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## **DEMOCRACY, DEMOGRAPHY & DIASPORA: ELECTORAL LEGITIMACY, KEY TO CROATIA'S FUTURE**

*DOROTHY S. MCCLELLAN, NIKOLA KNEZ*

### **Abstract:**

Looking back at thirty years since the founding of the sovereign Republic of Croatia, this article asks to what extent Croatia's electoral process has succeeded or failed in guaranteeing the democratic rights of citizens in a free, healthy, transparent and productive society. Through frank, revealing interviews conducted with noted Croatian political and humanitarian leaders, legal experts, and scholars, this article examines whether the electoral process serves to select leaders who act in the best interests of the people or of politicians with deep roots in the country's troubled communist past. Does the law confront corruption, wrest control of the government from privileged elites, and result in policies that win public support and create a mandate that officials implement? Are political leaders and parties held accountable for their actions? The answers to these questions demonstrate the key role that electoral law plays in Croatia's pursuit of its rightful destiny -- a democratic future.

### **Keywords:**

election law, election legitimacy, democratic elections, voting rights, demography, emigration, demographic trends, democracy, diaspora, Croatia, international justice

**JEL Classification:** D72, D63, J11

### **Authors:**

DOROTHY S. MCCLELLAN, Texas A&M University-Corpus Christi, United States, Email: [dorothy.mcclellan@tamucc.edu](mailto:dorothy.mcclellan@tamucc.edu)

NIKOLA KNEZ, iFilms LLC and Croatian Film Institute, United States, Email: [nikolaknez184@gmail.com](mailto:nikolaknez184@gmail.com)

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Like sailors are we, who must rebuild their ship on the open sea, unable to dismantle it in drydock to reconstruct it there out of the best materials.

Otto Neurath

## 1 Introduction

The Republic of Croatia's thousand-year journey to create a free, fully democratic nation continues. After millennia of struggle, this nation emerged in 1991 forged in the political cauldron of the collapse of the Soviet Union and the breakup of Yugoslavia. While the countries of Eastern Europe made a relatively peaceful transition to independence, this was not the case for the Socialist Federal Republic of Yugoslavia—comprised of six republics (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia, Slovenia) and two autonomous regions (Vojvodina and Kosovo). The Serbians held supremacy in the military and political decision-making process and were determined to resist independence movements by any means necessary.

Two factors worked to strengthen Croatia's hand in determining its future and resisting Serbia's nationalism and fascism: The 1974 Yugoslavian Constitution established a federal union with confederative characteristics, giving each of the six republics and two autonomous regions the right to secession or separation from the federation. Then, in February 1990, the Communist Party of Croatia passed a multi-party election law empowering its citizens to create a pluralist democracy. In 1991, the people of Croatia expressed their will in a referendum that overwhelmingly (93.5%) favored their political independence and separation from Yugoslavia. Shortly thereafter Slovenia, Bosnia and Herzegovina, and Macedonia followed suit. The belligerent reaction of the Serbian political and military establishment against Croatia for aiming to establish a sovereign country was swift and brutal. They tried to occupy the whole of Croatia. The Croatian War for Independence (1991-1995) that ensued resulted in years of brutal fighting, humanitarian disaster, and genocide committed by Serbia and its supporters.

Finally in 1995 the Republic of Croatia prevailed. Operation Storm, the single-most decisive battle of the Croatian War for Independence, launched by the Republic of Croatia in August 1995 was the largest European land battle since the Second World War. Outnumbered, outgunned, but not outmaneuvered, this tiny new democracy prevailed in a David versus Goliath encounter, a moral as well as military victory. Storm led to the liberation of one-third of Croatian territory and made possible the Dayton Agreement. According to U.S. Ambassador to Croatia Peter Galbraith, Dayton "was, however, never intended as a roadmap for the organization of a country. It was intended as a means of ending a war and bringing peace to the region..." (in interview April 4, 2019; see also Galbraith 2006).

What followed was the post-war reconstruction of the country and efforts to determine and embrace a democratic future. This article examines new challenges that have emerged. Based on interviews conducted with noted scholars, humanitarian leaders, and political principals, this social scientific qualitative study examines those challenges, as well as their historical and political origins. The interviews reveal competing conceptions of democratic nation-building, but agreement that election law and the constitution play a key role in determining the outcome—Croatia's future. The increasing tension that exists centers around the Constitutional Court of

Croatia's February 7, 2023 decision that nullifies the current election law effective October 1, 2023, unless the Croatian Parliament implements the constitutional guarantee of equal voting rights (Jonjić 2023; Puljić 2022; n.a. 2015). Changes to the election law will no doubt affect the results of a hotly contested parliamentary election in 2024.

Recently released 2021 census data confirm that the country's population is shrinking dramatically in response to loss of confidence in the leadership and direction of the government. The permanent population of Croatia was 4.44 million in 2001 and dropped to 3.87 million by 2021, a 19% reduction (Schengen Visa News 2022). The diaspora now represents a group almost as large as the resident population (Vukić 2022b). Annual gross per capita income is currently \$12,374, 63% of the European standard (World Bank 2023). The negative force of recent emigration has begun to threaten the basic systems on which the Croatian state rests (Šterc in interview January 2022; Simmons 2023; Šterc 2017).

This article addresses what needs to be done to stem the blood loss--the brain drain, brain waste, and growing public dissatisfaction with the government increasingly apparent in demographic and economic data, attitudinal surveys, and anecdotal reports. Current efforts to address these challenges are often at odds with one another.

In the Faculty of Croatian Studies at the University of Zagreb a new Department of Demography and Croatian Emigration has recently been established in recognition of the demographic crisis.

Dr. Sc. Goran Rados explains,

We are training experts to make intelligent, informed decisions regarding the diaspora, its return and reincorporation into Croatian society. After all, getting a clear picture of demographic indicators and trends is essential to understand what political, economic, governmental and human action must be taken in this historical period (in interview February 2021).

According to Dr. Sc. Wollfi Krasić,

What is revealing and devastating is the fact that the opening of this program was met with resistance from part of the governing structure of the Croatian state. I think this demonstrates misunderstanding. This is not a political or ideological issue. Rather, it is a state issue that concerns all residents of the Republic of Croatia, regardless of their political or ideological affiliation. Yet we are encouraged for we have encountered a very positive response and turnout of young people to our invitation to join the Department of Demography and Croatian Emigration (in interview February 2021).

Already in 2003, a study of 400 University of Zagreb students from four faculties (Medicine, Law, Philosophy, and Economics) revealed that young people were disillusioned with their employment prospects in Croatia upon graduation. The overwhelming majority of students expressed a desire to emigrate due to a perception that the country was still functioning as it had before the War for

Independence (1991-1995), when success in life and work depended, not on what you know, but on whom you know in the socialist/communist party network. The study showed that the best and brightest students were seriously considering emigrating to England, Europe, Australia, and the United States to find meaningful work at reasonable wages, although they loved their country and deeply regretted leaving behind family and friends (McClellan and Knez 2004, pp. 1-15). The general consensus was that old political elites remained in power and retained their Yugoslav ideological identities, despite the changing of the names of their political parties. Croatian election law still relies on political parties presenting the electorate with a fixed slate of candidates, hand-picked by party leaders.

Dr. Sc. Stjepan Šterc, renowned demographer and founder of the department, commends the many Croatian emigrants whose abundant remittances sent to family members through the Croatian financial system contribute enormously to the economy. In fact, he notes that “their remittances are greater than total foreign investment in our country” (in interview February 2021; see also Vukić 2022b).

The January 1, 2023 successes fully integrating Croatia into the European Union by including the country in the Schengen area, thereby removing all European border crossings, and shifting the currency to the Euro, represent concrete progress for Croatia. However, confronting internal election law and constitutional controversies will be key to securing Croatia’s democratic future.

## **2 The Broad Goals of the Project**

While in Croatia as a Fulbright scholar 2002-2004 and 2012, Dr. Dorothy McClellan, Regents Professor of Criminal Justice at Texas A&M University-Corpus Christi, undertook a multi-faceted, international collaborative project with filmmaker and human rights activist Nikola Knez, President of the Croatian Society for Human Rights, and President of iFilms LLC, to examine challenges to democratic nation building in this post-conflict society. Over the course of the Fulbright fellowships and beyond, the focus of our work has been on the post-World War II forced repatriation and subsequent murder of Croats in Yugoslavia, as well as the Croatian War for Independence (1991-1995) and its aftermath. Our attention has now turned to documenting contemporary political challenges regarding election law that stand in the way of Croatia’s move toward full democratic participation in elections and policymaking.

The overarching goals of this article are:

To document Croatia's current efforts to create an independent, democratic state in response to the challenges posed by competing conceptions of what constitutes a modern democracy.

To identify changes in the election law that will maximize citizens’ free choice of leaders and their influence on public policy.

To point the way toward economic and political vitality which is central to restoring confidence in a fully democratic future for Croatia.

To demonstrate that election law is key to effectively confronting corruption and wresting control of the government from the hands of privileged political elites whose roots are deeply embedded in the country's troubled communist past.

This article aims to articulate strategic and political conditions needed for Croatia to create a stable democracy that throws off the historical yoke of communism.

### **3 Historical, Political & Ideological Overview**

The Republic of Croatia is an independent and sovereign nation located in South Central Europe at the northern edge of the Mediterranean. This spectacularly beautiful country is the homeland of Croats, a proud people who have inhabited this geographical region for more than a millennium. The Croatian landmass is magnificently adorned with natural beauty, the riches of the Adriatic Sea, Slavonian and Podravina fertile lowlands, forested Dinaric Alps, the mystical Istrian peninsula, and the gentle hills of Zagorje.

