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**The Republic of Bosnia and Herzegovina is a historical fact.**

*The following analysis was prepared in honor of the twentieth anniversary of the Declaration of Independence of the Republic of Bosnia and Herzegovina.*

Bosnia and Herzegovina has been at an intersection of different civilizations and cultures, which left a lasting imprint on its political, social, and cultural development. All the available documents confirm the historic state-legal continuity of Bosnia due to evidence of unique identity of its people, territory, and borders. Around the mid-10<sup>th</sup> century, a state known as Bosnia was formed in the area around the source of and the upper flow of the river Bosna and its surrounding areas, and its people were known as Bosnians.

As confirmed through historically objective facts, Bosnia, as a politically independent state, came to existence no later than the 10<sup>th</sup> century. It was subsequently under constant external pressure from the Byzantine Empire in the early medieval period and later even more so under pressure from the Roman Catholic Church. Nevertheless, Bosnia as a banate and kingdom maintained its sovereignty and territorial integrity until the Ottoman occupation in the latter part of the 15<sup>th</sup> century. Historically confirmed records point out that the Bosnian rulers, due to threat of crusades and military aggression, had to pledge allegiance to the Byzantine or Catholic churches. However, the facts also point out that they covertly continued to support the advent of the autochthonic and independent Bosnian Church which was the source of tension and target of the Inquisition with the purpose of eradicating the “heretics”. The teachings of the Bosnian Church were structured as part of the Bosnian identity and a holder of the idea of independence. It was considered as a spiritual resistance against Catholicism and Eastern Orthodoxy, and a cause for ample wars against Bosnia.



Among the documents, which unequivocally speak of political and any other independence of Bosnia and the full capacity of the ruling by Bosnian rulers, is the *Charter* of Kulin ban, issued to Dubrovnik in 1189. There are a large number of Charters and other documents issued by the Bosnian kings, as well as other sources, which confirm the existence of Bosnia as a state, its full political independence, specifics of internal relations and religious autochthonism and independence

In addition to the *Charter* of Kulin ban, a historic document, which confirms the existence of Bosnia as an independent state, another important date relative to the Bosnian history is the fall of Bosnia in 1463. That date confirms that the Ottoman Empire occupied Bosnia. Although Bosnia had lost its sovereignty during the Ottoman period, the continuity of the unique Bosnian identity was made possible through the conscious efforts of the Bosnian people within the Ottoman administrative system to preserve the territorial integrity and sense of belonging to the Bosnian people and country. This is also evident in the internal order of the Bosnian Pashaluk and Herzegovinian Sanjak which later served as the basis for modern borders of Bosnia and Herzegovina.

Bosniaks tried to restore the Bosnian state in 1831-1832, at the time of series of nationalist rebellions in the territory of the Ottoman Empire, when Serbia, Greece, Bulgaria, Walachia and other Ottoman Empire provinces won their national and state autonomies, with the support of western countries.. Bosnian autonomy movement for autonomy and revival of the Bosnian state was stopped primarily because of the lack internal support from a number of Bosnian elite who were still loyal to the Ottoman Empire Lack of support had an adverse effect, as it unintentionally enabled the expansionist aspirations from neighboring countries towards Bosnia. Serbia and Montenegro, as well as Austro-Hungary, attempted to destabilize the situation in Bosnia, organizing rebellions and movements with the objective to allow the establishment of Serbian, Montenegrin, or Austro-Hungarian dominance in Bosnia.



