

What Is the Future for Bosnia and Herzegovina?

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I served as Legal Advisor to the Republic of Bosnia and Herzegovina (R.B.I.H.) Delegation to the Vance-Owen Negotiations in New York in March of 1993. The Vance-Owen (V-O) Plan would have cantonized, paralyzed and dysfunctionalized R.B.I.H. along the lines of Lebanon, but would have kept the existence of R.B.I.H. as a state under international law. When the genocidaire Radovan Karadžić rejected the V-O Plan, the Great Powers of the world including the Clinton administration decided to punish R.B.I.H. by terminating its existence as a state by means of imposing the Owen-Stoltenberg Plan. Clinton quickly abandoned his 1992 presidential campaign promise of “lift-and-strike”: lift the genocidal arms embargo illegally enforced against R.B.I.H. by the U.N. Security Council, NATO, and the Bush Sr. administration, while simultaneously launching NATO airstrikes against the Serbian heavy weapons then surrounding and mercilessly bombarding the Bosnian cities, especially Sarajevo. The R.B.I.H. Army of citizen-soldiers organized by my friend General Sefer Halilovic had no heavy weapons or aircraft. But on 8 April 1993 I procured a NATO no-fly zone over R.B.I.H. The Serbs could no longer murder the Bosnians from the skies!

I was the Lawyer for the entire R.B.I.H. Delegation at the Owen-Stoltenberg (O-S) negotiations in Geneva in the summer of 1993. The Owen-Stoltenberg Plan would have carved-up R.B.I.H. into three little statelets that would have never survived; destroyed R.B.I.H. as a state under international law; robbed R.B.I.H. of its U.N. membership; and subjected 1.5 million to 2 million more Bosnians to ethnic cleansing. At U.N. Headquarters in Geneva, the genocidal O-S lawyer for the United Nations Paul Szasz admitted to me that Karadžić was the real author of the O-S Plan, which was then readily approved by Owen representing the European Union and its member states as well as by Stoltenberg representing the United Nations Organization. Szasz then re-drafted the genocidal O-S documents accordingly. Genocide by word-processor. The Banality of Evil.

I personally made sure that the Karadžić-Owen-Stoltenberg-Szasz genocidal carve-up of R.B.I.H. and the Bosnians never happened! In addition, acting pursuant to my advice and under instructions from the R.B.I.H. government, I tried to negotiate with O-S for an internal constitutional reorganization of R.B.I.H. along the lines of the Constitution for the Swiss Confederation. O-S obstinately rejected the Swiss model because that would have saved B.I.H. as a state and the Bosnians as a People.[1] Over two years later in the Fall of 1995, and following directly in the footsteps of the genocidal Karadžić-Owen-Stoltenberg Plan, the first draft of the Dayton Agreement

that Richard Holbrooke gave to the R.B.I.H. Delegation would have constituted a de jure carve-up and partition of R.B.I.H into two little statelets that were never designed to survive for very long: the Federation of Bosnia and Herzegovina versus Republika Srpska (R.S). When I pointed this out to the R.B.I.H. Delegation in Dayton, they rejected it. Instead, Holbrooke imposed upon R.B.I.H. a de facto carve-up and partition of R.B.I.H into these two little statelets that nevertheless did preserve B.I.H. as a state and B.I.H's membership in the United Nations Organization. But that was the end of the Republic of Bosnia and Herzegovina as a legal entity. R. I. P.: R.B.I.H. (1992-1995).

Pursuant to the Dayton Accords, on 15 December 1995 the Republic of Bosnia and Herzegovina was carved up in Paris by Richard Holbrooke, the United Nations Organization, the European Union Member States, the United States, and the many other states in attendance, despite the United Nations Charter, the Nuremberg Principles, the Genocide Convention, the Four Geneva Conventions and their two Additional Protocols, the Racial Discrimination Convention, and the Apartheid Convention, inter alia, as well as two overwhelmingly favorable World Court Orders this author had won for R.B.I.H. on 8 April 1993 and 13 September 1993. This U.N.-sanctioned execution of a U.N. member state violated every known principle of international law and human rights that had been formulated by the international community in the post-World War II era. Bosnia was sacrificed on the altar of Great Power politics to the Machiavellian god of expedience. In 1938 the Great Powers of Europe did the exact same thing to Czechoslovakia at Munich. The partition of that nation state did not bring peace to Europe then. Continued partition of Bosnia and Herzegovina will not bring peace to the Balkans or Europe now.

No thanks to the Butcher of the Balkans Holbrooke, after Dayton B.I.H. was barely alive as a State and put on an international emergency life support apparatus, where it still remains today in a comatose condition. Since then, the Great Powers including the United States have been plotting, planning, and scheming all along to pull the proverbial plug on B.I.H's statehood under international law and eliminate B.I.H. once and for all time. Holbrooke's genocidal Dayton Constitution was nothing more than a deliberate weigh-station and fig-leaf for the complete disintegration of B.I.H as a state under international law and its ultimate partition and absorption by Croatia and Serbia as plotted and agreed upon by Tudjman and Milosevic at Karadjordjevo in March of 1991.