According to the 2021 census, of the approximately 3.9 million inhabitants of the Republic of Croatia, 92% are Croats and Roman Catholics. (Croatian State Bureau of Statistics 2022). The remaining population represent various minorities who enjoy full social, economic, political, and religious freedom. Zagreb, a modern city of three-quarters of a million people, built around a perfectly preserved magical medieval upper town, is the nation's capital--the political, cultural, scientific, and economic center of the Croatian State.

The modern Croatian state's foundations were laid in the 7<sup>th</sup> century, manifested in the establishment of Croatian principalities (duchies), the creation of which, in various forms of nation-states, is confirmed historically over the centuries. A distinctive Croatian nation (Hrvati) has survived in one form or another from at least 925 A.D., first as the Kingdom of Croatia under Knez Tomislav. The foundations of the modern sovereign nation were firmly laid with the ratification and adoption of the Constitution of the Republic of Croatia in 1990. The defining principles of the Croatian Constitution express the people's determination and readiness to establish, protect, preserve, and defend the Republic of Croatia as a free, independent, and sovereign state. At a joint session of its three councils, the Croatian Parliament promulgated the Constitution of the Republic of Croatia, which defines Croatia as a single, indivisible, democratic, sovereign state guaranteeing its citizens' human rights, property rights, and the rule of law (Šeks in interview September 2022; see also Šeks 2015). However, this move resulted in an attack on Croatia by the Yugoslav Army, Serbia, and Montenegro that resulted in a long brutal war (CIA 2002).

The Croatian people emerged victorious after the defensive and liberating homeland war that lasted from 1991-1995. As the 21<sup>st</sup> century began, Croatia was recovering from a decade of conflict, destruction, and suffering following its War for Independence. Their well-deserved victory after years of relentless fighting brought euphoria and heightened expectations of economic growth and political change. Croatia was a society determined to build a democratic future and become a member of the European Union.

Fast forward to 2023: Croatia marks the 33rd anniversary of the first Constitution since declaring independence, adopted on December 22, 1990, reaffirming the democratic changes expressed in the first multi-party elections held in the spring of that year that established the principles of Croatian independence.

A key legal provision of the Constitution prohibits the initiation of the process of association of the Republic of Croatia into alliances with other states that could lead to the renewal of Yugoslav state unity, or any form of Balkan state union. At the same time, the Republic of Croatia, as a free and independent state and a member of the European Union and NATO, participates in the creation of the European community. Working together, the European states ensure lasting peace, freedom, security, and prosperity for one another, and the well being of its citizens in their pursuit of common goals and values of Western civilization.

On January 1, 2023, Croatians rang in the new year by joining Schengen and the eurozone, events of great historical significance. After only ten years of membership in the European Union, Croatia became the 27th member of the Schengen area, entering the western club of developed nations with 420 million people. This is the world's largest area of free movement between countries. Border controls with EU members on land, air and at sea crossings were abolished. Croatia simultaneously joined the community of more than 342 million people who use the euro. After centuries of wandering and tragic associations in the Balkan territories, Croatia has gained broad international recognition and achieved one of its chief national, strategic, political, and state goals, finally returning to its natural home – Europe. This strategic goal was outlined by Franjo Tuđman when he and the HDZ party (Croatian Democratic Union) appeared on the political stage and gained the full support of the Croatian people in 1990 (Šeks in interview September 2022).

Although Croatia achieved NATO membership in 2009 and the European Union in 2013, the country continues to experience high unemployment, economic stagnation, inflation, and governmental corruption rooted in the legacies of its communist past. In addition, this small nation faces tough competition for business and funds from more advanced EU countries. With its parliamentary democracy and market economy, the Republic of Croatia is rich in human capital and natural resources but still lags far behind the most developed countries of the world in realizing its potential (World Bank 2023).

Despite Croatia having all the organic components for the successful development of society, a political stalemate exists within the country between the forces that seek to fully embrace a democratic, productive, demographically inclusive free market economy and those who seek what the overwhelming majority of those interviewed described as a purely self-interested course deeply rooted in a communist past that privileges old elites. This has resulted in growing public dissatisfaction with governmental decision-making and management, with officials who tolerate and thus promote mediocrity over excellence, corruption over transparency and accountability, and inefficiency over productivity. This has led to the stagnation of democratic, economic, and demographic development (Graubard 1993).

## 4 Methodology

In the tradition of qualitative social science research (Alasuutari 2010, pp. 139-155), and employing an oral history methodology (Charlton et al. 2007), the authors conducted semi-structured interviews with more than a dozen prominent Croatian political leaders, academics, civil rights leaders, and journalists between 2021 and 2022. They were asked to describe their role, experiences, and insights into the creation of the Republic of Croatia, its constitution and election law. They were invited to discuss their conceptions of modern democracy, what Croatia has succeeded in accomplishing, and the challenges that Croatia has yet to address. We arranged filmed interviews in Croatia that lasted a minimum of two to three hours. The precision, clarity, and detail of interviewees' comments was exceptional. Excerpts from the interviews are included in this article. All interviews were transcribed and translated from Croatian to English by the authors. The major highlights of these interviews comprise more than 100 pages of single-spaced text and more than 50 hours of film footage.

Documentary film is now integral to academic pedagogy and a powerful tool to reach broad audiences, so a major aspect of this study was to produce a documentary film that relies on those interviews. The documentary film, *Election Law of the Republic of Croatia* was produced in Croatian in February 2023. An English language version of the film, *Election Legitimacy, Republic of Croatia*, that employs English narration and subtitles was completed in June 2023. The documentary film was entered into competition at WorldFest International Film Festival Houston and awarded a Silver Remi for documentary film production and a Gold Remi for use of computer graphics and special effects.

Since the Greeks imagined a democratic society, serious people have considered how to elect leaders who will propose policies that win public support, create a mandate that government pursues, and hold those selected for leadership accountable for their actions. The leadership class should be selected from among the finest citizens who want to build a just society that promotes quality of life, the fullest pursuit of individual liberties, wealth, and happiness. Growing out of this conception of democratic society, the interviews conducted for this article focus on the following questions:

- As we look back at the thirty years since the creation of the sovereign, democratic Republic of Croatia, to what extent has Croatia succeeded or failed in the development of an electoral process that guarantees the democratic rights of citizens in a free, healthy, transparent and productive society?
- Does the electoral process serve to select leaders who represent and act in the best interests of the people, not the political elites?
- Does the electoral process result in policies that win public support and create a mandate that the government pursues and implements?
- Is the electoral process characterized by broad participation of citizens who enjoy full political freedom?

- Are political leaders and representatives of political parties held accountable for their actions?

## 5 As They See It: Findings

Each of the renowned individuals interviewed (listed in references) for this study brings distinctive perspectives, experience, and insight to further our understanding of the electoral process in Croatia. Their historical, legal, and political analysis is invaluable in evaluating the state of the republic. Several issues of concern regarding electoral legitimacy are consistently raised in interview:

- The power and privilege of political elites
- Governmental and judicial corruption
- Continuing influence and legacy of the Yugoslav communist past
- Control and domination of two political parties (HDZ and SDP)
- Ongoing role of the communist secret police (UDBA)
- Lack of transparency and equal access to the process of privatization of government property
- Under-representation of the diaspora and over-representation of national minorities in parliament
- Interference in and de-legitimization of national referendums
- Demographic catastrophe of massive emigration brought on by lack of confidence in the government
- Government failure to provide equal voting rights
- Gerrymandering of voting districts to benefit two ruling parties
- General failure of the government to protect life, liberty, and property of all citizens.

### The Path to Independence

An in-depth interview was held with lawyer and politician Vladimir Šeks who has been a representative in the Croatian Parliament since the nation's independence. He was the chief drafter of the 1991 Constitution of the Republic of Croatia, one of the six founders of the Croatian Democratic Union (HDZ), the political party that would lead the Republic of Croatia for years, and former Speaker of the Parliament (2003-2008). He has held the posts of Deputy Prime Minister in the government, acting President of the Croatian Democratic Union (HDZ), and Leader of the Opposition.

Šeks' insights, historical recollections, and reflections provide the perspective of a key political influencer who continues to shape the country's constitution and its electoral law. Šeks earned his reputation long before Croatian independence. From 1972 to 1981, when Croatia was part of the Socialist Federal Republic of Yugoslavia (SFRJ), he worked as a lawyer until his arrest for "hostile propaganda" and "anti-state actions" against communist Yugoslavia (Šeks 1997; Šeks 2015; Šeks in interview September 2022).

He begins his interview by describing Croatia's complex transition from being a part of the Socialist Republic of Yugoslavia to becoming an independent nation, and his personal hand in that harrowing process.



1971 was a turning point in recent Croatian history. This was the beginning of the Croatian Spring when dramatic changes began to appear in the former Yugoslavia. The Croatian people aspired to a greater democratic initiative in order to achieve greater rights and independence and to alleviate the totalitarian repressive regime led by the Communist Party of Yugoslavia (in interview September 2022).

Yugoslav communist ideology and practice hold that the achievements of the communist revolution cannot be preserved without the "dictatorship of the proletariat." In practice, this justifies the use of secret and public police investigations, illegal confiscation of citizens' property and liquidation--murder. These actions can be directed, not only at individuals deemed undesirable, but also at institutions, cultural values, and worldviews. The most severe form of repression includes systematic mass executions without benefit of due process.

