

The third entity – a fiction?

By Erich Rathfelder

While Bosnia and Herzegovina is already dysfunctional with its two entities, the Croat Member of the Presidency, Dragan Čović, is striving for a third entity. This project is following the para-state “Herceg-Bosna,” which was carrying out ethnic cleansing during the Bosnian War. In a first step, Čović is trying to undermine the functionality of the Federation of Bosnia and Herzegovina by an Electoral Law reform.

Slowly it was calming down in the almost full small lecture hall in the Culture Centre Kosača in Mostar on October 3, 2017. The approximately 100 people present were looking curiously at the podium, where Miroslav Tuđman, the son of the first President of the Republic of Croatia, was taking place to present his new book published in 2017 in Zagreb. The former head of the Croatian Secret Service, extremely resembling his father Franjo Tuđman, had to be patient for a little while though. Because, as customary in this region, several speakers first praised the author as a brilliant analyst and a great Croatian patriot.

Indeed, the mind-set of Miroslav Tuđman provides important insight into the position of Croatian nationalism in Croatia and in Bosnia and Herzegovina. His book *Druga strana rubikona – politička strategija Alije Izetbegovića* [The Other Side of the Rubicon – Alija Izetbegović’s Political Strategy] strives to be a settlement with the former President of Bosnia and Herzegovina, which gained its independence from Yugoslavia in the spring of 1992. But not only that: It contains a fundamental positioning of Croatian nationalism and provides the background for the current politics of the Croatian Democratic Union of Bosnia and Herzegovina (HDZ-BiH).

That Izetbegović was advocating a freer civil society with a West European character as a model for Bosnia and Herzegovina already prior to the war, presents the biggest challenge for Tuđman. However, he does not view this position as fundamentally European, but basically as extremely dangerous for the interests of the ethnic groups of the Croats and the Serbs in Bosnia and Herzegovina.

He highlighted that Izetbegović was negating the interests of the constituent nations. According to him, as a leader of the Muslim national party since 1990, he did not accept the demands of the Croatian and Serbian peoples (*narod*) for acknowledging “national identity and sovereignty” and, thus, he negated the legitimate interests of his own ethnic group.

Tuđman reasoned that, had Izetbegović agreed to a “peaceful division” of the country before the war and not polemicised against the territorial division of the country along ethnic lines, the war would not have happened in the first place. But his insistence on a unified, democratic and not divisible civil state already derailed the Cutileiro plan¹, which the international community had also agreed upon.

Tripartite division against civil state

The territorial division of Bosnia and Herzegovina between the three constituent nations would have been the right path for Tuđman. Tuđman can define the concept of constitutionality – the

¹Author’s note: first international division plan of BiH in February 1992, later followed by the Vance plan, the Vance-Owen plan leading to the Contact Group plan in 1995, shaping the Dayton Agreement.

existence of three constituent nations in Bosnia and Herzegovina already laid down during socialist times – only in connection with “sovereignty,” meaning that only when the three constituent nations are also “sovereign” in the territorial sense, are they free as well. In this concept, the individual can only be conceived as part of the national collective, and the freedom of the national collective, on the other hand, is realised only when it has territorial sovereignty.

Thus, had the Muslim party SDA been willing to make a deal with the Serbian and Croatian parties about redefining the Bosnian Constitution, the war would have been avoided, according to Tuđman². In contrast, there was Izetbegović’s fight for a multinational society. “Instead of seeking the equality of the nations,” Izetbegović advocated a civil society in the European sense and thereby reduced the national identity to the Bosnian-Herzegovinian citizenship, Miroslav Tuđman emphasised during his lecture in Mostar.

It is indeed disconcerting: There is a representative of the HDZ, the ruling party of Croatia, the youngest EU member state, who in all seriousness accuses another politician of supporting values such as the civil state. It seems as though the right wing of the HDZ has not really understood whereupon the European Union with its democratic orientation is founded.

That Izetbegović with his argumentation was expressing exactly what large parts of the pre-war society across national divide lines were feeling, that he expressed the then multinational identity and emphasised the multinational tradition of the country, Tuđman dismisses and claims that his “mantra” about the century-long continuity of the common life and the long-standing state traditions of Bosnia and Herzegovina lead into the war of 1992³. So, according to Miroslav Tuđman’s opinion, Alija Izetbegović is to be blamed for the war in Bosnia and Herzegovina, because he stood up for a multinational civil society.

For Tuđman and his HDZ, the recognition of national self-determination has presented the key issue in Bosnia and Herzegovina until today. As in Dayton the Serbs pushed through their national interests, now the Croats have to consequently fight for the recognition of their national self-determination within the framework of the Federation of Bosnia and Herzegovina. The argumentation Tuđman follows in his book substantiates the claims of the Croatian nationalists led by Dragan Čović, Chairman of the HDZ-BiH and the Croat Member of the Presidency, absent on this day, for a “Third Entity” in Bosnia and Herzegovina. Already once, during the war, had there been a third entity in the form of the para-state Herceg-Bosna.

