

BOSNIA AND HERZEGOVINA: WHAT IS THE AMERICAN PEOPLE'S INTEREST?

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President Trump's America First foreign policy asks a simple question of every foreign engagement: What does it do for the American people? A trifecta of developments in July 2026 highlights a three-fold answer to this question in regards to Bosnia and Herzegovina, the central European country formed by the 1995 Dayton Peace Agreement, which ended the Balkan War and created two legal entities: Republika Srpska, consisting mostly of Serbian Orthodox Christians; and the Federation of Bosnia and Herzegovina, consisting mostly of Muslims (called Bosniaks), with a significant minority of ethnically Croat Roman Catholic Christians.

First, on July 1, 2026, as we were celebrating 250 years of independence from a tyrant named King George III, a non-elected German "High Representative" in Bosnia and Herzegovina, Christian Schmidt, who, like George III, has been enacting what our July 4, 1776, Declaration called "Acts of pretended Legislation," resigned.

Second, our 250th commemoration of the beginning of our Revolutionary War reminds us that wars happen, and our security can never be taken for granted.

Third, on July 13, 2026, leaders of two political parties in Bosnia and Herzegovina, one representing Serb Orthodox Christians (the Alliance of Independent Social Democrats, also known as "SNSD"), and one representing Croat Roman Catholic Christians (the Croatian Democratic Union, also known as "HDZ"), in a joint public statement essentially agreed with the February 13, 2026, Opinion of the Constitutional-Law Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina that "the High Representative in Bosnia and Herzegovina does not possess constitutional authority to enact laws."¹ According to one press report, "SNSD leader Milorad Dodik and HDZ BiH leader Dragan Čović stated in Mostar that they agreed all decisions imposed by the High Representatives should be annulled."²

Apropos this first of its kind Serb Orthodox-Croat Roman Catholic joint statement, the first encyclical by the first American-born pope, *Magnifica Humanitas: Humanity In Its Grandeur* by

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¹ Opinion Feb. 13, 2026, CONSTITUTIONAL-LAW COMMITTEE OF THE HOUSE OF REPRESENTATIVES OF THE PARLIAMENTARY ASSEMBLY OF BOSNIA AND HERZEGOVINA, https://www.bihdaytonproject.com/wp-content/uploads/2026/02/Constitutional-Committee-letter-to-CC-BiH-re-Schmidt-incrimination_English.pdf?utm_source=chatgpt.com [hereinafter Opinion Feb. 13].

² Dodik, Čovic: All High Representatives' Decisions Should be Revoked, SRPSKA NATIONAL (July 13, 2026, 2:09 PM), <https://www.srna.rs/en/novost/1412427/dodik%2C-čovic%3A-all-high-representatives%27-decisions-should-be-revoked>.

Pope Leo XIV, highlights one the keys to solving 30 years of failed nation-building in Bosnia and Herzegovina: “The principle of subsidiarity . . . encourages us to move beyond any form of paternalistic or welfare-based management of social life, but instead to promote a culture of shared responsibility in a State that values citizens’ initiative, and . . . decisions are made at the closest level possible to the persons involved.”³

To elaborate on why Bosnia and Herzegovina matters to the American people, American security is at stake: according to *The 9/11 Commission Report*, two of the 19 terrorist hijackers on September 11, 2001, were Saudi nationals who “had traveled together to fight in Bosnia in a group that journeyed to the Balkans in 1995.”⁴ According to Giorgio Cafiero’s article, *In the Rearview Mirror: The Case of Iranian Influence in Bosnia*: “During the 1992-95 Bosnian War . . . Iran’s government intervened to stop the carnage. Ayatollah Ahmad Jannati coordinated assistance to the Bosniaks and justified the intercession as keeping with the Islamic Republic’s concept of defending the mostazafan (oppressed) across the world, from Palestine to South Africa.”⁵

Today, the three distinct peoples of Bosnia and Herzegovina offer three strategic relationships waiting to be cultivated: Catholic Christian Croats, kinsmen of our NATO ally Croatia; Orthodox Christian Serbs, who have repeatedly elected a pro-Trump leader named Milorad Dodik; and the Muslim Bosniaks, whose prosperity is better secured by American trade and investment than by the patronage of Turkey, the Gulf states, or Iran. A sovereign, self-governing, and prosperous Bosnia and Herzegovina means new markets for American energy and capital, new sources of the strategic minerals the American people need, and one less breeding ground for Islamic terrorists.

For nearly three decades, this European country of three distinct peoples has been governed not by the leaders those peoples elect, but by a non-elected foreign bureaucrat known as the High Representative—for the last five years a German former politician—wielding the same model of unaccountable, top-down bureaucratic rule that has given Europe stagnant economies, energy dependency, de-industrialization, and the managed decline of its middle class. The results are predictable: the U.S. State Department’s 2025 Investment Climate Statement describes a country whose “complex and fragmented legal and regulatory framework,”⁶ weak judiciary, and political instability drive away investors, while a single 2005 decree of the High Representative freezing the disposition of “state property” has locked up an estimated “\$15 billion in potential investment . . . a sum approaching half of the country’s 2026 GDP.”⁷ American taxpayers have underwritten this failed nation-building experiment since 1995; they are entitled to ask what it has bought them, and what’s in it for Americans going forward.