In his capacity as deputy district public prosecutor in Osijek in the 1970s, Vladimir Šeks launched an investigation into UDBA (the communist political security police agency), because it illegally turned over thousands of letters from the Osijek postal service to the State Security Service in that city. The letters were opened and checked. At the same time, UDBA eavesdropped on phone conversations. UDBA tried to control correspondence between Croatian political emigrants and Croatians in Croatia. Šeks is heralded as the only man in all of communist Europe--from the Soviet Union, Czechoslovakia, Bulgaria, Hungary, Romania, Albania and Yugoslavia--who dared to attack a communist political security police agency.

It was indisputable, I proved that UDBA was working illegally. I was then forced to resign from the post of deputy district public prosecutor in Osijek. I was removed from the judiciary and declared the number one enemy of the state. Only thanks to the fact that I saved the record of the hearing before the investigative judge of the head of the state security service (UDBA) in Osijek, in which he admitted that they were working illegally, was I initially saved from prison and political and personal liquidation (in interview September 2022).

However, in the 1980s he served 13 months at the notorious Stara Gradiška prison. In interview Šeks continues:

With the help of police provocateurs, I was convicted of enemy propaganda and put in Stara Gradiška prison. Until I went to prison, I was a critic of the Yugoslav communist regime, but while in prison I became a sworn enemy of the communist regime. I took an oath that I would destroy the Yugoslav communist regime and Yugoslavia as a country by all means. With words and speech and dynamite. After that, various communist newspapers publicly proclaimed me as one of the biggest and most dangerous enemies of socialism and communist Yugoslavia, i.e., communist Croatia.

Upon my release from prison at the end of 1988, I became one of the prominent fighters for human rights. I became a member of Amnesty International, the international Helsinki Federation for Human Rights, and an international human

rights association from Germany, where I persistently pointed out and proved the totalitarian nature of the Yugoslav communist regime. I called on Western governments to withhold credit and financial aid to Yugoslavia. I wrote to them about various mass violations of civil and human rights in Yugoslavia. I explained to the relevant organizations in America, Great Britain, and Germany that no appeals to respect human rights could influence the Yugoslav communist regime. The only language they understand is to deny them credit, to deny them access to finances. It is the only language they understand.

From 1981 to 1989 and into 1990, thousands upon thousands of pages of numerous reports of the Yugoslav and federal UDBA point to me as the most comprehensive opponent of the communist regime (in interview September 2022).

Reports suggest that since 1945 millions of citizens have been brought in for questioning and prosecution, many paying the ultimate price of loss of their freedom or death. Stepping forward to challenge the powers-that-be has resulted in a decades-long climate of intimidation and fear. Croatian researcher Ante Beljo confirms that "Today, fear still exists. Some witnesses are still alive, but people do not want to be victims again for simply telling the truth" (in interview 2016; see also McClellan and Knez 2018; Beljo 1998).

Croatia's long history of use of secret police to monitor its citizens is well known. In the 49 years of the Yugoslavian state's existence, documents suggest that the communists killed more than a million people (Ranković 1951, p. 1). With that Tito's rule earned a place on the list of the most murderous regimes of all time (Jones 2014). The power of UDBA is seen in its dogged pursuit of the opposition. Having eyes and ears everywhere, they have infiltrated all organizations and relationships -- social, economic, personal, business, political and religious -- in classic Stalinesque form in Croatia (Dimitrijević 2019; Vukić 2022a). According to the interviewees, UDBA's continued influence has played an enormous role in fomenting distrust of and contempt for government officials and the political elite. Vladimir Šeks managed to stand up to those forces and miraculously survived politically so that in 1990 he was one of the founders of the Osijek branch of the Croatian Democratic Union (HDZ).

Dr. Sc. Prof. Josip Jurčević, Croatian historian, conservative politician, author, professor and veteran explains:

Totalitarian communism is criminal and solves everything with repression, murders, imprisonment, and the like. The attraction/appeal of communism is that it offers irresponsibility, it forbids any kind of independence and private and political entrepreneurship. You may not establish a political party and represent your interests, you may not establish a singing society if the party does not approve and determine it. Absolutely total control. Entrepreneurship of any kind is not permitted (in interview November 2022; see also Jurčević 2020).

Dr. Željka Markić, physician and leader of Croatian human rights non-governmental organization U Ime Obitelji, *In the Name of Family*, has also been a war correspondent, documentary film

producer, TV news program editor, and contributor to Human Rights Watch. She is a well known public figure and political activist. She explains:

I grew up under communism. In the totalitarian regime there was corruption, human rights were not respected, there was always lying, facts were twisted. The development of the country was stopped, our people who lived outside the borders of Yugoslavia were killed. As a citizen in that totalitarian regime, I was not responsible for that because I could not influence all these actions because normal people were reduced to the objects of the regime (in interview January 2021).

Vladimir Šeks provides historical context:

In this atmosphere, I welcomed the year 1989, when the movements in Croatia and Slovenia began and when the Berlin Wall came down (in interview September 2022).

The fall of the Berlin Wall was the opening salvo for all the democracies in Central and Southeastern Europe announcing that the monolithic Eastern Soviet Bloc was breaking apart. The collapse of the Soviet Union had a domino effect, sparking democratic movements in Czechoslovakia, Germany, Poland, Romania, Bulgaria, Hungary and the Baltic States. And, of course, it was then Yugoslavia's turn.

Vladimir Šeks describes the determination of the founders of the Croatian Democratic Union (HDZ), the political party that would lead the country for years. According to Šeks, the HDZ resisted Greater Serbia's political and later military aggression, while the Croatian communists were silent.

The Communist Party of Croatia stuck its head in the sand like an ostrich. They did not give any response to Milosevic's already threatening and growing imperial Serbian policy, which aimed to reshape the Yugoslav system and create a Greater Serbia. Croatian communists did not offer any resistance to these aspirations. They fell into a kind of silence.

In response to the silence of the Croatian Communists in February 1989, Franjo Tuđman and a group of us came out with a preliminary draft of the founding of the Croatian Democratic Union (HDZ) in the Society of Croatian Writers. Since then, HDZ entered the political scene. A barrage of all kinds of attacks came from all communist newspapers, from the Croatian and Yugoslav communist parties and partisan combat organizations. They accused us of trying to revitalize the Independent State of Croatia and the Ustaše movement (a right-wing political movement). They threatened us with persecution, imprisonment and physical liquidation. But the process could no longer be stopped.

On June 17, 1989, the Croatian Democratic Union (HDZ) was founded. The police banned us from the founding assembly that we wanted to hold in the Lisinski

Theatre. They forbade us from gathering at the Panorama Hotel. The reasoning for the ban is a matter of fact, as it was stated that the founding assembly of HDZ with its program and performance would upset the founders themselves. So that we, who founded and wrote the program, would be disturbed by our works if they were presented publicly at a meeting.

We outmaneuvered them and founded the Croatian Democratic Union in a public place along Lake Jarun. Franjo Tuđman (the first president of the Republic of Croatia), in agreement with the five of us, said that if the police arrest us, it should be considered that the Croatian Democratic Union was founded. We accepted the program and statutes. We elected Tuđman as president, the four of us as vice-presidents and I as president of the executive committee. In 10 minutes everything was done. I brought 28 of the 49 people who were present at the founding assembly from Osijek. Then we enthroned the Croatian Democratic Union (in interview September 2022).

After 45 years of totalitarian rule by the Communist Party and its followers, the first free, multi-party parliamentary elections were held in the Republic of Croatia on April 22 and 23, 1990. The elections marked a new chapter in Croatia's historical journey to democracy and independence – constituting a multi-party parliament and promulgating a constitution (Budimir 2011, p. 197; Dunatov 2010).

According to Vladimir Šeks:

The caring guardians of Yugoslavia and communism immediately responded that we should be closed down and our work banned. But it was too late. We sprouted like mushrooms. We organized branches of the Croatian Democratic Union (HDZ political party) all over Croatia. We also organized it in Bosnia and Herzegovina. (in interview September 2022).

Vice Vukojević is another longtime political figure active in the HDZ, a lawyer and former Judge of the Constitutional Court of the Republic of Croatia (1999 – 2007). Like Šeks, he challenged the powers that be. Since 1989, he has been active in the HDZ (Croatian Democratic Union). In the first elections in 1990, he was elected as a member of the Croatian Parliament and spent the next two mandates as a member. In 1991, he was the president of the Socio-Political Council of the Parliament of the Republic of Croatia, i.e., one of the three houses that the Parliament consisted of at the time. He spent a total of four years in prison on several charges that were never proven. Unproven charges that result in the imprisonment of opposition leaders are part of the UDBA legacy that still haunts Croatia and leads to fundamental distrust of the government, its agencies and procedures.

I nominated Franjo Tuđman in the electoral district of East Dubrava and Sesvete. That is where there was largest concentration of the Croatian Patriotic Forces in Zagreb and the largest number of HDZ members in Croatia. The Croatian people recognized Franjo Tuđman and the HDZ, the Croatian Democratic Union, as a

party that could lead them in their fight for an independent state that would **not** be subject to control by Belgrade, Vienna or Rome (in interview September 2022).

HDZ triumphantly won the first elections. The overwhelming majority of Croats (94%) voted for Croatia's secession from Yugoslavia. They voted to seek their independent, sovereign destiny as the Republic of Croatia (Sudetić, *The New York Times* 1991a). Based on the results of the first multi-party parliamentary elections, the first modern multi-party Parliament was convened on May 30, 1990. May 30 was declared the Day of Croatian Statehood (Bideleux and Jeffries 2007, p. 197).

In that first election 351 parliamentary seats were contested, 33 parties and 16 associations participated with a total of 1705 candidates. The Croatian Democratic Union (HDZ) won 42 percent of the votes, for a total of 205 seats or 58 percent of the parliamentary seats. The Alliance of Communists of Croatia won second place with 26 percent of the vote. The Coalition of Left-Liberals took third place with 15 percent of the vote. The remaining seats went to independent representatives and representatives of national minorities (Budimir 2011, pp. 80-85; Klemenčić, 1991).