The meeting of Karadordevo

It is not audacious to claim that the seemingly quite bewildering thesis that Izetbegović was to be blamed for the war in Bosnia and Herzegovina should divert from the discussion about the Croatian responsibility for the war in Bosnia and Herzegovina. Moreover, this thesis does not consider the dynamics of the Serbian war politics in no way. Whether Milošević and the Serbian radicals would have engaged in a “peaceful territorial division” of the country at all, is highly questionable.

Nonetheless: The discussion about Karadordevo is shaking the Croatian nationalist position to its foundation and needs to be combated vigorously, particularly in the Croatian public. The

² Author’s note: Tatsächlich gab es 1993 eine Diskussion in der SDA über die Gründung von “Bošnjačka”, einem muslimischen Teilstaat, doch Izetbegović war strikt dagegen.

³ Compare Tuđman's book, p. 45.

protagonist of this thesis in Croatia is Stjepan (Stipe) Mesić, from 2000 Franjo Tuđman's successor as President of the country. The former party member and co-founder of the HDZ left the party in 1994 and justified this step primarily with the Croatian war policy in Bosnia and Herzegovina. Because of that, Mesić became the enemy of the nationalist right in Croatia. It is indeed hard to make it plausible to the Croatian public that, on the one hand, a homeland war was lead against the "Serbian aggressors", and, on the other, they collaborated with them in Bosnia.

Mesić claims that Franjo Tuđman negotiated with the Serbian President Slobodan Milošević before Croatia's declaration of independence in the summer of 1991 about the territorial division of Bosnia and Herzegovina between the two states. He claims that the two Presidents met on March 25, 1991 in Karađorđevo, and in a private discussion supposedly verbally established the baselines of this policy.

Stipe Mesić, then President of the Presidency of Yugoslavia and thus effectively the last President of Yugoslavia, was himself present in Karađorđevo. He admits, just like Prime Minister of Yugoslavia at the time, Ante Marković, that he did not participate in this conversation personally⁴, but claims that Tuđman told him after the talk with Milošević that Croatia would soon be as big as never before in its history.

Slobodan Milošević could allegedly not remember this agreement in Karađorđevo at his trial in Den Haag. But many publications in Serbia – including biographies of former generals and politicians – corroborate the thesis that the foundations for the territorial division of Bosnia and Herzegovina were laid in Karađorđevo. Even before the two adversaries waged war against each other in Croatia, the nationalists of Serbia and Croatia – such the conclusion – agreed "in principle" regarding the future of Bosnia and Herzegovina. For Stipe Mesić, this thesis was proven by the following war policy of both sides. "You simply have to consider what actually happened".

Cooperation of Bosniaks and Croats

At the beginning of the democratisation, the national conflicts in Bosnia and Herzegovina played only a subordinate role. At the 1990 elections, nationalist parties formed, the Serbian Democratic Party (SDS), the Croatian Democratic Union (HDZ) and the Muslim Party of Democratic Action (SDA), who allied against left-wing and liberal parties emerged from the League of Communists, the Social Democratic Party and Ante Marković's Reform Party. Coalitions against these explicitly non-nationalistic left-liberal parties formed in different cities. A photo from 1990 is quite indicative, showing Radovan Karadžić, Alija Izetbegović and Stjepan Klujić placing their hands into each other.

The population of Bosnia and Herzegovina believed with a large majority – even after the war in Croatia had already begun in June 1991 – that a war could never happen in Bosnia. The ethnic groups were intermixed, there were few territories where one ethnic group had the absolute majority. If someone wanted to tear apart the leopard skin, thus striving for the "territorial sovereignty of one ethnic group," they had to inevitably make use of the crime of ethnic cleansing.

In other words: In order to achieve the nationalist goals, thus to establish the control over particular territories, from the outset one had to use propaganda, (military) success, but also repression against the "others" and one's "own" population – whoever did not take part was labelled a "betrayers of the nation" and punished.

Milošević and the Serbian extremists succeeded in offering with the project of Great Serbia

⁴ See interview with Stipe Mesić in: Bethke/Rathfelder, *Bosnien im Fokus*, Berlin 2010.

a model attractive for large parts of the Serbian population. With fast military success – the Serbs indeed had conquered almost 70 percent of the country in a short time in 1992 – loyalties were created, news about tens of thousands of murdered people and over 2 million people displaced from their homes were presented as lies in the Serbian public.

