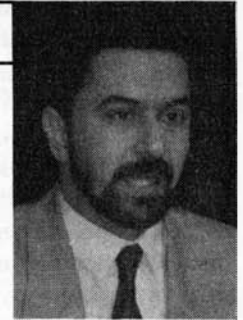


Interview: Faris Nanic



If Bosnia caves in, world stability is threatened

Faris Nanic is the general manager of the Bosnian news agency TWRA, and Personal Envoy of Bosnian President Alija Izetbegovic to the International Association of Parliamentarians against Genocide in Bosnia-Herzegovina. He was interviewed by Katharine Kanter on Aug. 23.

EIR: We are also publishing Professor Gjidara's article on the principles restated by the Badinter Commission in 1991. The State of Bosnia did not exist at that time. That being the case, is there any reason in international law why the findings of the commission should not apply to Bosnia?

Nanic: The Badinter Commission findings dealt with the crisis in former Yugoslavia. The commission clearly stated that the former federal borders, as recognized by the Yugoslav Constitution of 1974, became, from the moment Independence was declared, and in accord with the rules of international law, international borders, which therefore must be recognized. This applied to all former Yugoslav federal republics. Consequently, Bosnia cannot be excluded. Moreover, the constitution of each federal republic contained sufficient elements for the Declarations of Independence.

The Serbian regime knew this very well, which is why the chauvinist campaign of [Slobodan] Milosevic began in 1989, with attacks upon the 1974 Constitution. They used the argument that Yugoslavia was formed by so-called constitutive peoples (ethnic groups), not nation-states (republics), and that these former were to be seen as having sovereignty. And they raised the issue of redrawing the borders. This was the root of the genocide which was carried out later. To acquire the land they coveted, they had to cleanse the "surplus" of other ethnic groups.

EIR: The consensus in the Contact Group, is that Bosnia should stop being a drag, haul up the white flag, and agree to Serbia grabbing its eastern provinces. What do you say to western politicians who think this a way to "get things over with"?

Nanic: This may indeed be the way to "get things over with"—for a short period! From a strategic standpoint, by allowing Serbia to take the eastern part of Bosnia, you provide it with an excellent point to restart aggression and territorial acquisition in the future.

This will not give a long and lasting peace.

Second, this will be a signal to the Serbian regime, to launch war against other territories both at home and abroad, to such a degree, that all arguments preaching "containment of the war" will be shown to be void.

Third, you will have to accept that there be yet another wave of genocide, not only in the region of Gorazde, but also in other parts of occupied Bosnia. The Drina River, which is the natural and state border between Bosnia and Serbia, is called "the spine of the Serbs." This means they consider eastern Bosnia as the most vital part for completing the "Greater Serbia" project. They are determined to ethnically "cleanse" the region and occupy it militarily. By giving eastern Bosnia up to the Serbs, the southern part of Croatia, the region of Dubrovnik, will be in danger. Serb nationalist leaders have always written of the Bijeljina-Gorazde-Foca-Dubrovnik line as the most vital link for the survival of the Serbs.

And finally, by giving up eastern Bosnia, you will most certainly face the creeping disintegration of formally integrated Bosnia. This will lead to secessionism and to another war to change the borders.

This will be a dangerous legal and political precedent for the stability of the region and the world. By acceding to the demand that internationally recognized borders be changed by violence, the entire system of world stability will crumble.

EIR: The 28th Division of the 2nd Corps was formed by Chief of Staff Rasim Delic at Tuzla, of survivors from Srebrenica and Zepa, and called "Return to Srebrenica." Does this mean that the fall of the eastern enclaves is not accepted by the military command of Bosnia?

Nanic: The Bosnian military command respects the Constitution, which is very transparent and clear, that no one has the right to sign any treaty that calls for giving up of any part of the sovereign Bosnian territory. The first duty of the Army is to defend the State borders and the country's integrity. However, the Bosnian Army fully respects the civil authority and the chain of command.

EIR: Professor Filippovic, ambassador of Bosnia to Great Britain, said in London at a press conference last week with the Croatian ambassador, that in his opinion, the Contact Group plan to partition Bosnia 51-49 is a terrible plan, and



Retreating Serbian forces blew up this bridge near Slunj, Croatia, during the Croatian offensive to liberate occupied territory in Krajina at the beginning of August. Serbia is using the pretext of the Croatian victory to intensify its policy of "ethnic cleansing."

that the division of Bosnia, under no circumstances is to be accepted. Do you think that the majority of the people of Bosnia share his sentiments? Are they willing to go on fighting to restore the law?

Nanic: I have just come back from a trip to central and northeastern Bosnia. What I heard from the civil and military authorities there was very encouraging. People are dedicated to restoring the territorial integrity and full sovereignty of our country, but they are also aware of the fact that the Bosnian Army is not sufficiently equipped with the necessary offensive weapons to carry out major actions to liberate our entire territory. Unless the arms embargo is lifted, there will be no way to liberate the rest of the occupied territory. Then, despite their commitment, the people will not be able to restore the law. Then the Bosnian government will be forced to accept the unjust peace, as proposed by the so-called Contact Group and unfortunately presented in a worse, more "ethnically cleansed" version, by the Americans in the recent "peace initiative."

EIR: Are friendly nations not in breach of their positive duty under international law to come to Bosnia's aid and succor, militarily?

