

High Representative Imposes Citizenship Law Amendments, Calls for Fundamental Re-appraisal of Dual Citizenship

The High Representative, Paddy Ashdown, on Monday issued a Decision imposing **amendments to the Law on Citizenship of Bosnia and Herzegovina**. The amendments were approved by the BiH House of Representatives on 23 December. The High Representative issued his Decision because the BiH House of Peoples has not yet been constituted and therefore could not approve the amendments by 1 January. The original Citizenship Law stated that if the BiH authorities had not negotiated bilateral agreements on dual citizenship with other states by 1 January 2003, BiH citizens holding dual citizenship would have to choose one citizenship and renounce the other. The amendments imposed by the High Representative today extend the period for the conclusion of relevant bilateral agreements by ten years, to 1 January 2013.

"If I had not acted, hundreds of thousands of BiH citizens with dual citizenship would, on 1 January, have been forced to choose between citizenship of Bosnia and Herzegovina and foreign citizenship," the High Representative said.

While the amendments imposed today resolve the immediate problem, the High Representative also called for a broader and more radical approach to the question of citizenship. "I hope that the BiH Parliamentary Assembly will, within the next six months consider, if necessary through a revision of the Constitution, a much more fundamental reform of dual-citizenship provisions, in order to bring BiH into line with increasingly common international practice, to entrench a non-ethnic approach to citizenship, facilitate close relations

with BiH's foreign diaspora and, most important of all, to enable the widest possible international travel for the citizens of this country.

"The dual-citizenship provision in the BiH Constitution is, I understand, a leftover from the old Constitution of Yugoslavia. The more normal European and international practice nowadays is for states not to restrict dual citizenship to those cases where a bilateral agreement exists with another country – but to allow every citizen to enjoy dual citizenship where they qualify, without restriction."

The High Representative noted that "unrestricted" access to dual citizenship has been adopted relatively recently by countries such as Canada, New Zealand, the USA and Italy, and is viewed as a way of maintaining close and useful contact with internationally mobile populations. He said this is particularly relevant to Bosnia and Herzegovina, where war has led to a widespread diaspora.

"Additionally, I understand that BiH's requirement for bilateral agreement for dual citizenship has had the effect of creating difficulties with countries which have adopted this more liberal 'unrestricted' approach," the High Representative said. "The UK Government for instance (where dual citizenship has been unrestricted for 50 years), has explained to me that, since it is not their practice to have bi-lateral agreements for dual citizenship, they find it difficult to provide for such an agreement with Bosnia and Herzegovina."