

11 Croatian citizenship: From ethnic engineering to inclusiveness

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The politics of citizenship in post-Yugoslav Croatia are deeply marked by the political climate in which they emerged. The law on Croatian citizenship was enacted on the day (8 October 1991) that the country's declaration of independence from the Socialist Federal Republic of Yugoslavia (SFRY) was enacted. The first decade of Croatia's independence was burdened by the 1991-1995 war against Belgrade and military involvement in the war in neighbouring Bosnia-Herzegovina, and dominated by Franjo Tuđman's overtly nationalist party HDZ², which was in power between 1991 and 1999.

The new citizenship legislation cannot, therefore, be analysed separately from the process of Yugoslavia's disintegration. Almost all of Yugoslavia's successor states – with some variation according to their specific context and at a different pace – used their founding documents, constitutions and citizenship laws as effective tools to accelerate nation-building and to 'ethnically engineer' their populations to the advantage of the majority ethnic group. Croatia was no exception to this rule.³ In many ways, citizenship laws in Croatia were one of many instruments used to create what could be defined as a 'transnational nationalism'⁴, a nationalism that, by taking Croatian *ethnicity* as its core, aimed not only to homogenise the national population through the exclusion of non-Croats, but also to include all ethnic Croats in a single national group, regardless of their place or country of residence. The citizenship laws proved a vital tool in the attempt to achieve this goal. This attempt at both deterritorialised inclusion and targeted exclusion was limited only by general international standards and norms related to citizenship laws that the Croatian government of the 1990s was obliged to respect.⁵

With the death of Franjo Tuđman in 1999 and the subsequent electoral defeat of the HDZ, the beginning of 2000 marked a sharp contrast with the practices of the previous decade. Owing in part to democratic changes within Croatian politics and Croatia's bid for EU membership, the implementation of the citizenship laws began to demonstrate more inclusiveness towards ethnic non-Croats, although the law on citizenship itself remained unchanged. It is through an examination of these political conflicts and debates and their historical

context that we can best present the normative framework that regulates citizenship in Croatia today.

11.1 The history of citizenship policy in Croatia since 1945

11.1.1 *Citizenship in federal Yugoslavia (1945-1991)*

The citizenship laws in the Croatian lands (Croatia, Slavonia and Dalmatia) that preceded the formation of the 'first' Yugoslavia in 1918, date back to the second half of the nineteenth century. The 1879 Law on Hungarian Citizenship (art. L) was applied in Croatia and Slavonia, whereas the laws on Austrian citizenship (arts. 28-32) based on the 1811 (1867) Austrian Civil Code were applied in Dalmatia. In 1918, following the founding of the Kingdom of Serbs, Croats and Slovenes (renamed the Kingdom of Yugoslavia in 1929), the citizenship issues that arose due to the break up of the Austro-Hungarian Empire and the subsequent creation of new states, were largely settled by the post-First World War peace treaties signed by the new Kingdom with neighbouring countries.⁶ Yugoslavia only enacted its own law on citizenship in 1928, a law that established a single Yugoslav citizenship.

On 28 August 1945, the recently liberated 'new' Yugoslavia, a state that resurrected itself as a federation on the political map of Europe after the collapse of the Kingdom of Yugoslavia in April 1941, enacted the Law on Citizenship of Democratic Federal Yugoslavia.⁷ Art. 35 of this law provided that everyone who had been a Yugoslav citizen on 28 August 1945 under the 1928 Citizenship Act of the Kingdom of Yugoslavia would become a citizen in Democratic Federal Yugoslavia. Yugoslav citizenship was primarily based on the principle of descent (*ius sanguinis*; see Medvedović 1998: 27-29; Jovanović 1977: 22; Tepić & Basic 1969: xxxvi). Since it was often impossible to prove former Yugoslav citizenship due to the widespread destruction caused by the war, art. 25 declared that anyone belonging to one of the 'peoples' of Yugoslavia (that is, to one of the South-Slavic ethnic groups), those born and raised in the territory of Yugoslavia and the permanent residents of the Federal People's Republic of Yugoslavia (FPRY) would be considered citizens of the FPRY. Enacted in 1948 was an unusually named law on deprivation of citizenship (which additionally entailed the confiscation of goods): the Law on the Deprivation of Citizenship for Officers and Non-Commissioned Officers of the Former Yugoslav Army Who Do Not Want to Return to the Homeland, and for the Members of Military Forces Who Have Served the Enemy and Have Defected Abroad (this law was invalidated in 1962).⁸ Furthermore, in the same year the law on citizenship was revised in order to exclude from Yugoslav citizenship all citizens of German ethnicity residing abroad on the

basis of their 'disloyal conduct toward the national and state interests of the peoples of FPRY.⁹'

A special act related to Yugoslav citizenship – the Law on Citizenship of Persons Residing on the Territory Annexed to Yugoslavia According to the Peace Treaty with Italy¹⁰ – was adopted in 1947 following the Paris Peace Treaty between Yugoslavia and Italy. According to this Law, anyone who, as of 10 June 1940, had been a resident of the territories annexed by Yugoslavia would lose his or her Italian citizenship and acquired Yugoslav citizenship. Ethnic Italians had a one-year period to opt for Italian citizenship – in effect, to opt for whether they wanted to live in Yugoslavia or Italy. In addition, an equivalent offer of Yugoslav citizenship was made to the Slavic population from the contested borderland region between Yugoslavia and Italy. The citizenship of these groups was later defined by the Memorandum of Understanding between the Government of Italy, the United Kingdom and Yugoslavia,¹¹ which divided the Free Territory of Trieste (1947-1954) between Italy and Yugoslavia. Subsequently, their status was regulated by the 1975 Osimo Treaty between Italy and Yugoslavia (Medvedović 1998: 32; Jovanović 1977: 27-31; see also Medved in this volume).