Vladimir Šeks states:

A large number of Serbs in Croatia did not recognize the Croatian government. They started an organized rebellion with the help of Serbia and Milošević and the Yugoslav People's Army (JNA) (in interview September 2022; Paukovic 2008).

Judge Vukojević adds:

President Tuđman immediately established a commission, in July 1991, which would conduct research to hear public opinion regarding the Constitution (in interview October 2022).

Vladimir Šeks continues:

I gave a presentation to the Croatian Parliament on the topic "The New Croatian Constitution." I proposed the future Croatia as a country of parliamentary multi-party democracy. The head of state is the President of the Republic, who is also the commander of the armed forces. The President of the Republic appoints the prime minister and ministers. A tripartite government is established with executive, legislative, and judicial branches. The law stipulates the end of communism, the end of the communist regime.

On June 25, 1991, in the Croatian Parliament, I proposed the adoption of that constitutional decision. It passed by a huge majority. Four points are the most important.

1. Croatia is declared a sovereign and independent state.

2. Croatia initiates the procedure for dissociation from the Socialist Federal Republic of Yugoslavia.
3. Croatia initiates the procedure for international recognition.
4. The Constitution and laws of Yugoslavia are only valid if they do not conflict with the Croatian Constitution and Croatian laws (in interview September 2022).

Immediately in June 1991, in response to the constitutional initiative, under the leadership of Serbian president and convicted war criminal Slobodan Milošević, the Yugoslav People's Army, Serbia, Montenegro and the Chetniks launched a premeditated attack on the Republic of Croatia and its territory with an armed action against defenseless Vukovar. They marched on this idyllic town with 40,000 mobilized soldiers, 600 tanks and armored personnel carriers, 980 ground artillery pieces, 350 anti-aircraft guns, and 750 ground-based rockets/missiles. The Croatian defense of the city was mounted by 1,850 poorly armed volunteers who bravely fought to protect the Croatian homeland (Sudetić, *The New York Times*, 1991b and 1991c; Armatta 2010).

The Serbian aggressor mercilessly demolished everything in sight. Vukovar and the surrounding towns and villages were destroyed. The Serbian army and Chetniks committed mass torture and slaughter of innocents—civilians, wounded, prisoners, young and old, men, women and children—massive crimes against humanity. Thousands of people were taken to concentration camps in Serbia, where they suffered severe abuse, sexual enslavement, rape, humiliation and death. Many never returned home. Mass graves are still being uncovered. A large number of camps have yet to be identified or discovered. The full human toll will never be known (Armatta 2010).

Vladimir Šeks states:

1991 was one of the most critical periods where it was “to be or not to be.” In Belgrade, the general staff of the JNA (the Yugoslav National Army) and the Serbian political leadership and the presidency of the SFRY, in which Serbs and Montenegrins played a dominant role, made the decision to carry out a coup d'état in Croatia. They wanted to introduce a state of emergency and the main leaders like Tuđman and myself to be summarily shot and the other participants to be sentenced to several years in prison. The Yugoslav People's Army openly sided with Serbia and became the Serbian Army. The entire year 1991 was critical, not only for the survival of the independent Republic of Croatia, but also for the biological survival of the Croatian nation (in interview September 2022).

After four years of brutal attacks by the Serbian army and Chetniks on the territory of the Croatian state, the Republic of Croatia launched the military operation Storm in the month of August 1995. This extraordinary and decisive battle of the Croatian Homeland War for Independence was the largest European military land operation since the Second World War.

This tiny new democracy demonstrated unsurpassed military power, professionalism, and strategic brilliance (Riley 2010; McClellan and Knez 2021). The Croatian veterans achieved total moral and military victory in this operation, planned and executed by selfless patriots. The

exceptional courage and determination of the Croatian soldiers and officers in Operation Storm led to the defeat of the Serbian Army and the Yugoslav National Army, and resulted in the liberation of western Bosnia and Herzegovina. Storm ended the massive humanitarian disaster and genocide committed by the Serbian army and Chetnik terrorists. American Ambassador to Croatia Peter Galbraith (1993-1998) states in interview, the U.S. deeply appreciated Croatia's "willingness to spend treasure and blood to end the humanitarian disaster. Operation Storm saved the 150,000 inhabitants of Bihać from almost certain genocide" (Galbraith in interview April 4, 2019). It liberated one-third of occupied Croatian territory and made possible the Dayton Agreement that established peace in the war zones (McClellan and Knez, 2021). On the occasion of the successful completion of Operation Storm, President Franjo Tuđman said: "This victory represents not only the liberation of the Motherland but the creation of the foundation for a free and independent Croatia for centuries to come."

Judge Vice Vukojević concludes:

After that, the war ended. We became a sovereign republic and our wish was then fulfilled (in interview October 2022).

Dr. Markić highlights the significance of democracy to her:

In a democracy, we citizens are co-responsible for what society looks like. In totalitarian communism, I was not co-responsible. I didn't like anything there and I didn't have the opportunity to influence social events. In a democracy, I have the opportunity to go to the polls, to organize in civil associations, and I have the opportunity to organize in cultural societies. So, there are a number of possibilities by which I, Željka, can influence the development and building of the state in which I live for the better (in interview January 2021).

### **The Turning Point: Elections of 2000 and the De-Tuđmanization Process**

The first ten years of the Republic of Croatia were characterized by optimism and hope. Reconstruction of the country following the war required great energy and imagination. As individuals and political parties emerged from their Yugoslavian past, they faced new challenges. Seeking and attaining EU membership was a grueling process and brought with it the realization that becoming a fully democratic, productive, economically prosperous nation would take time, development of a new leadership class, vigilance and scrutiny to avoid returning to the old, familiar forms and structures of the past. EU membership would not automatically result in equal status, resources or economic access. The forces for democratic change in the country struggled with the forces of inertia or worse still, the forces of retrograde motion.

According to Dr. Jurcević, "The greatest attack on democratic development occurred in 2000." Dr. Budimir addresses the disturbing turning point in the process of democratic nation-building:

After 2000, the system changed. We now have a unicameral rather than a bicameral parliamentary system. The ruling political elite eliminated one chamber of our parliament, thereby restricting broader democratic participation of the citizenry, which gave the ruling parties an upper hand (in interview January 2021).

The elections on January 3, 2000 were significant in several ways. They marked the end of the first ten-year period in the history of independent Croatia. In these elections, the HDZ lost power for the first time since independence, and the majority was won by the so-called "Six of the Left Coalition". These elections took place in the period between the death of President Franjo Tuđman and the election of the new President of the Republic, former influential HDZ member Stjepan Mesić. In the general euphoria of the media--opponents of Franjo Tuđman—"The Six" tried to destroy all positive legacies concerning the attributes of Croatian statehood and the victory in the Homeland War. That process has been given the infamous name "de-Tudjmanization". It has had serious consequences for Croatian society for the last two decades. HDZ, led by Prime Minister Ivo Sanader, continued a similar policy, as did subsequent governments (Čular 2000).

Through planned stages of the de-Tuđmanization process, attempts were made to discredit symbolic and real signs of the identity of Croatian statehood, the Homeland War, and the first president, Franjo Tuđman (Horvat 2014; see also Vukić 2015a and 2015b):

#### 1. Discrediting Operation Storm

Immediately after the election, accusations and slander against Operation Storm were made by the ruling parties, non-governmental organizations, and the media. who before and during the war openly supported the existence of Yugoslavia and were opponents of Croatian independence.

#### 2. Balkan Summit in Zagreb

In the same year, 2000, on the initiative of then-president Stjepan Mesić, the Balkan Summit was organized by French President Jacques Chirac. He, along with Mesić were perceived as friendly toward the Serbs. Many in Croatia saw this as another direct and aggressive attempt to push Croatia into the circle of so-called countries of the Western Balkans, with the ultimate goal of canceling the results of the Homeland War, and creating a new community of diverse peoples on the territory of the former Yugoslavia, under the leadership and domination of Serbia. With this summit, the process of granting amnesty to Serbia for its aggression and criminality in the wars against Croatia and Bosnia and Herzegovina began.

#### 3. Deletion of Public Holidays and National Symbols

The first target was Statehood Day on May 30, which the SDP (Social Democrat Party) abolished when it came to power, as well as numerous other state-building symbols: the Altar of the Homeland in Medvedgrad, the Croatian Honor Guard in front of the Parliament, the renaming of the Croatian State Parliament as the Croatian Parliament, the abolition of a bicameral parliament in favor of a unicameral parliament in order to consolidate power.



#### 4. Degradation of Veterans and the Homeland War

From the Presidential Palace and the Croatian Government, with the help of the media, a systematic campaign to degrade and slander the defenders and the Homeland War was conducted. Parliament was finally forced to pass the Declaration on the Homeland War, which was openly opposed by some leaders of the Six, parties like HNS, IDS, and politicians Vesna Pusić and Stjepan Mesić, who were seen as the leaders of the process to defame the veterans and the Croatian Homeland War itself.

#### 5. Protection of Partisan and Secret Police Criminals

After the names of suspected criminals who participated in mass executions of civilians, priests and captured soldiers at the end of World War II were revealed, Stjepan Mesić and other politicians initiated an open media campaign defending the accused on grounds that they did so in the name of anti-fascism. Here we cite only two cases: Tito Partisan Stjepan Hršak who killed 21 priests in Macelj, and Tito Komisar Josip Boljkovac accused of crimes against disarmed prisoners and civilians in Karlovac.