³ POPE LEO XIV, *MAGNIFICA HUMANITAS: HUMANITY IN ITS GRANDEUR* 42–43 (2026).

⁴ NAT’L COMM’N ON TERRORIST ATTACKS UPON THE UNITED STATES, *THE 9/11 COMMISSION REPORT* (2004).

⁵ Giorgio Cafiero, *In the Rearview Mirror: The Case of Iranian Influence in Bosnia*, GULF INTERNATIONAL FORUM, <https://gulfif.org/in-the-rearview-mirror-the-case-of-iranian-influence-in-bosnia/#:~:text=Rooted%20in%20ties%20formed%20after%20the%20Islamic%20Revolution,the%20Mulla%20Sadra%20Foundation%2C%20and%20the%20Persian-Bosnian%20College> (last visited Aug. 2, 2026).

⁶ U.S. DEP’T OF STATE, 2025 BOSNIA AND HERZEGOVINA INVESTMENT CLIMATE STATEMENT (2025).

⁷ Nemanja Plotan, *High Representative And Low FDI: Foreign Authority As The Cause Of Bosnia’s Economic Paralysis*, CENTER FOR INTERNATIONAL RELATIONS AND SUSTAINABLE DEVELOPMENT, <https://cirs.org/horizon-article/high-representative-and-low-fdi-foreign-authority-as-the-cause-of-bosnias-economic-paralysis/> (last visited Aug. 2, 2026).

Bosnia and Herzegovina is a place where American economic and strategic interests converge. Republika Srpska, according to Mining Weekly,⁸ holds one of Europe's richest deposits of critical minerals, resources essential to America's industrial and defense base, which Brussels and Beijing are already maneuvering to control. Recent developments in Bosnia and Herzegovina have opened the door for President Donald Trump to reciprocate the support he has received repeatedly from President Milorad Dodik.

Most importantly, these developments in Bosnia and Herzegovina have opened the door for President Donald Trump to reciprocate the support he has received repeatedly from President Milorad Dodik; if he does that, America will have in Bosnia and Herzegovina, in our ongoing global competition for critical strategic resources, a new central European friend and partner.

WHO IS MILORAD DODIK?

Milorad Dodik can be described as a three-decade opponent of globalist agendas promoted by the European Union and by previous administrations of the United States. He was first elected President of Republika Srpska in 2010, and then reelected in 2014, serving until 2018. In 2022, he was elected President of Republika Srpska for a third time.

From the beginning, Dodik's support for President Trump has been evident. He called on the Serbian diaspora to vote in the 2016, 2020, and 2024 U.S. presidential elections, and many Americans of Serbian descent responded to those calls. These efforts contributed to the strong support President Trump receives among Serbian Americans.

How do globalists deal with their opponents? They use an old method: placing political adversaries on trial in courts they view as politically influenced. In 2025, President Dodik was barred from holding public office for six years by the Court of Bosnia and Herzegovina in Sarajevo. His offense was refusing to comply with the orders of the High Representative, Christian Schmidt, by celebrating 9 January as Republika Srpska Day. The controversy centered on the fact that 9 January coincides with the Christian holiday of St. Stephen, whose celebration critics argued was offensive to Bosnian Muslims.

Although Milorad Dodik stepped down as President of Republika Srpska, he remains the leader of the country's largest political party, SNSD, and Bosnia and Herzegovina's 2026 general elections are scheduled for 4 October. The High Representative is not only requiring the use of voting machines in the upcoming elections, the same brand used in disputed elections in the U.S.A.,⁹ but on April 24, 2025, High Representative Christian Schmidt engaged in another "Act of pretended Legislation," to quote our Declaration of Independence, by depriving Milorad Dodik's political party, the SNSD, of the normal campaign funding that each party receives.¹⁰

⁸ See *Swiss miner finds rich lithium deposit in Bosnia*, MINING WEEKLY (Nov. 20, 2023), <https://www.miningweekly.com/article/swiss-miner-finds-rich-lithium-deposit-in-bosnia-2023-11-20>.

⁹ See *International Envoy To Bosnia Imposes Measures To Improve Election Integrity*, RADIO FREE EUROPE/RADIO LIBERTY (Mar. 27, 2024), <https://www.rferl.org/a/bosnia-election-integrity-measures-schmidt/32879183.html>.

