



Honorable Dana Rohrabacher, Chair
Honorable Gregory W. Meeks, Ranking Member
Subcommittee on Europe, Eurasia, and Emerging Threats
Foreign Affairs Committee
US House of Representatives

Hearing on The Balkans: Threats to Peace and Stability - May 17, 2017

BiH Electoral Law Changes Necessary Immediately For Summer Deadline - 2018 Elections

Dear Chairman Rohrabacher and Ranking Member Meeks:

The National Federation of Croatian American Cultural Foundation (NFCA) welcomes the opportunity to extend to you and the Subcommittee Members our grave concerns about the ongoing electoral law discriminating against the Croats of Bosnia and Herzegovina (BiH), which will have tragic consequences in the 2018 elections if action is not take this summer to rectify and deal with the imminent political crisis that is looming.

We have also attached to the NFCA's hearings statement our September 20, 2016, letter to High Representative Valentin Inzko in Sarajevo. The question remains: Why does the High Representative thinks it is constitutionally proper and a wise political decision for non-Croats to elect the Croat Member of the tripartite Presidency of BiH?

Allow us to share with you a few details showing how the legitimate rights of the Bosnian Croats have been altered and depleted over the last 25 years using an ever-increasing and methodical set of discriminatory policies and constitutionally questionable procedures that clearly violate the spirit and the intent of the Dayton Peace Accord (DPA). It is a fact that amendments made to the electoral law by the Office of the High Representative over 15 years ago have allowed the election of a candidate to be the ostensible Croat member of the BiH Presidency without receiving a majority of Bosnian Croat electoral support. It must be stated that if there are not electoral reforms this summer and the earlier amendment is not changed, then the legitimacy of these 2018 elections will again be called into question causing a new destabilizing problem for all of Southeast Europe.

The Bosnian Croat community and the BiH Croatian National Assembly will accept any solution allowing Croats to elect a legitimate representative to be the Croat Member of the Bosnian Presidency.

The BiH Constitutional Court on December 1, 2016, ruled that certain provisions of the electoral law were unconstitutional as they did not ensure the protection of the basic constitutional principles of equality and the right to legitimate representation of the Bosniak, Croat, and Serb peoples. It is

critical to emphasize that the current electoral law still provides unequal opportunities of political choice to the different constituent peoples of BiH, and, in this instance, is specifically targeted against the interests of the Croat community in clear violation of the DPA. The election of Zeljko Komisc in 2006 and 2010, for example, was in direct violation of the DPA since he relied solely on the support of the Bosniak community within the Federation. Such an outcome is simply not legitimate unless one were to degrade the rights guaranteed to all three constitutive peoples of BiH as stipulated by the DPA.

The EU's top foreign policy chief, Federica Mogherini, at a meeting on April 6, 2017, acknowledged the need and the importance to implement changes to the BiH electoral laws. Croatian Foreign Minister Davor Ivo Stier at the same meeting distributed a non-paper that highlighted these electoral law changes and the significance of the "dual track approach" of potential EU and NATO membership to help steer necessary reforms along and within BiH.

Of course, a new "re-federalization" only within the Federation (without altering the DPA) that allowed Croats one or two "super-cantons" would solve the electoral law issue and resolve the issues raised by the Seydic-Finci decision of the European Court of Human Rights. In the Federation of BiH, one of the two DPA-designated entities within Bosnia, Croat parties still discuss and are advocates of this "federalization" of BiH that could be actualized without further ethnic divisions. This may also be the ideal time to consider a few Croat majority cantons in a federal union which has been long promoted by several prominent Croatians.

In closing, Bosnia and Herzegovina continues to deal with one political crisis after another. With no end in sight, BiH has assumed the character of a traditional frozen state. With unemployment rates off the charts, Bosnia continues to perpetuate its bloated, dysfunctional federal government. There is clearly a need for greater and more focused political engagement on the part of both the European Union and the US with its NATO members. We all know the ultimate objective is to provide the political impetus to all the constituent peoples and all citizens to embrace the more functional European and Euro-Atlantic path to political and economic stability. There must be much greater vigilance and focused cooperation between the EU, the US, and the NATO member states to better ensure the functionality, stability, and the opportunity for BiH to fulfill all its responsibilities. And that is to become a full participating member of all Euro-Atlantic multilateral institutions. This goal must include a guarantee of institutional equality for Bosnian Croats - starting with the 2018 electoral law reforms and within the Mostar area electoral unit.

Thank you for this opportunity to present the NFCA's review of a complex but important matter facing BiH and the other new nation-states of the Western Balkans. A copy of my letter to the High Representative is attached for inclusion in the hearings record. If we may provide additional information to the Subcommittee on these important issues, please contact Joe Foley, our Washington Public Affairs Director, on (301) 294-0937.

Sincerely,

Steven J. Rukavina, President
National Federation of Croatian Americans