Together with the law on Yugoslav federal citizenship, the republic-level citizenships of the constitutive republics were established.¹² Yugoslav citizens were allowed to have only one republic-level citizenship. This measure had very important practical and political consequences. According to the Voting Registers Act of 10 August 1946, only citizens of a particular republic had the right to vote in that republic. Citizens from other Yugoslav republics who happened to *reside* on the territory of that republic were not allowed to vote there. Republican People's Assemblies were supposed to be elected only by citizens of these republics, although some republics, such as Croatia, would later allow both its citizens and residents to participate in elections of delegates for the Croatian Parliament (see Hondius 1968: 184). It is important to note that only republic-level registries of citizens existed in Yugoslavia between 1945 and 1991.¹³ During the era of socialist Yugoslavia, three laws on Yugoslav citizenship were enacted (in 1945/1946, 1964 and 1976), following important constitutional changes in 1945 and 1946, 1963¹⁴ and 1974. They defined the relationship between federal-level and republic-level citizenship. Art. 1, para. 2 of the 1945/46 Law on Yugoslav citizenship stated that: 'Every citizen of a people's republic is *simultaneously* a citizen of FPRY and every citizen of FPRY is *principally* a citizen of a people's republic.' The 1964 Law provided for a *united* Yugoslav citizenship (art. 1), made republic-level citizenship conditional upon federal citizenship, and declared that the republic-level citizenship would be lost with the loss of federal citizenship (art. 2, para. 2).¹⁵ The 1976 Law on Yugoslav citizenship contained a similar provision

and added an article (22) on how to resolve disputes caused by the republics' laws on citizenship.¹⁶ These norms regulated the citizenship status of a child either according to the citizenship laws in force in the republic of which the child's parents were citizens or, if the parents did not have the same citizenship, according to the citizenship laws of the republic where the child was born. The norms also offered an option for parents of different citizenships to agree on the citizenship of their child. If the parents could not agree, the child was granted a possibility of naturalising in the republic of his or her birth. Not surprisingly for the confederated structure that Yugoslavia progressively became after the late 1960s, these adopted norms show some similarities to the norms of international law in cases of legal collisions among sovereign states (Jovanovic 1977: 53).

The republic-level laws on citizenship were fashioned to harmonise with the federal law on citizenship, but in fact they varied from one republic to the other. They were adopted in three waves: in 1950, in 1965 and in the period between 1975 and 1979. In 1950, the Citizenship of the People's Republic of Croatia¹⁷ provided that the basic principle for acquisition of Croatian republican citizenship was *ius sanguinis*. However, if parents of a newborn child had different republican citizenships, the child could acquire Croatian citizenship if both parents agreed. If they did not agree and they had residence in Croatia, the child would automatically acquire Croatian citizenship. If the parents did not have residence in Croatia but the father had Croatian citizenship, the child would become a Croatian citizen as well.

The 1965 Law on Citizenship of the Socialist Republic of Croatia brought some changes.¹⁸ Croatian citizenship was automatically granted if a child was born in Croatia and both parents had Croatian citizenship. In all other cases, parents had to agree on the child's citizenship. Nevertheless, the law offered a possibility to any SFRY citizen to opt for Croatian citizenship without being born or residing there and regardless of his or her ethnicity (UNHCR 1997: 16).

In the 1977 Law on Citizenship of the Socialist Republic of Croatia¹⁹ we can observe some new changes related to the acquisition of Croatian citizenship. *Ius sanguinis* principle remained the automatic criterion for acquiring Croatian citizenship; if both parents were Croatian citizens, the child would automatically become a Croatian citizen. However, if only one parent was a Croatian citizen, the parents had to agree. In cases in which the parents did not agree or did not sign a statement within two months following the birth of their child, Croatian citizenship was automatically accorded to the child if the parents had permanent residence in Croatia. If the parents did not have permanent residence in Croatia, the child would acquire Croatian citizenship if his or her birth was registered in Croatia's register of births.²⁰

As shown above, citizenship in the socialist Yugoslavia was bifurcated into a federal citizenship, on the one hand, and a republic-level citizenship, on the other hand. According to art. 249 of the last (1974) SFRY Constitution, citizens possessed a 'single citizenship of SFRY' and every citizen of a republic was 'simultaneously' a citizen of SFRY. The third line of the article offered an important right to all federal citizens: 'a citizen of a republic on the territory of another republic has the same rights and obligations as the citizens of that republic.'