¹⁰ See *Decision Suspending All Disbursements of Budgetary Funds for Party Funding to Savez Nezavisnih Socijaldemokrata (SNSD) and Ujedinjena Srpska*, OFFICE OF THE HIGH REPRESENTATIVE (Apr. 24, 2025), <https://www.ohr.int/decision-suspending-all-disbursements-of-budgetary-funds-for-party-funding-to-savez-nezavisnih-socijaldemokrata-snsd-and-ujedinjena-srpska/> ("All disbursements of budgetary funds for political party funding to SNSD and Ujedinjena Srpska in the Parliamentary Assembly of Bosnia and Herzegovina, the Parliament of the Federation of Bosnia and Herzegovina, Republika Srpska

To many Americans, this situation sounds familiar. Supporters of Dodik argue that Brussels has increasingly opposed popular European leaders who maintain close ties with President Trump. They point to Hungarian Prime Minister Viktor Orbán as another example of a leader who has faced sustained political pressure from the European Union. Dodik is viewed by his supporters as one of the few remaining leaders in Europe willing to challenge the political establishment while maintaining close ties with President Trump.

BACKGROUND TO THE HISTORIC 2026 OPPORTUNITY IN BOSNIA AND HERZEGOVINA

According to Max Primorac in his July 8, 2025, *Heritage Foundation Backgrounder* titled *Bosnia and Herzegovina: Ending a Nation-Building Failure*, thirty years after the 1995 Dayton Peace Agreement, also known as the Dayton Peace Accords:¹¹

the country is broken, deeply divided, and devoid of sovereignty, governed not by its three sovereign peoples (Catholic Christian Croats, Muslim Bosniaks, and Orthodox Christian Serbs), but by a clique of international diplomats with the power to arbitrarily dismiss elected officials, reverse enacted legislation, disenfranchise voters, and impose a fictional ‘Bosnian’ civic identity that favors Muslims over Christians.

Apropos the ongoing celebration of the 250th Anniversary of America’s Declaration of Independence from a British tyrant named King George III, Max Primorac’s description of the ongoing crisis in Bosnia and Herzegovina—fueled over the last five years by a non-elected German High Representative enacting so-called laws pursuant to recommendations of a group of non-elected European bureaucrats stemming from a 1997 meeting in Bonn, Germany—harkens to these two July 4, 1776, grievances against King George III:¹²

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance. . . . He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation.

With the resignation of High Representative Christian Schmidt, effective July 1, 2026,¹³ it’s time for the tyrannical “Bonn Powers” of the High Representative, under which hundreds of

National Assembly, Cantonal Assemblies, city and municipal councils/assemblies and the Assembly of Brcko District of Bosnia and Herzegovina shall be suspended with immediate effect.”).

¹¹ Max Primorac, *Bosnia and Herzegovina: Ending a Nation-Building Failure*, THE HERITAGE FOUNDATION: BACKGROUNDER (July 8, 2025), <https://www.heritage.org/defense/report/bosnia-and-herzegovina-ending-nation-building-failure>.

¹² THE DECLARATION OF INDEPENDENCE para. 12, 15 (U.S. 1776).

¹³ See *Louis Crishock appointed Acting High Representative*, SARAJEVO TIMES (July 1, 2026), <https://sarajevotimes.com/louis-crishock-appointed-acting-high-representative/> (“Even today’s session of the Peace Implementation Council (PIC) did not bring any progress in the process of electing a new high representative for Bosnia and Herzegovina, since European countries and the United States of America failed to agree on a candidate to succeed Christian Schmidt. . . . Ambassadors of the Steering Committee of the Peace Implementation Council today in Sarajevo formally appointed the current First Deputy High Representative Louis J. Crishock as Acting High Representative for Bosnia and Herzegovina until the final appointment of a new High Representative.”).

“Acts of pretended Legislation” have issued, to be declared “Void ab Initio,” i.e., void from the beginning, as if they never existed. “To prove this,” as the American July 4, 1776, Declaration of Independence proclaimed, “let Facts be submitted to a candid world.”¹⁴

Key fact number one for submission “to a candid world”: The Office of High Representative was established by the General Framework Agreement for Peace in Bosnia and Herzegovina, signed November 21, 1995, also known as the 1995 Dayton Peace Agreement, in which the Parties—the Republic of Bosnia and Herzegovina (now simply Bosnia and Herzegovina), the Republic of Croatia, and the Federal Republic of Yugoslavia (for Republika Srpska)¹⁵—agreed that this office would “coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement by carrying out, as entrusted by a U.N. Security Council resolution, the tasks set out below,”¹⁶ i.e., the tasks specified in Annex 10 of the 1995 Dayton Peace Agreement.¹⁷

Key fact number two: The three Parties to the 1995 Dayton Peace Agreement never agreed to the 1997 Bonn Powers of their High Representative, through which, according to Mato Tadic, former judge and two-term President of the Constitutional Court of Bosnia and Herzegovina, “the High Representative has enacted a total of 341 laws” as of the 2024 publication of Judge Tadic’s book, *Constitutional Position of Croats in Bosnia and Herzegovina*.¹⁸

Every schoolyard monitor knows how to maintain peace among three youngsters who have agreed to play together, but who then disagree about intervening rule changes imposed by others: either reaffirm agreement among the three or separate the three schoolmates amicably.

