

Decision Enacting the Law on Amendments to the Law on Citizenship of Bosnia and Herzegovina

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) measures to ensure the Peace Agreement throughout Bosnia and Herzegovina and its Entities;

Bearing in mind Article I:7(d) of the Constitution of Bosnia and Herzegovina, which provides, *inter alia*, that “Citizens of Bosnia and Herzegovina may hold the citizenship of another state, provided that there is a bilateral agreement, approved

by the Parliamentary Assembly in accordance with Article IV(4)(d), between Bosnia and Herzegovina and that state governing this matter”;

Considering Article 39 (1) of the *Law on Citizenship of Bosnia and Herzegovina* (Official Gazette of Bosnia and Herzegovina 4/97 and 13/99), which provides, *inter alia*, that “All persons who before the entry into force of this law voluntarily acquired another citizenship lose the citizenship of BiH, if they do not, within 5 years from the date this Law enters into force, renounce the other citizenship, unless a bilateral agreement provides otherwise. The renunciation of the other citizenship is not required if this is not permitted or cannot be reasonably required.”;

Considering further the efforts made by the Ministry for Civil Affairs and Communications of Bosnia and Herzegovina in approaching various countries regarding the conclusion of dual citizenship agreements, though only one such agreement has been signed to date;

Noting that the deadline for expiry of the transitional period for maintenance of dual citizenship as established in Article 39 (1) of the *Law on Citizenship of Bosnia and Herzegovina* is quickly approaching, and that there is an urgent need to provide a further period of time to ensure that citizens of Bosnia and Herzegovina maintaining dual citizenship are not now faced with a choice between citizenship of Bosnia and Herzegovina and foreign citizenship;

Noting further that at the fifth Session of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina held on 23 December 2002, an amendment to the aforesaid Article 39 (1) was unanimously adopted with a view to replacing the original five year term therein provided for by one of fifteen years;

Taking into account the fact that the Chair of the House of

Representatives, following upon the aforesaid unanimous adoption, referred to the fact that the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina has not yet been formed and that in consequence the intervention of the High Representative by way of substitution for the House of Peoples is required in order to enable such amendment to become law prior to the deadline for expiry of the existing law;

Bearing in mind the totality of the matters aforesaid, the High Representative hereby issues with immediate effect the following

DECISION

Enacting the *Law on Amendments to the Law on Citizenship of Bosnia and Herzegovina*, which is hereby attached as an integral part of this Decision.

The said *Law* shall enter into force as a law of Bosnia and Herzegovina with effect from the date provided for in Article 2 thereof, on an interim basis until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts this law in due form, without amendments and with no conditions attached. The effect of this *Law* shall be to extend the period provided for in article 39 (1) of the said *Law on Citizenship* until 1 January 2013.

This Decision shall come into force forthwith and shall be published without delay in the Official Gazettes of Bosnia and Herzegovina, of the Federation of Bosnia and Herzegovina, of the Republika Srpska and of the District of Brcko.

Sarajevo, 31 December 2002

Paddy Ashdown

High Representative