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Viktor Koska

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The evolution of the Croatian citizenship regime: from independence to EU integration

Viktor Koska, University of Zagreb¹

Abstract

Following the break up of the Former Yugoslavia, the main challenges the newly established republics faced were to consolidate their statehood and to define the membership criteria of their political communities. These processes were complex since the reality of the newly independent republics did not fit the imaginations of ethno-political entrepreneurs who sought the congruence of ethnic communities and state borders. The Croatian case displays almost all of the typical controversies and challenges associated to the former Yugoslavia successor states' regimes: ethnic engineering through citizenship policies, state exclusion and self exclusion of ethnic minorities from the core citizenry and liberalisation of the citizenship regime in the light of EU integration. While over the last twenty years Croatia established a stable legal framework for its citizenship, the scope of rights recognised for particular categories of citizens was the object of the gradual change. By closely scrutinising the citizenship policies relating to two main target groups, the Croatian diaspora and the Serb minority, this paper will argue that the Croatian citizenship regime has evolved through two stages of development over the last two decades. The citizenship debate during the first stage was concerned primarily with the 'status dimension' while the debate during the second stage moved towards the 'rights dimensions' of citizenship. Finally, the last section of this paper will highlight a possible third stage of the further evolution of the Croatian citizenship regime that may develop as the outcome of Croatian accession to the EU.

Keywords:

citizenship, Croatia, politics, triadic configuration model, Croatian diaspora, Serb minority, Europeanisation

Introduction

Following the break up of the Former Yugoslavia, the main challenges the newly established republics faced were to consolidate their statehood and to define the membership criteria of their political communities. These processes were complex since the reality of the newly independent republics did not fit the imaginations of ethno-political entrepreneurs who sought the congruence of ethnic communities and state borders. The secessionist movements aimed at the 'liberation' of ethnic groups

¹ Viktor Koska, Associate Researcher, CITSEE project. The author is also a teaching and research assistant on the project „Croatian political system, public policy and governance“ at the Faculty of Political Sciences, University of Zagreb. Email: vkoska@fpzg.hr.

through the formation of independent national states led to violent conflicts while citizenship was often used as a tool of political engineering and ethnic discrimination. Once the primary goals of state formation were met, the promise of EU integration appeared as a new goal. With this new task in mind, and in order to meet membership criteria of the EU, post-Yugoslav states had to reassess and liberalise the exclusive citizenship regimes that they enacted during the turbulent 1990s. The Croatian case displays almost all of the typical controversies and challenges: ethnic engineering through citizenship policies, state exclusion and self exclusion of ethnic minorities from the core citizenry and liberalisation of the citizenship regime in the light of EU integration. What makes the Croatian case particularly fruitful for analysis is its distinctive feature compared to other successor republics' citizenship policies: Croatia has developed the most stable citizenship regime in the region, with its key legislation being virtually unchanged since the proclamation of Croatian independence. Furthermore, specific provisions contained within this legislation allowed for adjustments to particular demands of political circumstances without challenging the ethnic foundation of Croatian citizenship.

In this paper, citizenship regime will be defined as 'the concept which encompasses a range of different legal statuses viewed in their wider political context, which are central to the exercise of civil rights, political membership and full socio-economic membership in particular territory' (Shaw & Štiks 2010: 5). The evolution of the Croatian citizenship regime will be scrutinised within the context of the ideological languages of political actors constructed to address the issues emerging from the interaction between the state and society in a given national community (Bellamy 2004: 5). This approach will reveal the two main lines of argument developed in this paper. While Croatia established a stable legal framework for its citizenship, the scope of rights recognised for particular categories of citizens was the object of the gradual change. By closely scrutinising the citizenship policies relating to two main target groups (the Croatian diaspora and the Serb minority) this paper will argue that the Croatian citizenship regime has evolved through two stages of development over the last two decades.

The citizenship debate during the first stage was concerned primarily with the status dimension (Joppke 2007). In this stage citizenship was used as a tool (Štiks 2006, 2010a, 2010b) for defining the Croatian citizenry and the inclusiveness of Croatia's newly established democracy. By the end of the 1990s, this resulted in a clearly defined, exclusive, and ethnically homogenous conception of the political community of consolidated Croatian state. The second stage of the citizenship regime's developments involved a debate about the 'rights dimensions' of citizenship (Joppke 2007). The liberalisation of the citizenship regime during this period was marked by the evolution of cultural and political rights of national minorities in Croatia and the debates over the scope of political rights that should be granted to Croatian citizens with the residency outside of Croatia (which in Croatian public discourse is defined as the Croatian diaspora). As with other former Yugoslav republics (Džankić 2010; Rava 2010), the key features of the Croatian citizenship

regime during both of these stages were generated by political circumstances which emerged and political goals Croatia wanted to accomplish.

It can be argued that the constitutive stage of the Croatian citizenship regime began with the proclamation of the new Croatian Constitution in December 1990; it continued with the declaration of independence and the enactment of the Law on Croatian Citizenship (LCC) in June and October 1991; it reached its peak with the integration of Croatian territory previously held by Serb rebel forces through the military operations of 1995, the peaceful integration of the remaining territories under local Serb control in 1998; and it ended with the democratic changes in 2000 that signalled a major shift from nationalist policies of the 1990s. The primary citizenship debates of this time were related to the status dimension of citizenship, or, in Joppke's terms, towards the questions of 'formal state membership and the rules to access it' (2007: 38). The answer to this issue will indirectly address the normative aspect of the future Croatian polity.

The new Croatian Constitution defined Croatia as the 'national state of the Croatian people and members of other nations and minorities who are its citizens'. Thus the distinction between the titular majority and other minority nations became the constitutive dichotomy around which the concept of Croatian citizenship developed. From the perspective of the Croatian political elites, the newly established independent Croatian state would become a tool of unification for the ideologically divided resident ethnic Croat population. Furthermore, their aim was to encourage and promote transnational solidarity of ethnic Croats regardless of their residency. As Ragazzi (2008: 146) has argued, by introducing the new historic subject 'diaspora', in the light of the changes of the 1990s, Croatian political elites radically modified the nature of what belonging to a nation means.

These notions of the Croatian state were highly reflected in the provisions of the 1991 LCC. As Štiks (2010b) argues, citizenship will become a useful political tool for ethnic engineering: it will encourage the inclusion of ethnic Croats and exclude legally or politically as much as possible the non-Croats (mostly Serbs) from the initial citizenry of the new Croatian state. The status of the Serb refugees fleeing the country following the military Operation Storm in 1995 will become another citizenship controversy. The complex administrative practices, combined with already ethnically discriminatory provision of the LCC, will discourage Serbian refugees to return and integrate to Croatian state. On the other hand, the incorporation of virtually all Croats from Bosnia and Herzegovina (BiH), but also thousands of other Bosnian citizens, into Croatian citizenry will in the long term influence and channel Croatian interests in this neighbouring republic.

As Brubaker has pointed out, 'the politics of citizenship pivots on national understanding, not on the group or state interests' (Brubaker 1992: 2). As such, once enacted, the rules that govern access to membership of a state, besides a formal declaration of who is legally linked to a state as its citizen, also constitute legal tradition of who and under what conditions can become a full member of the state in the years to come. Considering that the Croatian citizenship regime is relatively

young compared to the century long regimes of France and Germany, it could hardly be defined as a firm legal tradition in Brubaker's terms. However the endurance of the LCC enacted in 1991, although heavily criticised for its ethnic discriminatory provisions (UNHCR 1997; Omejec 1998; HPC 2001; Ragazzi & Štiks 2009; Štiks 2010b), highlights the possibilities that this law has the potential to become the foundation of a legal tradition. Designed under the conditions of Yugoslavia's violent break up, supported by the constitutive myths of the historical rights of Croats to have an independent state and definition of Croatia as the national state of Croatian People, the content of the Law seems indeed to 'embody and express a deeply rooted habit of national self-understanding' (Brubaker 1992: 187). In other words, the primary goal of the evolving Croatian citizenship regime was to define the main criteria for citizenship acquisition and to confirm the consent on the titular nation of the new Croatian state. Once this goal is reached, the debates within the citizenship regime may move towards other issues that define citizenship regimes.

The constitutive stage of the development of the Croatian citizenship regime symbolically ended with the 2000 elections when the nationalist HDZ was replaced with a left-wing Coalition government. By that time fundamental questions of Croatian statehood had been mostly resolved: Croatia had constituted itself as an independent nation state; it had gained full control over its internationally recognised borders; the semi-presidential system had been replaced with a system of parliamentary democracy and the foundations for the long term development of the healthy civil society had been set. The controversies over the status dimension of citizenship being solved, the new political conditions in the second stage shifted the citizenship debates toward the issues incorporated into what Joppke defines as a dimension of citizenship as rights: 'about the formal capacities and immunities connected with such (citizenship) status' (Joppke 2007: 38). In other words, it was not a question of 'Who forms the core citizenry of Croatia?', but 'What rights should be given to different categories of Croatian citizens?' that governed the citizenship debate at this stage.

By this time the initial Croatian citizenry had been clearly defined and constituted. The tragic outcomes of a decade of ethnic engineering policies were reflected in the census of 2001 where the total share of minorities in Croatia had declined to only 7.5 per cent. The Serb minority experienced the greatest consequences of this fall. Once being a titular people of the republic alongside with ethnic Croats and clear majority in certain Croatian regions, they became not just constitutionally but de facto a numerical minority in all regions of Croatia. From 12 per cent, their share in the population of Croatia dropped to only 4.5 per cent due primarily to their massive exodus during the war. Last but not least, at this point the fundamental political question of the further development of Croatian state moved from consolidation of statehood, which was by this time an accomplished goal, toward the imperative of accession to the EU. Hence, this paper will argue that the citizenship regime development since 2000 was moulded within the context of the interplay between these three political realities: consolidation of Croatian democratic

institutions, ethno-national homogeneity of Croatian political community, and pressure by the external actors during the EU accession process.