Yugoslav citizens were thus, in principle, able to choose their republican citizenship depending on their residency or employment. Nevertheless, since the republican citizenship was of no practical relevance, citizens usually did not change their republican citizenship status if they moved to another republic, and often they did not even register changes of residence. Internal Yugoslav migration established strong personal and family ties across republican borders, whilst economically motivated migrations and the resettlement of federal administration personnel resulted in a considerable number of individuals living outside of their republic of origin. This in turn affected the balance between ethnic groups in Yugoslav republics to a certain degree. From the moment of Yugoslavia's dissolution, federal citizenship ceased to exist and the previously irrelevant republic-level citizenship became the main criterion for the initial determination of citizenship in the successor states. The 'internal' Yugoslav migrants, residing in a republic whose citizenship they did not possess and to whose ethnic majority they did not belong, were the first to suffer the consequences of the new citizenship regimes.

11.1.2 Croatian citizenship since 1991

The Croatian declaration of independence of 25 June 1991 – which entered into force on 8 October 1991 after a three-month moratorium brokered by the international community – was based on the referendum on Croatian independence of 19 May 1991. Croatian citizens were essentially asked to vote – which they did in huge numbers – in favour of recognising

the Republic of Croatia as a sovereign and independent state that guarantees the Serbs and members of other nationalities in Croatia cultural autonomy and all rights of a citizen.²¹

However, Croatian Serbs generally boycotted the referendum and even held their own to express their desire to remain part of Yugoslavia.

Six months previously, in December 1990, the new Croatian constitution had proclaimed 'the Republic of Croatia as the national state of the Croatian people and the state of members of other nations and

minorities who are its citizens.' The new Constitution, adopted after the first democratic elections in Croatia, replaced the 1974 Constitution of the Socialist Republic of Croatia, which had defined Croatia 'as a national state of the Croatian people, *state of the Serbian people in Croatia* [emphasis added] and state of nationalities living on its territory' (art. 1). Although the referendum question, together with the Constitution itself, mentioned the rights of ethnic minorities and their equal status in new Croatia, the constitutional definition of Croatia as primarily an ethnically Croatian state had a direct impact on the new citizenship law (which entered into force simultaneously on 8 October 1991).²² The law was conceived on the basis of two major principles: legal continuity with citizenship of the Socialist Republic of Croatia and Croatian ethnicity (see Omejec 1998: 99).

All holders of the former Croatian republican citizenship became citizens of the new state *ex lege* (art. 30, para. 1). All other residents became *aliens* overnight, irrespective of how long they had resided in Croatia. Their naturalisation as Croats was regulated by art. 8 of the Law on Croatian Citizenship. According to this article, in order to be naturalised a resident must have at least five years of registered residence in Croatia, provided that the following conditions were met: that he or she had renounced a foreign citizenship or will submit proof that he or she will be released from a previous citizenship if admitted to Croatian citizenship; that he or she is *proficient* in the Croatian language and *Latin* script; that it can be concluded from the applicant's *conduct* that he or she is attached to the legal system and customs of the Republic of Croatia; and finally, that he or she *accepts the Croatian culture* [emphases added].²³

The law put those with less than five years of registered residence and those who were unable to prove that they had been released from foreign citizenship (i.e. previous republican citizenship)²⁴ in a particularly difficult position. In a context in which Croatia was at war with the Yugoslav Federation (which initially consisted of the Republics of Serbia, Montenegro, Macedonia and Bosnia-Herzegovina and then progressively shrank to just Serbia and Montenegro) it was virtually impossible to satisfy this condition. Only aliens born in the territory, spouses, emigrants and those whose citizenship was of interest to Croatia did not have to prove release from their previous citizenship under the naturalisation procedure. However, the first two categories have to fulfil more requirements than the latter two. Moreover, all applicants for naturalisation have to prove that they accept the Croatian legal system, customs and culture (see section 11.2.1.3 for further details). Between 1991 and 1993 decisions on applications, which are made by the Ministry of Internal Affairs, were discretionary, since the Ministry was not obliged to state its reasons for refusing a request. In

1993 the Constitutional Court ordered the Ministry in charge to begin explaining its decisions.²⁵

The ethnocentric features of the 1991 Citizenship Law were confirmed again in the transitional provisions, determining the initial citizenry of Croatia and including a special mode of acquiring citizenship for ethnic Croats who were registered but did not possess Croatian republic-level citizenship. They could acquire Croatian citizenship by declaration, i.e. by issuing a written statement to the police that they considered themselves Croatian citizens. Once the police had checked whether the individual in question had fulfilled the above requirements, he or she was then entered into the citizenship registry (see art. 30, para. 2).²⁶ In 1993, the Croatian Constitutional Court rejected the petition filed by the Social Democratic Union demanding the removal of the entire art. 30 on the basis of the latter's discrimination against non-Croats in the same position. The Court stated that the Croatian Citizenship Law respected international law on statelessness and that it did not threaten to 'leave a person without citizenship', since all SFRY citizens had to have a republic-level citizenship. Furthermore, the Court stated that the Law itself did not explicitly revoke anyone's citizenship (UNCHR 1997: 17).

