina’s regions rather than the much hated Herzeg-Bosnia name that Bosniak despise while many Croats still want to use. Bosniaks are not likely to accept this deal, although they might, because the alternative is further depressing economic trends and political isolation for Bosnia and Herzegovina which might led to a Republika Srpska secession.\(^{224}\) It is not an easy choice, but if they want to preserve the unity of Bosnia and Herzegovina, it is a choice that they should make. Croats, who were stripped of many political rights in the last decade and a half, will not start trusting Bosniaks again without such concessions.

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The upside of this proposal is that it solves not only the Croat issue, but also the Sejdić-Finci issue, in the same way as explained above through the three republics option. Because new entities will be territorially discontinued, Croats are not very likely to have secessionist tendencies, because that would mean abandoning Croats in Central Bosnia. Finally, administration could be cut down from 13 governments to only four (state and three entities), saving a lot of money from very unsustainable cantons. This proposal is likely to stimulate regional economic development and end the rule of OHR in Bosnia and Herzegovina. State level governance of Bosnia and Herzegovina could stay the same, and two new entities could have a very similar internal structure to Republika Srpska. Because entities would not be given new (actually just old powers that were amendment by OHR) powers, like separate army forces, it can be seen as a more acceptable option for Bosniaks than the three republics option. Furthermore, Brčko would still be a district, but now it can be jointly administrated by the Serb and Bosniak entities. It would probably be a smart idea to create another district which would be jointly administrated by Croats and Bosniaks, possibly in Jajce, in order to display the good faith by both sides and ensure that Croats cannot secede because they would not leave Jajce behind.

The downside of this proposal is that Bosniaks might see it as a separatist move, and resist it. Still, it is the best possible option on the table in order to bring all three groups to the same position. Another problem would be defining the borders between Croat and Bosniak entities. Still, with the help of the 2013 census, this would not be an impossible task. Municipal borders can be easily readjusted, as happened in the past, in

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225 Tadić, Ustavnopravni Položaj Hrvata u Bosni i Hercegovini od Vašingtonskog Sporazuma do Danas, 32.
order to make sure that most Bosniaks and most Croats end up in their new respective entities. The Croatian Republican Party gave a solid proposal in 2014, which should be modified to fit these new needs, but can act as a solid base. As I said, the Jajce district could be a good way to connect these two new entities. The question of other ethnic groups in these entities can be solved through guarantees of their rights and legal mechanisms, in which entity with a Croat majority would look out for the well-being and protection of Croats in the other two entities, and vice versa. Bosnia and Herzegovina would still have three presidents, but now they would not have to be Bosniaks, Croats and Serbs, but rather representatives from each of the three entities. In that case, if Croats feel that Mr. Finci, who is Jewish by ethnicity, can best represent their interests at the state level, despite not being ethnically Croat, they may choose him to represent them. With this the road to the EU would be open after so many years of waiting.

Each entity could have its own TV station, solving that part of the Croat issue. For the fear of secession, legal guarantees might be incorporated into the state constitution which would prevent unilateral secession, as it was the case with nearby Kosovo. While the three entities solution is not a perfect one, it is the most realistic solution to address complicated relations in Bosnia and Herzegovina and its bloody history. With this solution all three main ethnic groups would be put in the same position. It would also allow national minorities to be elected, thus making Bosnia and Herzegovina a truly democratic country. Once these political issues are solved and the OHR can leave Bosnia and Herzegovina, the country and its ethnic groups could turn to economic development and EU integration instead of fighting on political battlefields. All alternatives to the three entities solution are less efficient and only the three entities solution could finally
resolve the Croat issue and stop their marginalization and discrimination in their own homeland. If the situation worsens, there is always the fear that the Croatian National Assembly may declare another Home Rule, and this time there is not enough SFOR troops and tanks to put it down, especially if Republika Srpska coordinates with the CNA and declares secession at the same time. This would not be all that unlikely. In such a situation, the dissolution of Bosnia and Herzegovina might become a sad reality.

**Conclusion: A long road ahead**

The Croat issue continues to be one of the issues plaguing Bosnian-Herzegovinian political life, preventing it from functioning as a democratic country. Croat political will was twice bypassed in establishing the Federal government in the last 15 years, as well as in two presidential elections. Croats do not have the political power to protect their interests or even to have a TV channel in their own language, something that a much smaller German community has in Belgium, for example. Bosnia and Herzegovina, due to its complex nature, can only survive if it is reformed and all constituent Peoples are given equal rights, like in other European multiethnic countries. Any centralist tendencies by Bosniaks can only be, quite ironically bad, for the future of Bosnia and Herzegovina which they love so much. It is worrying how poorly politicians and policymakers in the West are informed about the Croat issue. It is my sincere hope that this paper will help to illuminate the struggles and challenges that the Croats have faced in the last 15 years. It is estimated that almost 50% of Croats since 1991 have moved out of Bosnia and Herzegovina, some running for their lives, while others left in
search of a better future that included political freedom and economic prosperity.\textsuperscript{226} If Croats are to survive in their ancestral homeland, and if Bosnia and Herzegovina is ever to enter the EU and develop, reforms of the political system must happen soon. Too much time has already been lost in the past decades, and while other countries in the region improved their standing, Bosnia and Herzegovina is still stuck in the mud of inequality advocated by the Dayton Peace Agreement.

The best way to solve the Croat issue, as well as the Sejdić-Finci issue and the problem of a gigantic and ineffective administration, is the three entities solution. Such a solution, no matter how hard to negotiate and implement it may be, is the only one that would guarantee equal rights for Bosniak, Croat and Serb communities in Bosnia and Herzegovina, while protecting national minorities. Reforms can be painful and elevate ethnic tensions, but in the long run, the three entities solution is the best way to secure a peaceful and prosperous Bosnia and Herzegovina. It is likely that all three ethnic groups would turn to themselves and economic development, instead of wasting energy on a political battlefield in the Federation that often ends up with blockades and inefficient governments. There is a long road ahead if Bosnia and Herzegovina is to become a truly democratic and independent country. The status quo is unsustainable, and reforms are much needed. Any centralist tendencies by Bosniaks might prove to be a bridge too far for Bosnia and Herzegovina and, leading to dissolution. If Bosnia and Herzegovina is to survive as a country and if Croats are to enjoy their rights again, only a decentralized three entities state is a viable solution. It is my hope that this paper will help raise awareness about this serious issue, and that Bosnian-Herzegovinian politicians will have

enough political strength and maturity to go through with these much needed reforms before the situation in the country grows worse.
Appendix

All maps, unless stated otherwise, have been downloaded from Wikimedia Commons.

Map 1

Administrative division of Bosnia and Herzegovina
Chart 1

Political structure of Bosnia and Herzegovina

Source: http://suffragio.org/2014/10/10/bosnia-set-for-elections-at-all-levels-of-government/
Map 2
Ethnic map of Bosnia and Herzegovina in 1991

Ethnic composition before the war in BiH (1991)
Map 3
Ethnic map of Bosnia and Herzegovina in 2005 (approximately)

Bosniaks - Green
Croats - Orange
Serbs - Blue
Map 4
Map of the Croatian Home Rule in 2001
Map 5

Map of candidates who won the most votes in each municipality in the presidential elections of 2006
Map 6
Map of candidates who won the most votes in each municipality in the presidential elections of 2010
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