Following in the vanguard of these forces of change, Croatian citizenship policies moved toward a more liberal rights regime during the last decade. On the one hand, a set of constitutional laws on national minorities established a system of high protection of cultural rights for all ethnic minorities in Croatia. Furthermore, provisions of the new electoral laws secured an over proportional political representation of minorities at the national and local government levels. In practice, following the changes of electoral law, votes of minority representatives became crucial in securing a parliamentary majority and formation of the government. On the other hand, the scope of political rights Croatia should grant to ethnic Croats residing outside Croatia became a matter for heated debate. In the 2007 parliamentary elections, Croatian ethnicity as a legal basis for ascription of certain rights to citizenship status was strongly contested by a number of relevant political actors. However, it would be premature to conclude that these events are the expression of the general trend toward the de-ethnicisation of Croatian citizenship.

The analysis in this paper will confirm the findings of previous research, which argues that since 2000, Croatia has been moving from 'constitutional nationalism' (Hayden 1992) towards Smootha's model of 'ethnic democracy' (2002; Štiks 2010b). Along with the political debates over diaspora rights, citizenship policies still actively encourage descendants of Croatian ethnic community anywhere in the world to apply for and acquire Croatian citizenship. Furthermore, Croatia recognises multiple citizenships for its ethnic compatriots residing abroad. Since this practice mostly affects Croats residing in neighbouring Bosnia and Herzegovina, citizenship remains an important political tool through which the Croatian government shapes and impacts regional policies. The rationale for such interference is still the promotion of the interests of Croats in BiH, who are perceived to form the transnational Croatian ethnic community. Therefore, one of the tasks of this paper will be to explore further and illuminate the social and political forces that lie behind the regulations of the dual citizenship regime in Croatia.

To address the mechanism under which the changes of Croatian citizenship regime have evolved appropriately, this paper will depart from the Brubaker's triadic configuration model (Brubaker 1996). This approach enables an analysis of the citizenship regime within the wider context of the dynamic interdependent relational nexus of three key entities: national minorities, nationalising states and external homelands (Brubaker 1996). Three general features of the relational nexus allow the monitoring and evaluation of the development of the citizenship regimes in accordance to the internal and external changes specific to each of the named fields. Scrutinised through the lens of this framework, the evolution of the various aspects of Croatian citizenship policies can be interpreted as the outcomes of a dynamic process in which 'actors in each field closely and continuously monitor relations and actions in each of the other two fields' (Brubaker 1996: 68). As an example, the expansion of minority rights can therefore be explained as the outcome of the new

instances that shaped the perceptions and representations of national minorities in the eyes of the Croatian state and vice-versa.

Finally, the last section of this paper will highlight a possible third stage of the further evolution of the Croatian citizenship regime that may develop as the outcome of Croatian accession to the EU. As Spanu argues, the EU accession process influenced the liberalization of citizenship policies, but did not alter the sovereign right of the state to determine the criteria for its membership (Spanu 2010: 89). Therefore, the Croatian citizenship regime will remain highly inclusive of co-ethnics and highly discriminating against all other foreigners. With accession to EU, it may be expected that Croatia will transform from a transit country into the country of final destination for many non-EU state migrants. However, strict naturalisation policies, confirmed with increasingly rigid asylum and refugee criteria, shows that Croatian citizenship regime in this instance will easily adapt to the EU's 'Fortress of Europe' migration policies. A greater challenge may be posed by free movement, residency and the political rights associated with EU citizenship (Guild 1996). Within these new possible political and social circumstances, the Croatian citizenship regime may be contested on some of the most important dimensions of citizenship: status, rights and identity.

2 The evolution of Croatian citizenship legislation: historical background and controversies of the 1990s

Any serious discussion of contemporary Croatian citizenship has to begin with a review of the citizenship regimes that regulated the state membership of the political communities that preceded Croatian independence. During the twentieth century, Croatia was sequentially part of an empire, a kingdom and, finally, a member of a socialist federation. The trajectory of the Croatian citizenship regime's development can be scrutinised through the concept of path dependency. The earlier stages of citizenship development greatly affected the legal outcomes of the citizenship regimes enacted in the later stages. Therefore, the understanding of the legal realities of these regimes is of focal importance for the comprehension of the legal and normative frameworks that regulate Croatian citizenship today and affect its future development. The following section provides a brief historical overview of Croatian citizenship legislation throughout the twentieth century and serves as an introduction to an analysis of the key political and social forces that lay behind the Croatian citizenship regime on the eve of EU accession.

2.1 Croatian citizenship before the 1990s

Croatia witnessed the birth of the twentieth century as a member of the Austro-Hungarian Empire. At this time, administrative control over Croatian lands (Slavonia, Croatia, and Dalmatia) was divided between the two titular powers of the empire. This administrative division resulted in two separate citizenship legislations

over the Croatian territories. The status of citizens in Dalmatia, which was under the protection of the Austrian authorities was regulated by the Law on Austrian Citizenship based on the 1811 (1867) Austrian Civil Code. In Croatia and Slavonia, lands which were under control of the Hungarian authorities, citizenship was regulated by the 1879 Law on Hungarian Citizenship. A single citizenship legislation for the population inhabiting all of the Croatian territories would only be introduced after the First World War when Croatia acceded to new political community of South Slavs.

After the war and the break up of the Empire, Croatia joined Slovenia and Serbia in a new South Slavic state united under the Serbian crown. However, it took a whole decade for the new state to pass single citizenship legislation over its territory following the unification. It happened only in 1928 with the enactment of the Law on Citizenship of the Kingdom of Yugoslavia. The establishment of unified citizenship aimed to integrate all the peoples of the state into a new Yugoslav nation politically. Furthermore, it introduced term *zavičajnost*, or 'homeland belonging', to the Yugoslav citizenship regime. *Zavičajnost* was a legal device which represented a citizen's permanent municipal residence. Therefore, with the new law, every inhabitant of the state besides being a citizen of the kingdom was also assigned with a special legal bond to the municipality or the county where he or she lived. This bond with the place of residence became the basis of republican citizenship in Socialist Yugoslavia after 1945.

However, the idea of a unified nation was already contested by the established separate national identities of the Yugoslav ethnic groups. From the perspective of these groups the project of national unification was perceived as a tool of Serbian hegemony over other entities and as such was likely to fail. The beginning of the Second World War and the expansion of the Axis powers violently ended this constellation with the dissolution of the Kingdom of Yugoslavia and its partition into the nationalist Quisling states. Nevertheless, following the defeat of the Axis powers and the victory of the Yugoslav resistance struggle led by communist partisans, nationalistic projects collapsed and the idea of a Yugoslavian state was given a second chance. In order to avoid the mistakes of the past, the new communist elites came to recognise the existence of separate republics and ethnicities in Yugoslavia and organised the state on socialist and federative principles. Consequently, these features would be reflected in the post-war Yugoslav citizenship legislation.

During Socialist Yugoslavia, several federative citizenship laws were enacted, each resembling the constitutional changes of the Yugoslav state that arose from the evolution of the federation (Štiks 2010a).² In addition to the federal laws, each of the republics was obliged to pass their own subsequent laws on citizenship. Nevertheless, the key features of federal citizenship remained unchanged throughout the existence of Socialist Yugoslavia: firstly, Yugoslav citizenship was founded on the

² For a comprehensive analysis of the federal and republican citizenship regimes in Socialist Yugoslavia, see Medvedović 1998 and Štiks 2010a.

principle of unity assuring that every citizen of the federation would also be a citizen of one of the republics. Secondly, *ius sanguinis* was established as the primary principle of citizenship acquisition. Finally, citizenship legislation enforced the principle of the exclusivity of republican citizenship, meaning that a Yugoslav citizen could hold only one republican citizenship (Omejec 1998: 103). However, in post-war Yugoslavia, republican citizenship was a constitutional novelty and there were no previous legal sources for the establishment of this status. Therefore, the previous institutions of *zavičajnost* came to be used as the foundation for the establishment of republican citizenships. Hence, the republics applied the criterion of *ius domicile* as a preliminary source for the formation of their initial citizenry (Medvedović 1998).

Nonetheless, it can hardly be argued that republican citizenship, besides its symbolic value of confirming the political reality of Yugoslavia as a federative state, had any practical significance for its citizens. As a number of scholars highlight, republican citizenship was legally and practically more or less irrelevant and ineffective compared to the other legal statuses that citizens could have (Medvedović 1998; Omejec 1998; Ragazzi & Štiks 2009). Federal citizenship was the primary source of individual rights, which assured the equality of all Yugoslavs regardless of their republican citizenship and place of residency. Furthermore, all civil, social and retirement rights were based according to one's residency, leaving the republican citizen's status with little legal and practical value. As the result, many Yugoslav citizens, who migrated from one republic to another did not pay much attention to regulating their republican citizenships according to their new legal residency.

However, the break up of Yugoslavia enabled the political engineers in Croatia and in almost all of the post-Yugoslav states to manipulate the shortages and legal gaps of this system. Once irrelevant, the republican citizenship status became the fundamental legal basis according to which one could be granted *ex lege* citizenship of the new Croatian state. As a result of this policy most of the minority population living in Croatia, particularly those who originated from outside Croatia and were of Serb ethnic origin, discovered that in the new democratic Croatian state their status was relegated from citizen to alien.

2.2 The development of the Croatian citizenship regime since 1991

By the end of 1980s, at the peak of political and economical crisis in Yugoslavia, Croatian political elites moved toward the idea of state succession from the federation. The first multi party elections in Croatia, held in spring of 1990, opened the path for the realisation of this project. Following the first election, and the victory of nationalist and pro-independence Croatian Democratic Union (HDZ), the Croatian Parliament voted in a new Constitution in December 1990. With the new Constitution Croatia was defined as 'a national state of Croatian people and members of other nations and minorities who are its citizens'. However, this definition was not welcomed by the Croatian Serbs since they lost their status as the titular nation in the republic. This was a status which they enjoyed during Socialist

Croatia. With the escalation of ethnic tensions, the majority of the Serb population in the republic rebelled against the Croatian authorities and proclaimed first their own autonomous regions and then their own republic in summer of 1991. By the end of the year, fuelled by Serbian propaganda and material support from Belgrade, these tensions resulted in a violent inter ethnic war.

It was within this context Croatia that had to pass its key constitutive acts. While the Croatian Constitution was the legal act according to which the content, nature and the structure of the new state was determined, on the constitutional grounds the law on Croatian citizenship had to define who among the inhabitants of Croatia would have citizenship rights, including the right to vote. Croatia enacted its LCC on 8 October, exactly the same day when its proclamation of independence came into force.

