



**National Federation of Croatian Americans Cultural Foundation**  
PO Box 78152, Washington DC 20013

April 18, 2018

Hearing before the Subcommittee on Europe, Eurasia and Emerging Threats  
Foreign Affairs Committee, US House of Representatives

**“The Dayton Legacy and the Future of Bosnia and the Western Balkans”**

Statement by **Steve Rukavina**, President  
**National Federation for Croatian Americans**

“Bosnia and Herzegovina is on the brink of a constitutional and political crisis”

Chairman Dana Rohrabacher and Ranking Member Gregory Meeks:

The National Federation of Croatian Americans Cultural Foundation (NFCA) welcomes the opportunity to extend to you and the Subcommittee Members our grave concerns about current electoral laws that discriminate against the Croats of Bosnia and Herzegovina (BiH). This discrimination will have very lasting political consequences after the 2018 elections if action is not taken immediately to deal with the necessary electoral reforms at issue.

In December 2016, the BiH Constitutional Court ruled in the “Ljubic” decision that elements of the country’s electoral legislation undermines the rights of the country’s three constituent peoples – the Bosniaks, Serbs, and Croats – to elect their own representatives, as enshrined in the Dayton Accords.

What makes this decision so important? The Court ordered BiH’s Parliament to amend the election law, but Parliament has so far failed to act causing the Court to completely strike down the country’s election code. If legislators do not enact a new law by May, 2018, a government will not be able to be formed following the October election.

The implications of such a scenario cannot be dismissed. BiH would be in complete paralysis and could rapidly disintegrate without functioning institutions. Of particular concern, Republika Srpska (RS), where Russia has dominant influence, would be the only BiH entity left with a fully functioning government.

This would provide the current leaders of the RS a golden opportunity to pursue their long-held goal of breaking away from the rest of the country. That event would have dramatic consequences for the future of BiH and the stability of the entire region. It would also serve Russia’s strategic goals to halt further North Atlantic integration as Russia would barely have to lift a finger to create chaos in such a scenario.



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**Ironically, this crisis is being caused by the West's inaction.**

The legitimate rights of Bosnian Croats have been altered 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).

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. The election of Zeljko Komsic in 2006 and 2010 directly violated the DPA as he relied solely on the support of the Bosniak community within the Federation for his victory. This outcome, with non-Croats electing the Croat member of the Presidency, is simply not legitimate unless one is to degrade the rights guaranteed to all three constituent peoples of BiH as stipulated by the DPA.

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

Recently, Croatian political parties, independent think tanks, and the Central Election Commission have all offered solutions to fix the electoral code. However, ruling Bosniak political leaders have rejected all of these proposals. This scenario of inaction by the FBiH Parliament has caused a constitutional crisis. The unwillingness of Bosniak politicians to find a way to compromise and to implement the Constitutional Court ruling from December 2016 will see the BiH political system collapse from within and leave a huge vacuum in the Western Balkans for further Russian influence.

America has a critical national security interest in a stable and prosperous BiH. It is vital for the United States to recognize that Croats are the keystone to the overall multi-ethnic fabric of Bosnia and Herzegovina. Bosnian Croats of all political stripes look to the West for their future and are profoundly pro-NATO and pro-European. They are the glue that keeps this relatively new nation state together, especially from an Euro-Atlantic perspective.

Top American diplomats must act urgently to persuade political leaders in BiH to quickly approve fair electoral legislation that guarantees the rights of the constituent peoples to elect their own representatives in the House of Peoples and the Croat Member of the tripartite Presidency of BiH. The failure of the United States to take more assertive action will be devastating for Bosnia and Herzegovina, would allow Russia's objectives in the Balkans to be further fulfilled, and would seriously weaken the interests of the United States in this region.

Thank you for this opportunity to present the NFCA's review of pressing, complex electoral issues facing Bosnia and Herzegovina.