

**Interdisciplinary Conference with International Cooperation**

# ***The Solution of the Croat issue for the European Bosnia and Herzegovina***

March 15 and 16, 2018

Neum (Bosnia and Herzegovina)

THE CONCLUSIONS OF THE INTERDISCIPLINARY CONFERENCE WITH  
INTERNATIONAL COOPERATION

„THE SOLUTION OF THE CROAT ISSUE FOR THE EUROPEAN BOSNIA AND  
HERZEGOVINA“

- 1. The Croat issue in Bosnia and Herzegovina is not an issue of one people. The scientific and professional position is that it is a universal issue of constitutionality and the rule of law, equality and the overall Euro-Atlantic perspective of the state of Bosnia and Herzegovina. The question of the Euro-Atlantic perspective of the state of Bosnia and Herzegovina is of special importance for all its peoples / citizens. Croats of BiH will continue to actively, systematically and organized lead and implement BiH's integration into the European Union and NATO.**
  
- 2. Institutional equality through legitimate representation on all administrative and political levels in BiH is a basic precondition for achieving systematic equality. In the current constitutional framework, this implies the following:**
  - a) 'Constituent' implies statehood. It is the core, essence and "telos" of the General Framework Agreement for Peace in Bosnia and Herzegovina, and Annex IV of the*

*BiH Constitution, and hence the violation of that principle constitutes a violation of that agreement and of the Constitution;*

*Constituent peoples are state-forming - they form a constitution, society and must equally participate in the political life of the country and decision-making processes;*

*The principle of constituency is superior to all other constitutional principles, including organizational (entities and cantons) and all other laws and constitutions at all levels of government, as confirmed by decision of the Constitutional Court of BiH U-5/98;*

*The implementation of constituent status in terms of the guarantees of legitimate representation should also be sought at all administrative-political levels, as stated in the explanation of the decision of the Constitutional Court of BiH U-23/14, so-called 'deep constituency';*

- b) Constitutionally guaranteed constituent status of the Croat people is achieved, inter alia, through the Election Law, which, after the Constitution, is the most important legal act of the state, in the function of establishing the equality of the constituent peoples as the fundamental components of the compound federal-consociational state of Bosnia and Herzegovina. Therefore, the amendments to the Election Law must allow for equal treatment of all citizens in the bodies that are in function of the civic political representation and the full equality of the constituent peoples in bodies in the function of collective representation: the BiH Presidency, the Houses of People and the Peoples Council;*
- c) Equality means the symmetry of the rights of the constituent peoples in the areas of 'autonomy' and 'shared governance', as the two fundamental principles of federalism, and the guidelines and criteria for achieving overall institutional equality;*
- d) In the existing asymmetrical structure of the state of BiH, the equality of Croats of BiH with the other two peoples can be achieved solely through application and*

*reaffirmation of the necessary general and specific consociational principles in the interest of the state of BiH and all its peoples;*

- ***General principles:***

- *legitimate representation;*
- *federalism;*
- *accommodation of diversity;*
- *decentralization;*
- *subsidiarity.*

- ***Specific consociational principles:***

- *systematic, constitutional and legal guarantees of the participation of the Croat people of BiH in the political life of the country through the elected political representatives, with the respect of the principles of parity and consensus;*
- *a functional institute of vital national interest in conjunction with a legitimate, legal and constitutional member of the Presidency of BiH;*
- *proportionality in the redistribution of resources and administrative structures, primarily by applying this principle through electoral legislation;*
- *high degree of autonomy in the areas of the utmost interest for the preservation of identity, culture, language, and protection of the symbols of identity and the right to collective memory.*

*We believe that these principles are universal and reciprocal, based on the Constitution of BiH and the valid decisions of the Constitutional Court of BiH. Their consistent application enables equal treatment of all three people within the management system and guarantees their full equality;*

*e) Overall situation and the development of the political system in BiH after Dayton, the alignment of the constitutions of entities with the BiH Constitution, the extension of the legislative framework, and after all decisions of domestic and international courts that remain unimplemented, impose the need for amendments to the Constitution of BiH, which presupposes willingness of all for patient and long-lasting dialogue based on a new culture of dialogue and mutual respect;*

*f) We put strong emphasis, with respect for the rule of law, constitutionality and legality, on the meaning of 'legitimacy' - as a fundamental meta-category of the constitutional law in which it is denoted what is based not only on the law, but on the reason or other value underlying specific order.*

**3. Interdisciplinary Conference "The Solution of the Croat issue for the European Bosnia and Herzegovina", as well as last year's " Croats of Bosnia and Herzegovina: Bearers of European values" will be used to collect material and clarify many complex problems that burden the constitutional and political system of Bosnia and Herzegovina, and as a starting point in any future talks about possible constitutional reform.**

**4. Pursuant to the aforementioned a conference will be held in 2019 where the academic and professional elite will be re-assembled with the aim of assessing the implementation of the conclusions and processes related to the position of Croats and their equality, in conjunction with the achieved progress of Bosnia and Herzegovina in the area of Euro-Atlantic integrations.**