The Croatian nationalists were in a much harder position. In the first months of the war, primarily in the Croatian areas of West Herzegovina and Central Bosnia (Travnik, Jajce), but also in Mostar, Croats still fought together with Muslims against the Serbian aggression, in order to militarily secure the territories inhabited by Croats. In Mostar, the jointly operating formations succeeded in throwing the Serbian-Yugoslav forces out of the city. At least in the winter of 1992/93, the defense positions of the HVO (*Hrvatsko vijeće obrane* – Croatian Defence Council) and the Bosnian army in these areas could be consolidated.

The Croatian turnaround

The first signs of tensions between Croats and the Muslim population appeared already in autumn 1992. First fightings occurred in Prozor, with the surrender of Jajce by the HVO in November 1992, the regions of Central Bosnia were at high risk to be conquered by the Serbs. With the murder of Blaž Kraljević, the commander of HOS (*Hrvatske obrambene snage* – Croatian Defence Forces) competing with the HVO, on August 9, 1992 the strategy shift became apparent. Kraljević was making the case for a joint fight of Croats and Muslims against the Serbian aggression and had put himself under the supreme command of the Armija BiH under President Izetbegović.

In early September 1992 the “Croatian Community of Herzeg-Bosnia“ was proclaimed, in early October the Chairman of the HDZ cooperating with the Bosnian government, Stjepan Kljujić, was unseated and replaced by radical nationalist Mate Boban. The dissolution of the HOS, the takeover by Boban and the decoupling of the HVO from the joint supreme commando with the Armija BiH were the first indications for what were to occur in May/June 1993: in Central Bosnia and the Herzegovina, Croatian troops attacked the allied Bosnian troops and the Muslim civilian population. Artillery attacks on Mostar symbolised the claims of the leadership under Mate Boban to make Mostar the capital of a Bosnia and Herzegovina divided into three parts (Sarajevo for Muslims, Banja Luka for Serbs, Mostar for Croats).

On August 20, 1993 Mate Boban proclaimed the Croatian “Republic of Herzeg-Bosnia“ and explicitly stated the goal of his politics to be the unification of Herceg-Bosna with Croatia. The territories under Croatian control were “ethnically cleansed,“ like the region around Stolac, the town Čapljina, the camps Heliodrom, Dretelj and Gabela filled with Muslim ex-soldiers of the HVO and Muslim and Serbian civilians. The destruction and murder of the Muslim population of Ahmići near Vitez and the attack on the village Stupni Do near Vareš are some of the biggest war crimes of the Croats and symbolise the will of the nationalists to impose ethnic segregation by force in the territories controlled by Croats also in Central Bosnia.

The contours of Karadžićevina became visible in these months. Mate Boban had already met Radovan Karadžić on May 5, 1992 in the Austrian city of Graz. What the two of them agreed precisely has never been published. But at least the Croatian demands came to be known. The border between the two sides was supposed to be the so-called Banovina-border from 1938, which was granted to the Croats in the Serbian Kingdom of Yugoslavia. It is the line Jajce-Sarajevo along the heights of the Lašva and Bosna valleys, all West territories up to the coast were supposed to

comprise the Croatian territory.⁵ The rest of Bosnia and Herzegovina belonged to the Serbian territory accordingly, even large parts of the Posavina region along the Sava River, inhabited predominantly by Croats and Muslims, what many Croats of the region never forgave Tuđman by the way.

From autumn 1992 it could already be seen from the course of the war that both sides wanted to prevent further confrontation in Bosnia and Herzegovina. The events in Jajce and the direct cooperation in the Central Bosnian municipality Zavidovići between the HVO and the Serbian troops even point at direct military cooperation. The plan of dividing Bosnia and Herzegovina into three parts (or into two in case of eliminating the Muslims) could have succeeded, had it not been for some surprising turning points.

New turning point in the war

Firstly, Bosnian troops succeeded in autumn 1993 to militarily regain a third of the territories controlled by Croats – i.e. of Herceg-Bosna, lying between the Lašva valley and proper West Herzegovina, Busovača and Vitez were hemmed by the Bosnian Army. The HVO suffered some painful defeats. The Armija BiH had military success also in 1993/1994 with respect to the Serbs. Bosnian troops seized both the Vlašić Mountain near Travnik and the Kupres pass, which significantly improved their strategic position.

And secondly, the USA and Germany alike tried to influence Croatia, in order to stop the arrangements made in Karadžević and their execution. Already in autumn 1993, the first discussions about ending the fighting began. In December 1993 Mate Boban was removed as a result of pressure from Zagreb and disappeared from the picture. In March 1994 the “war within the war“ between the HVO and the Armija BiH officially ended and the region was rearranged with the “Washington Agreement.“

With the Washington Agreement in March 1994, Herceg-Bosna was dissolved and incorporated into the Federation of Bosnia and Herzegovina together with the territories still controlled by the government. The Federation was divided into 10 cantons. Thereafter, the Croats were left with three cantons with a clear Croatian majority. They did not have their own state anymore. The HVO and the Armija BiH too were prompted now to cooperate again.