#### 6. Personal Use of State Documents – Betrayal of Croatia

In 1996, the Croatian State Parliament passed the Constitutional Law on Cooperation with the Hague Court. Stjepan Mesić used this law to personally access state documents thus violating constitutional law. His use of these state documents was not in accordance with legitimate criteria, nor was it in accordance with the law on the protection of archival materials. It certainly was not in accordance with the best interests of the Republic of Croatia, the Croatian people, and the military and political commanders. It is well documented that a large number of Croatian citizens consider Mesić a great traitor to their homeland. The Croatian National Ethics Court (HNES) convicted Stjepan Mesić, Ivo Josipović, Vesna Pusić, Milorad Pupovac, Zoran Milanović, Budimir Lončar, Vesna Teršelič, and Josip Broz Tito of high treason (Vukić 2015a and 2015b).

#### 7. Sale of Croatia and National Debt

After the death of Tudjman in 1998, the communist politician Ivica Račan and the left-liberal coalition government put the country's major resources up for sale on the international auction block. By 2003, 91 percent of Croatian banks had been sold to foreign owners. Račan's government also sold controlling shares of Pliva Pharmaceuticals, the majority shares of Croatian Telecommunications, and twenty-five percent of the Croatian oil industry. Since the year 2000, Croatia began to borrow excessively from the International Monetary Fund. In addition to the 5 billion dollar debt inherited from Yugoslavia, 4 billion dollars was borrowed for defense during the Homeland War. After 2000, in just 4 years, the debt increased to almost 24 billion dollars. Excessive borrowing and state spending have placed enormous burdens on the Croatian people and the economy.

## **Election Law: Current Political Party System**

Dr. Jursević provides his analysis of the makeup of the current political structure:

The electoral law is one of the main instruments of governing Croatia, which unfortunately has not fully become a truly democratic state even in these 30+ years after its formal entry into the Western democratic world. Democracy does not yet work in Croatia, which is run by former communist structures.

One could say that the former communist structure actually took over power in Croatia. They are the direct successors of the Communist Party of Yugoslavia, that is, the Union of Communists of Croatia. Statistically speaking, between 70,000 and 100,000 of its members are registered in the two political parties that were created with the birth of the independent Republic of Croatia. One part went to the SDP (Socialist Democratic Party) and the other to the HDZ (Croatian Democratic Union). This duopoly of political parties alternates in power. The key to staying in power is control of the electoral law.

Electoral districts in Croatia were created without consideration of the administrative structure of Croatia. Croatia has municipalities, counties and finally the state. However, electoral districts have nothing to do with that. They were created in a way that suited the powers that be so that they could even more easily manipulate election results. We actually do not know here who represents us, which allows a small group of political party leaders to determine who will be on the election slates (in interview October 2022; see also Podolnjak 2008).

Dr. Sc. Davorka Budimir, President of Transparency International for Croatia and author of works on political elites explains that two political parties have dominated since independence:

The political scene in Croatia, as it is today, is a consequence of the party system that prevents other parties from breaking into the political arena. Thirty years since the establishment of Croatian independence, what is almost constant is that two political parties are in power. The SDP is the successor to the Communist Party or the Socialist Republic of Croatia, and the HDZ, the Croatian Democratic Union, is the party that emerged in the early 1990s (in interview January 2021).

Dr. Markić describes her experience:

I have been actively involved in civil society with good intentions but not understanding how much it is controlled in Croatia. As it turns out, this attempt to contribute to society has been shown not to function at all as it should in a democratic society. Political parties in power, whether it is the SDP or the HDZ, we see that those politicians who have chosen to lead this country on our behalf, that they act as if we are their subjects. As if we are objects, as if they know best how things should be done (in interview January 2021).

Dr. Markić points up the contradictions of contemporary Croatian politics:

So, today we live in a democratic society, but we have a one-party voting system as under communism. The rulers control the system in a completely undemocratic way, guaranteeing themselves power and managing the people's money and state resources. The basic essence of HDZ and SDP authorities are privileges. All this together is very reminiscent of the Communist Party. The essence of belonging to the Communist Party was not ideals, rather belonging guaranteed a good and comfortable life. You had to work the least, you got the most, you progressed despite being incompetent or the least capable. We see the same pattern here in today's modern Croatia. It is obvious that in such a beautiful country, with diligent people who can go anywhere in the world and get the best jobs, yet in their own homeland, they cannot come even close to a normal opportunity for a just job (in interview January 2021; see also Pickering and Baskin 2008).

Dr. Budimir draws our attention to the failure of the current government to address real life issues of its citizens:

Today in Croatia we have over 6,000 settlements that do not meet basic living conditions--water, sewage, access to doctors, shops, post office. Only an hour's drive from Zagreb you have settlements without water and electricity in places where people live and work.

Public policies that should be agreed upon as a national priority should be establishing a development strategy on industrial production, social security, and raising the quality of life of all citizens. What do we want Croatia to look like in the next 10 or 20 years? Any decently organized society should be addressing those questions. It is necessary to admit that these fundamental issues cannot be resolved without changing the electoral system.... The current electoral system, dominated by only two political parties, cannot bring about qualitative change because when you remove the professed ideological component, you realize that it is one party (in interview January 2021).

### **The Privatization Process and Government Corruption**

Dr. Jurčević explains:

Under communism, the first thing to do is to deal with private property, so private property is the main enemy. It became clear to them after the breakup of Yugoslavia, that they had to initiate the so-called privatization process (in interview October 2022).

According to the interviewees, the privatization process was implemented by members of the former political power structure who ruled Croatia through UDBA, the communist secret police

agency. Neither ordinary citizens nor members of the diaspora were given the opportunity or possibility to participate in the privatization process.

Dr. Budimir explains:

During the war, from 1991 to 1995, the government awarded over 17,000 loans for the purchase of state-owned companies and business entities. Loans were approved by communist banks--Zagrebačka and Privredna. Their own selected members were given these fictitious loans to purchase factories, with no expectation that the loans would be repaid. Overnight, individuals who had nothing except contacts in the communist party, became the owners of key business entities. Legitimate capital from abroad, including from members of the diaspora, could not be used to enter into any entrepreneurial transactions. The powers that be clearly recognized that fair and legal privatization would give birth to successful people who could contribute capital to finance the political campaigns of independent candidates (in interview January 2021).

Dr. Markić adds:

They have privatized the whole of Croatia and are treating it as a company. It is led by people who are not capable. It is run by people who do not love it. A politician should show his love for our homeland by creating fair conditions for people, for his people and the citizens who live here, so that these people can work, and live honestly from their work, and that our children have a solid future here (in interview January 2021).

Dr. Sc. Prof. Tomislav Jonjić, lawyer and editor of the journal *Zatvorenik (The Prisoner)*, points to the extensive corruption and failure to hold politicians accountable:

We have had a Croatian state for more than 30 years, and we have had democratic elections for more than thirty years. So far, we have experienced dozens of large-scale criminal proceedings against people, even high-ranking officials, due to various forms of crime, but you do not have a single, not a single criminal proceeding due to political corruption. You do not have a single proceeding due to crime by or within the political parties themselves (in interview October 2022).

Dr. Jurčević concludes:

The heart of corruption in Croatia is the corrupt judiciary, the structure of the Supreme Court and the entire State Anti-Corruption Agency. Unfortunately, we are moving to an increasingly authoritarian, not democratic system. We are closer to the past totalitarian criminal Yugoslavia (in interview October 2022).

Dr. Jonjić, a lawyer for more than thirty-five years, explains:

According to the Croatian constitution the judiciary is independent and separate from politics. It is a theoretical postulate that each of us will swear by. In reality, of course, it works differently. Everyone knows very well that the bodies that appoint judges are also appointed based on political, not professional criteria. Unfortunately, we are not immune from political criteria in the selection of judges and state attorneys (in interview October 2022).

Dr. Markić expresses her frustration with the system:

There can be a lot of things that I personally disagree with, but if people choose them democratically and I am part of a minority, I will accept them. What I will not accept is that when I am part of the majority that clearly says what it wants, that the minority dictates its terms to the majority. Why? Because it is a return to totalitarianism. This is what National Socialism did, that a small group of people ruled the majority of the population. This is what communism did, that a small group of people, one caste ruled the majority. Therefore, there are paradoxical situations in a democratic Croatian society. A small group of people have appropriated political power and, with the help of the media and the political system, order, impose and manage things that most do not want. It is unbelievable and unacceptable that politicians, when they come to power, dare to behave completely un-democratically (in interview January 2021).

Dr. Jonjić agrees:

This, therefore, is not only about the electoral law, but about a whole series of political laws, including the Law on Political Parties, in which it is possible to have statutes, party regulations, general acts that are not in accordance with the provisions and spirit of the Constitution. Such a political system produces leaders of these political parties who are corrupt and maintain dominance in their own parties at any cost because it is an instrument for them to get closer to what could be popularly called the trough. The parties are a hotbed of corruption. It is not actually a political struggle at all, but people acting out of pure self-interest (in interview October 2022).

### **Demographic Crisis: Mass Emigration**

According to the 2021 population census, the Republic of Croatia has 3,871,833 inhabitants. 99.24% have Croatian citizenship. Since independence in 1991, the Republic of Croatia has lost 895,736 inhabitants, almost 19 percent of its population. Reliable official sources estimate that 3.8 million Croatian emigrants and their descendants live outside of Croatia (Croatia State Bureau of Statistics 2022; Vukić 2022b).