These attempts against Bosnia were finalized at the Berlin Congress in 1878, when Bosnia and Herzegovina was given to Austro-Hungary, with the mandate to “occupy and supervise the province Bosnia and Herzegovina”, with the alleged mission to reinstate the peace and order. In fact, this was an excuse for subsequent incorporation of Bosnia and Herzegovina into the Austro-Hungarian Empire. Bosnia and Herzegovina remained a part of Austro-Hungarian Monarchy until October 29, 1918, and on December 1, 1918, it became a part of the newly established common Yugoslav monarchist state (Kingdom of Serbs, Croats, and Slovenians, that is, Kingdom of Yugoslavia). This date was one of the most crucial dates in the history of Bosnia and Herzegovina, which as in the past (1463 and 1878), proved the existence of forces interested in eliminating Bosnia and Herzegovina as a historic and political subject from the political map of Europe. With the introduction of the January 6, dictatorship (1929), which was in line with the Greater-Serbia ideology, politics and practice, the territorial integrity and specifics of Bosnia and Herzegovina were destroyed, as well as the compactness of Bosniak people. The Serbian-Croatian agreement of 1939 divided Bosnia and Herzegovina between Serbia and Croatia, which ignored the fact the Bosniaks were majority.

With the fall and capitulation of the monarchist Yugoslavia in April 1941, under the severe conditions of fascist occupation and destruction of Yugoslavia, the Independent State of Croatia was declared on April 10, 1941 and its occupation included Bosnia and Herzegovina, based on decision of the fascist forces and the will of Croatian fascists. Citizens of Bosnia were not asked if they wanted such establishment. Bosniaks were turned into an element of Croatian national politics.

The newly established occupational regime resulted in general deterioration of living conditions, especially severe persecution of population. Coupled with the withdrawal of the



main occupational forces from Yugoslavia towards the Eastern front, as well as reduction of density of occupation to the European average totaling to 1 soldier per 1 square kilometer in the occupied territory, the Communist Party of Yugoslavia used the circumstances to start the antifascist rebellion. The Government of the Kingdom of Yugoslavia in exile, having signed the capitulation, placed itself under the protection of Great Britain, and refused to respond to the invitation of the antifascist coalition to organize the resistance in the occupied territory. Instead, it waited in London for the fall of the Tripartite Pact, to regain the power in Yugoslavia. Serbian nationalist Chetnik movement of Draža Mihailović joined other collaborationists in the combat against National liberation movement and committed genocide against Bosniaks and other crimes against combatants and supporters of the National liberation movement, and all antifascists.

The Ustasha collaborationist regime relied more on the Third Reich and pursued its policy of persecution of non-Croatian population. The victims of the Ustasha genocide were Serbs, Jews, and Roma. Bosniak religious and political leadership opposed the atrocities committed under Ustasha regime and issued well known **Muslim Resolutions**, unique phenomenon in the World War II.

All the offensives, except for the first one, were pursued by the occupying forces in Bosnia and Herzegovina, and the big battles, such as the battles at Neretva River and Sutjeska Mountain were conducted in Bosnia and Herzegovina. These battles were the turning points in the Yugoslav frontline against Nazi forces in the World War II.

Yugoslavia, particularly Bosnia and Herzegovina, had an honorable place and gave a huge contribution to the antifascist combat and the liberation of the country.

During the antifascist war, some important political changes took place in Bosnia and Herzegovina. Antifascist war against the occupying forces and their collaborationists could count on the success only on terms that all residents of Bosnia and Herzegovina and all the peoples living in it were convinced that the victory would result in **equality and freedom**. That



was a decisive factor, which directed the political life and public opinion in Bosnia towards common, rather than partial political objectives. This fact ultimately resulted in the position that Bosnia and its residents, all the peoples living in it could be free and equal if Bosnia had equal status like the other countries, created from the National liberation war. Thus, the dominant position that the war against fascism and fight for the equality of citizens and peoples living in the territory of Bosnia and Herzegovina was possible and efficient only if the Bosnian state was restored and that all living in it are equal. That political platform had an absolute and unquestioned support of all the antifascist forces in Bosnia and Herzegovina, as well as representatives of all its people who on November 25, 1943 adopted the famous ZAVNOBiH (*"Antifascist Council of National Liberation of Bosnia and Herzegovina"*) Resolution, which restored the statehood of Bosnia and Herzegovina – a common state of Serbs, Croats, Muslims (Bosniaks), and others.

