

CHARTER OF BOSNIAKS

Adopted at the academic conference “Bosniaks and Bosnia” in Toronto, Canada on November 26, 2010.

We are addressing this Charter of North American bosniaks, as a description of how we see the situation of Bosniaks and our homeland Bosnia and Herzegovina with recommendations of what we should all do in order to protect our existence as Bosniaks and our country.

I – CRITICAL SITUATION OF BOSNIAKS

Currently it is evident that Serbian and Croatian parliament members and their accomplices are trying to disintegrate our country, Bosnia and Herzegovina. Bosniak political action is ineffective as it is not coming up with adequate solutions to solve this and other problems that Bosniaks and Bosnia and Herzegovina are facing. Citizens are without leadership and their institutions are failing and are put in a situation where they are left without a country where their faith, culture and tradition is slowly deteriorating. The existence of Bosniaks as something that comprises the state is rejected. With that being said, today Bosniaks are losing hope, they are falling into a state of depression and living a difficult life in a number of “enclaves” situated on about one-fourth of the fragmented area of Bosnia and Herzegovina and also the many bosniaks who are now dispersed throughout the world.

The politics of Bosniaks is realized on a basis of individual interests and not as a collective concept that fights for citizens’ interest. Citizens are used as a propaganda medium to gain as much votes from them in elections. This resulted in a domination of uneducated, illiterate, and immoral Bosniak politicians that are in power, unable to resist Serbian and Croatian projects which attempt to destroy and worsen the situation for what is left of Bosniak people.

The International Court of Justice, on February 26, 2007, in its legally binding judgment in the case of Bosnia and Herzegovina v. Serbia and Montenegro „Finds that Serbia has violated the obligation to prevent genocide, under the Convention on the Prevention and Punishment of the Crime of Genocide, in respect of the genocide that occurred in Srebrenica in July 1995.” The Court ruled that the genocide was committed by the government and institutions of “Republika Srpska” and specifically the Army (VRS) and Police (MUP) of „Republika Srpska” and that Serbia had an obligation to prevent the genocide. Filing the law suit for genocide in 1993 preceded all subsequent constitutional and legal arrangements for Bosnia and Herzegovina. The final judgment of the International Court of Justice supersedes all constitutional arrangements that are offered today to the victims of aggression and genocide including Annex 4 to the Dayton Agreement.

The international community acknowledged the will of people of Bosnia and Herzegovina, as expressed in a referendum on March 1, 1992 and recognized the Republic of Bosnia and Herzegovina as a sovereign nation.

The rump-Yugoslavia (Serbia and Montenegro today) and the Yugoslav People's Army (JNA) have waged a war of aggression in 1992 against the Republic of Bosnia and Herzegovina in order to create an ethnically pure greater Serbia, that led to killing, genocide and suffering unseen in Europe since World War II. In legally binding Resolutions 752 and 757 from 1992, the UN Security Council adopted economic sanctions and political isolation to Serbia and Montenegro as punishment for their aggression against the Republic of Bosnia and Herzegovina.

The present situation in the state of Bosnia and Herzegovina is nothing more than an illegal attempt that started with aggression in 1992 to legalize the aggression and genocide which now is confirmed by the Judgment of the International Court of Justice.

II – PRINCIPLES OF BOSNIAK POLITICS

Rights should be the basis of Bosniak political action.

1. There needs to be an attempt in preserving and strengthening Bosnian and Herzegovinian citizenship and Bosniak affiliation on the basis of the civil concept of the Bosnian-Herzegovinian nation and the state of Bosnia and Herzegovina. By strengthening the nation of Bosnia and Herzegovina, Bosniaks proclaim their Bosnian-Herzegovinian citizenship, statehood, territorial affiliation in a single, democratic, independent and sovereign state of Bosnia and Herzegovina and to the free and civil society.

2. There needs to be an attempt in preserving Bosnian and Herzegovinian statehood and sovereignty. Sovereignty is indivisible, non-transferable and unquestionable. These three attributes of sovereignty, enables legitimate and legal action in abolishing the results that the aggression and genocide in Bosnia and Herzegovina brought about, for the purpose of defending and restoring a unified Bosnian state and society.

3. For Bosniaks there exists only a single, democratic, sovereign and independent state, Bosnia and Herzegovina, and Dayton's creation of Republika Srpska exists only as a part of an illegal and forced Dayton constitution from Annex.

4. Bosniaks should reject the amendments of the Dayton constitution because amending that constitution means accepting the Dayton constitution that resulted from the genocide that derogates and rejects the verdict of the International Court of Justice on 26 February 2007 on the side of the victims of the genocide – which no one in the name of the victim has the right to do.