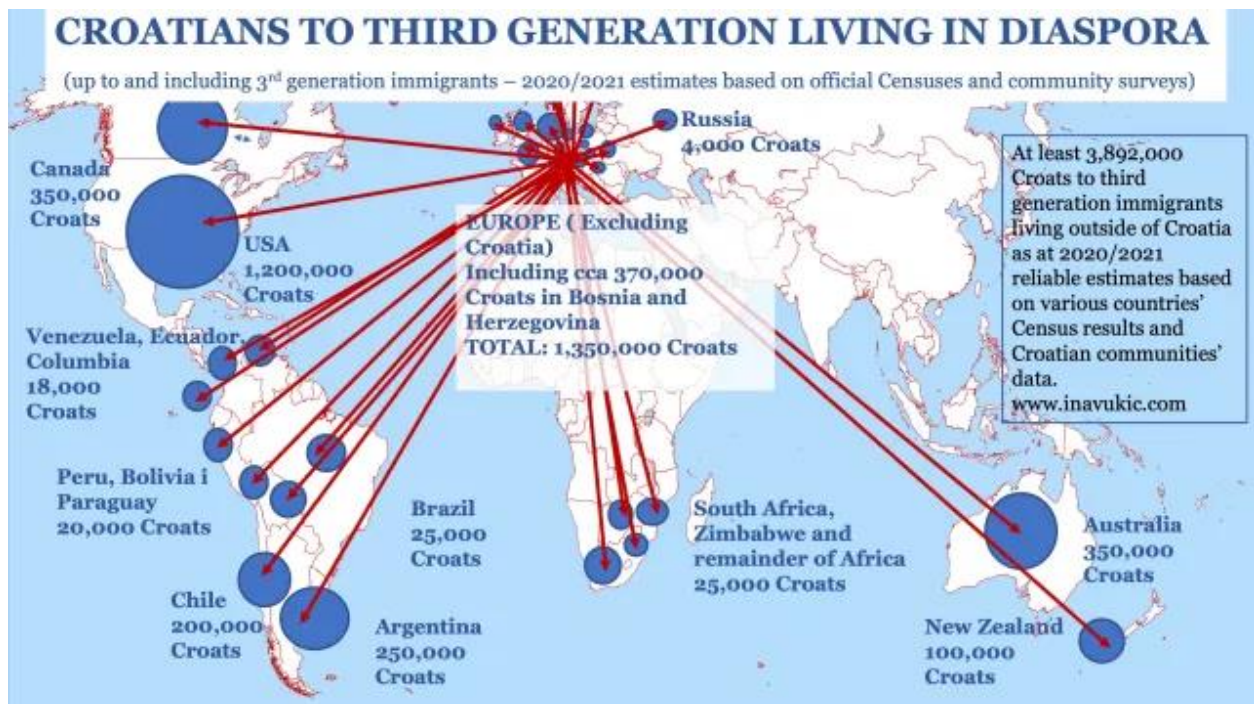
Dr. Markić explains:

The main reason for the recent emigration of people is corruption. Young people do not want to live here because they do not see their future. Despite all of their qualifications, young people cannot get a job because they do not have the advantage of members of certain political parties. That's what it looked like under communism. Your party booklet or affiliation with the Communist Party was the main recommendation for work and advancement in society. I am, frankly, appalled by the idea of going back to the totalitarian system we thought we had discarded (in interview January 2021).

Dr. Budimir adds:

Young people are leaving Croatia, not because it is not nice for them here, not because they cannot live, but because they cannot suffer injustice. Injustice in the sense that the rules do not apply equally to all in the same conditions. I could vividly describe it as watching a sports game in which the rules by which you play change every day. Citizens are leaving primarily because of corruption and primarily because you cannot live honestly from your own work. People here are expected to be a member of a political party if they want to find and maintain a job, if they want to educate their children, etc. This is what really impedes the development of society and the process of democracy (in interview January 2021).

Figure 1



Source: inavukic.com - Croatia, The War, and the Future - 2022

Of the total number of inhabitants of the Republic of Croatia, the number of voters is greater than the number of adults over the age of 18. The difference amounts to almost 14 percent. It is an open secret that voter rolls have been manipulated for almost two decades, in order to ensure the dominance of a specific political group in the elections. The electoral rolls have not been updated, although almost a million inhabitants have been lost (International Foundation for Electoral Systems 2023).

According to Dr. Šterc:

A population registry is a database on which all developmental conceptions of society must be based. Since Croatia does not have a population registry, it is difficult to establish a clear and exact voter list registry (in interview January 2021).

In the 2020 Croatian parliamentary election 3,859,487 Croatians at home and abroad had the right to vote. Voter turnout was only 47 percent compared with 76 percent in the 1992 elections. From the first to the last parliamentary elections in the Republic of Croatia, 964,000 fewer Croatian voters participated (International Foundation for Electoral Systems 2023).

Although members of the diaspora are constitutionally guaranteed the right to vote, in fact, due to what is described by the interviewees, the intentional and deliberate complexity of voting rules and exceedingly limited access to polling stations, only 1.5 percent of the more than 3.8 million members of the diaspora regularly exercise that right. In addition, members of the diaspora are now only guaranteed three seats in parliament (Vukić 2020).

Dr. Markić points to the fact that it is not by chance that the diaspora is only granted three seats in parliament, while in the early days of the republic they had 12:

This parliamentary model tells us clearly who wants to retain power. This is intended to demotivate Croatians in the diaspora from returning to Croatia and from participating, not only in government but also in the economic life of this country. Unfortunately, we see that the attitude of the authorities in Croatia is increasingly similar to the relationship that existed in communist Yugoslavia.

Here we see obstruction in action, a captive state in which political elites do not allow the democratization of the electoral system. Why? Because this democratization would increase competition. It would lead to more people competing under fairer conditions. That would be the basic key to the fight against corruption. Croatia has huge capital. I'm not only referring to the beauty of the country, and hardworking and creative people, but also to 70% of the Croatian economy, which is managed by the state (in interview January 2021).

According to Dr. Natalija Kanački, physician, member of the Board of Directors of the NGO "In the Name of the Family," member of the organizing committee of the civic initiative "People Decide."

It is well known that the Croatian, Israeli, and Irish peoples have the largest diaspora in the world. It is also known that the Croatian diaspora cannot vote for adequate representation in the Croatian Parliament. Everyone outside of Croatia is well aware that voting is organized in such a way that voting can only take place in embassies and consulates. There may be only a few across the country, so people have to travel thousands of miles to get to the polls (in interview September 2022).

Demographer Šterc explains how great a contribution to the health of the economy the diaspora could make if given the feeling that they were valued:

The fact is that emigrants send over 18 billion kuna annually to their families here in the form of remittances, which also contributes to the financial system of the Croatian state. This amount is greater than all foreign investment in Croatia. Since there is such an economic force and idealism expressed by the diaspora's remittances to their native country, we can begin to imagine the real investment potential the emigrants could be. According to our estimates, it is certainly several times higher. Imagine someone investing \$3 – \$5 billion a year in Croatia. That would certainly be a great driver of our country's development (in interview January 2021; see also Skoko 2022).

Vladimir Šeks, ever the Weberian politician, speaks in measured tones:

Croatia managed to find solutions that were related to the establishment of independence, defense and freedom of its country. I have called this emigration, this demographic collapse of Croatia, a catastrophe of biblical proportions. I think that just as Croatian politics found a solution when it came to whether or not to go to war, I also believe that they will find a way out and overcome this wicked invisible enemy (in interview September 2022).

### **Dynamics of a Failing Economy**

Dr. Sc. Andrej Grubišić, economist and global finance analyst provides the distinctive insights of a new generation with concrete international business expertise.

The role of the state is that it should protect the three natural rights--life, liberty and property. The logic of natural rights is that no one can take your life, that no one can take your freedom, and that no one can prevent you from legally creating your private property and disposing of it as you wish. These rules should exist and be valid as long as you do not deny them to others or harm others (in interview January 2021).



Dr. Grubisić concludes:

Let's be realistic, politicians are one big interest group. The state is positioned in many fields of social life in such a dominant way that it automatically abolishes a good portion of natural human rights--life, liberty, property. We have a situation in Croatia where the state most often violates this third right--the right to private property. The state owns a large number of companies. Over the last 25 years, tens of billions of kunas of taxpayers' money have been spent on bailouts of failed large state companies. The state is terribly involved in regulating private business. The state influences economic flows by controlling *almost half of the national GDP*. *Just under half of the GDP is government spending*. We also have a situation where a large percentage of private companies work only for the state, so you have even greater involvement of the state in economic flows (in interview January 2021).

Dr. Grubisić continues:

I think that the role of the state in Croatia is excessive. It is involved in so much today that without the state, you cannot make any serious progress in business. How does that relate to the electoral system? Everyone understands that the electoral system in Croatia is currently calibrated in such a way that it is very difficult for you as an individual or a group with proposals that are reasonable and understandable to have your proposals accepted. Most of the political elite accept this because the proposals directly touch their spheres of interest.

We also have an extremely populist policy regarding subsidies and incentives. Civil servants and bureaucrats legally pass laws and regulations themselves and distribute taxpayers' money to those businesses or sectors they deem desirable and classify in the domain of their political interests. For the most part, the purpose is not aimed at building important infrastructure. It is simply financing other people's private businesses.

Dr. Grubisić explains that the dynamics of the failing economy are the result of conscious and deliberate policies that spend the overwhelming share of the gross domestic product to support government institutions, agencies, and state-owned enterprises:

Croatia is the country that has the largest share of government spending of gross domestic product of all the former socialist countries that lived worse than we did with the fall of communism. In our country, two thirds of the population lives directly off the state. We have 1.2 million retirees who have a ridiculous average pension of 300 euros. You can't live on it—it is bare survival. This alone is one of the reasons that the system should be changed. Furthermore, you have 400,000 people employed in state-owned enterprises, state agencies, local government and self-government, and various ministries and other enterprises that are paid from the state budget. Calculate that each person supports at least one other

person. That's how we get to 800,000 people. Together with those 1.2 million retirees, they represent 2 million people. In addition, count on 100,000 unemployed. That's 2.1 million people. And if we add that 10% of the population that works in private jobs, much of it related to government and government spending, then we have 2.6 million people. That is 2/3 of the population.