At the Second Antifascist Council of National Liberation of Yugoslavia, held on November 29, 1943 in Jajce, a decision on federal establishment of new Yugoslavia was made, with Bosnia and Herzegovina as one of the future six constituents. The ZAVNOBiH decision made at its Second Session on June 30, –July 2, 1944 in Sanski Most, Bosnia and Herzegovina was legally constituted within its historic borders as a state of equal citizens – Serbs, Croats, and Muslims (Bosniaks), as a federal unit of the Democratic Federal Yugoslavia.

All of the above was confirmed by the First Constitution of the Federal National Republic of Yugoslavia (FNRY), adopted at the Constitutional Assembly in Belgrade on January 31, 1946. Bosnia and Herzegovina, according to the first FNRY Constitution, was the only constituent of the Federation without any national prefix, yet with the preserved statehood.



Meanwhile, ZAVNOBiH held its Third session on April 26-28, 1945 in Sarajevo and it reorganized itself into National Assembly of Bosnia and Herzegovina. At the same time, the first national government of Bosnia and Herzegovina was elected. National Assembly prepared elections for the Constitutional Assembly, after the ratification of ZAVNOBiH documents, as the National Assembly of Bosnia and Herzegovina held on October 13, 1946. The Constitutional Assembly drafted and adopted on December 30, 1946 the first Constitution of the National Republic of BOSNIA AND HERZEGOVINA.

The international recognition of the Federal National Republic of Yugoslavia and consequent agreement on its borders by the peace agreement occurred on February 10, 1947 in Paris (*argumento a minore ad maius*). This led to the conclusion that the borders of Bosnia and Herzegovina are the result of several centuries' long political, cultural, and demographic development of its state borders.

Bosnia and Herzegovina, in its post-war development (1945-1991), and based on the legacy of the National liberation movement and antifascist combat, achieved significant economic and cultural development, ensuring, among other things, the national affirmation of Bosniaks; and despite the fact that for two decades Muslims were marked only as a religious identity (rather than ethnic) and only Serbs and Croats were marked as ethnic groups. The period of its renaissance allowed the creation of independent state of Bosnia and Herzegovina. Under the extremely difficult conditions of the aggression against Bosnia and Herzegovina and the genocide against Bosniaks (1993), Bosniaks replaced the religious foundation of its identity (*Muslim*) with the identification based on their historic identity, based on the life of a country and a state of Bosnia and its people Bosnians – *Bosniaks*.



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During the general Yugoslav crisis (1990s of the 20<sup>th</sup> century), the sovereign Bosnia and Herzegovina and its authorities took the position during the talks on rearrangement or dissolution of the common state that it should remain as a single country, regardless of a potential form (federation or confederation) accepting also the potential asymmetric options. Following the coup in the SFRY Presidency (October 3, 1991), the Assembly of Bosnia and Herzegovina, adopted on October 14, 1991 the *Memorandum (Letter of intention) and Platform on the position of Bosnia and Herzegovina and the future structure of Yugoslav community*. Due to the specifics of this multiethnic composition, the condition for staying in the Yugoslav community was that Serbia and Croatia would stay too. In conditions of silent occupation and the Hague Conference (commencing on October 8, 1991 together with the UNSG special envoy S. Vance), 100 days passed waiting for the results of the conference and the position of the European Community.

Unlike them, following the instructions of their employers in Belgrade and Zagreb, two of three collation partners, without leaving their positions, intensified their fifth column activities and the destruction of Bosnia and Herzegovina at all levels.

The Brussels *Declaration on Yugoslavia* of December 17, 1991, based on recommendation of Badenteur (Robert Badenteur) Arbitrary **commission** of December 7, **declared the dissolution (fall) of SFRY** and the republics were invited to **declare their position on independence by 23 December 1991**, with a promise that they would be recognized on January 15, 1992. Bosnia and Herzegovina filed an *Application* and responded to the *Questionnaire* of the Arbitration commission, and this time was also used for the preparation of the Draft Constitution of the Republic of Bosnia and Herzegovina.