Not only does the law lay down a specific procedure of acquiring Croatian nationality for residents of Croatian ethnicity in the article determining the initial citizenry of Croatia, it also offers facilitated naturalisation to emigrants and their descendents, who accept the Croatian legal system, customs and culture (art. 12). Moreover, it paves the way for ethnic Croats without previous or current residence in Croatia to obtain Croatian nationality by declaration (art. 16). There is in fact a large population of Croats living abroad. Non-resident Croats can be classified in two categories. The first category is composed of the descendents of emigrants who left Croatian territory. This comprises the 1880-1914 migration, mainly to the Americas. About 600,000 Croats were believed to be living in North America by 1914 (Holjevac 1968: 23). This flow continued in the 1920s and 1930s. However, it also comprises the post-Second World War emigration of about 300,000 people (Bilandžić 1985: 9) who fled Communist Yugoslavia, as well as an estimated number of 1,100,000 '*gastarbeiter*' and their descendents²⁷ who remained in their mainly European countries of destination (Baskin 1986: 27). The second 'diaspora' category is composed of Croats from Bosnia and Herzegovina, who represent about 16 per cent of the total population of that country. Despite the fact that they were one of the 'constitutive peoples' of the Republic of Bosnia and Herzegovina, they were considered potential Croatian citizens in 'diaspora'. Indeed, art. 16 facilitated the naturalisation of ethnic Croats living in the 'near abroad' (former Yugoslav republics), especially for those in Bosnia-Her-

zegovina, while art. 11 facilitated the naturalisation of the Croatian ethnic emigrants and their descendents, even if they did not satisfy the conditions stated in art. 8 regarding proficiency in the Croatian language.

Since legal continuity with previous citizenship of the Socialist Republic of Croatia was the determining factor for the establishment of the initial citizenry of the newly independent state, the Republican Registrar's Office was supposed to issue certificates on Croatian citizenship. Problems occurred, however, when an individual was registered but his or her republican citizenship was not Croatian (for instance, the father's republican citizenship was sometimes used to determine the republican citizenship of a child), or if no republican citizenship was officially recorded. In the former cases, the persons were considered aliens and had to apply for naturalisation, whereas the latter were sent to police agencies to have their citizenship determined or were allowed to register as Croatian citizens – according to art. 30, para. 2 – if they were able to prove Croat ethnic origins (UNHCR 1997). If they were not able to provide the necessary proof (or were simply of a different ethnicity), they were considered aliens by law. But how could someone actually prove his or her Croat ethnic origins? Any official document released by SFRY or republican authorities in which a person declared himself to be ethnically Croat usually sufficed, but sometimes more unusual documents, such as Catholic Church certificates (among South Slavs born south of Slovenia being a Roman Catholic has been considered the strongest proof of someone's 'Croatness') were also accepted by state authorities.²⁸

The citizenship status of Croatia's Serb minority in the Krajina region was particularly problematic.²⁹ Given the fact that in 1991 the Croatian Serb militia, with the help of the Yugoslav federal army, took control of almost one-third of Croatia's territory (mostly in the Krajina region but also in Central and Eastern Slavonia), the citizenship status of the ethnic Serb population living in these regions remained unresolved for almost a decade. Croatian Serb refugees, who fled or were forced to leave Krajina during and after the Croatian military takeover in 1995 and found themselves in Serbia or Bosnia-Herzegovina (in the Serb entity), were in a particularly difficult situation. They were all legally Croatian citizens but did not possess a certificate of Croatian citizenship (*domovnica*) and, therefore, could not claim all their rights as Croatian citizen. Up until the political changes in 2000, the Croatian authorities imposed numerous obstacles to prevent ethnic Serb refugees from acquiring valid documents (certificates on citizenship, passports, etc.) testifying to their nationality – the goal being to make their return to Croatia and the restitution of their goods impossible (see report on Croatia in Imeri 2006: 129-131).

With the death of Croatia's President Franjo Tudjman and the subsequent defeat of his party (HDZ) in the 2000 parliamentary elections, Croatia declared its willingness to quickly satisfy all the conditions necessary for EU membership. As a consequence, the situation regarding citizenship policy has significantly improved. Although there have as yet been no changes in the text of its citizenship law, the administrative implementation reveals a greater degree of inclusiveness towards ethnic non-Croats – without, however, withdrawing privileges offered to ethnic Croats outside the country. Today, Croatian Serb refugees face no significant obstacles in acquiring proof of Croatian citizenship, although some issues related to the citizenship policies of the 1990s remain unresolved.³⁰ The EU stated that the return of these refugees to Croatia and the full restitution and reparation of their material goods was an important political condition for Croatia's membership talks.

11.2 Acquisition and loss of Croatian citizenship: Current legal provisions

11.2.1 Acquisition of Croatian citizenship

The 1991 Law on Croatian Citizenship as amended in 1992 offers four modes of acquiring Croatian citizenship:

1. acquisition by descent;
2. acquisition by birth on the territory of the Republic of Croatia;
3. acquisition through naturalisation;
4. acquisition through international treaties.

The last of these is not explicitly discussed in the citizenship regulations, since the treaties themselves regulate the modalities for acquiring Croatian citizenship. The only treaty of interest here is the agreement on dual citizenship signed by Croatia and Bosnia-Herzegovina on 29 March 2007 but not yet ratified (see section 11.2.3 below).