Trying to force compliance with rules issued by “Acts of pretended Legislation” under Bonn Powers to which the three Peace Agreement Parties never agreed is a recipe for constant turmoil

¹⁴ THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

¹⁵ The first page of the 1995 Dayton Peace Agreement noted “the agreement of August 29, 1995, which authorized the delegation of the Federal Republic of Yugoslavia to sign, on behalf of the Republika Srpska, the parts of the peace plan concerning it, with the obligation to implement the agreement that is reached strictly and consequently.” The General Framework Agreement for Peace in Bosnia and Herzegovina pmbl., Dec. 14, 1995, 35 I.L.M. 89.

¹⁶ The General Framework Agreement for Peace in Bosnia and Herzegovina Annex 10: Agreement on Civilian Implementation of the Peace Settlement art. 1, ¶ 2, Dec. 14, 1995, 35 I.L.M. 89 [hereinafter Annex 10]. On May 11, 2026, High Representative Christian Schmidt, a former Christian Social Union (CSU) member of the German Bundestag, announced his resignation. The official announcement indicates that, “After nearly five years as High Representative to Bosnia and Herzegovina, a mandate anchored in Annex 10 of the Dayton Peace Agreement, Christian Schmidt has taken the personal decision to conclude his service to the implementation of peace in Bosnia and Herzegovina. He has informed the Peace Implementation Council Steering Board of his decision and requested that they begin the work of finding his successor.” *Christian Schmidt concludes his mandate as High Representative for Bosnia and Herzegovina*, OFFICE OF THE HIGH REPRESENTATIVE (May 11, 2026), <https://www.ohr.int/christian-schmidt-concludes-his-mandate-as-high-representative-for-bosnia-and-herzegovina/>.

¹⁷ The Republic of Serbia, since “Serbia and Montenegro” separated in 2006, is recognized as the treaty successor to the Federal Republic of Yugoslavia for purposes of the 1995 Dayton Peace Agreement. The opening clause of Annex 10 identifies five parties to that Annex: “The Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina, and the Republika Srpska.” Annex 10, *supra* note 16, at pmbl. Regarding the two additional signatories of Annex 10, the U.S. Defense Intelligence Agency 1996 Handbook on the Dayton Peace Agreement identifies the two main entities within Bosnia and Herzegovina, in addition to the three signatories to the Dayton Peace Agreement itself, as parties to Annex 10: “the Federation of Bosnia and Herzegovina, and the Republika Srpska.” *Id.* The “Republic of Bosnia and Herzegovina” is now known as Bosnia and Herzegovina, or BiH, from the local language name “Bosna i Hercegovina”; the Federation of Bosnia and Herzegovina is also known as FBiH.

¹⁸ MATO TADIC, CONSTITUTIONAL POSITION OF CROATS IN BOSNIA AND HERZEGOVINA 397 (2024).

if not another war. Forced compliance thus far has evolved into what one expert, as explained below, describes as “the worst political crisis since the war ended.”¹⁹

The most principled solution to the tyrannical Bonn Powers is a reaffirmation by the three Parties to the 1995 Dayton Peace Agreement of these three principles underlying their 1995 Agreement: Rule of Law; Self-Determination; and Subsidiarity. The Parties should formally reject Bonn Powers as void ab initio because they were never agreed to by the three Parties.

Another principled solution would be for authorized representatives of Serbia and Croatia to issue a joint interpretive statement confirming their agreement with the February 13, 2026, Opinion of the Constitutional-Law Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina that “the High Representative in Bosnia and Herzegovina does not possess constitutional authority to enact laws.”²⁰

The July 1, 2026, appointment of an American Acting High Representative until a replacement for Christian Schmidt can be appointed, offers hope that Bonn Powers will soon be definitely declared void ab initio, as if they never existed. After all, this American Acting High Representative ultimately works for President Donald Trump.

It will take courage for the Acting High Representative, or for whomever is ultimately appointed to take Christian Schmidt’s place, to declare Bonn Powers void ab initio, as if they never existed. When he was appointed, according to the same July 1, 2026, article in Sarajevo Times quoted above,²¹ the PIC announced that “[t]he PIC Board emphasizes that the Acting High Representative will fully ensure institutional continuity of function, legal certainty regarding all decisions made by previous High Representatives, and will act under the political leadership of the PIC,” adding:²²

If any actor tries to threaten, circumvent or challenge earlier decisions, the Acting High Representative will take all necessary measures within his mandate in accordance with Annex X of the General Framework Agreement for Peace, ensuring the consistent implementation of the civilian aspects of the General Framework Agreement for Peace, with support through the express powers and guidelines of the PIC Board of Directors, in order to protect the integrity of the General Framework Agreement for Peace.

PART I: 1997 BONN POWERS WERE NEVER VALID

The 1997 Bonn Powers of the High Representative were never agreed to by the Parties, and are arguably the last vestige of colonialism in Europe. These Bonn Powers are an anathema to internationally-recognized civil rights and the principle of self-determination—reflected in the U.S. Constitution’s first three words, “We the People,” and in the final provision of our Bill of

¹⁹ Primorac, *supra* note 11.