Pursuant thereto, ten years later in the Fall of 2005, the Bosnian ruling Party for Democratic Action (S.D.A) asked me to give them a Legal Opinion on the advisability of agreeing to the so-called Hays Plan, which was later called the April Package. The S.D.A sent me the draft Hays Plan, which was then under negotiations among all the B.I.H. political parties at the U.S. State Department, together with their notes on these negotiations. It was clear to me from reading these materials that the U.S.

State Department fully intended to accommodate the wishes of the R.S. Delegation that the Hays/April Package further consolidate and cement the permanent existence of R.S. as a statelet as the next step towards the final dissolution of B.I.H. as a state. I recommended to S.D.A. in the strongest terms possible that they reject the Hays/April Package.

Immediately thereafter I appeared on a panel sponsored by S.D.A. North America in the Chicago Metropolitan Area on the occasion of the B.I.H. Statehood Day celebrations as their guest. On that S.D.A. panel I publicly recommended against the Hays/April Package in the strongest terms possible in front of many powerful S.D.A. leaders. Appearing on that same S.D.A. panel with me was B.I.H.'s former Foreign Minister Muhamed Sacirbey who publicly agreed with my assessment that the Hays/April Package could prove fatal for the continued existence of B.I.H. as a state.

Needless to say, I was shocked and stunned to learn that President Tihic of S.D.A. then agreed to the Hays/April Package despite my negative advice after S.D.A. had asked me for it and after prominent S.D.A. member Sacirbey had publicly agreed with me before S.D.A. North America. Because of the mortal dangers that the Hays/April Package posed to the very existence of B.I.H. as a state, I proceeded to launch my Campaign against the ratification of the Hays/April Package by the B.I.H. parliament. In this Campaign I was joined by many loyal and patriotic Bosnians with whom I had fought during the war and genocide against Bosnia, including and especially the Party for Bosnia and Herzegovina (S.B.I.H) and its leader Haris Silajdzic.

When I went to bed the night before the vote by the B.I.H. parliament on the Hays/April package, I had assumed we were going to lose the vote and that the final disintegration of B.I.H. as a state would be only a matter of time. I woke up the next morning to the wonderful news that two loyal and patriotic S.D.A. members had voted against the Hays/April Package despite Tihic's orders and therefore the Hays/April Package was dead. Bosnia and Herzegovina would live to fight another day! Silajdzic and S.B.I.H. then used this success and the momentum generated by our anti-Hays/April Campaign to trounce Tihic and S.D.A. for the B.I.H. presidency and parliament in the October 2006 national elections.

Holbrooke had founded the 1995 Dayton Agreement upon the basis of the March 1994 Washington Agreements that he had brokered between R.B.I.H. and Croatia. At the time someone at the Pentagon publicly admitted that what was really going on here was the slow-motion carve-up of R.B.I.H. that would take at most about 15 years. So, sure enough, arriving right on schedule 15 years after Dayton, came the 2010 Bosnian national elections that could not produce a government

for almost fourteen months while the B.I.H. state further disintegrated right before our very eyes. Under international law one of the most elementary requirements of a state is a government that works: No government, no state! And now it appears that the new B.I.H. coalition government has just fallen apart after a mere five months in office over the pretext of a budgetary dispute in the run-up to the October 2012 elections.

This prolonged and near-terminal deadlock on the reconstitution of a B.I.H. government has resulted in numerous calls by the so-called International Community (I.C.) and by some domestic Bosnian politicians such as S.D.A.'s Tihic for a "revision" or "reform" or "amendments" to the Dayton Constitution along the lines of the previously discredited Hays/April Package. It has been my public advice in Bosnia that under no circumstances must the Bosnians accept any so-called "amendments" to the fatally flawed and genocidal Holbrooke/Dayton Constitution such as a fictively revised Hays/April Package or any of its successors or modifications. That would be the equivalent of painting whitewash on the hull of the good Ship of State B.I.H. Titanic as it slowly sinks to the bottom of the Adriatic Sea, to which B.I.H. has access through the town of Neum that I saved for the Republic from Owen, Stoltenberg, Tudjman and Croatia. Rather, Bosnia must hold out for and insist upon the complete replacement—not amendment—of the genocidal Holbrooke/Dayton Constitution. This replacement Constitution must be freely negotiated by all the representatives of Bosnian civil society along the lines of the Philadelphia Convention that gave the United States of America its Constitution in 1787 that replaced the congenitally defective Articles of Confederation.

Bosnia must convene an All-B.I.H. Constitutional Convention! Bosnia needs a fully effective and functional Constitution for B.I.H. that will regularly produce a B.I.H. government that can actually work for the benefit of all of the citizens of Bosnia and Herzegovina irrespective of their national, ethnical, racial, or religious affiliations, and thus guarantee the existence of B.I.H. as a state for the historical future. Time is of the essence! The clock is ticking. The International Community are systematically extinguishing all the lights in Bosnia. Soon the Great Powers will pull the plug on Bosnia and Herzegovina.

We need an Arab Spring for Bosnia and Herzegovina starting in Sarajevo—if not Srebrenica! You have all heard of the Occupy Wall Street Movement that is now sweeping over the United States of America. Well I respectfully suggest that the Bosnians establish an Occupy Bosnia and Herzegovina Movement. The sooner, the better! OCCUPY BOSNIA AND HERZEGOVINA!