The LCC was established on two key legal principles: legal continuity with the previous republican citizenship and Croat ethnicity (Omejec 1998). Both of these principles were incorporated into the transitional provisions of the law, which defined the primary corpus of the citizens of the new state. The principle of the legal continuity of citizenship had to ensure that all citizens of Socialist Republic of Croatia became citizens in the new state. The new legislation cancelled all legal remedies of federal citizenship, and set the citizenship of the Socialist Republic of Croatia as the primary source for the acquisition of citizenship in the new state. With the application of this criterion, and in the context of the aforementioned legal and practical irrelevancy of republican citizenship within the federative regime, a great number of Croatian permanent residents, some of whom were born and never lived outside of Croatia, became foreigners in the new Croatian state.

Aware of the potential legal effects of this provision, Croatian legislators introduced a second criterion for the establishment of initial Croatian citizenry. The principle of Croat ethnicity was implemented in order to 'overcome' perceived shortcomings of the legal continuity principle when it comes to the members of the titular 'Croatian people'. According to the provisions of art. 30 para. 2, any registered resident, who did not have Croatian citizenship, but was a member of the Croatian people (meaning the Croat ethnic community), would be entitled to a status of a citizen if he or she provided a written statement that he or she considers himself or herself as such. Moreover, Art. 16 opened the doors even to non-resident ethnic Croats. No such option was available for registered residents who did not belong to the Croatian people. By the force of this law they were considered as foreigners and forced to go through complex naturalisation procedures in order to obtain their citizenship status. In other words, for legislators the only problem arising from the legal continuity principle was a possibility that some resident Croats could remain without citizenship. The loss of citizenship status experienced by a number of non-Croat residents (mostly Serbs), was not perceived as a problem. Rather, it was considered to be an outcome of Croatian exercise of legal and sovereign rights to

determine its legal system including the matters of citizenship (Constitutional Court Decision 1993).³

Ethnic prerogative as a foundation for constituting of the new state community was not emphasised only in the transitional provisions of the LCC. As Ragazzi argues (2008), with the first Croatian constitution, Croatia adopted a transnational conception of the Croatian people as a titular nation of the new Croatian state. Within this framework, the traditional link between the sovereign powers of the state and its territory was supplemented with a de-territorialised conception of the political link between the state and the transnational ethnic community. The new law confirms this constructed imagined community (Anderson 1983) by providing a procedure of facilitated naturalisation for ethnic Croats residing abroad. Unlike other foreigners, ethnic Croats were not obliged to meet the residency criteria or to forfeit their previous citizenship in order to acquire the Croatian. Moreover, in the context of the violent dissolution of Yugoslavia and non existent bilateral relations between the successor states, it was unreasonable to expect that these individuals could acquire proof that they had renounced their former citizenship, or guarantee that this proof would be available after the Croatian citizenship was granted.

To assure the effective application of the law, the legislators delegated substantial discretionary powers to the institutions and administrative officials responsible for its implementation. This was particularly evident in the implementation of the transitional provisions of the law. According to the law, the relevant police administration was allowed to determine whether Art. 30, including the ethnic affiliation criteria, could be applied in particular cases. In practice, this meant that police officials were legally empowered to determine who belonged to the Croatian people. Furthermore, the law confirmed the Ministry of Interior as the only actor with the authorisation to determine whether the conditions for acquisition of Croatian citizenship were met in individual applications. If a particular application was declined, the Ministry did not have to provide any reason under which its

³ However, the new Croatian citizenship regime did not produce the directly 'erased' individuals from the registries, as was the case in Slovenia. During its citizenship acquisition process, Slovenia decided to deny the applications of approximately 25,600 former residents. These applicants were then erased from the registries of legal residents in Slovenia. A special registry was dedicated for these applicants who were now treated as individuals who by their own choice had renounced their right to Slovenian citizenship and had opted for citizenships of other states. Following this act, these individuals were deprived not just of their citizenship right but of all rights whatsoever. They were literally 'erased' from Slovenian legal system and were treated as illegal aliens. In Croatia, the transitional provisions contained in art. 79 of the Law on Movement and Residents prevented a similar situation occurring. According to this article, the former Yugoslav citizens who had a registered residency in Croatia would be considered as legal aliens in Croatia. Hence, the residents who were not granted Croatian citizenship were not erased from the registries and Croatia treated them as legal aliens granting them the rights stemming from this status within the Croatian legal system. (Data provided through email correspondence between Igor Stiks and Marko Kran on 24 January 2011).

decision was made.⁴ Moreover, even if the applicant met all of the requirements for the acquisition of citizenship, his or her application could still be declined if the Ministry considered that the denial was in the interest of the Republic of Croatia. As Omejec argues, this system of discretionary powers resulted in a regime which was subject to abuses, false statements, and counterfeits (1998: 115).

The power of the administrative authorities to exclude or include individuals from citizenship became particularly clear in 1995 in the aftermath of the military Operation Storm. With this military operation, Croatia liberated those of its territories that had been controlled by the Serbian rebels during the war. Following the operation, several hundred thousand Serbs sought refuge in the neighbouring republics. Once the Croatian authorities established regular control over their territory, citizenship policies were used as a tool to impede the possible return of the Serbian refugees. The authorities did not neglect the refugees' status of Croatian citizens. Rather, they applied a set of complex administrative procedures according to which Serbs could not acquire relevant documents and hence could not formally confirm their citizenship status.⁵

As Štiks argues (2010a, 2010b), by the mid-1990s, following these practices and procedures, the Croatian citizenship regime divided the Croatian population into several categories. The holders of the citizenship of the former Socialist Republic of Croatia formed the group of automatically included citizens. The second group was formed of the members of national minorities, with residency on Croatian territory, but who did not possess its republican citizenship. These were formally excluded from access to citizenship. The ethnic Croats, regardless of residency, according to the provisions of the new legislation and instances of official Croatian policies in the 1990s were 'invited' to join the state by acquiring citizenship. On the other hand, Serbs who joined the rebellion constituted a group of self-excluded citizens (although they were formally incorporated, they refused to join the new Croatian political community). However, following Operation Storm and their flight from Croatia, the administrative practices of the Croatian authorities actively hindered their access to state membership. This made this group a part of those who were de facto excluded from the Croatian citizenry. It may be argued that the legal categorisation of these groups was a part of the policies necessary to constitute the Croatian state according to the political vision of an ethnically homogenous Croatia fostered by the nationalist political elites in power.

By the end of the 1990s, following the Erdut Agreement (signed in 1995) in 1998 Croatia peacefully took control over the remaining territories formerly

⁴ These provisions of the law were forfeited by a Constitutional Court decision in 1993, as it was considered to be in the breach of the right to appeal against first instance decisions of authorities, and the guarantee of judicial review of legality of administrative decisions contained in arts. 18 and 19 of the Constitution. However, until the Constitutional Court's decision was issued, between 8 October 1991 and the 8 December 1993, all decisions on citizenship status were within the arbitrary realm of the Minister of Interior with no possibilities for appeal.

⁵ For further information on this issue see (HRW 1996; 1999; Blitz 2003).

controlled by the Serb rebel authorities. Following the Agreement and strong international pressure, Croatia started to change its practices regarding the excluded groups. In the early 2000s a majority of Serbian refugees gradually gained access to Croatian citizenship, and in a formal sense, the constitutive stage of citizenship regime was completed. Following elections in 2000, the democratic changes symbolically began a new era of Croatian political development. Once the goal of a sovereign, independent, and internationally recognised Croatian state was accomplished, Croatia moved toward EU accession as its new primary national and political goal.

The new wind of change (Petričušić 2004) slowly introduced the rights-based agenda into the official political discourse. In the following decade Croatia passed several minority rights laws, including two laws in 2000 guaranteeing the official use of minority languages and allowing the education of minorities in their languages and according to their national minority curriculum. These provisions were further strengthened by the Constitutional Law on National Minority Rights enacted in 2002 which confirmed the right to cultural autonomy and legally secured a special national minority representation in all branches of the Croatian Government. Furthermore, due to EU pressure in the accession negotiation process and the gradual shift in the Croatian political climate, Croatia expressed a strong political will to solve the remaining issues regarding the rights of Serb refugees who fled following the military operations of 1995. However, it is important to note that the LCC from 1991 was not significantly altered and until now had remained in force with its original wording from the early 1990s. Therefore, the main debates of the citizenship regime in Croatia during the 2000s moved toward the debates over the scope of rights that particular categories of citizens should enjoy, rather than questioning the conception of citizenship status set by the 1991 Law.

2.3 Concluding remarks

The historical overview of the Croatian citizenship regime indicates several important features. First, from the time of its establishment until the present time, the LCC has represented the most stable legislative framework of citizenship regulation out of all of the constituent republics of the SFRY. Unlike the other former Yugoslav republics, Croatia has hardly changed its citizenship law. Therefore, *ius sanguinis* continues to represent the basic principle for acquiring citizenship, while on the other hand in naturalisation procedures ethnic Croats remain privileged in comparison with other categories of foreigners.

The second evident element from the analysis of the Croatian citizenship praxis since the 1990s is the significant evolution of the citizenship regime. During the 1990s, the citizenship policy greatly corresponded with what the authors like Hayden (1992) and Verdery (1998) call 'constitutional nationalism'. According to these authors, the provisions contained within the preamble of the Croatian Constitution are straightforward examples of a 'constitutional and legal structure

that privileges the members of one ethnically defined nation over other residents in particular state' (Hayden 1992: 655). Only after the democratic changes in 2000 do we notice significant shifts concerning the protection of the citizens' status and the special rights of members of ethnic minorities. During this period, the implementation of constitutional provisions resembled those interpretations which see the Croatian Constitution as proof of the Croatian dedication to minority equality and protection (Smerdel & Sokol 2008). As Smerdel and Sokol emphasise, a number of articles within the operative text strengthen the principle of national equality in the Croatian Constitution. However, during the 1990s, these clauses of the Constitution were effectively applied only to members of certain national minorities. This was the case with minority groups, such as Hungarians and Italians, whose status was legally recognised and protected in the previous regime. The members of the most numerous minority in Croatia, the Serbs, enjoyed the protection of their status and rights only partially and arbitrarily. The scope of this protection was conditioned by a particular institutional framework, socio-political context, and in accordance with the standpoints of the political elites.

