



Croatian American Association

October 18, 2018

Congressman Scott Perry
1207 Longworth House Office Building
United States House of Representatives
Washington, DC 20515

Dear Representative Perry,

On behalf of the Croatian American Association (CAA), a non-profit, non-partisan organization representing tens of thousands of Croatian Americans, we write to express our concern about the illegitimate and unconstitutional election of Željko Komšić as the Croat member of the Presidency of Bosnia and Herzegovina (BiH). Many of our members are Croats originally from BiH who care deeply about their homeland. We are alarmed that on the October 7 general elections in BiH, Željko Komšić, a candidate who won only a few percent of the Croat vote, was elected as the Croat member of the Presidency due to over 200,000 Bosniak votes.

Peace in BiH was concluded through the Dayton Peace Agreement, a negotiated power-sharing arrangement which ensured that each of the three constituent nations of BiH (Serbs, Bosniaks and Croats) would share power equally and have their own representation at all levels of government. Despite the fact that around 80% of Croats overwhelmingly selected their preferred candidate to be their Croat voice in the shared, tripartite Presidency of BiH, an electoral loophole was exploited by Bosniak voters to impose Željko Komšić on the Croat population as the “Croat” member of the Presidency.

Bosniak politicians and voters used their numerical superiority to outvote the smaller Croat population, thus disregarding the delicate power-sharing and balance of power that brought peace to BiH at Dayton. Bosniak representatives have refused to fix this electoral loophole, even after the Constitutional court of BiH ordered the reform of the election law which would guarantee that all constituent peoples (Bosniaks, Croats and Serbs) in BiH can elect, by themselves, their own legitimate political representatives “at all administrative-political levels,” without interference from other constituent peoples. Such practice is not only enshrined in BiH’s Constitution but is also a given in all federal multiethnic democratic countries, such as Belgium or Switzerland.

This is not the first time that the Croat electoral will has been ignored in BiH and the Constitution of BiH violated. Bosniaks imposed Mr. Komšić twice before, in 2006 and 2010, as the Croat member of the Presidency. Moreover, Bosniak political parties have formed the Government of the Federation of BiH (“FBiH”) twice, in 2001 and 2011, without political parties which won over 85% of Croat support at the polls. The Constitutional court of BiH has confirmed that these actions violate the Constitution of BiH, and in December of 2016 ordered the Parliamentary Assembly of BiH to reform the electoral law. Even though Croat parties offered a reform package which was deemed constitutional by the Court, Bosniak parties have refused to implement the Court’s ruling in an effort to maintain the status quo, where Bosniaks are able to unconstitutionally elect both Bosniak and Croat political representatives.

The portion of the law pertaining to the election of representatives to the FBiH House of Peoples have been erased by the Court. As a result, election results cannot be fully implemented and FBiH will be left without executive branch, and both FBiH and BiH will be without a functioning parliament. This illustrates that Bosniak parties are willing to cause the biggest constitutional crisis in BiH since Dayton so long as they can further marginalize and outvote Croats and their legitimate political representatives.

Peace in BiH depends upon the power-sharing arrangement enshrined in the Dayton Agreement that allows each of the three constituent peoples to elect their own representatives and to share power equally. We hope that you will join us in recognizing this issue and calling for fair elections, the rule of law and upholding the Constitution of BiH and democratic practices in Bosnia and Herzegovina.

Sincerely,

John Z. Kosir, President
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