In return, the Americans promised massive military assistance for Croatia with the goal of enabling the Croatian army (HV) to throw the Serbian troops out of Croatia. After the Croatian troops HV had inflicted a crushing defeat to the Serbian troops in early August 1995 in an offensive lasting only 72 hours and forced them to a retreat from Croatia (operation Storm Wind – *Oluja*), the preparations for a joint military action in Bosnia and Herzegovina began. In September 1995 the now again allied troops succeeded in beating the Serbian forces in the offensive “Maestral“ (West Wind) in Bosnia and Herzegovina and to reconquer large parts of the country. However, this was not a match made in heaven. Even shootings occurred, like in the case of the recapturing of Jajce in September 1995, between the Armija BiH and the HVO.

The President of Croatia Franjo Tuđman had, much to the dismay of the Croatian extremists in Mostar, disrupted the present strategy. Grudgingly, the Croatian extremists in BiH had to accept the compromise between the USA and Croatia agreed in the end. But already then it was clear that

⁵ The Banovina border was widely discussed at that time in the Croatian media. For this reason, Zagreb supported the Vance-Owen plan, which contains the Banovina border. Mate Boban repeatedly confirmed this position in June and September 1993 to the author of this text.

they wanted to defend their position tooth and nail. And they succeeded in, by controlling the media and instigating fear from the others, strengthening in “their“ population the belief that the HDZ and the HVO had saved the Croats in Bosnia and Herzegovina from the destruction by the Serbs and the Bosniaks.

Still borders in Mostar

Unlike the post-war period, when thousands would come during a visit by Franjo Tuđman, the interest for the lecture delivered by Miroslav Tuđman in early October 2017 in Mostar was limited. Under the barely over 100 listeners one could see the creme of Croatian nationalism, but the son of the “father of the nation“ could not mobilise the masses. The nationalist passions have – at least to outwards appearance – calmed. The Croats in West Mostar too have other worries than walking around constantly with Herceg-Bosna’s flag, they are going about their everyday business, meeting friends in one of the many restaurants or cafés.

Today, after the reconstruction, Mostar is a beautiful city. People are friendly towards foreigners, tourists from all over the world are swarming to the main attraction, the reconstructed Old Bridge – *Stari Most*. In November 1993, the already then a UNESCO World Heritage sight was destroyed deliberately by Croatian tanks, but after the war, especially at the instigation of German former city mayor of Bremen Hans Koschnick, appointed in 1994 by Brussels as EU Administrator, faithfully restored and reopened in 2004.

From the heated nationalist mood, like shortly after the war, nothing can be sensed at the surface today. But underneath, it is still brewing. At the Bosniak side, the war afflicted too deep wounds after all. In the hail of bombs of the Croats in 1993/94 more than 3000 people were killed, the historic Old Town in the East part of the city was almost utterly destroyed. When people dared to leave their cellars in spring 1994 and return to the surface, they were surrounded by ruins.

More even than the grenades did the change of positions felt as “betrayal“ by the Croatian extremists under Mate Boban deepen the divisions. In the case of the Bosniaks, the attack of the “Christians“ in 1993/94, in view of the crimes of ethnic cleansing in Central Bosnia, in Stolac, the Neretva valley, in Ljubuški and the construction of concentration camps around Mostar overall, particularly in East Mostar, lead to the development of an own national-religious identity. In other words: In East Mostar, the SDA is calling the shots.

The city was in fact reunified formally at the urging of High Representative Paddy Ashdown in 2004. It was divided into six districts, but until today no common administrative structure could be agreed upon. Local elections have not been held in the city since 2008, the city is ruled provisionally by city mayor Ljubo Bešlić, a Croat and member of the HDZ-BiH. But there is no joint administration controlled by democratically elected representatives. Such a case is unparalleled in Europe.

But, then there are two universities, two football clubs, two administrations, two school systems. Parallel worlds exist in the city, although overlaps do occur here and there. At least there are a few thousand Bosniaks, who were able to repossess their property in the West part of the city and who returned. It is no longer taboo to visit the other part of the city and to, as it is customary in the case of journalists and professors, even make professional contacts. Although it is possible to be civil to one another, this does not alter the different mindsets which have developed in people in the meanwhile.