11.2.1.1 Acquisition by descent

As regulated in art. 4 and art. 5, the principle of descent – *ius sanguinis*, the dominant principle for the acquisition of Croatian citizenship – applies when (1) both parents are Croatian citizens at the time of a child's birth, irrespective of the place of birth; (2) one parent is a Croatian citizen and the child is born in the Republic of Croatia; (3) one parent is a Croatian citizen and the other parent is stateless or of unknown citizenship and the child is born abroad; (4) one parent is a Croatian citizen and the other parent is a foreign citizen or of unknown citizenship and the child is born abroad, provided that the child, before turning eighteen, either (a) has been registered as a resi-

dent in the territory of the Republic of Croatia or (b) has been registered with Croatian authorities, abroad or in Croatia; (5) one parent is a Croatian citizen and the other parent is a foreign citizen or of unknown citizenship and the child is born abroad, even if the child does not comply with the above mentioned conditions, if he or she would otherwise be left stateless; finally (6) a stateless child, or a child of foreign citizenship, has access to Croatian citizenship if he or she is adopted by Croatian citizens. There is no provision in the law specifying the number of generations that can benefit from the acquisition of citizenship by descent. Moreover, those born abroad who do not satisfy the above conditions can acquire citizenship through two other provisions: art. 11 (concerning emigrants) and art. 16 (concerning ethnic Croats who do not reside in the Republic of Croatia).

11.2.1.2 Acquisition by birth on the territory

As is common practice in all European states, art. 7 adds a residual dimension of *ius soli* in order to prevent statelessness: a child who was born or found on the territory of the Republic of Croatia acquires Croatian citizenship if both of his or her parents are unknown or of unknown citizenship or if they are stateless persons. However, the child loses his or her Croatian citizenship if by the time he or she is fourteen both of his or her parents are recognised as foreign citizens.

11.2.1.3 Acquisition by naturalisation

Naturalisation has been pointedly used to grant Croatian citizenship to former citizens of SFRY who did not fulfil the criteria of art. 30 para. 1. and para. 2 that regulate the initial determination of the Croatian citizenry (see section 11.1.2 for further details). Following the description of Omejec (1998), Croatian citizenship legislation foresees two modes of acquiring Croatian citizenship through naturalisation: 'regular' and 'facilitated' naturalisation. It also considers the case of minors, and the case of individuals who can be 'reintegrated' into the Croatian citizenry.

Regular naturalisation

In order to obtain Croatian citizenship, an alien is required to fulfil the following requirements contained in art. 8. The foreign national must:

1. be at least eighteen years old when submitting his or her request;
2. have renounced any foreign citizenship, or submit proof that he or she will be released from other citizenships;
3. have had registered residence in the territory of the Republic of Croatia for at least five years;
4. be familiar with the Croatian language and the Latin alphabet.

5. Moreover, it must be concluded from his or her behaviour that he or she respects the legal order, the customs and the culture of the Republic of Croatia. This particular provision (art. 8.1.5) of the law has been often used in the past by the Ministry of Interior (the Ministry in charge of determining the validity of naturalisation applications) to deny Croatian citizenship to ethnic non-Croats with long-term residence in Croatia.

Facilitated naturalisation

The procedure of facilitated naturalisation is used when, in spite of the fact that some of the conditions listed above are not fulfilled, there is an intention to admit an alien into the Croatian citizenry. There are several grounds on which an alien can be naturalised in this way:

1. Art. 9 allows for granting citizenship to aliens who were born in the Republic of Croatia, have had five years of residence prior to their application and for whom it can be concluded from their behaviour that they have respected the legal order, the customs and the culture of the Republic of Croatia. Hence, this specific group of applicants does not have to fulfil conditions 1, 2 and 4 of the regular naturalisation procedure.³¹
2. Art. 10 allows for the spouse of a Croatian citizen with permanent residency in the Republic of Croatia to obtain Croatian citizenship, provided that it can be concluded from his or her behaviour that he or she respects the legal order, the customs and the culture of the Republic of Croatia.
3. Emigrants, their descendants and their spouses are similarly granted citizenship following art. 11, even if they do 'not meet the prerequisites from art. 8, paragraph 1, points 1-4'. An emigrant is defined as a 'person who has emigrated from Croatia with the intention to live permanently abroad'. There is no specification in the law as to the number of generations entitled to apply through art. 11. This opens a possibility to all emigrants and their descendants to acquire Croatian citizenship. Candidates have to show documents proving the emigration from the territory of the Republic of Croatia, and the connection to the original emigrant (through birth and marriage certificates).
4. According to art. 12, any foreign citizen, as well as his or her spouse, can be granted Croatian citizenship by the competent ministry if this is deemed to be in the interest of the Republic of Croatia (upon condition, as always, that it can be concluded from his or her behaviour that he or she respects the legal order, the customs and the culture of the Republic of Croatia).

Naturalisation of minors

The Law on Croatian Citizenship does not allow minors to acquire Croatian citizenship independently of their parents. According to art. 13, there are three possibilities for a child to acquire Croatian citizenship through naturalisation: (1) if both parents acquire citizenship by naturalisation; (2) if only one parent acquires citizenship by naturalisation and the child lives in the Republic of Croatia; or (3) if only one parent acquires citizenship by naturalisation and the other is a stateless person or a person of unknown citizenship and the child is living abroad. Finally, according to art. 14, a child adopted by a Croatian citizen with parental effect can be naturalised according to the facilitated procedure even if he or she does not meet the prerequisites defined in art. 8.1.1-4.