Imagine what happens the moment someone tries to suggest some change that would disrupt that relationship. There will be a lot of those who will think that some acquired "rights" or privileges will be taken away or changed. That is why it is very difficult to push for some more serious changes because the interest groups are relatively large (in interview January 2021).

### **Changing the Election Law**

According to Dr. Jurcević, "The electoral law is the key element for the democratization of society." On February 7, 2023, the Constitutional Court of Croatia repealed the Law on Electoral Districts, effective October 1<sup>st</sup> of this year, unless the Croatian Parliament implements the constitutional guarantee of equal voting rights. The court stated that the existing law violates the principle of equal weight for each voter's vote – deviations between electoral districts should not exceed 5% (Boban 2022; Kotarski 2021).

The court takes the position that the Croatian Parliament failed to meet its constitutional obligation to act expeditiously regarding the proportional re-drawing of electoral boundaries. Thirteen years have passed since the Constitutional Court judges first warned of the violation of the constitutional principle of equal voting rights. This failure to act, speaks volumes about the attitude of the political elites in Croatia toward the Constitutional Court.

Data point to a continuing trend toward disproportional representation of voters in parliament. In all three election cycles, there are significant differences in the number of voters in each of the electoral districts, which violates the legal threshold of plus or minus five percent. In addition, it is widely accepted that the diaspora is significantly under-represented in parliament. It is widely agreed that their seats in parliament should be increased or at least returned to the previous 12 representatives from the current 3.

Dr. Šterc explains that:

In Croatia there are 10 electoral districts that were based on the 2011 census, when each constituency had a population of 450,000. There should be no more than 5% difference in population between districts. Today, these electoral districts are illegal because the negative demographic process expressed by the decline in population and increase in emigration has changed the structure of these districts. In some districts, the gap has risen to 15%. Therefore, new electoral districts will have to be drawn (in interview January 2021).

Vladimir Šeks acknowledges the problems:

The issue of electoral districts should be resolved. Voting rights should be proportional to the size of the electorate. Now, we elect 14 representatives from each electoral district, and we have a total of ten electoral districts. The problem is that each electoral district does not have the same number of voters! For example, the ninth district has 160,000 more voters than the fourth district (in interview September 2022).

According to Dr. Grubisić:

What seems to me to be common sense is that Croatia should be one constituency/one electoral district, that one vote is worth one vote--no more and no less--and that the electoral threshold of any percentage should be abolished. You get as many votes as you get. Whether it is 20% or 2% (in interview January 2021).

Dr. Jurcević recommends:

It would certainly be better if a bicameral parliamentary system were reintroduced. At the same time, Croatia should be one constituency, not ten. This would force the parties, even in the current corrupt structure, to appoint quality people. There would be much more competition. Secondly, the threshold for taking a seat in parliament should be lowered to somewhere between two and three percent. This would bring in a lot of independent candidates, which would create a dynamic and positive process. In addition, mail-in and electronic voting should be enabled (in interview October 2022).

## **Political Elites**

Dr. Budimir explains:

What political elites had at the beginning of the creation of a multi-party system in 1990 will never be repeated. They had the simultaneous opportunity to build a party system and form institutions in the Croatian state. The foundation of democratic order is that institutions are permanent and that individuals, i.e., politicians, change. The situation in Croatia today is the opposite. People last and institutions adapt to their interests and are prone to constant change (in interview January 2021).

Dr. Budimir sees clearly that political elites are not held to the standards of any other profession:

What applies to all other elites does not apply to the political elite. In professions other than politics, you advance because of your knowledge, expertise, and specific abilities, so you climb that ladder of excellence. For example, if you are

an excellent doctor, you are considered part of the medical elite. If you are an excellent lawyer, then you are considered a member of the legal elite, etc.... When it comes to Croatian politicians, they do not have any knowledge, almost no education (in interview January 2021; see also Budimir 2011).

According to Dr. Jonjić,

Namely, we find ourselves in a situation where, for about thirty years, in practically all the elections that have been organized, a good part of the electorate has been left unrepresented in the representative bodies primarily in the Parliament.

The existing electoral system is exactly what keeps corruption going in political structures, and thus it spills over into other structures as well. So, if you who have a corrupt political elite, you cannot expect that the economic elite will be different, more independent and of better quality. On the contrary, the political elite pass laws, ordinances, and regulations according to which the economic elite will behave.

In Croatia, politics solves existential questions. So, you enter politics as a beggar, and you go out as a rich man. For Croatian circumstances, therefore, it is a tragedy, but it is practically a phenomenon without exception. Of course, there are people who were wealthy before politics. However, find me someone who left politics, that is, that he entered poor, and that he left just as poor. There is simply no such thing (in interview October 2022).

Dr. Budimir discusses the contributions of sociologist Max Weber to our understanding of the essential qualities of a politician. In his essay, "Politics as a Vocation," Weber argues that politicians should have three characteristics: passion, responsibility, and measure/proportion. The concept of a calling involves "the valuation of the fulfillment of duty in worldly affairs as the highest form which the moral activity of the individual could assume" (Weber, p. 80). Weber writes, "Only he has a calling for politics who is sure that he shall not crumble when the world from his point of view is too stupid or too base for what he wants to offer. Only he who in the face of all this can say 'In spite of all!' has the calling for politics" (Weber, p. 128).

As Dr. Budimir explains:

When you translate these mental characteristics into Croatian circumstances, then it is impossible to find politicians who do this job out of passion. People always look at things through their individual interests. Just look at the property ownership of any politician from the moment they enter politics and come to a position until the moment they leave it, after 5 or 10 years. None of them invested their private funds in a way that would contribute to the work of the society as a whole. In terms of responsibility, we see that we have a large number of politicians who are embroiled in constant scandals of conflict of interest and embezzlement of large social resources, but they are not subject to criminal proceedings, nor do they

voluntarily leave political positions after being engaged in wrongdoing.... They have no measure of professional boundaries. They hold positions for which they are not qualified, for which they are not competent.

We live at a time when professionals must process mountains of information, discern what is significant, and be decisive in determining what action to take. What has become important is who said what, not the content of their statement. What is important is that each of us sees progress in society, that the standard of living is changing for the better, that today is better than yesterday, that we can work to make tomorrow better, and that reasonable proposals are acted upon (in interview January 2021).

According to Dr. Grubisić:

Leaders of political parties choose suitable individuals as their political appointees, rather than capable ones. They always select someone worse than themselves. Since they do not connect with people with greater knowledge, it degrades democracy itself. Thus, individuals who are irresponsible come to hold political positions (in interview January 2021).

Dr. Markić identifies the political elite as the culprit:

We Croats work a lot. We want to contribute to our society. In the economy, in civil society, in science, in sports and in politics. However, you have a political elite that does not contribute, that prevents any development of society. We have a political elite here that has seized power with the help of politics, which feeds corruption with the help of politics, which lives well at the expense of the citizenry. They don't have to show any abilities. One political party covers for the other, and they take turns. There is not a single economic crime in Croatia that has really been investigated. Whichever political party comes into power sweeps the previous crime under the rug, saying that it doesn't matter. When people go to the polls, they vote for another party with the hope that things will change for the better. But this is not the case with us. The question is what is the essence of the elections themselves? What is the point of having an election?

If I know who represents me in parliament, then I expect that person to be honest. I expect my representative to represent my interests. I respect the democratic principle that people express their views in fair play, to say what they think. However, that rarely, if ever, occurs.

Dr. Budimir points out how the process works:

In these 30 years, we have witnessed all kinds of "situations" regarding the creation of the executive branch of government. Over the course of our history, the political

elite did not find adequate people to fill institutional positions, so they merged different ministries into one ministry, so that a suitable individual would be appointed to that position. In other cases, when they had more individuals that they wished to appoint than they had place for, they formed several new ministries to reward the appointees. This has created a situation in which it is difficult to implement policies essential for the healthy development of society, because that would require stable public policies as a foundation for development (in interview January 2021).

Dr. Jurcević concludes:

Sociologically speaking, when democracy doesn't work, then you get a kind of management oligarchy. It retains its position through corruption and repression, intensifying various levels of repression, causing and deepening divisions between the left and the right. Likewise, they enable colonization of Croatia in various ways by relying on some external interests to stay in power. If we look at the degree of democracy according to various scientific research models, it could be said that there was more freedom in Croatia during the War for Independence (1991-1995) than now (in interview October 2022).

Dr. Sc. Stjepan Sterc, University of Zagreb, Faculty of Croatian Studies, Founder of Department of Demography and Croatian Emigration has been in the news often since the release of the 2021 census data. The findings of mass emigration have led him to conclude that:

The political system is full of hereditary generations from the old communist system. They do not accept what scientists present or what they warn against. I think that is even a burden for them in their public activities. This selfishness in the political system, which has been raised to an incredible level, confirms that the entire system of government has been formed in the sphere of the self-interest of the political elite, while the interests of the whole of Croatia and our people are being neglected (in interview January 2022).

Dr. Markić raises concerns about the high disapproval rating of the government:

The property of our Croatian economy is used by the government to employ the people they select. Then these people depend on them and give them their vote in the next elections. The latest poll on how the prime minister runs the country shows that 25% of Croatians approve of his work. I can guarantee you that 90% of that number are employed by the party in state-owned companies and that their existence depends directly on the political party, either HDZ or SDP.