A few hundred people did group together during the unrest in spring 2014, in order to storm

the bureaus of the nationalist parties of both sides – the headquarters of the Muslim SDA and of the Croatian HDZ alike. But after the wave of protests against nationalism waned, which had spilled over from Tuzla and Sarajevo to Mostar, this movement fell apart again. The politicians of the ruling nationalist parties now sit self-assuredly as ever in their seats and meet in the isolated luxury restaurants outside of the city for discussions – far away from ordinary citizens – to seafood and white wine.

Governance model without elections

A governance model developed functioning without elections. City mayor Ljubo Bešlić is implicitly tolerated by the authorities in East Mostar – people arranged themselves with the status quo. The channels of corruption are well-known, everyone from the ruling class from both parts of the city gets their part of the cake. Were it up to these gentlemen, the uncertainty factor of elections would no longer be necessary. “The Mostar model,” Faruk Kajtaž says, a well-known journalist and political analyst who runs the online portal “Starmo,” could according to the “wishes of the rulers even be extended across the whole Federation.” Because in this way the rulers would not even have to instrumentalise “their” masses for their interests at elections.

And this can work because there is no real opposition or because any opposition was smashed. There are opposition parties, but they lead a shadowy existence. They cannot offer any prospects to their supporters. People wishing to find employment on the Croatian and Bosniak side alike, need to arrange themselves with the HDZ or the SDA. The critical spirit which indeed does flare up in private conversations, does not survive the reality check. “I had to vote for the HDZ candidates at the elections for the state parliament and the parliament of the Federation, or my parents would have lost their jobs,” a female student in West Mostar explained and therewith mentioned a problem existing in all parts of Bosnia⁶.

In the context of the theory of democracy this fact raises several questions, for the international community as well, still present in the country in the form of the EU-Mission and the Office of High Representative (OHR). In what way this reality is in line with European values, is only one of the questions for the international institutions. Most people in this country have been waiting for decades in vain for a consistent politics of both institutions with regard to this problem.

No civilisatory or democratic fillip can likewise be expected from the Catholic Church. The Bishop of Mostar, Ratko Perić, belonging to the archconservative wing of the Croatian Catholicism, and the far-right Herzegovinian Franciscans (unlike the Franciscans of Central Bosnia) refused to come to the reopening of the Old Bridge in 2004. Considering the notables from all over the world who were present, a clear sign that the Catholic Church wanted to keep the bridges between both sides still destroyed.

And even more serious is the fact that there has not been any self-critical coming to terms with the past within the Catholic Church since 1945. The closeness of the Herzegovinian clergy to the Ustashe regime of Second World War is not even denied by many priests and the Franciscans. That Herzegovinian Franciscans managed the infamous concentration camp Jasenovac for a while during the Second World War, where over 80 000 people were murdered, obviously did not result in any self-critical discussions. By contrast, the death sentences of the partisans after 1945 for Catholic priests, who actively supported the Ustashe regime, are branded as war crimes.

⁶ That voters did indeed vote for the candidate of the ruling party, they can prove by photographing the completed ballot with their smartphone and show it to the relevant authorities upon request.

The opposition party HDZ-1990 split from the mother party at the start of the millenium and could intitally challenge the HDZ partially on an equal footing. The Catholic Church massively supported this party at first, because conflicts with the leadership of the HDZ had arisen. After that, a constant decline of the popularity with voters followed.

The present HDZ-1990 seems to have freed itself from the Church somewhat. “Next year at the elections in all of Bosnia and Herzegovina we will have the last chance to turn things around once more“, Chairman of the party Ilija Cvitanović said, a moderate man in his mid-thirties, demanding compromise between the ethnic groups, in order to be able to jump onto the bandwagon of European integration. “We need a fundamental change in Bosnia and Herzegovina. But how are we supposed to implement the necessary reforms with the old politicians like Dragan Čović?“

But in order to be really successful, the party would have to be able to offer people some prospects – namely jobs. This cannot even be realised with the Chruuch’s assistance. Other parties founded failed after initial successes. The Croatian Peasant Party still has some supporters in the enclaves of Croats in Central Bosnia, the Social Democrats hardly have any chances, particularly as they have lost their power in Zagreb as well.

The pillars of power of the HDZ

The HDZ has tried with success for the last 20 years to structure the life of Croats in Bosnia and Herzegovina and to create loyalties. From the defeat of Herceg-Bosna the consequence was made to be present in all spheres of life despite the loss of state institutions, in local communities, schools, hospitals, universities, the media, associations – like the veterans’ association – and of course the cantons. The socialist companies were “privatised,“ meaning they were distributed among the party favourites and leaders. The three-way split of the mobile phone system legalised under High Representative Wolfgang Petritsch resulted in significant revenues for the party.