On January 15, 1992, new *Report* of the Badenteur Arbitration commission was published, in which the establishment of Bosnia and Herzegovina as a sovereign and independent state was only conditioned with the referendum of its citizens, as all the other December terms from the European Community Declaration were fulfilled.

On January 26, 1992, the Assembly of Bosnia and Herzegovina made the *Decision to announce the referendum on future status of the Republic*. Referendum was scheduled and held on February 29 and March 1, 1992.

The referendum was held under the international control and the practical occupation of the country, due to the increased presence of the Yugoslav National Army (JNA) forces and illegally armed Serb formations. There were also criminal activities of the para-state *Croatian Community of Herzeg-Bosnia*, with the sole purpose of “**declaring Croatian state in Bosnia and Herzegovina**” and its “**joining to the Republic of Croatia.**” Additionally municipalities in which “the regionalization of Serbs” was completed refused to participate and organize the referendum. An attempt to redefine referendum question related to the independence of Bosnia and Herzegovina by the Croatian Democratic Community for Bosnia and Herzegovina (so-called Livno issue) was also made. Other forms of destructive attempts against Bosnia and Herzegovina were made, and a huge pressure was exerted on voters. During the referendum, of 3,253,847 registered voters, despite the obstruction and pressure of the Serb Democratic Party of Bosnia and Herzegovina in a large number of municipalities, 2,073,568 or 64.31% voters **responded. Positive response** to a referendum question (*for a sovereign and independent Bosnia and Herzegovina, a state of equal citizens and peoples in Bosnia and Herzegovina – Muslims, Serbs, Croats and members of other ethnic groups who live in it*) was circled by 2,061,932 or **63.95%** of potential number of voters, or 99.44% of those who voted in the referendum (only 6,037 or 0.19% voters were against)





Following the Referendum and rather long consultations with allies, on April 6, 1992, European Community recognized the independence and sovereignty of the Republic of Bosnia and Herzegovina. United States of America did the same the following day. **Bosnia and Herzegovina was in this way an internationally recognized state and it achieved a full state sovereignty and international and legal subjectivity.** Political and administrative borders of the Republic of Bosnia and Herzegovina, as one of the six federal units of the SFRY, became internationally recognized borders.

Serbia and Montenegro, and the Republic of Croatia, during the disintegration of Yugoslavia, established the collaborationist, nationalist creations (*Serb Republic of Bosnia and Herzegovina*, *Croatian Community Herzeg-Bosnia*, and *Autonomous Province of West Bosnia*), organized and systematically completed all the preparations (ideological, intelligence, political, military, media, legal, economic, and other) to execute genocide and other forms of crimes in Bosnia and Herzegovina. Objective of the aggression was the conquering and destruction of the Republic of Bosnia and Herzegovina and the extermination of Bosniaks. Objective was an aggressive war for the territories, “living space”, stealing someone else’s – Bosnian land. Various original documents testify that these crimes against humanity an international law were planned

The aggression against the Republic of Bosnia and Herzegovina and genocide against Bosniaks is the **essence of common joint criminal enterprise.**

**Intention** of that criminal act had as an objective **capturing, division, and destruction of the Republic of Bosnia and Herzegovina, and the extermination of Bosniaks or their limitation**



**down to an insignificant ethnic group.** All the relevant sources confirm that prior to the aggression against Republic of Bosnia and Herzegovina and the genocide committed against Bosniaks, there was a well-designed intention to commit these and other forms of crimes