Classical theories of nationalism assume that there is a clear dichotomy between 'ethnic' and 'civic' nationalisms. In so doing, they usually attribute the features of the preference of the dominant ethnic group in the territory of a national state to the first ones. In theory, this domination is often manifested through policies of exclusion and discrimination which the majority group practices on minorities. On the other hand, the 'civic' conceptions are based on the abstract notion that citizens have a universal status that guarantees the equality of all individuals before the law. However, as authors like Hajdinjak (2004) point out, ascribing precisely determined effects of ideal-type models of the ethnic or civic conception of citizenship is problematic and politically biased. The sole accentuation of a titular nation in relation to minority groups in Croatia does not lead to discrimination of the members of national minorities per se. Also, the declarative guarantee of a special status and rights for national minorities in the operational text of Constitution does not mean that Croatia constituted itself as a state that in practice equally protected all its minorities immediately after its constitution as a sovereign and independent state. The key for the analysis of the Croatian citizenship regime and its effects calls for a more comprehensive approach. The analysis has to look at every stage of the regime's development and the context in which it operates on its own terms (Hajdinjak 2004: 249). As Bellamy argues, this analysis needs to consider the different ideological positions of the key political actors which operate within a given political context (2004: 5).

Therefore, the basic questions for understanding the Croatian citizenship regime over the last twenty years are: What factors brought about the phenomenon whereby stable constitutional regulations and unaltered law on Croatian citizenship during the last two decades nonetheless resulted in a wide variety of different policies of citizenship over the same period of time? Furthermore, can it be argued that the current progress in the recognition of the status and rights of national

minorities means that Croatia is stepping away from an ethnically defined political community?

In the following sections of this paper, the historical framework of Croatian citizenship will be combined with an analysis of certain segments of the citizenship regime. Firstly, an analysis of the development of the political institutions and its impact on the content of citizenship debates from 1990s until today will be provided. Following a review of the institutional settings the paper will tackle the issue of dual citizenship and Croatia's policies towards two groups of citizens: diaspora and national minorities. Particular policies will be observed through an 'analytical account of the relational nexus linking national minorities, nationalizing states and external homeland' (Brubaker 1996: 59). Each of these entities will be observed as 'variably configured and continuously contested political fields' (Brubaker 1996: 59). The dynamics of the development of relations within and between these fields will be scrutinised within the context of institutional changes and by looking at the changes that national goals aimed at accomplishing in certain stages of Croatia's political development through citizenship policies. Through this analysis, this paper will offer an explanation of the factors that affected the shift from the focus on 'status' towards the 'right' dimension (Joppke 2007) in citizenship debates in Croatia.

3 The Croatian political setting since 1990

The outcome of public debates about the status and rights of citizens depend to a great extent on the political and institutional frameworks that enable alternative citizenship perceptions to appear in the public discussions. This type of deliberation was not possible in the Croatia of the 1990s, and its absence can only partially be justified by the war conditions and exceptional circumstances that encouraged national homogeneity and unity in a situation of direct endangerment of the state. What should not be neglected is that the possibilities for deliberation depended greatly on the institutional frameworks through which the Croatian state developed. Thus, it is important to give consideration to the characteristics of the political system of Croatia and the features elections as the key elements which constituted the public sphere and through which any discussions on Croatian citizenship were possible.

The first constitutive elections for the Croatian parliament in 1990 were carried out in very politically unfavourable circumstances. In addition to the disintegration of the Eastern bloc at the international level, the Yugoslav community was going through a difficult economic, political, and social crisis. Classic electoral literature claims that a proportional electoral system, which enables an equal representation of political minorities in parliament, is optimal for small countries with a heterogeneous population. However, Croatia adopted a majority electoral system for its first elections. The ruling communist elites decided on the majority system for several reasons. While its technical advantage assured the formation of a strong government, it was also conceived to be the best solution in the conditions of an unstructured

party system of the early 1990s (Grdešić 1992). On the other hand, the communist party in power was probably convinced that the majority electoral formula would ensure a guaranteed win for them.

The choice of the majority electoral system had far-reaching consequences for the development of political life in Croatia. In practice, it empowered the electoral winner with a dominant majority in the parliament. Hence, the party which won the elections could institutionalise its political discourse into the key constitutive acts of the emerging Croatian state and govern the process of nation building and state consolidation. Needless to say, within these electoral rules, the winner of the elections would be permitted to promote his or her conception of the nation as a foundation for the development of the Croatian citizenship regime.

The key line of the conflict at the first elections was on the issue of Croatian sovereignty and Croatia's future within Yugoslavia. Within this conflict the League of Communists of Croatia - the Party for Democratic Change (SKH-SDP) held the idea of maintaining the existing Yugoslav constitutional order. New parties that advocated the reform of Yugoslavia and the creation of an alliance of sovereign states presented an obstacle to this position (namely, the 'citizens' option gathered around the Coalition of People's Accord/Agreement and the HDZ, as the radical right-wing option). According to Zakošek, this conflict coincided to a great extent with the ethnic cleavage between the Croatian majority and the Serb minority (2001: 99). However, it is important to point out that the largest number of Croatian voters of Serb ethnicity voted for the reformed communists (SKH-SDP) while only a minority of Serbs voted for the ethnic Serb Democratic Party (SDS). However, the HDZ managed to mobilise the voters and it became a relative electoral winner by accentuating the development of the sovereign Croatian state as their primary goal. Although they obtained 40 per cent of the votes, in comparison to the 36 per cent obtained by the SKH-SDP, in accordance with the majority system, the relative electoral win was transformed into something close to a two-third mandated majority of members for the HDZ in the parliament. These electoral results allowed the HDZ to design the key political institutions in a way that would secure their political dominance in the coming decade.

With the constitution of 1990, Croatia established a semi-presidential system of government. It was formally defended by a particular circumstance of Croatian politics and an international environment which demanded a strong government that the parliamentary system could not ensure (Smerdel & Sokol 2007). In practice, this system was voted in accordance with the logic of populist politics of the HDZ and the first Croatian president Franjo Tuđman (Zakošek 2002: 112). During the 1990s, the HDZ was a political party with a weakly structured and institutionalised organisation. It gradually developed into a national movement formed around the idea of Croatian statehood and independence. This form of political organisation depends greatly on the authority of a charismatic leader. Hence, the HDZ used its parliamentary majority to vote for a semi-presidential system which reinforced and

institutionalised the role of President Franjo Tuđman as the ironclad leader of the Croatian people.

By the end of the decade the HDZ had strengthened its position as the dominant political power in Croatia. In addition to making key political decisions within the government bodies, the HDZ used its numerical advantage in parliament to gain control over a range of public and social institutions (Čular 2001: 133). As Čular argues, through the institutionalisation of Tuđman's charisma and the party discourse on all relevant social and political issues, the HDZ transformed itself from a movement to a regime. The circumstances of war and its domination of the media allowed the HDZ to promote its nationalistic vocabulary and interpretation of reality beyond their party structures. Their discourse soon became the dominant interpretative framework in the widest social and public spheres of Croatian society (Čular 2001: 139)

During this period, the HDZ used electorate engineering to preserve and strengthen its mandate in parliament. As Kasapović argues (2001), Croatia became a rare example of a post socialist country which within a decade had applied a different electoral system for each round of its parliamentary elections.⁶ In the context of citizenship debates, the most prominent example of this engineering represented an introduction of the special representation for Croats abroad – the so-called special electoral unit for the diaspora. With the electoral law of 1995, the diaspora was allocated a fixed quota of twelve representatives, which was ten percent of the total seats in parliament. Pushed by political opposition and public resentment of this over-representation of Croats living abroad, the electoral law of 1999 introduced a non-fixed quota for the diaspora. This meant that the number of the diaspora representatives would be determined according to the actual number of voters participating in particular parliamentary elections.

At the end of the 1990s, with the consolidation of the party system the oppositional powers began to oppose the HDZ's regime strongly. In 1999 President Tuđman died and, with the loss of his charismatic presence within Croatian politics, all the necessary conditions for democratic changes were in place. On the eve of the parliamentary elections of 2000, faced with a joint opposition and a realistic chance of losing, the HDZ decided to implement one final round of electoral changes. Using the electoral law of 1999, they abandoned the majority system and introduced proportional electoral representation for the elections in 2000. These changes were introduced to avoid a complete defeat in the elections and to preserve at least status as single largest party in the parliament. The key opposition parties connected either through pre-election or the post-electoral coalitions ran jointly in the campaign. This strategy allowed them to gain power and to begin the transformation of key political institutions. The semi-presidential system was replaced with the parliamentary

⁶ With the 1992 electoral law, the majority formula of the first elections was changed into a segmented electoral system, which was then further accommodated to the ruling party needs in 1995.

model of democracy and consensus was reached that proportional electoral system was the ideal formula for future Croatian elections.

By the 2000 all of the constitutive issues regarding the Croatian state were more or less resolved. Following Operation Storm and the Erdut Agreement, Croatia regained full control over its territory in 1998 while the changes in the political system in 2000 allowed new political agendas to emerge. Within the proportional electoral formula it was highly unlikely that a single party could win an absolute majority of seats. As a result, all of the governments after 2000 have been multi-party governments. This has meant that even the smaller parties have had the potential to form coalitions to determine the electoral winner. In this system it is easier for minorities to secure their voice in the political sphere. Furthermore, at this stage, EU integration became the key national priority over which all parties and sections of society agreed. With these shifts in national objectives and institutional changes of the Croatian political system, a window of opportunity for the scrutiny of until then uncontested conceptions of citizenship and rights was opened.

4 Dual citizenship and diaspora politics in Croatia

4.1 Dual citizenship in Croatia

In the context of globalisation, the issue of dual citizenship presents one of the key challenges for traditional citizenship regimes. Since dual citizenship in the formal sense enables citizens to be members of more than one state, it undermines the traditional trinity which links the state government, state territory and the people (Faist 2007: 3). However, with major migration changes conditioned by the processes of globalisation, since 1960 the discourse on dual citizenship has gradually been revised. Dual citizenship can be considered as an attempt to preserve the relationship between an individual and his or her country of origin. Furthermore, it is assumed that the possession of dual citizenship leads to a more efficient integration of immigrants into communities (Haillbrunner 2003: 21).