Nanic: They are indeed in breach of international law. The arms embargo is illegal, for two reasons. First, it was imposed upon the former Socialist Federative Republic of Yugoslavia, which ceased to exist after Croatia, Slovenia, and Bosnia

were recognized. This has been explained clearly by Prof. Francis Boyle, former legal adviser to the Bosnian government. Second, they did not allow the victim of aggression, as defined by Security Council resolutions 752, 771, and 780, to defend itself under Chapter 51, paragraph 7 of the U.N. Charter. The latter defines the right of a nation which has been attacked, to defend itself and demand succor from friendly nations, including military aid. Third, the arms embargo has made it impossible for Bosnia to defend itself against genocide committed by the Serbian forces. Under the Genocide Convention of 1948, no one can be excluded from *the obligation to prevent genocide*. But no one has lifted a finger to prevent the genocide presently being carried out against the Bosnian people, despite the mass of evidence which exists, evidence recorded even on film and in countless testimonies.

The only positive thing that has taken place with respect to this genocide, has been the establishing of the Provisional Court for War Crimes in former Yugoslavia, which demanded that Radovan Karadzic, Gen. Ratko Mladic, and M. Martić be extradited. But that measure will not stop the crime! It can only serve to punish a tiny fraction of those who are responsible. Thus, besides the punitive, we must take preventive measures. These *can only be military*, just as they were in World War II.

EIR: The London *Times* military correspondent has claimed

that the fall of Srebrenica and Zepa was agreed to between Serbia and Bosnia, and there was no effort to defend the enclaves. In fact, Serbians appeared in Unprofor uniform, Unprofor had orders to destroy matériel rather than give it to the defenders, and Dutch Unprofor calls for airstrikes were ignored by “superiors,” all indicating that the fall of the enclaves followed a “U.N.,” i.e., British plan.

Nanic: The U.N. decided to hand over Srebrenica and Zepa to the Serbs. The only thing that was left to the Bosnian government after the fall of Srebrenica, and the evident commitment on the part of the U.N. and the Big Five, *not* to defend Zepa, was to try to negotiate to evacuate the civilians and refugees of Zepa. Any speculation that there might have been a Serbo-Bosnian agreement over the eastern “enclaves” is *out of the question*. It serves only to create a picture of so-called “balanced responsibility,” so dear to the British.

EIR: Last week, U.S. officials presented aerial photographs of mass graves near Srebrenica. But at the very moment the murders took place, NATO had satellite intelligence. NATO could have stopped the murders. What was the chain of command?

Nanic: I am not familiar with the chain of command. What I know, is that NATO and the U.N. invented this “dual key” system, which practically disables anyone from acting immediately and effectively. Some of the key figures are known: [U.N. Secretary General Boutros] Boutros-Ghali, his “envoy” Yasushi Akashi, who is directly responsible for not acting, and who should be tried for war crimes and genocide, together with his master. French Unprofor General Janvier, the Dutch battalion which spread lies about Serb humane behavior toward Bosnian civilians.

EIR: Were the so-called Krajina Serbs really forced to leave Croatia?

Nanic: No! They were not forced to leave Croatia, though those who had committed crimes, obviously fled before the Croatian advance. There is now a highly organized transfer of populations, precisely in the sense of “ethnic cleansing,” being carried out by *Serbia* and using the *pretext* of the Croatian victory in Krajina.

Serbia claims that it has no other option but to settle the Krajina Serbs, 200,000 of them, in the homes of Croats in the Vojvodina province of Serbia, on the Hungarian border, and in the homes of Albanian Muslims in Kosova, and Bosnian Muslims in Sandjak. Mass expulsions of persons from Vojvodina and Sandjak are occurring at this moment, and also from the provinces of western Bosnia and Banja Luka.

Serbia is trying to create a new *fait accompli* before the next round of the Contact Group palavers. To say that the Contact Group nations are “not aware” of this displacement on a vast scale of human beings—just as to say that they were “not aware” of the massacres at Srebrenica and Zepa *as they took place*—would be naive in the extreme.

Ex-Yugoslavia

Uphold the law to ensure the peace

by Marc Gjidara

Professor Gjidara, professor of international law at the Faculties of Law in Paris, is of Croatian origin. He is co-author of Ethnic Cleansing (1993), which made available in the French language, some of the most extraordinary documents of Serbian nationalism dating from the early 19th century onwards. In this short piece, written for EIR, Professor Gjidara has desired to restate the findings of the Badinter Commission, which are as valid now as they were in 1991, when the commission was set up by the member-states of the European Union, to explore the legal situation relative to secession by member states of former Yugoslavia.

Greeted with enthusiasm among the people, and even by some leaders of opposition parties, President Chirac has called for a change with respect to the problem in Croatia and Bosnia-Herzegovina, caused by the Serbian invasion. He has demanded that “there be imposed respect for international law.” Such a change in approach, is all the more warranted, when one considers the great extent to which the scandalous, unrealistic, indeed perilous character and limits of the political, diplomatic, and military attempts to deal with this crisis have been revealed by events.

The law, in the case that concerns us here, was clearly stated and set down by the Badinter Commission. But, no sooner was the ink dry on this expert advice, than European and U.N. official circles rushed to bury it under a mound of “humanitarian” gestures, military fakery, political palaver, and diplomatic to-ings and fro-ings.

Only to the degree that it rests upon respect for international law, does the international order deserve that title. Respect for law lies at the heart of Mr. [former Polish prime minister Tadeusz] Mazowiecki’s decision to resign from his position as U.N. Rapporteur for ex-Yugoslavia, rather than continue to be a living alibi for the Security Council. In the name of the League of Rights of Man, the jurist H. Leclerc has placed the blame on the heads of State and government, for betraying the juridical principles they themselves enunciated under the aegis of the U.N. or other European bodies.

The Badinter Commission was an essential part of the Conference for Peace in former Yugoslavia; it was a European Union initiative. The commission laid down the general principles which were to be applied, and which the diploma-