²⁰ Opinion Feb. 13, *supra* note 1.

²¹ Louis Crishock appointed Acting High Representative, *supra* note 13.

²² *Id.*

Rights: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”²³

“Self-determination of peoples,” according to Article 1 of the United Nations Charter, is one of the guiding principles to “maintain international peace and security.”²⁴ “Rule of law,” along with “individual liberty” and “democracy,” are the foundational principles in the preamble to the 1949 Washington Treaty establishing the North Atlantic Treaty Organization, i.e., NATO.²⁵

On December 14, 2026, the Foreign Minister of Russia wrote in an article published in a Serbian Newspaper:²⁶

There's no doubt that the immediate and unconditional closure of the High Representative's Office is the first step towards normalisation in Bosnia and Herzegovina. . . . In the 21st century, the existence of such a colonial tool in a sovereign UN member state is inconceivable. It's high time for the peoples of BiH to gain true sovereignty and independence, and to determine their own future and the future of their state.

This is an opportunity for the Parties of the 1995 Dayton Peace Agreement, one of which has been a member of NATO since 2009 (Croatia), to resolve their disagreement amicably. The United States and Russia, two of the six witnesses to the 1995 Dayton Peace Agreement, might consider witnessing this reaffirmation of shared foundational principles and rejection of the 1997 Bonn Powers as void ab initio, as if they never existed, because the Parties never agreed to them. To be clear, witnesses are not necessary for amending an Agreement among three Parties.

The 1995 Peace Agreement specified limited “tasks” for the High Representative, such as “Coordinate the activities of the [civilian] organizations and agencies.”²⁷ In Annex 10 to the 1995 Agreement, the Parties agreed: “The High Representative is the final authority in theater regarding interpretation of this Agreement on the civilian implementation of the peace settlement.”²⁸

On February 13, 2026, the Constitutional-Legal Commission of the Parliament of Bosnia and Herzegovina issued a 4-3 Opinion, finding “that the High Representative in BiH does not have constitutional competence to enact laws,” and therefore certain laws enacted by the High Representative “are unconstitutional.”²⁹

The laws at issue in the February 13, 2026, Opinion the Constitutional-Legal Commission were two-fold: First, Article 203a of the Criminal Code of Bosnia and Herzegovina, which purported to provide that:³⁰

²³ U.S. CONST. amend. X.

²⁴ U.N. Charter art. 1, ¶ 1.

²⁵ North Atlantic Treaty pmb., Apr. 4, 1949, 63 Stat. 2241, 34 U.N.T.S. 243.

²⁶ Article by Foreign Minister Sergey Lavrov for Serbian newspaper Politika ahead of the 30th anniversary of Dayton Peace Agreement, December 14, 2025, GLOBALSECURITY.ORG (Dec. 14, 2025), <https://www.globalsecurity.org/military/library/news/2025/12/mil-251214-russia-mfa01.htm>.

²⁷ Annex 10, *supra* note 16, at art. 1, ¶ 2.

²⁸ *Id.* at art. 5.

²⁹ Opinion Feb. 13, *supra* note 1.

³⁰ CRIMINAL CODE OF BOSNIA AND HERZEGOVINA art. 203a.

An official person in an institution of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, Republika Srpska, the Brčko District of Bosnia and Herzegovina, or in a canton, a city or a municipality or a local community or any form of local government and self-government, or a responsible person, who does not apply, implement, enforce or otherwise comply with a decision of the High Representative in Bosnia and Herzegovina, or who prevents or otherwise obstructs its application, implementation or enforcement, shall be punished by imprisonment for a term between six months and five years.

The second High Representative law declared “unconstitutional” by the February 13, 2026, Opinion was the “standalone Article 4 of the Law on Amendments to the Criminal Code,” which purported to provide: “This Decision shall have precedence over any inconsistent provisions of the Constitution of Republika Srpska, any law, regulation or act, whether existing or future. This Decision shall be directly applicable, and no additional action is required to ensure its legal effect.”³¹

The reason that these High Representative “laws” are unconstitutional is that the Constitution of Bosnia and Herzegovina, approved as Annex 4 to the 1995 Dayton Peace Agreement, established a legislature to make laws: a bicameral “Parliamentary Assembly” composed of “the House of Peoples and the House of Representatives.” Article IV, Section 3, of the Constitution provides: “All legislation shall require the approval of both chambers.”³²

PART II: “FIRST THINGS” SOLUTION TO “BONN POWERS”: RULE OF LAW, SELF-DETERMINATION, SUBSIDIARITY, AND THE INTERPRETIVE PRINCIPLE OF CONTRA PROFERENTEM

Under the Principle of First and Second Things, “You can’t get second things by putting them first; you can get second things only by putting first things first.”³³ If a society only focuses on its very important Second Things, like money and survival, in the end, that society does not achieve those very important Second Things and in the process loses its First Things.