Despite the fact that extensive literature questions the realisation of these functional goals, a certain liberalisation of citizenship regimes concerning dual and multiple citizenship has been noticed recently. But liberalisation alone does not necessarily imply a unification of policies when it comes to this issue. Therefore, in states that foster the 'civic' tradition of nation we can witness more inclusive policies concerning immigrants. In contrast, states with an 'ethnic tradition' grant dual citizenship primarily to their compatriots residing abroad. It is applied more restrictively to immigrants (Faist 2007). In both cases dual citizenship policies are in accordance with the dominant traditional background and the comprehension of the character of the national community.

The Croatian national background of the 1990s was above all the story of the Croatian state as the realisation of a centuries' long aspiration for national self-determination on the part of the Croatian people and its desire to see the

establishment of an independent state. In so doing, the HDZ's political programme of the 1990s particularly emphasised the importance of the homogenisation of the Croatian state. This project included two major goals: opposition to the Serbian threat and integration of 'emigrated' and 'homeland' Croats. To accomplish these tasks, the legislative regulation of dual citizenship appeared as an additional instrument of ethnic engineering.

The issue of a dual citizenship in Croatian citizenship legislation is not regulated by direct provisions that would confirm or completely refute it as an option. However, it is indirectly determined in the articles that regulate the acquisition of citizenship by naturalisation. These articles reveal that the dual citizenship is not tolerated equally for all Croatian citizens. Those who are naturalised through the special procedures enjoy the privilege of multiple citizenships. However, regular naturalisation demands that the applicant to renounce his or her previous citizenship in order to acquire the Croatian (art. 8, para. 3). Since the two dominant categories of foreigners for which the law defines a special procedure are members of the Croatian people with residency abroad (art. 16) and Croatian emigrants (art. 11), ethnic Croats are permitted to have multiple state loyalties. Non-Croats, however, are expected to express exclusive loyalty to the Croatian state by renouncing their previous citizenship during the process of regular naturalisation.

Ironically, the 'national self-determination and state viability of the Croatian people' and its 'determination and aptitude to establish and preserve the Republic of Croatia as an autonomous, independent, sovereign and democratic state', as defined in the preamble of the Croatian Constitution, presumes ethnic Croats who besides their loyalty to Croatia can express loyalty to other states with the same determination. However, 'common' foreigners who acquired citizenship by regular naturalisation were expected to consider the national state of ethnic Croats as their only and exclusive state, even though they are likely to hold the status of an ethnic minority in it.

These legal regulations were neither ironic nor accidental. The previous section showed that the regulation on renouncing the prior citizenship was used as an instrument for the exclusion of unwanted minorities from access to citizenship. On the other hand, the privilege of holding dual citizenship which was granted to Croatian emigrants and Croats residing outside Croatia, would serve as an important lever in constituting the Croatian state according to the political projections of the HDZ. It promoted Croatia's integration with its diaspora but also fostered its special relationship with certain communities in BiH.

4.2 The development of diaspora discourse and politics

At the end of the 1980s emigration by Croats unquestionably played an important role in the process of the constitution of the Croatian state. It was primarily manifested through financial and material support for the HDZ and its project of

establishing an independent Croatia. As Garding (2010) argues, the congeniality between the emigration and the HDZ can be explained through the structural conditions of carrying out the first multiparty elections in Croatia. Affected by political instability and the lack of financial resources for the development of new political parties, the emerging opposition was forced to seek alternative resources for the financing of their partisan institutions and electoral campaigns. Since its establishment in 1989, the HDZ has maintained the image of a party in whose programme the idea of the Croatian national reconciliation between the left-wing (anti-fascist, socialist and communist) and right-wing (conservative, nationalist, fascist) political options and the connection between those who emigrated and those who remained in homeland Croatia has a primary role. Since the realisation of this programme required substantial financial investment, in their numerous visits to the Croatian émigré communities from 1987 until 1989 (especially Canada, but also the USA and Australia), Tuđman and his collaborators would establish a firm basis for financing their activities. At a later stage, these funds came to be used for the realisation of state projects, such as the establishment of an independent Croatian army.

However, it would be misleading to present the HDZ's inclination towards diaspora as a result of a purely instrumental function of partisan activities. Understanding HDZ diaspora politics cannot be achieved without understanding the theoretical strongholds of Tuđman's national idea. According to Brubaker's definition, Croatia in the 1990s had the contours of a nationalising state. It was perceived as a state 'of' and 'for' a particular ethno-cultural community, whose linguistic, cultural, demographic, economic and political domination needed to be promoted and protected by the state (Brubaker 1996: 106). Furthermore, according to Ragazzi (2008), Tuđman's diaspora politics served his conception of 'de-territorialized nationalism'. The institutionalisation of the diaspora discourse created a platform for state policies over its citizens even across the borders of the national state territory (2008: 145). Hence, in the context of Tuđman's national idea this politics aimed to serve both sets of goals (polity seeking/polity upgrading and polity-based/nation shaping (Brubaker 1996: 79)) associated with classic models of nationalism.

Polity-based/nation-shaping nationalisms aim to nationalise an already existing polity, while polity-seeking (upgrading) nationalisms aspire to establish or upgrade an autonomous national polity (Brubaker 1996: 79). In the former sense, the HDZ used diaspora politics to elaborate the ethnic heterogeneity present within Croatia. According to their rhetoric this was an outcome of the historical injustices practiced against Croatia during Yugoslavia. It was argued that while they pressured Croats to emigrate from the country, pro-Serbian Yugoslav policies simultaneously encouraged Serbs to settle in Croatia. Hence, the strong position and political influence of the Serbs in Croatia was developed at the expense of the Croatian ethnic homogeneity. Therefore, an ethnically inclusive citizenship, achieved by inviting dispersed Croats to join the new state, was considered to be the tool that would fix

the wrongs of the past. It appeared as a minimum recuperation for all Croats who were forced to leave and were therefore excluded from historical participation in the development of the Croatian institutions. Furthermore, the state was considered to be responsible for securing the necessary conditions for the return of the Croatian emigration. As Garding argues, during the 1990s the government encouraged the return of the émigrés through formal policies and a range of newly established institutions concerning the diaspora (2010). However, by the end of the decade this project had failed and gradually came to have a purely symbolic function.

Other than formal policy, an important component of Tuđman's aims in achieving the goals of national homogeneity was also the covert idea of so called 'humane relocation' (Hudelist 2004). This encouraged an exchange of population between Croatia and the other republics of the SFRY. Through these policies, Croats from other republics were invited to move to Croatia, while in the opposite direction, the migration of ethnic minorities from Croatia to their titular republics would be encouraged. The law on Croatian citizenship, which enabled the fast naturalisation of ethnic Croats, institutionally ensured the primary conditions for settlement of these categories of immigrants to Croatia. It is estimated that between 20,000 and 40,000 Croats from Serbia migrated to Croatia during the 1990s (MVPEI 2006).⁷

The policies towards Croats abroad were also used to promote polity-seeking/upgrading national goals. Besides the formal discourse defending existent Croatian borders, Tuđman's national policies included a 'hidden agenda' of territorial expansion in an area of the neighbouring republics of the SFRY, namely BiH. Until the end of the war in BiH, and the ratification of the Dayton agreement in November of 1995, Tuđman had aspirations to annex certain parts of BiH, in which Croats formed an ethnic majority or were significantly present (e.g. Western Herzegovina and parts of Central Bosnia). In practice, with its citizenship regime, Croatia established de facto sovereignty over a significant portion of citizens of BiH (the approximate number of Bosnian citizens who also hold Croatian citizenship is about 800,000).⁸ Until the Dayton Agreement, these citizenship measures would play an important role in preparing for the desired territorial annexation of these territories to Croatia. The proclamation of the Croatian community of Herzeg-Bosnia at the end of 1991, and later the Croatian Republic of Herzeg-Bosnia in August of 1993 can be seen as a proof that annexation was part of the real Croatian policy toward Bosnia (Hudelist 2004: 702). Both political entities relied completely on the material and logistical support of Croatia in order to function.

⁷ In the most cases, they did not move to Croatia voluntarily. More often they were forced to migrate after being exposed to systematic psychological pressures, physical attacks and experiences of gross violations of their rights by the authorities of their resident republics.

⁸ This number can be approximated from the official naturalisation data of the Ministry of Interior. According to these data, there were 834,732 admitted applicants to Croatian citizenship whose place of birth was in Bosnia and Herzegovina. Additionally, the same data reveals that 678,916 admitted citizens previously held the citizenship of Bosnia and Herzegovina (Ministry of Interior 2010).

After the Dayton Agreement, the international community completely abandoned the partition of BiH as politically feasible option. Croatian nationalist elites would have to alter their politics, but through the institution of citizenship Croatia would ensure its long-term influence on Croats there. As Ragazzi argues, citizenship became the foundation on which Croatia was able to legitimate and exercise the policies of the extraterritorial annexation of parts of BiH (2009: 7). Through the expansion of political rights to Croats outside of Croatia and material and financial incentives for social and political institutions of Croats in BiH, this special connection remains until the present day. However, the scope of the rights and the nature of the political relations that stem from their citizenship status became one of the hot topics of the Croatian political system following 1995. This debate culminated in the democratic changes of 2000. In the next part of this paper, I will demonstrate that the outcome of the debates on the extent of the rights of this category of citizens will highly depend on the particular political circumstances affecting both political actors in Croatia and in Croatian communities outside Croatia.

4.3 Croatian citizenship and the diaspora: the rights and contested perceptions of political participation

In Croatia today, public attitudes towards policies concerning Croats abroad are deeply divided. The disputes over this issue start from the conceptual blurriness about who should be considered to constitute the Croatian diaspora. Since independence, the term has been used to refer to all the categories of ethnic Croats who have legal residence outside Croatia. However, as many authors state (Ragazzi 2008, 2009; Kasapović 2010a; 2010b; Zakošek 2002), this term neglects the fact that these Croats do not form a homogenous, clearly defined group. Moreover, the largest category of Croats outside of Croatia does not even fall under the definition of the term diaspora. As Kasapović states, traditional definitions define diaspora as a socio-political formation that developed through voluntary or compulsory emigration of members of a certain ethnic community (2010b: 16). According to this understanding, the Croats in BiH are not diaspora, considering that they represent the indigenous population and, following the Dayton Agreement, form one of its three constitutive nations.

