

His Excellency Dr. Christian Schwarz-Schilling  
Office of the High Representative  
Emerika Bluma 1  
71000 Sarajevo

*Washington D.C., August 21, 2006*

*Your Excellency:*

We write to you on behalf of the Congress of North American Bosniaks (CNAB) and the Bosniak American Advisory Council for Bosnia and Herzegovina (BAACBH) to ask for your support for the recently introduced legislative initiative to remove Article 17 and its accompanying provisions from the Law on Citizenship. The CNAB and BAACBH are independent, non-profit organizations advocating interests of many of the over 350,000 Bosniaks in the United States and Canada.

Article 17 and its accompanying provisions endanger the right of BiH citizens who hold citizenship of another State to retain their BiH citizenship. Article 17 provides that the "BiH citizenship is lost through a voluntary acquisition of another citizenship except if it is provided otherwise through a bilateral agreement between BiH and that State..." These bilateral agreements, however, provide no remedy for BiH citizens in the United States of America and Canada because both countries have formally indicated that they do not intend to enter into such agreements.

The practical effect of this provision, then, is to divest of BiH citizenship over half a million BiH citizens who left Bosnia and Herzegovina as a result of genocide and ethnic cleansing and who subsequently acquired citizenships of the USA and Canada in order to secure better lives here. Over 250,000 BiH citizens in the USA and Canada are potentially affected by this provision at present, and the number is constantly growing.

The December 2002 Decision of High Representative Ashdown did nothing to remedy the situation. The Decision postponed until 2013 the loss of BiH citizenship only for those BiH citizens who acquired citizenship of other states before January 1, 1998, that is, before the Law came into force. As such, the Decision affects none of the BiH citizens who came to the United States or Canada as a result of genocide and ethnic cleansing because none of them was able to obtain citizenship in either country prior to 1998 due to the waiting periods required.

The Republika Srpska (RS) Deputies in the Parliament have twice before blocked proposed changes to the Law, claiming that the BiH Constitution mandates Article 17. Numerous legal analyses show, however, that Article 17 is actually *unconstitutional*. Some RS politicians have recently cited "international conventions" as the reason for their opposition, but, as you well know, no such conventions exist.

The source of RS politicians' opposition to removing Article 17 and its accompanying provisions is neither their desire to "uphold" the Constitution nor their adherence to nonexistent "international conventions." Rather, their *sole reason and motivation* for preserving Article 17 is to complete the genocide and ethnic cleansing by ridding Bosnia and Herzegovina of another half a million Bosniaks.

The RS Deputies also have no basis for employing the Vital National Interest veto to prevent the change of Article 17 because it is impossible to claim that the proposed changes endanger the rights of any People, including the Serb People. If anything, the proposed changes benefit a large number of BiH citizens of all ethnicities.

If the RS Deputies employ, *once again*, the mechanism of entity-based voting to prevent the removal of Article 17 from the Law, the results of genocide and ethnic cleansing will come much closer to completion.

Your predecessor, Mr. Ashdown, called on the BiH Parliament to enact "within six months a fundamental reform of dual-citizenship provisions, in order to bring BiH into line with increasingly common international practice [and] facilitate close relations with BiH's foreign diaspora." That was almost four years ago, and all attempts to effectuate Mr. Ashdown's calls were arrogantly and ruthlessly blocked by the RS Deputies. The Office of the High Representative, thus, has a special responsibility to quickly ensure the success of this initiative, especially considering announcements that it is nearing the end of its mandate.

We therefore ask that you do everything in your power to ensure the immediate passage of the amendments to remove Article 17 and its accompanying provisions from the Law on Citizenship. If they fail to be adopted in the Parliament due to entity-based voting, we call on you to invoke the Bonn Powers and issue a Decision enacting these amendments.

We trust you will do everything within your powers to ensure the success of this initiative.

*Sincerely,*

*Emir Ramić*  
President, CNAB



*Mirsad Hadžikadić*  
President, BAACBH



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