RS Citizenship Law Clarification

The High Representative, Wolfgang Petritsch, wishes to clarify a few details of the Law on Entity Citizenship that was adopted by the Republika Srpska National Assembly on November 18th 1999.

This Law is fully compliant with the Constitution of Bosnia and Herzegovina and the Law on Citizenship of Bosnia and Herzegovina.

The Citizenship Law of Bosnia and Herzegovina states that a citizen of Bosnia and Herzegovina, who on April 6th 1992 was a permanent resident in Bosnia and Herzegovina, on territory which today belongs to one of the Entities, is a citizen of that Entity. The new law in the Republika Srpska reflects this, stating that all those who left the Republika Srpska, for the Federation or elsewhere, are considered to be citizens of Republika Srpska by virtue of the registration of their permanent address on April 6th, 1992.

Again, in accordance with the Law on Citizenship of Bosnia and Herzegovina, the Law in Republika Srpska allows only one possible exception. If a person chose to take up permanent residence in the Federation and still had permanent residence in the Federation on January 1, 1998, the date when the Citizenship Law of Bosnia and Herzegovina came into force, then that person is regarded as a citizen of that Entity. Individuals currently in the Federation or elsewhere who are displaced persons or refugees will have been registered as temporary residents. As such these people are still considered citizens of the RS under this law.

In a separate clause the Law on RS Citizenship states that those people who came to the Republika Srpska from the

Federation, taking up permanent residence before January 1st 1998, may also be considered RS citizens. In no way are displaced persons and refugees from Republika Srpska excluded from their right to citizenship of that entity unless they have chosen to become permanent residents of the Federation.

The RS Citizenship Law was drafted in cooperation with OHR, UNHCR and the Council of Europe and encompasses all legal and human rights issues required by these institutions. These same strict conditions were placed on the draft Law on Citizenship for the Federation where the same provisions on citizenship are made.

The High Representative feels that some media coverage of this issue has been ill informed and misleading. The Citizenship Law of Republika Srpska adopted last week is an important step in the full implementation of the BiH citizenship legislation.