According to Professor Peter Kreeft of Boston College, “the society that believes in nothing worth surviving for beyond mere survival will not survive.”³⁴ Under this principle, Bosnia and Herzegovina will not survive unless the Parties to the 1995 Peace Agreement that birthed the nation stop violating and instead reaffirm their commitment to “First Things.”

Three “First Things” of Bosnia and Herzegovina currently being violated by Bonn Powers of the High Representative are Rule of Law, Self-Determination, and Subsidiarity.

³¹ LAW ON AMENDMENTS TO THE CRIMINAL CODE art. 4 (Bosn. & Herz.).

³² CONSTITUTION OF BOSNIA AND HERZEGOVINA Dec. 1, 1995, art. 4, § 3.

³³ C.S. LEWIS, *TIME AND TIDE*, reprinted in *GOD IN THE DOCK* (1942); see PLATO, *THE LAWS* 361b–d (360 B.C.) (“[T]here are two different kinds of good things, the merely human and the divine; the former are consequential on the latter. Hence a city which accepts the greater goods acquires the lesser along with them, but one which refuses them misses both.”); Father Mike Schmitz, Sunday Homily (May 3, 2026) (citing C.S. LEWIS, *MERE CHRISTIANITY* 134 (1952): “Aim at heaven and you will get earth ‘thrown in.’ Aim at earth and you will get neither.”).

³⁴ PETER KREEFT, *A REFUTATION OF MORAL RELATIVISM: INTERVIEWS WITH AN ABSOLUTISTS* 133 (1999).

RULE OF LAW AND SELF-DETERMINATION VIOLATIONS

On May 8, 2026, the Supreme Court of Virginia ruled that “the legislative process employed to advance” a referendum submitted to the voters of Virginia with a “proposed constitutional amendment that authorizes partisan gerrymandering of congressional districts in the Commonwealth” of Virginia, violated a procedural requirement of the Constitution of Virginia.³⁵ After explaining that, “the Rule of Law requires that it be done the right way. Under the Constitution of Virginia, the right way ‘necessitate[s] compliance with the requirements of a deliberately lengthy, precise, and balanced procedure’ . . . governing the lawful adoption of constitutional amendment,” the Virginia Supreme Court ruled that, “This violation irreparably undermines the integrity of the resulting referendum vote and renders it null and void.”³⁶

The Virginia lower court had reached the same conclusion, using the Latin phrase, “VOID AB INITIO,”³⁷ which translates into English as legally ineffective from the beginning.³⁸

As indicated above, Article I of the United Nations Charter recognizes that “self-determination of peoples” is a guiding principle to “maintain international peace and security.”³⁹

Fundamental to self-determination in any society based on the rule of law is that only those authorized to enact laws can enact laws.

According to Mato Tadic, former Judge and two-term President of the Constitutional Court of Bosnia and Herzegovina, in his 2024 book, *Constitutional Position of Croats in Bosnia and Herzegovina*:⁴⁰

the High Representative has enacted a total of 341 laws A brief analysis indicated that the majority of laws were enacted in the areas of legal reform, state symbols, along with other laws at the state level, laws pertaining to refugee issues and property protection, as well as laws related to the economy.

In 1765, Sir William Blackstone wrote in his *Commentaries on the Law of England*, that all man-made law, which Blackstone called “municipal law,” as opposed to Divine Law and Natural Law, “is ‘a rule of civil conduct prescribed by the supreme power in a state.’ Wherefore it is

³⁵ Scott v. McDougle, 930 S.E.2d 332, 334 (Va. 2026). According to Webster’s Dictionary, gerrymandering is “the practice of dividing or arranging a territorial unit into election districts in a way that gives one political party an unfair advantage in elections.” See Scott, 930 S.E.2d at 334 (“From Madison’s era to the present, political parties of every stripe have offered if-by-whiskey arguments supporting partisan gerrymandering. Since that time until today, these arguments have been criticized by thoughtful jurists and legal scholars.” (footnote omitted)).

³⁶ Scott, 930 S.E.2d at 348.

³⁷ The Virginia lower court had ruled: “The Court further having FOUND that the General Assembly failed to follow its own Rules and Resolutions, DECLARES that any and all matters, motions, actions and votes regarding House Joint Resolution 6007 was in violation of the same as are ORDERED to be VOID AB INITIO.” McDougle v. Nardo, 116 Va. Cir. 299, 303 (Va. Cir. Ct. 2026) (emphasis in the original).

³⁸ The U.S. Supreme Court ended the matter by denying the “Emergency Application for a Stay” filed by Don Scott in his official capacity as Speaker of the Virginia House of Delegates. On May 15, 2026, the U.S. Supreme Court ruled: “Application (25A1240) for stay presented to The Chief Justice and by him referred to the Court is denied.” Scott v. McDougle, No. 25A1240 (U.S. May 15, 2026).

³⁹ U.N. Charter art. 1, ¶¶ 1–2.