5. Bosniaks should not sign the document that would lose Bosnia's own historical and legally verified state on the basis of the international law specifically the UN charter.

6. Bosniaks should always call on the UN charter when solving all relevant problems and should use this charter and all other documents attributed to it (e.g. the Convention on Genocide).

7. In terms of its fundamental interests, Bosniaks and their leaders must work towards state-building and support political goals that would help the whole, independent, sovereign country of Bosnia and Herzegovina and the civil society.

8. On February 26th, 2007, the International Criminal Tribunal in the Hague ruled that Republika Srpska does not reside in BiH, but rather it is the result of the genocide that took place in Bosnia and Herzegovina. The Convention on Genocide associated with the UN Charter, prohibits not only genocide, but also the results of genocide, such as the creation of Republika Srpska, which is considered invalid. For this reason, the party that is on trial and that is sentenced, should not ask about the legal system of the state (the legal system of Bosnia and Herzegovina) for their conviction of aggression and genocide. It is not important what someone from Republika Srpska, Republic of Serbia and Republic of Croatia or anyone else from the outside thinks about the constitution of Bosnia and Herzegovina, rather it is important what the real subjects of law, who hold rights think about the future of Bosnia and Herzegovina and its constitution, and those are only loyal citizens of Bosnia and Herzegovina.

9. Instead of negotiations and talks about a “constitution that everyone will accept”- that puts the “Dayton peace accord” on the table as the legal basis of negotiations and veto of Republika Srpska over Bosnia and Herzegovina, Bosniaks should return from the negotiated to the legal space where the continuity of Bosnia and Herzegovina is possible and where there is no Dayton accord nor Republika Srpska, especially not as a legal basis of Republika Srpska. The International Court has made a decision about the aggression and genocide in Bosnia and Herzegovina and Bosniaks should demand enforcing that decision-not only financial compensation but also abolishing what has resulted from the genocide and “Dayton” –which is Republika Srpska, because without that there won’t even be financial compensation. If Bosniaks do not insist on enforcing the decision of the International Court in terms of eliminating Republika Srpska, that would mean opposing the decision of the court by withdrawing from their decision and accepting Republika Srpska.

10. Bosniaks should not allow the victims to be thwarted by abandoning the legal domain in solving problems. Law has to be the basis of Bosniak political action. Giving up on law opens unimagined dangers for the state of Bosnia and Herzegovina and for Bosniaks.

III – THE EVOLUTION OF THE BOSNIAK NATIONAL CONSCIOUSNESS

The fact that Bosniaks have their own history, faith, language, culture and tradition as the basic national foundation, they have the right to:

1. Co-exist with all ethnic groups in Europe
2. Freely establish their own national institutions
3. Freely establish their own national media
4. Freely establish remembrance programs and,
5. Freely display the oppression of Bosniak people in and outside of Bosnia and Herzegovina

IV – EVOLUTION OF BOSNIAK TERRITORIAL AND NATIONAL CONSCIOUSNESS

Bosniaks without Bosnia and Herzegovina would cease to exist as a people. Bosnia and Herzegovina is the source of the Bosniak national life. Bosniaks should collectively work together because of their collective focus on Bosnia and Herzegovina. This kind of team work represents a dignified commitment for the state of Bosnia and Herzegovina, like they have requested for and received in the referendum on the February 29th, 2007 and March 1st 1992, and recognized as the 177th member of the United Nations.

Coming from the fact that Bosnia and Herzegovina is not a state on the basis of Dayton, in spite of Dayton's unconstitutional, illegal hoax, Bosniaks should initiate for:

1.A Sovereign, unified, and single state of Bosnia and Herzegovina based on the International Law and the UN Charter. They should demand for a civil state with three levels of government- federal, regional and municipal that is based on European standards of local self-governance, where regions are not states but rather they are a union of municipalities, based on geographic, transportation, economic and historical criteria, in which citizens of different ethnic backgrounds live.

2.Such a state should provide: the right to work, peace and prosperity for future generations to all loyal citizens and ethnic groups; equal rights and freedom in the whole territory of Bosnia and Herzegovina; the right for everyone to return to their hometowns; full membership in Euro-Atlantic integration; the protection of the natural beauty and resources of the country; the protection of individuals and families as the basis of a healthy and functioning society; respect for different opinions and protecting the interests of various ethnic and religious groups.

3.Bosnia and Herzegovina is a country for all its citizens which make up the Bosnian and Herzegovinian nation regardless of ethnicity, religion, race, gender and age.

4.A Civil, open and free society, based on a universal concept of citizenship, where every person is an individual and the subject of public/social processes. In other words, Bosnian and Herzegovinian citizenship identity and status based on the International Law.