

Ethnic constitution is unacceptable

by Prof. Dr. Kasim Trnka

Prof. Dr. Trnka is an adviser to Bosnian President Alija Izetbegovic, and a member of the delegation of the Republic of Bosnia and Hercegovina in Geneva. His article has been translated from Croatian.

The Geneva talks on the constitution of the Republic of Bosnia and Hercegovina that started on Jan. 2, 1993 in the first two days were held on only two aspects. So far, two key problems were examined closely: a political-constitutional solution, including the issue of "separation," and cease-fire. Two teams of negotiators were discussing those issues.

The delegation of the Republic of Bosnia and Hercegovina is somewhat surprised by the approach of the problem of constitutional arrangement of Bosnia and Hercegovina that has been offered by the co-chairmen of the Geneva conference. Our delegation expected a logical and foreseeable course of events. In these talks, we were expecting to work on the constitutional arrangements that were suggested by the co-chairmen (Cyrus Vance and Lord Owen) even on Oct. 27, 1992. We were to work on securing the conditions for their application. Principles contained in the draft of the constitution of Bosnia and Hercegovina were in essence acceptable since they were based on traditional democratic foundations and experiences in organization of democratic countries. This time around, however, the co-chairmen introduced ten additional principles. Their paper was passed around at the very beginning of the talks. We were surprised to find out that certain categories and institutions that were discarded already were reintroduced, categories that were abandoned after Lord Carrington's project was abandoned—that is, a project of Mr. Cutillero, that started from the premise of three constitutional units, and planned division of Bosnia and Hercegovina on an ethnic-territorial principle. Unfortunately, now, again, amongst the ten additional principles that were introduced, there is a clear reintroduction of three constitutional units, based on an ethnic principle.

The delegation of the Republic of Bosnia and Hercegovina stressed the importance of clarification of these issues before the actual negotiations on the territorial arrangements of provinces are discussed. However, the co-chairmen insisted that first of all, territorial arrangements of provinces-to-be are discussed.

In their discussions on these arrangements, the Bosnia-

Hercegovina delegation, having a strong interest in a unified, sovereign, and unbroken territory of the country, and with regard to the suggestion of the co-chairmen, insists on organizing the provinces on geographic, cultural, economic, and ethnic principles. The other two delegations (Serb and Croat) insist that those are the negotiations of three nations, and favor strictly ethnic criteria, that is, when it suits their purpose. In areas where they are trying to "conquer" more territory within their projected province, where one nation is supposed to form a majority, they are using other criteria also.

Another essential problem is distribution of power and jurisdictions between the central government and provinces. In the most recent project, suggest the co-chairmen, the majority of jurisdictions are to belong to provinces, which accounts for why the task of establishing their borders becomes so enormously important.

At this writing, very little mutual agreement has been reached on the issues relating to the provincial borders. One is to expect a certain amount of improvement on these issues. Something that the delegation of the Republic of Bosnia and Hercegovina does not accept is a return to the idea of "constitutional units" and formation of provinces on certain ethnic principles.

In the working group that deals with military issues, a complex of measures, along the lines of U.N. resolutions, is being discussed. The delegation insists on enforcements of the London conference declarations and other previous declarations. So far, there have been a lot of resolutions but a very negligible amount of enforcement. The delegation is seeking an effective control, by the U.N., of all heavy artillery and weapons presently in the hands of the aggressor. Humanitarian corridors must be functional and undisturbed by fire from the aggressor's positions.

Due to all of these discrepancies, if those two conditions brought up by the delegation of the Republic of Bosnia and Hercegovina (rejecting the ethnic principle in formation of provinces and such, and control of Serbian heavy armaments) are not met, the delegation does not feel it can take any further part in the negotiations.

One must stress that our demands were previously supported and accepted by an international community. That is why our delegation does not feel alone during these Geneva talks. Quite the contrary, the international community continues to support our just cause and our demands. Of course, that does not mean that the world public is fully aware of our just cause and demands, as well as the suffering of our people, who are exposed to this aggression. One would expect the media to promote our just cause must more effectively.

The fact is that we sat down to negotiate with our butcher Radovan Karadzic and that we agree with the application of all international resolutions and resolutions of the U.N. relating to the Republic of Bosnia and Hercegovina. That in itself speaks of our tolerance and cooperative spirit.