However even if a modified definition of the term, including only 'real' emigration would be applied, the diaspora would still not stand for a single homogenous category of emigrated Croats. As Ragazzi argues, 'diasporas' are never agents of international politics, but the organisations and institutions that claim to represent the interests of various categories of immigrants are (2009: 2). The observation of Croatian emigration reveals that it is possible to identify a few groups of emigrants that differ from each other according to their ideological and political

views, and the primary reasons why they left Croatia.⁹ Various emigration experiences result in differentiated emigration organisations, which are sometimes completely politically and ideologically incompatible. However, through promotion of the idea of an independent Croatia, the HDZ succeeded in mobilising and homogenising the majority of émigré associations. Later, this connection between Croatia and the diaspora came to be institutionalised through generous naturalisation provisions in citizenship legislation and the wide scope of rights given to the diaspora, including voting rights and the special diaspora representation in the parliament.

However, the unique term diaspora was not used solely for the establishment of an independent Croatian state within the existing territorial boundaries. The designation of the term diaspora can sometimes become the proper tool for the promotion of transnational policies that would otherwise be considered illegitimate (Ragazzi 2009: 8). In the Croatian case, this issue was manifested through the aforementioned hidden politics of the HDZ towards BiH. However, by the end of the 1990s the attempt to realise this goal led to a differentiation and schism between the actors within Croatian politics and the weakening of the discourse of the relations among emigrated and homeland Croatia. This schism would be manifested primarily in the HDZ itself, but also among various associations of Croatian emigrants. It reached its peak with a broad division between the left and the right parties in Croatia on the issues concerning the range of rights of the Croats outside of Croatia, and the borders of the political community during the 2000s.

On one side of the spectrum, there is the reformed HDZ which, along with the reasons stemming from the adopted ethnic conception of a nation, also has a clear, partisan political interest. On theoretical grounds, as Kasapović argues (2010a), three key arguments were used to defend diaspora voting rights: 1) the right to vote is a political compensation to the emigrated Croatia for their struggle for the 'Croatian cause'; 2) it is an expression of gratitude for the diaspora's contributions to the national economy, and 3) it is a recognition of the diaspora's help during the war. All of these pro-diaspora arguments could be contested on their own theoretical grounds while the thorough analysis of these voters reveals that it is not the diaspora that votes on these elections, but the BiH's Croats constituencies.¹⁰ With the political circumstances of the 1990s and the functioning of the HDZ's sister organisation in BiH, the vast majority of these voters developed into a stable partisan constituency of the HDZ (Zakošek 2002: 27). Thus, preserving the diaspora's right to vote represents the HDZ's pragmatic political interest, since voting on special diaspora lists regularly ensured them a couple of additional mandates in the parliament. Furthermore, the

⁹ For detailed description of various Croatian diaspora communities and the state politics towards them see Ragazzi 2008.

¹⁰ As an illustration, in the parliamentary elections of 2007, out of 404,950 registered Croatian voters without residency in Croatia only 90,482 voted. This number included 82,226 votes (more than 90 per cent of the total 'diaspora' turnout) from the Croatian citizens with residency in BiH (Kasapović 2010a).

voting right policies enabled Croatia to promote its own interests in the regional political arena.

On the other hand, besides the number of democratic deficits associated with diaspora voting rights (Zakošek 2002: 26-27), the primary critique of this electoral right can be found in the arguments of classical 'civic' theories of citizenship. From the standpoint of these positions, it is extremely problematic to grant the right to vote to persons who are not members of the community for whose legislative and executive bodies they are voting for, and thereby do not have to suffer the consequence of the politics they choose (Zakošek 2002: 27; Kasapović 2010a). This instance is becoming more widespread among citizens in Croatia, who are gradually becoming unwilling to share the political privilege of constituting the Croatian institutions with their ethnic compatriots in the neighbouring state.

The opposition parties shared these types of viewpoints during the 1990s, but political deliberation regarding these issues in the context of the HDZ's political dominance was not possible. Despite the public opinion and opposition in parliament, the HDZ's parliamentary majority voted for electoral laws promoting diaspora voting rights without difficulty (Zakošek 2002: 23). But the changes towards a proportional electoral system and the transition to a parliamentary democracy made room for debates about the limits of political rights and the political community in partisan and political debates. These debates reached their peak during the elections of 2007, during which diaspora voting rights appeared as the dominant issue of the electoral campaign. Other than the programme of abatement of the diaspora's right to vote, the main parties in opposition (Social Democratic Party (SDP), Croatian People's Party (HNS)) refused to nominate candidates on the lists for the diaspora. With these measures, the opposition sent out a clear symbolic message: political rights should be derived from the place of residence and the civic obligations to the Croatian legal and political order, and not according to ethnic criteria. The opposition lost the elections, but debate on this hot issue has remained active in Croatia. With new constitutional changes in 2010, the HDZ had to compromise with the opposition on this issue. This resulted in an agreement on having three fixed diaspora representatives in parliament. The representation of Croats outside of Croatia came down to a symbolic representation in the elections, which does not exclude the possibility that in the future these may be the key mandates for the formation of some prospective governments. If at any future elections they will directly affect the outcomes of the elections it is highly likely that this debate will be revisited and triggered again in the Croatian public.

4.4 Concluding remarks

Considering the arguments that have been set out, can it be concluded that the ethnic conception of the membership in the political community is slowly being forsaken in Croatia, and that the territorial and/or the 'civic' criteria will be introduced to Croatian citizenship regime? This conclusion would certainly be wrong. The

arguments of political actors discussed here have typically concerned only the issue of political representation and the right to vote. The symbolic link of Croatia with the Croats residing outside of the homeland remains an indisputable value of the most political parties on the Croatian political scene. It is manifested in several elements - firstly, in the unaltered Law on Croatian citizenship, whose content has not been questioned either by the Government nor the opposition in the last two decades. The LCC, in its ethnocentric dimension, continues to testify to a concept of Croatia as primarily the national state of the Croatian nation constituted of Croats, regardless of their place of residence.

Furthermore, during the debates on the changes to the Constitution in 2010, none of the political parties questioned the constitutional regulations which oblige Croatia to support the Croatian people (regardless of their citizenship status) outside the borders of the Republic of Croatia. A cursory overview of the partisan platforms of the two biggest political parties in Croatia (the SDP and the HDZ) shows that both consider the support of Croatian citizens outside the borders of the Republic of Croatia to be Croatia's duty. Therefore, it seems that political actors do not dispute the status dimension of Croatian citizens abroad. The subjects of the arguments are exclusively the issues of the range of rights, support and help through which Croatia should maintain cooperation with the Croatian citizens and Croats outside of their homeland.

Finally, with bilateral agreements between Croatia and BiH on the recognition of dual citizenship, a clear message is being transmitted to Croats in BiH that Croatia continues to be their state. Each year, the Croatian budget secures special resources for material and other support of Croats in BiH (Kasapović 2005: 21). Although this situation probably does not contribute to the establishment and strengthening of the already fragile Bosnian identity and political institutions (Sarajlić 2010), the recognition of dual citizenship for Croats represents Croatia's long-term legal commitment and interests in the political developments in this republic.

5 Croatian citizenship and national minorities

With the introduction of accession to the EU as the new national priority, the field of national minority regulation became highly contested within the Croatian citizenship regime. During the 1990s three out of four categories of citizens defined by Štiks (see 2010b) could be identified within the Croatian minority population: traditional minorities that were included, newly formed minorities who were either self-excluded or excluded, and excluded minorities from the initial corpus of Croatian citizens.

Continuous legal principles in the new Croatian state recognised certain autochthonous national minority groups present in Croatia. These groups, such as Italians and Hungarians, did not experience substantial changes in status within the new state compared to those they enjoyed in Yugoslavia. In Štiks's terms, these minorities were included within the initial Croatian citizenry. The Constitutional

Law on Human Rights and Freedoms and Rights of Ethnic and National Minorities in Croatia (LHR), passed in 1991 confirmed their rights for cultural autonomy and political representation. If administrative difficulties regarding the regulation of their rights did indeed appear, this was rather the result of the failure of certain state institutions than a product of organised discrimination. The point should not be neglected that, in order to receive international recognition, Croatia needed the support of the neighbouring states that had their ethnic minorities in Croatia. Hence, the protection of the status of these minorities was in accordance with the national interests. Once Croatia was recognised as a sovereign state, it signed a set of bilateral agreements with these states in order to provide additional guarantees that the status and rights of these minorities will stay unaltered. In these cases, the interaction between the entities of Brubaker's triadic nexus resulted in policies of recognition. The nationalising state confirmed the status and rights of the minority groups, these minority groups consent to the status of a minority in the newly established state, and the external homelands influenced the nationalizing state through the encouragement of special protections over their members in the Republic of Croatia, which Croatia accepts. However, the Croatian citizenship regime did not act so favourably towards all minority groups. The Roma population presents one of the groups who still face obstacles in gaining access to citizenship.

The status dimension of this group has not altered significantly since the 1990s. According to last census in 2001, there were 9,463 Roma citizens in Croatia. This data differs to a great extent from the projections of the various Roma NGOs (Hrvatić 2004) who estimate that the real number of Roma in Croatia stands at between 60,000 and 150,000 persons. Even though these numbers are probably exaggerated, they still raise an alarming issue that most members of the Roma community in Croatia are not legally registered. Therefore, the regulation of their citizenship status in the future may be particularly problematic. According to Croatian law, in order to gain citizenship status by naturalisation, an individual has to have had a registered residency for at least five years. Members of the Roma population obviously lack any evidence through which this status can be confirmed.

In 2003 the Croatian Government enacted the National Plan for Roma, which sought to encourage the registration of the Roma in Croatia. However, its implementation has been negatively evaluated by number of Roma organisations and other NGOs that report that this plan has failed (Vlada RH 2006). It is likely that the Roma population will remain on the margins of Croatian society with considerable obstacles in access to citizenship in the near future. The special features of the Roma community contribute to this pessimistic scenario.

Firstly, considered as undesirable from the majority of the population and openly discriminated, Roma communities often adopt the self-segregation strategies from mainstream society. Through the physical division of their spaces of habitual residency, they become a visible target for the negative stereotypes, which further reinforces their social marginalisation. Secondly, the Roma community, unlike other national minorities, does not have its own external ethnic homeland which could

advocate for the protection of their rights. In these conditions, the only external pressure on Croatia can come from the EU Member States. However, the discriminatory policies exercised by traditional western liberal democracies towards their own Roma populations only strengthen the stereotypes dominant in the Croatian public and put forth little incentive for pro-active Roma policies.