Reacquisition of Croatian citizenship

On top of the legal dispositions for the naturalisation of aliens, there are provisions for reacquisition of citizenship by former Croatian citizens who have lost it. There are two main possibilities for 'reintegrating' people into the Croatian citizenry. According to art. 15, Croatian citizenship can be granted again to an individual who had to renounce his or her Croatian citizenship for another citizenship in order to 'conduct a profession or a business', even if he or she does not meet the prerequisites of art. 8.1.1-4. Another case concerns individuals who have lost their citizenship as minors. According to art. 23, children of Croatian citizens whose citizenship has been revoked (art. 20) or renounced by their parents while they were minors (art. 22) can regain citizenship if they reside for one year in the territory of the Republic of Croatia and issue a written statement stating that they consider themselves Croatian citizens.

Acquisition by declaration

Art. 16, quite problematically, grants citizenship to any 'member of the Croatian people who does not have a place of residence in the Republic of Croatia [...] if he or she meets the prerequisites of art. 8.1.5 of this Law and if he or she issues a written statement that he or she considers himself or herself to be a Croatian citizen.'³²

11.2.2 Loss of Croatian citizenship

According to art. 17, there are three principal ways in which Croatian citizenship can be terminated: (1) release,³³ (2) renunciation or (3) through international treaties. The last of these, as is the case for the

acquisition of citizenship, is not explicitly discussed in citizenship regulations for the above-mentioned reasons.

11.2.2.1 *Release*

Release from citizenship by the state authorities, is regulated by art. 18 and art. 19. Release from citizenship cannot be obtained by a Croatian citizen who at the moment of the request is charged and prosecuted *ex officio*, or as long as he or she has not served his or her sentence. In addition, the citizen must be at least eighteen years old, must have fulfilled his military service obligations, must have paid taxes and must have fulfilled any obligations to his or her spouse, parents and children. Moreover, proof of a foreign citizenship or evidence that the foreign citizenship will be granted must also be submitted. The price of this procedure is, however, unusually high for an ordinary Croatian citizen. It is currently fixed at 3,600 kunas, i.e. approximately 500 euros, which is just below the average monthly wage in Croatia.³⁴

11.2.2.2 *Renunciation*

According to Omejec (1998: 122), the purpose of the right to renounce Croatian citizenship is to not restrict the freedom of choice of those in possession of dual citizenship. Croatian citizens have the right to renounce citizenship if they are over eighteen, have a foreign citizenship and reside abroad. The children of these citizens, if they are minors, are considered in the same way as their parents, although they can reclaim their lost citizenship, as explained above.

11.2.2.3 *Lapse or withdrawal of citizenship*

The Croatian citizenship regulations do not specify cases in which citizenship is lost against the will of the person affected. Contrary to most countries, there are no provisions concerning, for example, treason or service in a foreign army.

11.2.3 *Dual citizenship*

The question of dual citizenship is rather ambiguously treated. Two articles are in fact in partial contradiction. On the one hand, art. 2 explicitly states that Croatian citizens may have another citizenship, even if it is not recognised by the Republic of Croatia: 'the citizen of the Republic of Croatia who has foreign citizenship is, before the state authorities of the Republic of Croatia, to be considered a Croatian citizen exclusively'. On the other hand, art. 8 specifies that a foreign national who intends to acquire Croatian citizenship has to renounce his or her current citizenship (art. 8.1.2). In practice, members of the Croatian 'diaspora' in the US, Canada, Australia, Germany and other countries

have been able to obtain Croatian citizenship quite easily and maintain their other citizenship. The same is true for citizens of Bosnia and Herzegovina.³⁵

11.3 Current political debates and planned changes

Since its adoption in 1991, the Croatian Law on Citizenship has been heavily criticised, particularly by NGOs and international human rights agencies, as well as by some non-nationalist political parties, for its ethnic overtones, open discrimination against ethnic non-Croats and Croatia's policy of granting its citizenship to ethnic Croats abroad, particularly to those living in the 'near abroad' in Bosnia-Herzegovina. In spite of these occasional calls for changes to the text of the law, the 1991 Law, although amended, is still in force. Nevertheless, with the acceleration of Croatia's membership negotiations with the EU, changes to the law itself were announced by government officials in relation to Croatia's adoption of the European Convention on Nationality.

The Croatian Parliament (*Hrvatski Sabor*) was supposed to adopt the European Convention on Nationality in 2006. Art. 5 of the Convention explicitly forbids discrimination on ethnic, religious or racial grounds, and since the Council of Europe had already required Croatia to change its law on citizenship, it was made clear by the Croatian authorities that the law – especially the controversial points regarding unequal treatment of individuals of non-Croat ethnicity regarding the residency requirement – would be rewritten. If the Convention had been adopted, it would have been more difficult for ethnic Croats permanently residing outside Croatia to obtain citizenship without satisfying the usual requirements of current residence in Croatia. Some other provisions that discriminate against non-ethnic Croatian residents should likewise have been removed. However, the ruling conservative party (HDZ, Croatian Democratic Union) blocked the adoption of the Convention in the Sabor – even though the adoption of the Convention had actually been proposed by a government dominated by the HDZ – fearing it would automatically and detrimentally influence relations between Croatia and the Croat ethnic diaspora, in particular Bosnia-Herzegovina's Croats. Interestingly, at almost the same time in 2006, Italy adopted a law granting Italian citizenship to a number of descendants of Italian ethnic origin who live in the Slovene and Croatian territories that were annexed by Italy in the inter-war period or during the Second World War. This move provoked a fierce reaction from both Slovenia and Croatia. Some senior Croatian politicians (many from the HDZ) complained that Italy had deliberately created citizens with a 'double loyalty', clearly forgetting that granting Croatian citizenship to ethnic