⁴⁰ TADIC, *supra* note 18, at 397.

requisite to the very essence of a law, that it be made by the supreme power. Sovereignty and legislature are indeed convertible terms; one cannot subsist without the other."⁴¹

As the High Representative is not "the supreme power" within Bosnia and Herzegovina, and has never been delegated legislative power by the Parties, all laws that he purported to enact through the so-called Bonn Powers, are therefore void ab initio, i.e., as if they never existed. As the Virginia Supreme Court explained when on May 8, 2026, it nullified a referendum vote that had violated a procedural requirement in the Constitution of Virginia, "This constitutional violation incurably taints the resulting referendum vote and nullifies its legal efficacy."⁴²

SUBSIDIARITY AND CONTRA PROFERENTEM

The Bosnian warfare that led up to the 1995 Dayton Peace Agreement began in June 1991. About that same time, then Pope John Paul II described the principle of subsidiarity in his May 1, 1991, encyclical, *Centesimus Annus* (in English, "The Hundredth Year," marking the 100th anniversary of Pope Leo XIII's encyclical on Catholic social teaching, "Rerum Novarum," in English, "On New Things"):⁴³

Another task of the State is that of overseeing and directing the exercise of human rights in the economic sector. However, primary responsibility in this area belongs not to the State but to individuals and to the various groups and associations which make up society. . . . In recent years the range of [State] intervention has vastly expanded, to the point of creating a new type of State, the so-called "Welfare State". . . . Here again the principle of subsidiarity must be respected: a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good.

Twenty-five years after *Centesimus Annus*, American-born Pope Leo XIV explained:⁴⁴

While Leo XIII spoke in his time of 'new things' (*rerum novarum*), today we cannot limit ourselves simply repeating his insightful teachings. Instead, we must ask God for the wisdom to interpret the great trends of our time, particularly technological advances. In recent years, it has become increasingly evident how rapidly and profoundly digitalization, artificial intelligence (AI) and robotics are transforming our world.

In the same encyclical, Pope Leo XIV describes:⁴⁵

⁴¹ 1 WILLIAM BLACKSTONE, COMMENTARIES *44.

⁴² *Scott v. McDougle*, 930 S.E.2d 332, 334 (Va. 2026).

⁴³ POPE JOHN PAUL II, CENTESIMUS ANNUS (1991).

⁴⁴ POPE LEO XIV, *supra* note 3, at 2–3.

⁴⁵ *Id.* at 42 (citing PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH 187 (2004)).

subsidiarity as the principle according to which the role of individuals, families, local communities and intermediary organizations should not be supplanted by higher-level authorities. Moreover, higher-level institutions must recognize, protect and promote the freedom and creativity of lower-level entities, coordinating their contributions so that they can cooperate effectively for the common good.

The Treaty on European Union, as amended by the Lisbon Treaty signed in December 2007, which entered into force on December 1, 2009, provides:⁴⁶

Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

The Constitution of Bosnia and Herzegovina, approved as Annex 4 of the 1995 Dayton Peace Agreement, does not mention subsidiarity by name, but nonetheless codifies the principle. Article I(3) provides that, “Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter ‘the Entities’),” and Article III(3)(a) codifies the essence of the Principle of Subsidiarity: “All governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities.”

Likewise, the U.S. Constitution does not mention the Principle of Subsidiarity, but at least some aspects of the Principle are codified in the final provision of the 1789 Bill of Rights, also known as the Tenth Amendment, which the States ratified in 1791: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

The similarities between Article III(3)(a) of the 1995 Constitution of Bosnia and Herzegovina and the Tenth Amendment to the U.S. Constitution are obvious.

Under the principle of subsidiarity, the High Representative should, on his own, agree with the February 13, 2026, Opinion of the Constitutional-Legal Commission of the Parliament of Bosnia and Herzegovina, “that the High Representative in BiH does not have constitutional competence to enact laws.”⁴⁷

The U.S. Jurist Charles Hough, who served on both the U.S. District Court for the Southern District of New York and then on the U.S. Court of Appeals for the Second Circuit, began one of his judicial opinions in 1915: “That an unconstitutional statute is not a law at all is a proposition

⁴⁶ Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, Dec. 13, 2007, 2007 O.J. (C 306) 3b.

⁴⁷ Opinion Feb. 13, *supra* note 1.

no longer open to discussion.”⁴⁸ Likewise, that an unconstitutional law enacted by the High Representative “is not a law at all” should be “a proposition no longer open to discussion.”

If the High Representative does not on his own show such deference to the legislature of Bosnia and Herzegovina, the Constitutional Court of Bosnia and Herzegovina or the European Court of Human Rights should issue a formal ruling that the High Representative “does not have constitutional competence to enact laws,” and that the 1997 Bonn Powers upon which those High Representative “laws” are based are therefore void ab initio—as if they never existed.