To achieve these genocidal intentions, the following activities were undertaken: the constitutional concept of defense of the Former Yugoslavia was destroyed; the Territorial defense of Bosnia and Herzegovina was reduced and disarmed together with some other constitutional elements of the Federation; Yugoslav National Army transformed from the antifascist and multiethnic armed force to a Greater Serbia army; the classic aggressive plans of the Kingdom of Serbia Army against Bosnia and Herzegovina were tested; the Serbian and Croatian extreme nationalistic movements were restored; the methods, mechanisms, and procedures for planning and preparation of crimes were defined; a principal arrangement how to destroy Bosnia and Herzegovina was reached between the heads of two neighboring states – Pact Milošević – Tuđman (March 1991); the new borders were drawn; the fifth column was organized and armed in Bosnia and Herzegovina; the command in the occupied territories was unified in hands of the heads of neighboring states = which appeared as the occupation forces; the initial positions for the aggression and other criminal activities were taken, which allowed efficient aggression and genocide against Bosniaks.

The aggression against Bosnia and Herzegovina was planned (politically, militarily, economically, psychologically, through media and intelligence campaign), with clearly defined objective, which was the destruction of Bosnia and Herzegovina. The execution of this plan was ordered from the responsible political and military positions, and it was executed according to plan in an organized and systematic manner. The aggressors against the state are known, as well as the ideologists, planners, organizers, order issuing authorities, and the accomplices in this crime.



The war was planned, prepared, and executed as the act of aggression against the Republic of Bosnia and Herzegovina, with intent to commit genocide against Bosniaks. The aggressors controlled and commanded the execution of the aggression; operatively planned, prepared, coordinated, directed and through their officers pursued combat operations against Bosnia and Herzegovina; secured manpower (officers and soldiers), complete logistic support (tanks, transporters, helicopters, artillery and infantry armament, radar and computing equipment, mine explosive ordnance, ammunition, fuel and oils, and other strategic raw materials; paramedic material; health care and the other military equipment, salaries and pensions, thus they directly participated in the execution of genocide and other forms of crimes against humanity and international law. It was only in the period until December 31 (year?) that the Federal Republic of Yugoslavia secured for the aggression 89.4% of infantry, 73% artillery, and 95.1% antiaircraft ammunition. The International Court of Justice had all these records during the proceedings, but unfortunately, it did not consider them just like many other crucial pieces of evidence relative to direct participation and responsibility of the Federal Republic of Yugoslavia in the aggression against the Republic of Bosnia and Herzegovina and genocide committed against Bosniaks.

The armed aggression, aggressive war against Bosnia and Herzegovina, was an integral part of the Milošević's state policies, in whose name the biggest part of Bosnia and Herzegovina was occupied, Bosniaks killed, expelled, and taken to the concentration camps just because of their **national, ethnic, and religious background**. Genocide against Bosniaks, in addition to taking over and division of Bosnia and Herzegovina between two aggressors, was an instrument of achieving the principle objective of aggression – **expansion of the aggressor lebensraum**. An important condition for this objective was biological and spiritual extermination of Bosniaks. Unexplainable passive attitude of the international community, inadequate attitude of the



United Nations, and inefficiency of the international order facilitated the aggressors and their collaborationists to use this instrument and try to exterminate Bosniaks, whereby they committed **genocide**.

During the defensive war, the Republic of Bosnia and Herzegovina defended itself from brutal aggression. The defensive war was pursued mainly by its own forces and tools, in conditions of multiple overpower by the aggressor and in situation when Bosnia and Herzegovina, an independent state and a member of the UN, by **an unlawful arms embargo** adopted in 1991 by UN Security Council on the request of the Serbian leadership and Slobodan Milošević personally, was practically deprived of the right to defend its territorial integrity and the safety of its citizens from the aggression and genocide, the right guaranteed in the Charter of the United Nations [Source].