The last, but not least, minority group in Croatia whose citizenship regulation deserves a special elaboration is the Serb minority. This group went from the self-exclusion and exclusion in the 1990s towards a current status of inclusion in Croatian society. The following sections of the paper will thoroughly analyse the developments in rights and citizenship status of this minority.

5.1 The Serb national minority in the 1990s: exclusion and self exclusion

At the moment it dissolved, Yugoslavia's demographic picture implied that Croatia had an ethnically heterogeneous population. Besides Croats, who formed 78.1 per cent of the population, Serbs were the second largest ethnic group, with 12.2 per cent of the total population. The majority of the Serb population was concentrated in the rural areas and districts in which they formed a majority when compared to the other ethnic groups. The distinctive feature of the all nationalist ideologies emerging in the Yugoslav republics was their belief that the stability of the state is possible only in a polity that did not have a threat of the national minorities (Banac 2006: 30). Croatia and Serbia, as the external homeland of Croatian Serbs, did not differ from this model and both had a clear agenda towards Serbs in Croatia. Hence, the status of Serbs in Croatia depended to a substantial degree on the interactions between entities newly established in the 1990s: Croatia as a nationalising state, Serbia as the external homeland of Serbs in Croatia, and finally Serbs as the new national minority in Croatia.

In Tuđman's view, the large number of Serbs and their high presence in various branches of government was perceived as an obstacle for the development of the Croatian national state. During the 1990s his goal was to cut the proportions of the Serb minority to an acceptable five per cent which then would not pose any serious threat to the state (Hudelist 2004). The Serbs, however, were afraid that their new constitutional status as a national minority would result in a loss of status and of the rights they had previously enjoyed (Jović 2002). Serbian propaganda greatly fostered these fears. The new Croatian state was aggressively compared to the infamous pro-Nazi Quisling Ustashe regime, accountable for killings of thousands of Serbs during the Second World War (Tanner 1997). In this political context, following the HDZ's victory in the elections, Croatian Serbs abandoned their support for the reformed communists in Croatia and handed their trust to Serb nationalist political leaders. By the time Croatia declared its independence, most of the Serbian representatives retreated from the Croatian Parliament and took political instances that triggered the Serbian rebellion in Croatia.

With the support of Belgrade and the Yugoslav People's Army, the majority of Serbs rose up against the Croatian authorities. In 1991 they established the Autonomous Province of Serbian Krajina which would later develop into a self-proclaimed republic and declare secession from Croatia. By this political act, thousands of Serbs living in the rebelled territories self-excluded themselves from Croatian citizenship (Štiks 2010b). Until its fall in 1995, the regime established by rebel Serbs systematically conducted policies of ethnic cleansing towards the non-Serb population. These policies further fuelled Croat resentment towards the Serb population during the 1990s.

Nevertheless, besides the self-excluded there were still a significant number of Serbs who decided to stay loyal to Croatian state. However, for many of them incorporation into the Croatian political community did not go smoothly. The discriminatory transitional provisions of the citizenship law especially targeted Serbs coming from other republics but also some Croatian Serbs whose citizenship status was not determined for various administrative reasons. In cases where their citizenship status had to be determined, administration used its discretionary powers in interpreting the provisions of the Law so as to hinder their access to citizenship. Without access to citizenship, many of their rights were unprotected. In some cases they had problems in regulating their welfare and social rights. In others, loss of status led to loss of employment and positions in the public administration. For a great number of Serbs, this was the incentive to migrate and seek the protection in other former Yugoslav republics.

In 1992, under pressure from the international community as a condition of gaining international recognition, Croatia enacted the Constitutional Law on Human Rights and Freedoms of Ethnic and National Minorities in Croatia (LHR). This law granted a special status to Croatian Serbs. Formally, they were given proportional representation in all branches of government and the right to autonomy in the counties where they were in the majority. However, the provisions of this law were in force only during the war when most Serbs, due to self-exclusion, did not participate in political life of Croatia. Following Operation Storm, Croatia regained control over the previously rebellious provinces which resulted in a massive exodus of the Serb population from Croatia. Immediately after these events, the HDZ majority passed the controversial 'Law on Temporary Suspension of particular articles of the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Minorities in Croatia'. With this law, the special political status and rights of Serb minority were suspended.

Following the suspension of the LHR, parliament passed a new electoral law in 1995. Along with the introduction of the diaspora list, this law arbitrarily reduced the number of representatives for the Serb minority to three mandates in parliament. Furthermore, while the government did its best to secure the electoral turnout of the Croats in BiH, little was done to secure the voting of the Serbs that fled Croatia and sought refuge in the neighbouring republics. Moreover, in the following years the Croatian authorities set a number of obstacles for the refugees to prevent them

proving their citizenship status. Combined with negative media coverage, hostile messages of the HDZ's political elites (IHO 1998), and a web of discriminatory policies, the Serbs' return became impossible until the end of the 1990s. All these measures show that the Croatian authorities' plan in the 1990s was to keep the status quo and prevent any real opportunities for Serbian reintegration into the political and social life of Croatia. Hence 1995 represents the peak of nationalist policies and ethnic engineering that aimed at increasing the number of ethnic Croats in overall citizenry and reducing as much as possible the number of non-Croats. While generously expanding the scope of rights to the diaspora, following Operation Storm, the state was gradually reducing the rights of Serbs. This trend changed only after 2000. A decade later in 2010, the right of political representation for the diaspora has been reduced while the influence of the Serb minority has been progressively growing.

The majority of the refugees sought protection in their ethnic homeland Serbia. However, it could hardly be argued that they were welcomed generously by their ethnic compatriots. The Serbian community perceived the refugees according to their cultural and territorial 'roots' (Volcic 2005; Koska 2008) and considered them to be people of lower value and a threat to the local community (Koska 2008: 23). On the state level, these migrants would soon become hostages of Milosevic's political strategy (Rava 2010). Milosevic established a citizenship regime which either excluded the refugees' access to Serbian citizenship or conditioned this access on their settlement in the Serbian counties where Serbs were the minority when compared with to other ethnic groups (e.g. Hungarians in Vojvodina and Albanians in Kosovo; see Rava 2010). According to Rava, this was done for two main reasons: a) to encourage refugees to return home (as the responsibility for these people should belong to the states from which they fled) and b) in order to change the demographic balance of Serbia.

The Croatian government on the other hand officially promoted the programmes of refugee returns, but by 2000 these policies discriminated against the Serbian refugees by imposing a substantial number of obstacles to their repatriation (Blitz 2005; Djuric 2010). Caught in this institutional limbo between their ethnic homeland and the Croatian state, the Serb refugees became one of the biggest victims of the wars in Balkans. The solution of their problem depended to a great extent on the improvements of the bilateral relations between Croatia and Serbia and the development of the stronger minority rights protection regime in Croatia. Neither of these conditions was present until the democratic changes of 2000.

5.2 Democratic changes and the question of the Serb minority in Croatia

Following 2000 a window of opportunity for the changes in the citizenship policies toward the Serb minority in Croatia was created. The LCC remained unchanged, but the practices of the administration were altered to assure faster confirmation of their citizenship. Legally, the formerly excluded and self-excluded slowly regained their

citizenship (Štiks 2010b), but at this stage the rights dimension of citizenship became a focus of the debates on Serbian minority in Croatia.

The gradual developments in the Serb minority protection regime resembled the three stage model described by Djuric in explaining the normalisation of refugee repatriation policies (2010). During the first stage, which started in 1998, the openly discriminatory provisions of the laws were removed, which allowed citizenship recognition for the remaining excluded Serbs. In the second stage, the coalition Government (2000-2003) passed several constitutional laws granting cultural autonomy, political representation, education, and official use of languages for minorities. These measures represented a symbolic shift from the nationalistic policies of the 1990s. However, although these were promoted on the national level, they were faced with a number of obstacles in their implementation at the local level (Spanu 2010). Finally, the coalition government formed between the HDZ and minority representatives after 2003 greatly improved the quality and pace of the implementation of these policies. There are several reasons why these changes appeared only following 2000.

First, the HDZ's politics of the 1990s ended with a defeat in the 2000 elections. Their nationalist discourse started to lose public support once it became clear that their nationalist rhetoric was often being used to cover a web of corrupt political and social elites that were leading Croatia towards economic decay. Democratic changes allowed further development of civil society and strengthened Croatia's cooperation with the International Criminal Tribunal for Former Yugoslavia. These measures opened space for alternative interpretations of the Croatian role in the wars of the 1990s and certain segments of society started to perceive Serbs as possible victims of the war.

Second, during the negotiation process the EU conditioned Croatian accession on a greater protection of minority rights and promotion of the repatriation of the Serb refugees. In 2000, the public attitudes toward Serbs did improve, but the recent experience of the war still perpetuated a certain social distance towards these citizens (Zakošek 2001: 111). Without European integration as the new national priority and without the pressure of the international community, it would be very difficult for any party to push forward a Serb minority agenda without facing the prospect of serious losses in electoral support.

Third, Croatia won the Homeland war, while the Serbs' defeat resulted in a significant decrease in their demography. The large scale repatriation of Serb refugees did not take place, and today Serbs form less than five per cent of the Croatian population. Tuđman's goal therefore had been accomplished and his prophecy came true. Because of the military defeat and the resultant substantial changes in the demographic profile of Croatia, Serbs can hardly be perceived to pose either a symbolic or a real threat to the ethnically almost homogenous Croatian state of today. Therefore, the expansion of the scope of rights granted to Serbs is not as politically costly as it was in the demographic situation of the pre-war times.

The institutional rules of the game should not be neglected either. With the parliamentary government, the electoral game is played according to the proportional rule and the minority seats in the parliament have an importance they would otherwise lack. The 2002 Constitutional Law on National Minority Rights granted fixed representation to the minorities. The Serbian minority was allocated with three seats, while all other minorities combined could get up to five representatives. With eight secured seats, allowing for the over-representation of certain minority groups in Croatia, the minority representatives gained *de facto* a pivotal role in the Croatian parliamentary system. This resulted in an unexpected collation between the reformed HDZ and the Serbian minority representatives following the elections of 2003. The role of the minority representatives has become vital in preserving some governments in power.¹¹ Therefore, within this institutional setting it is easier for minority representatives to protect minority rights efficiently through political bargaining with the parties in power.