The considerable cash inflow from Croatia, subsidies for the school system, hospitals and the HVO war veterans support the expansion of this structure. Even then, when it became known that a lot of money is going into the pockets of politicians, they were able to keep their position. Despite the temporary pressure on the bank system – the Hercegovačka Banka was temporarily put under international control under High Representative Paddy Ashdown – the party succeeded in redirecting cash flows. With the election of Stipe Mesić for Croatia’s President and the coming into power of the Social Democrats at the beginning of the millenium, the allowances for the Herzegovina were reduced though, but the financial support by Croatia could be resumed after the election victory of the HDZ in Croatia in 2004.

The party can book one major “success“ for itself, namely that the OSCE gave way to the urging of the HDZ and remodelled the school system in the Federation in 2003. From then on, Croatian pupils learned from Croatian textbooks, Croatian money was then only used for Croatian pupils, in the mixed cantons pupils were seperated from each other based on religious and nationalist criteria, the schools with two entrances developed – henceforth, pupils were taught other curricula in the same school buildings. School reports on the Croatian side even are decorated with the emblem of the flagg “Herceg-Bosna“ in some instances.

Protests against these practices were surpressed by the HDZ local politicians. Effective: Of course everybody knows who can award jobs in this country. Who wishes to be branded as a traitor, especially in the country and the small towns?

Not even the uprising of some pupils in the mixed former mediaeval royal town Jajce

changed this basic constellation. Secondary school-level pupils demanded in early summer 2017 to be taught together and the abolition of schools with two entrances. This event created quite a stir, because thereby something like the traditional Bosnian awareness of co-existence reported back, but according to statements of civil society activists, the parents of those pupils were put under pressure.

All of this was likewise possible because the Muslim nationalist party SDA has itself, step by step, adopted the concept of the religious and nationalist division during the last years. As late as early November 2017, the school authorities in Sarajevo, at the behest of the Canton ruled by the SDA, distributed questionnaires, in which the pupils were supposed to decide in which of the three languages, Serbian, Bosnian or Croatian, they wished to be taught, which of course also entails different curricula.

Repetition of history as farce

The architect and strong man of the Bosnian Croats is 61-year-old Chairman of the party and the Croat Member of the Presidency of the state Bosnia and Herzegovina as a whole, Dragan Čović. The engineer who obtained his doctorate in Mostar in 1996 could secure for himself the position of the Director of the former Yugoslav aircraft manufacturer SOKO already from 1992 until 1998. From 1998 until 2001 he was the Vice Premier and Minister of Finance of the Federation of Bosnia and Herzegovina. In 2002 he was elected the Croat Member of the Presidency of Bosnia and Herzegovina for the first time.

Already then he could not get rid of the aura of corruption and favouritism and was swamped with lawsuits. In May 2005, he had to (also at the instigation of then High Representative Paddy Ashdown) retire from his position. But he used his position as Chairman of the HDZ to reinforce his position in Mostar and was elected in 2014 as the Croat Member of the Presidency of Bosnia and Herzegovina anew.

As an individual, he actually represents the mentality of the Croatian nationalism in Bosnia and Herzegovina. When the President of the Serbian Republic, Republika Srpska (RS), Milorad Dodik, cut from the same cloth, began threatening with detaching “his“ part of the country from the state after the last elections in 2014, Dragan Čović saw the opportunity to reintroduce the “interests” of the Croats in this country, as defined by the HDZ.

His visits to Banja Luka and his interaction with Dodik in fighting constitutional changes which had been demanded after the Sejdić/Finci judgement of the European Court of Human Rights in Strasbourg in 2009 created a sensation. The strengthening of the entire state, which would have resulted from the demand for electing one President, both sides wish to prevent to this day. And the discrimination of the citizens of the country belonging to none of the constituent nations which was found by the judgement, likewise does not pose a problem for them.

In order to prevent a civil state, the nationalisms of both sides waged war. Unfortunately, the EU dropped its requirement to make the European perspective, i.e. the association of the country and opening of candidate status negotiations, dependant on compliance with the Strasbourg ruling in the matter of Sejdić/Finci. This weakness of the European policy created a window of opportunity for both sides.

The convergence of Čović and Dodik reminds of the Agreement of Karadžević and the meetings between Karadžević and Boban during the war. Consequently, Dragan Čović began putting the never abandoned demand for founding a (territorially not defined) Third Entity in the centre of

his politics again. And thereby also – with the approval from Banja Luka – to start a conflict within the Federation of Bosnia and Herzegovina.

New Electoral Law and Third Entity

The starting point was the judgement of the Constitutional Court of Bosnia and Herzegovina from 2014 in the matter of Božo Ljubić. The HDZ-1990 politician had lamented the lack of representation of Croats in the Second Chambers of Parliaments. In some cantons, as the complaint goes, the Croatian minority could not even fill the seats allocated to them in the respective House of Peoples due to lack of population, and thus also not those in the superordinate Parliaments. The court asked legislators, especially in the Parliament of the Federation, to find a solution for this problem. The Croats should get those seats, which could not be filled in the absence of Croatian population like in Goražde, at least at the higher level of the Federation.