Croats from Bosnia-Herzegovina – one of three constituent peoples in that country – resulted in precisely the same kind of ‘double loyalty’.³⁶

It is certain that the HDZ had in mind a controversial Croatian electoral law that creates a special electoral constituency for the Croatian diaspora. The vast majority of votes in this constituency come from the Bosnian Croats, who vote predominantly for the HDZ and other nationalist parties. The outcome of recent parliamentary elections in Croatia (November 2007) clearly reveal all of the particularities of the current situation in Croatia. The HDZ eventually won the elections by a tiny margin thanks, in large part, to the votes from the diaspora constituency,³⁷ the majority of which came from Bosnia-Herzegovina. This electoral unit had been boycotted by the largest opposition party, the Social-Democratic Party and other non-nationalist and left-leaning parties, which continue to demand changes in the electoral law. One can thus witness parallel attempts to, on the one hand, preserve the ethnocentric character of the state – most obviously by maintaining strong ties to and influence on Croatian ethnic population in Croatia’s ‘near abroad’ – and, on the other, to demonstrate a high degree of political inclusion of ethnic minorities in conformity with the democratic norms of the EU. After the 2007 parliamentary elections, and in harmony with this new euro-compatible face of Croatia, one of the highest positions in the government was offered to a member of the largest ethnic Serb party in Croatia for the first time since 1991.

11.4 Statistical developments

It is very difficult to obtain comprehensive statistical data related to citizenship matters in independent Croatia. After several enquiries directed at the Croatian Ministry of Interior, the authors received the following response in June 2008:

In the period between 2002 and 2007, 53,095 requests for acquisition of Croatian citizenship were favourably resolved, and 11,321 requests were denied. During the same period, the requests for acquisition of Croatian citizenship submitted by 7,057 persons were suspended or rejected.

We would like to underline that we are communicating the above-cited data with reservations, and that we cannot be held responsible for their accuracy. We do not have the technical facilities necessary to generate exact statistical data. In the above-mentioned period, there were no unified parameters for the statistical treatment of data related to the acquisition of Croatian citizenship. As for the period between 1991 and 2001, we are un-

able to communicate the required data. During this period, no statistical data was produced in relation to the resolved requests for acquisition of Croatian citizenship, because there was no adequate informational system for this database.

It is difficult to assess the reliability of this statement. On the one hand, the first years of independence in the Republic of Croatia were marked by war and considerable administrative reorganisation. This gives credence to the Ministry's claims. On the other hand, the highly politicised question of Croatian citizenship, as well as the 'ethnic engineering' aspect of the citizenship policies are obviously something that the Croatian government does not want to see quantified. The authors find the statement that between 1991 and 2001 (ten years!) there was 'no adequate informational system for this database' surprising. The fact that another author (Omejec 1998) was able to obtain some data for that period and that these data were quoted in an UNHCR report (1997), confirms that some statistical data must be available.

In the period from October 8, 1991, to June 30, 1995, the Ministry of Internal Affairs of RC [Republic of Croatia] resolved 557,379 requests for determination of Croatian citizenship according to art. 30 para. 1 LCC [Law on Croatian Citizenship]. According to the analysis, these cases mostly involved citizens of the former SFRY with a residence in SRC [Socialist Republic of Croatia] who were not registered in the citizens' registry of SRC or were registered after February 29, 1978 yet did not have a citizenship recorded in the 'republican citizenship' section, and their citizenship was disputable. There is no data regarding how many of the 557,379 requests submitted on the grounds of art. 30 para. 1 LCC were denied. In the same period (October 8, 1991 – June 3, 1995) the MIA of RC resolved 394,910 requests for subsequent registration on the grounds of art. 30 para. 2 LCC. These cases mostly involved ethnically Croatian individuals who were not citizens of SRC, but who had a residence on its territory and submitted a statement that they considered themselves to be Croatian. Therefore, in the period from October 8, 1991, to June 30, 1995, 952,331 procedures for determination of Croatian citizenship were executed on the basis of art. 30 LCC (Omejec 1998: 116).³⁸

11.5 Conclusions

The Croatian case confirms that the dominant paradigm of ethnic citizenship has not been radically challenged in the Balkans, except in those countries (Bosnia-Herzegovina, Kosovo and, to a large extent, Macedonia) that are under direct international supervision and where the UN and the EU have strong civilian, police and military missions. Since 2000, however, we have generally witnessed a greater degree of inclusiveness and less discrimination on ethnic grounds, as well as an increased sensitivity to the political aspirations of ethnic minorities (most clearly in the EU candidate countries, Macedonia and Croatia). Nonetheless, in countries such as Slovenia, Croatia and Serbia, where the EU is not in a position to directly control lawmakers or the behaviour of the state apparatus, the pressure coming from Brussels is mostly concentrated not on eventual changes in citizenship legislation, but rather on the administrative practice and political life of the countries in question.