The mobilized reserve police staff and self-organized groups of patriots offered first resistance and allowed, on the *Platform for actions of Presidency in time of war*, the highest framework for gathering the patriotic forces. Under the leadership of the Republic of Bosnia and Herzegovina Territorial Defense Headquarters, gathering of significant, though poorly armed groups, which in summer 1992 transformed into the Army of the Republic of Bosnia and Herzegovina, which constantly grew, although it remained poorly armed. From the initial companies, battalions, detachments, and groups, the Army was transformed into brigades and corps, but the units remained attached to certain territories. In addition to the central free territory, there were several detached enclaves. It was difficult to acquire any armament, mainly through war repossession of weaponry taken from the aggressor and their supporters.

The defensive war was pursued with the own forces and tools in conditions, which sometimes compared to impossible. The country and its Territorial Defense was first disarmed,



then occupied, whereby an effective occupation apparatus was established in one third of its occupied territory, which also thanks to the fifth column and the activities of several political parties, primarily Serb Democratic Party and Croat Democratic Community, prevented adequate preparations for the defense. Like in the case of National liberation war, 1941-1945, the beginning was very difficult: available, conquered, manufactured in primitive workshops, or even bought from large amounts of money, the weapons and ammunition were far below the number of volunteers, so that even several individuals would use one rifle.

With the long-lasting efforts, the constellations of the relations in the country and the world changed. Although reduced to less than 30% of the total space and isolated from one another, **free territories** were somehow **consolidated**.

In summer 1995, the defensive war was at the edge of a complete success, because it did not go for somebody else's territory, but only to defend its own territory and its sovereign, internationally recognized state and a member of the UN. Approaching to this final success was however long-lasting and cumbersome, it was achieved with the last atom of its Army and people. The success was stopped by the Dayton Agreement, which legalized the aggressive war against the Republic of Bosnia and Herzegovina and genocide against Bosniaks, and imposed solutions, which are not in line with the international democratic standards.

European Community, UN, and international community, although they accepted the results of the referendum for sovereign and independent Bosnia and Herzegovina and recognized it, they did not protect the Republic of Bosnia and Herzegovina – its member, a victim of armed aggression and genocide. Instead, the UN Security Council, not only failed to protect Bosnia, but it also deprived it of its right to defend itself from aggression and genocide. Genocide victims (Bosniaks) unfortunately, were deprived of the right to self-defend with the



arms embargo (September 25, 1991). Imposed upon (SFR) Yugoslavia, rather than Bosnia and Herzegovina, embargo was unlawful and free of any legal basis, as it deprived a sovereign state, UN member from its natural right to self-defense. Yet, Bosnia and Herzegovina survived thanks to the brave resistance of its fighters, guided on principles of acquired sovereignty and independence in 1992.

The Dayton Agreement rewarded the aggressor and their collaborationists and nationalists, who destroyed the state of Bosnia and Herzegovina and committed the genocide against Bosniaks, unlike the WWII when the occupying forces were militarily defeated.

Present day Dayton Bosnia and Herzegovina is made of two entities, one of which is Republika Srpska or the Serb entity, a genocidal creation o, created on grave violations of international humanitarian law, marked and soaked in mainly Bosniaks blood, and covered with numerous mass graves and concentration camps, in which Chetnik extremist organizations espousing Nazi principles legally operate,. Political leadership and other structures of Republika Srpska, in line with the Greater Serbia ideology, politics, and practice, by all means conceal, minimize, relativize, and deny genocide against Bosniaks; they permanently and continuously equalize genocide victims and the perpetrators of genocide; they deny historic, political, legal and state continuity of Bosnia and Herzegovina, obstruct the strengthening of the state Bosnia and Herzegovina and permanently pursue the policy of secession, destruction of Bosnia and Herzegovina, deny the possibility of sustainability, development, and improvement of the quality of life, which altogether undermines the issue of universal human values, freedoms and rights, civilization and cultural legacy. Entity Federation of Bosnia and Herzegovina was essentially created by the Washington Agreement (March 18, 1994). Bosniaks who were expelled have not been able to return to their homes.



It is finally the time for the unification, and that all the progressive pro Bosnian forces start acting jointly on the preservation and development of Bosnia and Herzegovina as a state of all its citizens and nations.

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