Čović used the judgement of the Constitutional Court to open another field of conflict. The elections for the Croat member of the Presidency in 2006 and 2010 were a shocking experience for the leadership of the HDZ. The non-nationalist Social Democrat living in Sarajevo Željko Komšić was elected with the programme to represent not only Croatian interests, but those of all citizens. On account of the Electoral Law of the Federation he could also win many Bosniak votes. Ever since, Čović and the HDZ have been trying to amend the Electoral Law, in order to bring the “right” Croats to power.

At the election of the Croat representative in the Presidency he wants to achieve that the competing candidates are elected primarily in the territories with a Croatian majority. The constituencies are supposed to be divided according to ethnic criteria into A, B, and C. An A-district is defined thereby that over 66 percent of the population are Croats, a B-district by 66 percent Bosniaks, the C-districts are mixed. According to his model, the candidates are supposed to obtain majorities in the A-districts in order to be elected. In point of fact, under the given conditions only candidates of the HDZ could be elected by it. Experts deem this hardly compatible with European basic concepts – it would lead to cementing the power of the HDZ.

Such a redefinition of the constituencies by the way also reveals a picture of the territorial division of the Federation and possibly could also represent the borders of the Third Entity not defined hitherto. HDZ-1990 boss Ilija Cvitanović does mockingly state that the Third Entity would probably only include Široki Brijeg, Grude and Ljubuški. But Čović’s rhetoric reminds of Miroslav Tuđman’s philosophy. He claims the Croats are disadvantaged by the electoral system and denied the status of a constituent nation (*narod*). The conclusion would be that only the control over the claimed territory could secure the freedom of the Croats. But this is producing a new and dangerous conflict with the Bosniaks, particularly in the mixed cantons. Provoking a new ethnic cleansing will not be possible anymore anyway in light of the international balance of power and the presence of international institutions.

Whether the Electoral Law as envisaged by the HDZ will be realised at all, is likewise rather improbable. Based on information from the diplomatic sphere, the discussion about the Electoral Law could lead to a blockade of elections in the Federation. This would mean that the concern of Faruk Kajtaž that the Mostar model could be transferred to the Federation, was not wholly unrealistic. But a total blockade of politics would hardly be in the interest of the citizens of BiH – already now the unemployment rate is 50 percent, the social situation in Bosnia and Herzegovina is driving hundreds of thousands out of the country, as well as the never-ending nationalism of the relevant political actors, putting their own interests and those of the ruling party before the interests

of the common good.

In the meanwhile, Čović and his companions are awaiting an important date at the end of the month. On November 29, 2017, the International Criminal Tribunal for the Former Yugoslavia (ICTY) is deciding in the last instance about the penalties for those charged with war crimes surrounding former Prime Minister of Herceg-Bosna, Jadranko Prlić. A confirmation of the judgements in the first instance would recall the crimes of Croatian nationalism in Bosnia and Herzegovina worldwide. But an early release of the long-time detainees would be celebrated as a victory in West Mostar and even interpreted by Croatian nationalists as an acquittal of the crimes of the war.

But the wish of establishing a third entity ultimately seems to turn out to be a propagandistically bloated bubble.

The Verdict of the UN Tribunal for War Crimes in The Hague

On 29 November 2017, the UN Tribunal for War Crimes in the Former Yugoslavia (ICTY) decided in the last instance on the sentences for the war crimes defendants, co-defendants of the former prime minister of Herceg-Bosnia, Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Čorić and Berislav Pusić. In the middle of the pronouncement of the verdict and undetected by security guards or bailiffs, one of the Croatian defendants pulled a bottle from his pocket and shouted out "Slobodan Praljak is not a war criminal. I reject your verdict" and swigged the contents of the bottle. It was poison. A few hours later he was dead.

Slobodan Praljak, once a theater director and then military commander of the "Croatian Defense Forces" HVO during wartime, had to reckon with the 20-year prison sentence, which had already been imposed on him in the first trial, as all the speculations in the Croatian public that the verdicts would turn out milder in the appeals procedure than in the first instance proved to be wrong. Jadranko Prlić, the then Prime Minister of Herceg-Bosnia, had to accept with a straight face that his initial sentence of 25 years imprisonment was upheld.

Such a verdict had never been expected in Croatia and in Mostar. Before the trial, most of the Croatian experts, politicians and the majority of the Croatian public in both states believed that the defendants would be acquitted. Above all, the Croats had to take the fact that the court declared the defendants as "joint criminal enterprise". The verdict did not only refer to Jadranko Prlić and his co-defendants, but to the entire governance of Croatia during the war. The then president Franjo Tuđman, his defense minister Gojko Šušak and the chief of general staff Janko Bobetko, all deceased, were high on the Prosecutor's list.