Last but not least, the development of Serbian minority protection should be analysed through a lens of radical changes in the attitudes of the all entities within Brubaker's triangular nexus. The democratic changes in Serbia and Croatia symbolically ended the nationalist politics of the previous decade. The EU has emerged as the primary objective of the leading elites in both countries. Within this framework, the discourse of former enemies had to be transformed into the discourse of future partners. Serbia confirmed the legitimacy of the Croatian authorities and decided to support the interests of the Serb community by encouraging their integration into the Croatian society. Croatia recognised its obligation towards the Serbs in Croatia and no longer perceives them as a threat. Finally, Serbs in Croatia went from a state of fear towards the stage of accepting their minority status in Croatia. Their political elites seek the protection of minority rights through the provisions granted by the constitution and through political, cultural and social cooperation, both with Serbia and Croatia.

The stances of all these entities are mostly evident in the changing discourse on the right to return of the Serb refugees. In 2005, Croatia and Serbia (jointly with BiH) signed the Sarajevo declaration which obliged all the signatory states to solve remaining refugee disputes by 2006. Even though this goal was not reached within designated time, the declaration firmly reflected the changes in the discourse of the states. Refugees will be given the option to settle and regulate citizenship status in the country they prefer. Cooperation between Croatia and Serbia on the refugee question therefore follows the text-book recommendation which argues that return is sometimes not the most desirable solution for a refugee (Chimni 1999; Hammond 1989; Harrol-Bond 1999). However, both countries agreed to take part in material and

¹¹ At the time of the writing, Croatia was facing a greatest corruption affair since its independence. A number of HDZ high officials, including the former Prime Minister Ivo Sanader, have been put into custody under charges of fraud and corruption. Even though the opposition is calling for elections, the HDZ coalition is remaining in power primarily because of the parliamentary support of minority representatives (including the representatives of the major Serb Party (SDSS)).

legal aid for implementing these policies. At the last official visit of the Serbian President to Croatia, both presidents Boris Tadić and Ivo Josipović symbolically launched a new discourse in public according to which the question of Serbian refugees is 'No more a political, but a humanitarian issue' between the two states. Therefore the successful development of the current minority regime will depend to a very high degree upon the quality of the bilateral relations between and the political climate within Serbia and Croatia.

In lieu of a conclusion: Is Europeanising the Croatian citizenship regime a new stage of its development?

Following the analysis provided in this paper, the last open question for future analysis is how the accession to the EU will affect the framework and practices of the existing Croatian citizenship regime. Unlike some other former Yugoslav republics (Kosovo and Bosnia and Herzegovina) where the EU had a direct impact on the citizenship policies through the promotion of pre-made inclusive models (Krasniqi 2010a, 2010b; Sarajlić 2010), Croatia belongs to a different category of the former Yugoslavian republics (Štikš 2011). In the pre-accession phase, the EU appears as an agent of pressure for the liberalisation of existing citizenship regimes and practices.

As elaborated above, throughout the turbulent 1990s Croatia developed its own conception of national belonging, which confirmed ethnic Croats as the primary bearers of rights to citizenship status. State practices derived from this concept resembled Hayden's model of constitutional nationalism which promoted the rights of the transnational Croat community, and offered the full protection of minority rights only to particular ethnic groups. The EU was one of the primary agents which fostered the conditions for changes in legislation and practices regarding the excluded (Serb) population and establishment of the stable minority protection regime. However, these changes were conducted without intervention into the existing law on citizenship and without demands for the re-evaluation of the ethnic principle in the Croatian citizenship legislation. During the negotiation process, Croatia signed, but did not ratify, the European Convention on Nationality. This Convention forbids any discrimination based on ethnic, religious, or racial grounds and asks a signatory state to introduce residency criteria in order to avoid such discrimination. However, ratification of the Convention by parliament was blocked by the HDZ in 2006. It may be argued that it was blocked in order to protect the ethnic foundations of Croatian citizenship and the diaspora policies that developed in accordance with this citizenship conception (Štikš 2011). However, the failed ratification of the Convention was not perceived by the EU institutions as a serious obstacle to the Croatia's accession. As Croatia is completing its negotiation process successfully and will effectively close the last open negotiation chapters in early 2011, it is expected to become the 28th EU Member State by the end of 2013. It is unlikely that the ethnic criteria of citizenship, not seriously challenged by the EU during the negotiations, will be contested once Croatia becomes a full member state.

However, this does not necessarily mean that the 'ethnic' conception of citizenship can be promoted only at the expense of the rights and statuses of the minorities in Croatia. Under the influence of the EU negotiation process, Croatia has already significantly modified its minority regulations. As Štiks argues (2010b), from the 1990s it has transformed from a 'constitutional nationalism' model (Hayden 1992, Verdery 1998) that promoted the interests of the core ethnic group towards Smooha's more inclusive model of 'ethnic democracy' (2002) that does not question the dominant position of ethnic Croats but offers a wide range of democratic rights to numerically small minorities. Furthermore, as Croatia continues to establish positive bilateral relations with the neighbouring countries and with EU accession within reach further developments in the minority protection regime can be expected. It may be argued that with the further pace of the reforms Croatia is getting closer to Kymlicka's model of multicultural society (2003) acknowledging the value of the ethnic communities for the personal development of citizens. Nevertheless, for the reasons elaborated in this paper, for some groups of minorities (e.g. the Roma) the future of Croatia in the EU is not likely to bring significant changes in status and rights.

However, Croatian accession to the EU will immediately create several hundred thousand new EU citizens, residing outside the borders of the EU. This includes not only Croatian citizens in BiH (the number of which exceeds the number of ethnic Croats living there) and the 'real' Croatian diaspora, but also at least 200,000 former Serbian refugees who settled in neighbouring republics after the war but kept their Croatian citizenship.¹² According to Croatian law, Croatian citizenship status can also be transmitted to their children. These citizens, who have remained in a protracted refugee situation since 1995, may not be very motivated to return to Croatia. However, obtaining an EU passport could be in their interest as it would provide them with greater opportunities for mobility. Those refugees who have not fully integrated in the host societies may use the Croatian citizenship in order to find economic opportunities and social protection in one of the more developed western EU countries.

On the other hand, the fragile institutional setting of BiH with up to half a million Croatian citizens represents a special political challenge. Besides being one of the constitutive nations of the state, due to a large extent to the failed Croatian politics of the 1990s, Croats are a de facto minority without their own entity (Kasapović 2010a). If political conditions in Bosnia do not change, and the country remains too long outside the EU, it would be expected that another wave of Croats would migrate to Croatia in order to seek better economic and political conditions. Since the end of the war, Croatia had already witnessed this type of migration, but the attractiveness of EU Member State status may be an additional catalyst for such

¹² According to Ministry of Interior data, until 2010 Croatia admitted 1,111,705 applicants to Croatian citizenship. Out of this number 678,918 applicants previously held the citizenship of BiH (but 834,732 applicants' country of birth was BiH!) and 80,521 held the citizenship of Serbia while 12,688 held the citizenship of Macedonia (Ministry of Interior 2010).

migrations. Needless to say, this could further destabilise the political conditions of BiH.

Finally, once Croatia joins the EU it can be expected that it will transform from a country of transit to a country of final destination for groups of migrants seeking asylum or better living conditions (CMS 2005, 2006). Although EU does not have a single asylum policy, the unofficial practices of the EU's 'fortress of Europe' established by the Schengen regime has very clear goals: 1) to establish a system of shared responsibility for the asylum seekers among the member states; and 2) to prevent as much as possible the entry of unwanted migrants to EU soil.

Considering these practices, it is highly unlikely that the current low rates of asylum granting in Croatia can persist in the long term.¹³ Rather, we are going to see much more migration, probably of asylum seekers and so called 'irregular migrants' who will approach Croatia after the accession. Regarding the issue of asylum seekers Croatia has adopted a new Law on Asylum which had been positively rated by the UNHCR and the European Commission¹⁴ since it acknowledges a wider scope of protection than is prescribed in the Dublin Declaration. However, Croatian police officials and administration are not adequately prepared to tackle this issue seriously in practice. On the other hand, it seems that the policies toward irregular immigrants and unwanted migrants will probably be in accordance with the restrictive EU migration regime towards non EU citizens. Over the last five years the Croatian Law on Aliens was modified a couple of times, each time setting greater obstacles for regular settlement of the aliens in Croatian territory. While it can be expected that the Croatian citizenship regime will encourage Croatian citizens residing in non-EU member states to migrate to the EU, these legislative provisions will surely act in accordance with the no entry EU policies for immigrants from third countries. For them it will be extremely difficult to gain a legal residency status in Croatia. How the Croatian citizenship regime will respond to these future challenges remains to be seen once Croatia becomes a full member state.

However, the analysis provided in this paper raises some general conclusions regarding the Croatian citizenship regime. The stability of Croatian citizenship legislation resembles the ongoing process of Croatian invention of 'the tradition of nationhood' (Brubaker 1992) which revolves on the idea of the Croatian state as a centurial reflection of the Croatian community's aspiration for a national state. This stability undoubtedly reflects the deeply rooted habit of Croatian national-self-understanding (Brubaker 1992: 187) which was further symbolically strengthened and forged during the Homeland war. Hence, the status dimension of citizenship, particularly ethnicity as the primary criteria for naturalisation, will probably not be contested in the near future. Nevertheless, possible future changes and debates will be focused on the scope of rights that should be granted to certain categories of

¹³ Since its independence, Croatia has granted only thirteen asylum statuses.

¹⁴ Data provided through an interview with a researcher from the Institute for Migration and Ethnicity.

citizens. Whether the trend will continue in line with the current lessening of the political rights of non-residents and the expansion of the same for the minority citizens will depend on a number of factors. In the first instance, it will depend on the given political climate in Croatia but will be also connected to political developments in the regional setting. Hence, this citizenship dimension will be in accordance with the stances Croatia will take towards its community in the neighbouring states, but will also be the reflection of the politics of these states towards their minorities in Croatia and the members of Croatian community within their own territories. In this context, the further Europeanisation of these states, which has so far provided a successful catalyst for improvements in their interactions and negotiations will remain of central importance for the further stabilisation of citizenship and minority protection regimes in the region.

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