Dr. Markić shares her insights into the inner workings of party politics and the referendum process:

The problem in Croatia is when we go to the polls we vote for a party. After that, the head of the political party determines which people will take a seat in the

parliament. In the elections, since I do not have a preferential vote, in order to elect a person, I have to round up a political party. The head of the political party (Milanović-SDP or Plenković-HDZ) decides who will get which ruling position. The MP asks himself a question. To whom will that individual be responsible and faithful? Whose wish will be fulfilled? Well, I guess the one who put him on the list. The head of his party puts him on the list. When you look at the Croatian Parliament and the unanimous raising of hands, then it is clear to you that these people do not depend on the voters, nor do they care what the voters want and expect from them. Their positions depend on whether they will be in the mind of their boss.

For this reason, we requested changes as early as 2014, when the SDP was in power. Our initiative was called "Let's elect representatives by name and surname." We collected about 380,000 signatures. It was enough to pass, but the ruling political party falsely claimed that there were 4.5 million voters in Croatia, which meant that we did not collect 10%.

What this referendum has demonstrated is that HDZ and SDP cooperated in overturning the referendum initiative. At the time, the SDP was in power and the HDZ was in opposition. The HDZ constantly attacked the initiative, forbidding its members to provide their signatures, and other unfounded public accusations and untruths were made. I can even say that Šeks and the whole team around him were a hammer pounding on us. And when we repeated the same initiative in 2018, opening the issue of minority MPs who are privileged in Croatia in a way that does not exist in any country in the world, then the HDZ was in power and the SDP was with the HDZ and jointly attacked the initiative (in interview January 2021).

Dr. Jurčević expresses his concern regarding the inability of opposition voices to reach the general public through the controlled media:

This can only be discussed on the margins of society. We can only talk about it in more marginal media. There has never been serious discussion in Croatia about this topic. Even the institutions of the European Union when we were seeking entry did not demonstrate any significant interest in the undemocratic behavior of our politicians. It is obvious that when it comes to countries of the former Eastern Bloc, the EU takes a neo-colonialist position/stance toward the relationship.

He explains that social defeatism is a natural, inevitable outcome of failed policies:

The spread of social defeatism is stimulated by all publicity measures. People are influenced by the media into believing that nothing can change, that it is not worth going to the elections. In this way, only a narrow self-interested clientele who are existentially dependent on state institutions participate in the elections (in interview January 2021).

## The Need for Change

Vladimir Šeks, an activist in his earlier years, now moves cautiously:

The electoral system should have been designed as it was designed in the United States of America, in Great Britain, in Germany. The electoral law should be designed so that there are three important groups of parties that can alternate in power. One group should be of conservative Christian democratic ideology, the other group of social democratic ideology. Tuđman said that in order for a Croatian bird to fly, it must have both left and right wings. And the third group should be a centrist liberal party that could form a coalition with both centrist left and centrist right parties. Now Croatia is bound/handcuffed by the trading and blackmailing of these minor parties that are insignificant in political life, but which blackmail and demand concessions and favors for themselves which undermine the stability of the government (in interview September 2022).

A parliamentary issue that has aroused great public dissatisfaction is what many Croatians believe is the overrepresentation of national minorities. The consistent position of the interviewees is that the electoral process privileges national minorities in the election of 8 guaranteed representatives in parliament.

Dr. Budimir insists that:

There is positive discrimination in the Croatian Parliament: As many as 8 seats are directly secured for national minorities, which means that they have guaranteed seats in parliament. The Serbian minority has 3 representatives, while all other minorities have 1 representative. Those 8 seats in parliament represent the joker of the ruling party that one or the other uses to gain the majority of votes in the Croatian Parliament. Both parties can use these mandates as they see fit (in interview January 2021).

Dr. Markić presents her position on minorities:

The electoral system is so complex that it increases the influence of national minorities. Not a single country on the globe has a system in which national minorities are privileged to the extent that a member of parliament can have one vote and thus enter parliament because the system guarantees him a seat. The average candidate needs about 15,000 votes. For members of national minorities, the whole of Croatia is one electoral district. Thereby the voters of the Serbian national minority can round up three people and get a seat. The system is designed to hide the fact that minorities receive very few votes, but minorities insist that it is appropriate for them to enter parliament, and the government goes along with them (in interview January 2021).



Those interviewed argue that, in fact, no country in the European Union has 8 representatives of national minorities in their parliament. Most do not have a single seat set aside for national minorities.

Judge Vukojević adds:

French blackmail is responsible for the placement of three Serb representatives in the Croatian Parliament. They demanded this in order to give the green light to Croatia's entry into the EU. However, the French government, who do not recognize the rights of their minorities such as the Celts, Bretons, Burgundians, Catalans, Basques, impose restrictions on Croatians to accept all minority rights if we want to be part of the European Union. If we had any sense in Croatia, then minorities would have only citizen rights, not political rights (in interview October 2022).

According to the Venice Commission, the generous electoral measures that the government of the Republic of Croatia has been applying to national minorities for three decades were required to be of a temporary and transitional nature, yet they continue without review, and privilege that group over the majority population. Article 45 of the Constitution requires that Croatian citizens must be guaranteed universal and equal voting rights, but the interviewees believe this is not the case.

Dr. Kanacki explains that after the failure of the government to accept the referendum signatures

People see that our state does not want to listen to the will of the people and does not want to establish a transparent and just democratic government. It is obvious that the political elites are afraid of the people. They fear 400,000 of us who are willing to go out on referendum issues, volunteer, work for weeks, and empower ourselves in our love for the homeland and the values of our people. This referendum initiative is certainly not our last. We want to reunite our young people to volunteer, to strengthen them, and to understand how important it is to fight in all ways to have the kind of Croatian state we have always wanted (in interview September 2022).

## 6 Conclusions

The peaceful evolution of new and emerging democracies requires the full transparency and accountability of its leaders and administrative branches. This remains the only path that can lead to constructive change. The Republic of Croatia, regardless of the ruling political party, has lagged behind in this respect for decades.

Prerequisites for the democratization of Croatia and its political parties are that they establish a fair electoral system that will:

- Expand voting rights

- Not discriminate against the majority population
- Ensure the equal value of all votes
- Ensure the election of representatives responsive to the will of the people, not the will of party leaders
- Discard all negative remnants of the country's communist past and privileges for its political elite

As Croatia moves toward greater political maturity, it is hoped that citizens will participate in the electoral process in great numbers. It is to be expected that they will elect leaders who do not countenance corruption, leaders who will respect, understand, and address their citizens' needs. This prompts us to ask a question of monumental importance: Will the Croatian people continue to allow unfair machinations of the current electoral system to perpetuate their years of torment, a legacy of their totalitarian past? Or will they break the vicious cycle and insist on the pursuit of their rightful destiny as a free, just, principled nation whose citizens enjoy liberty, productivity, prosperity, and happiness?

Attorney Karlo Novosel points out:

We need to be aware that no one outside will solve our problems. This is a state created by the will of the citizenry who have the right and obligation to protect their will through democratically elected institutions (in interview January 2021).

Dr. Jonjić is clear:

We have an obligation not only to our current generation and to ourselves, but to our sons, daughters and grandchildren to strive for change. We should not wait for a magic wand and expect someone else to bring us freedom, justice, statehood, dignity and so on. That is completely unrealistic. Therefore, we have to fight for that right.

Only in dictatorships, in totalitarianism, is there no conflict. Wherever there is democracy, there are conflicts and differences between people who think differently. Therefore, one should systematically develop the feeling that it is worth living and that it is worth fighting.... Had enough people gone to the polls, the parliamentary majority would have been completely different. For this reason, it is necessary to continuously encourage participation in elections (in interview October 2022).

The next elections present a promising opportunity for the Croatian people to embrace their fully democratic future.

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## Interviews

Ante Beljo, Historian, Croatian Court of Ethics (HNES)

Dr. Sc. Davorka Budimir, President, Transparency International for Croatia and author of works on political elites

The Honorable Peter Galbraith, U.S. Ambassador to Croatia (1993-1998)

Dr. Sc. Andrej Grubišić, Economist and global finance analyst

Dr. Sc. Prof. Jonjić, Lawyer and editor of the journal *Zatvorenik* (The Prisoner)

Dr. Sc. Prof. Josip Jurčević. Croatian historian, politician, professor and author of several books.

Dr. Natalija Kanački, Physician, member of the Board of Directors of the NGO, U Ime Obitelji, "In the Name of the Family," member of the organizing committee of the civic initiative "People Decide"

Dr. Sc. Wolfy Krašić, University of Zagreb, Faculty of Croatian Studies, Department of Demography and Croatian Emigration

Dr. Željka Markić, Physician and leader of Croatian human rights NGO, U Ime Obitelji, "In the Name of Family," war correspondent, documentary film producer, TV news program editor, contributor to Human Rights Watch

Kresimir Miletić, Social worker, human rights activist, and specialist in non-governmental organizations

Karlo Novosel, Lawyer and human rights analyst, specialist in mediation and conflict resolution

Dr. Sc. Goran Radoš, University of Zagreb, Faculty of Croatian Studies, Department of Demography and Croatian Emigration

Vladimir Šeks, Lawyer and politician, chief drafter of the 1991 Constitution of the Republic of Croatia, former Speaker of the Parliament (2003-2008), Deputy Prime Minister, Acting President of the Croatian Democratic Union, and leader of the opposition

Dr. Sc. Stjepan Sterc, University of Zagreb, Faculty of Croatian Studies, Founder of Department of Demography and Croatian Emigration

Vice Vukojević, Lawyer, former Judge of the Constitutional Court of the Republic of Croatia 1999 - 2007