According to the court, the entire political and military leadership of Croatia was deeply involved in the crimes against the non-Croat, especially Bosniak civilian population in Bosnia and Herzegovina. The court proved that some of the accused were both part of the military structures in Zagreb and involved in Mostar at the same time, and that both military structures liaised closely.

Thus, the court's ruling has corresponded to the expectations of the Prosecutor Serge Brammertz, but above all to the expectations of the victims of the war. The reactions in Sarajevo were consequently those of relief, while the response of the Croatian public in Herzegovina and Croatia was that of consternation. That same night, solidarity events for the convicted war criminals were organized in many cities. Burning candles were to commemorate the suicide of Slobodan Praljak.

The opinion of most professors, journalists and politicians in Zagreb is that the Bosnian Croats had not committed any war crimes, but had merely defended the Croat areas in Bosnia and Herzegovina against the Serbian aggression. President Kolinda Grabar-Kitarović declared "Croatia was not an aggressor, on the contrary, it had done the utmost for the survival of Bosnia-Herzegovina as a state." In a joint statement, the parties criticized the verdict as unjust and unacceptable, ignoring "historical facts and evidence." Praljak's suicide is considered a symbol of the injustice of the verdict. Neither the President nor the Parliament showed a gesture of sympathy for the victims of the Croatian aggression in Bosnia and Herzegovina. Even the social-democratic opposition joined in the chorus of those who were indignant about the UN tribunal in The Hague. Critics of Tuđman's policy towards Bosnia and Herzegovina were immediately blamed for the verdict. Vladimir Šeks, minister of justice during the wartime: those who are to be blamed for the verdict in The Hague are Tuđman's successor as president of Croatia, Stipe Mesić, and the former foreign minister of the country, Vesna Pusić.

The conservative-nationalist camp in Croatia has always had difficulties with coming to terms with Croatian history. Even to this day, there are still – to put it mildly - ambiguous attitudes within the HDZ towards the 'Ustasha State' during World War II. The Church, too, joined in the chorus of national indignation. It pointed out that the Croat ethnic group in Bosnia and Herzegovina would be threatened now⁷.

While, even years ago, the Franciscans of central Bosnia had complained that "war criminals were sitting in the front rows of the churches", their voice remained an exception within the Catholic Church of Herzegovina and of Croatia⁸.

Effect on Bosnia and Herzegovina

The effects of the verdict on the developments in Bosnia and Herzegovina cannot be estimated yet. With the verdict of the UN tribunal, however, the position of the Croat nationalists has been weakened. Dragan Čović and the leading politicians of the HDZ BiH party were in a state of shock for days after the verdict. Then Čović stepped forward by saying should the verdict be maintained, he would challenge the EU integration of Bosnia and Herzegovina. Since the Croats of Bosnia are privileged by automatically being entitled to apply for passports in the Republic of Croatia, enabling them to move freely in the EU, this statement is understood as a threat by mainly the Bosniaks⁹.

In the general Bosnian public, especially in Sarajevo and East Mostar, there is a sense of disappointment with the fact that Praljak's suicide had a greater significance in the media worldwide than the verdict itself, but it is expected that the distraction from the verdict by Praljak's suicide will only be of a short term. For the verdict should be solid as a rock. The Bosniak reactions were generally prudent. Especially the victims of concentration camps expressed their hope for a peaceful coexistence of all ethnic groups in television interviews in Croatia and in Bosnia and Herzegovina. The High Representative Valentin Inzko stated that the verdict created the possibility to start a reconciliation process. A productive discussion about the

⁷ Author's note: In order to support this assertion, the continuing emigration of Croats from BiH is argued. However, many young people from the other ethnic groups are leaving the country just as much.

⁸ Author's note: Statement of Fra Ante Marković in Rathfelder, Schnittpunkt Sarajevo, Berlin 2006)

⁹ Author's note: „Moramo naše ljude hrabriti i moramo im reći da smo i mi vlast i da naše zalaganje za evropski put ima svoju cijenu. Mi ćemo jasno kazati – ako treba da čeka evropski put, neka dugo čeka. Mi ćemo se prije izboriti za svakog časnog predstavnika HVO-a i hrvatskog naroda u Bosni i Hercegovini", kazao je Čović.

recent history of Croatia - it is hoped - could hardly be suppressed in the EU-state Croatia in the long run.

Considering all the experiences in Bosnia and Herzegovina, it would be helpful if Brussels and Berlin would prompt the Croatian side to do so and support it in this effort.