In his April 1996 article published in the American Legislative Exchange Council’s journal *FYI* titled *The Forgotten Preamble: Introduction to the Bill of Rights Gives More Meaning to the Tenth Amendment*, then Georgetown University Adjunct Professor of Law Joseph E. Schmitz points out how the Preamble of 1789 Bill of Rights explains the purpose of the Bill of Rights as “in order to prevent misconstructions or abuses of its power,” i.e., abuses of the powers delegated by the Constitution to the then new national government, also known as the federal government.⁴⁹ In this light, Professor Schmitz suggests:⁵⁰

Whenever federal courts and agencies are forced to “legislate” by construing legal ambiguities, they should utilize the final Article of the Bill of Rights—“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”—as an interpretive rule to construe ambiguities against the proffering party, i.e., against Congress [A] Tenth Amendment rule of construction would provide a practical safeguard against federal encroachments on powers that neither the states nor the people have ever delegated to the national government.

Consistent with then Professor Schmitz’ 1996 suggestion, Justice Neil Gorsuch explained in his June 28, 2024, concurring opinion in *Loper Bright Enterprises v. Raimondo*,⁵¹ the case which overturned decades of judicial deference to unelected bureaucrats based on a 1984 Supreme Court case captioned *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*⁵²: “Chevron deference sits in tension with many traditional legal presumptions and interpretive principles, representing nearly the inverse of . . . contra preferentem.”⁵³

⁴⁸ *Hubbard v. Lowe*, 226 F. 135, 137 (S.D.N.Y. 1915). Judge Hough explained why the act of legislation at issue was void ab initio: “The Cotton Futures Act is not, and never was, a law of the United States. It is one of those legislative projects which, to be a law, must originate in the lower house.” *Id.* at 141. The appeal to the United States Supreme Court was dismissed as moot after “the lower house,” i.e., the U.S. House of Representatives, originated, and the full Congress re-enacted, the same law. *Lowe v. Hubbard*, 242 U.S. 654 (1916); cf. *Scott v. McDougle*, 930 S.E.2d 332, 348–49 (Va. 2026) (“This violation irreparably undermines the integrity of the resulting referendum vote and renders it null and void. For this reason, the congressional district maps issued by this Court in 2021 pursuant to Article II, Section 6-A of the Constitution of Virginia remain the governing maps for the upcoming 2026 congressional elections.”).

⁴⁹ Joseph E. Schmitz, *The Forgotten Preamble: Introduction to the Bill of Rights Gives More Meaning to the Tenth Amendment*, *FYI* 16, 16 (1996).

⁵⁰ *Id.*

⁵¹ 144 S. Ct. 2244 (2024).

⁵² 467 U.S. 837 (1984).

⁵³ *Loper Bright*, 144 S. Ct. at 2286 n. 5.

According to Professor of International Law Ulf Linderfalk of Sweden's Lund University the *contra proferentem* principle should be applied to construing ambiguities in treaties.⁵⁴ Relevant to the circumstances of the 1995 Dayton Peace Agreement, Professor Linderfalk concludes that, "the principle of *contra proferentem* would be applicable for the interpretation of a treaty, regardless of whether its content is of a 'two-sided' or a 'many-sided' nature."⁵⁵

In light of the authorities cited above, the most principled solution to Bonn Powers, as the three Parties to the 1995 Dayton Peace Agreement never agreed to them, is for the Parties to amend their Agreement to agree:

with the February 13, 2026, Opinion of the Constitutional-Legal Commission of the Parliament of Bosnia and Herzegovina, "that the High Representative in BiH does not have constitutional competence to enact laws"; and

that any ambiguities in the powers conferred by their 1995 Agreement on the High Representative should be construed in favor of the principles of Self-determination, Subsidiary, and the Rule of Law along the lines of Article III(3)(c) of the 1995 Constitution of Bosnia and Herzegovina (and the final provision of the U.S. Bill of Rights): "any ambiguities in powers conferred on the High Representative should be construed in favor of reserving powers to the Parties respectively, or to the People."

Another principled solution to Bonn Powers is for authorized representatives of Serbia and Croatia to issues a joint interpretive statement confirming their agreement with the February 13, 2026, Opinion of the Constitutional-Law Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina that "the High Representative in Bosnia and Herzegovina does not possess constitutional authority to enact laws."

In any event, with the appointment of an American Acting High Representative on July 1, 2026, it's time for the tyrannical Bonn Powers of the Office of High Representative, under which hundreds of "Acts of pretended Legislation," to quote our July 4, 1776, Declaration of Independence, have issued, to be declared "Void ab Initio," i.e., void from the beginning, as if they never existed. Once that happens, the people of Bosnia and Herzegovina will be able to determine their own future, and Americans will be able to invest in a friendly European country.

Most importantly, if President Donald Trump reciprocates the support he has received repeatedly from President Milorad Dodik of Republika Srpska, America will have in Bosnia and Herzegovina, in our global competition for critical strategic resources, a friend and partner.

⁵⁴ See ULF LINDERFALK, ON THE INTERPRETATION OF TREATIES: THE MODERN INTERNATIONAL LAW AS EXPRESSED IN THE 1969 VIENNA CONVENTION ON THE LAW OF TREATIES 285 (2007).

⁵⁵ *Id.*