In order to satisfy the political conditions for EU membership, Croatia is demonstrating – even in the behaviour of its leading conservative politicians – more political inclusiveness towards the Serb minority and, in general, is acting as a democratic state that does not discriminate on an ethnic basis (as was the case during the 1990s). Nevertheless, it continues to do everything it can to preserve the strong ties it has established with its diaspora (again, primarily in Bosnia-Herzegovina) and here Croatian citizenship granted to ethnic Croats abroad plays a crucial role. The diaspora voting machine, based mainly in the Croat-populated Western Herzegovina, has been repeatedly used by the main Croatian right-wing party (HDZ) at the time of elections as a political chip in Croatian internal politics. Nevertheless, we can conclude that, beyond electoral campaigns, Croatia's bid for EU membership relegates the question of Croatian ethnic diaspora from the political sphere to the spheres of educational, cultural and social ties.

Since Croatia seems to be on a fast track to joining the EU, it is important to point out that Croatia's membership will automatically create more than 500,000 EU citizens permanently residing in a non-EU country. The Croatian policy of granting citizenship to ethnic Croats in Bosnia-Herzegovina will thus indirectly affect all other EU Member States as well.

To sum up, the case of Croatia demonstrates how sticks and carrots employed by the EU could alter relations between a nationalising state and its internal minorities as well as between a kin state and its ethnic diaspora in the 'near abroad'. At the same time, it shows how the latter relations can be preserved – even if they remain politically dormant – within the institutional framework of the EU. We thus witness parallel

attempts to integrate a country into the supranational institutions of the EU, democratise its political life and clearly show political and social inclusiveness towards ethnic minorities, but also to maintain a transnational ethnic community by using ethno-centric citizenship laws.

Chronological list of citizenship-related legislation in Yugoslavia/Croatia

Date	Document	Content	Source
1811/ 1867	Austrian Civil Code (arts. 28-32)	Regulates the citizenship status of citizens living in Dalmatia placed under the Austrian rule within the Austro-Hungarian Empire	
1879	Law on Hungarian Citizenship (Article 'L')	Regulates the citizenship status of citizens living in Croatia and Slavonia placed under Hungarian rule within the Austro-Hungarian Empire	
1928	Law on Citizenship of the Kingdom of Yugoslavia	Establishes a single Yugoslav citizenship throughout the Kingdom	
1945/ 1946	Law on Citizenship of the Democratic Federal Yugoslavia (No. 64/1945; No. 54/1946)	Defines the initial citizenry of the newly formed Yugoslavia; establishes Yugoslav federal citizenship and republic-level citizenship of the six constituent republics; is confirmed and amended after the adoption of the 1946 Constitution of the Federal People's Republic of Yugoslavia (54/1946)	www.sluzbenilist.co.rs (in Serbo-Croatian)
1945/ 1946	Law on Deprivation of Citizenship for Officers and Non-Commissioned Officers of the Former Yugoslav Army Who do not Want to Return to the Homeland, and for the Members of Military Forces Who Have Served for the Enemy and Have Defected Abroad (No. 64/1945; No. 86/1946)	Deprives Yugoslav citizenship of those military personnel of the former army of the Kingdom of Yugoslavia who did not want to return to the 'new' Yugoslavia and those serving in military formations loyal to the occupying forces who left Yugoslavia at the end of the Second World War; is revoked in 1962 (No. 22/1962)	www.sluzbenilist.co.rs (in Serbo-Croatian)

Date	Document	Content	Source
1947	Law on Citizenship of Persons Residing in the Territory Annexed by Yugoslavia according to the Peace Treaty with Italy (No. 104/1947)	Determines that persons residing in territories annexed by Yugoslavia on 10 June 1940 are to lose their Italian citizenship and acquire Yugoslav citizenship; provides a one-year period for ethnic Italians to opt for Italian citizenship and a possibility for the Slav population from the contested borderland region between Yugoslavia and Italy to opt for Yugoslav citizenship	www.sluzbenilist.co.rs (in Serbo-Croatian)
1948	Amendment and Revision of the Law on Citizenship (No. 105/1948)	Excludes from the Yugoslav citizenry all citizens of German ethnicity residing abroad on the basis of their 'disloyal conduct toward the national and state interests of the peoples of FPRY'	www.sluzbenilist.co.rs (in Serbo-Croatian)
1950	Citizenship of the People's Republic of Croatia (No. 23/1950)	Defines <i>ius sanguinis</i> as the basic principle for acquisition of Croatian citizenship; specifies conditions for a newborn child to acquire Croatian citizenship if the parents hold different republic-level citizenships, depending on their residency	
1964	Law on Yugoslav Citizenship (No. 38/1964; No. 42/1964)	Enacted after the 1963 Yugoslav Constitution; regulates the relationship between the federal and republic-level citizenships; provides for a united Yugoslav citizenship; regulates that only a federal citizen can hold republican citizenship, and that the republican citizenship is lost with the loss of the federal citizenship	www.sluzbenilist.co.rs (in Serbo-Croatian)

Date	Document	Content	Source
1965	Law on Citizenship of the Socialist Republic of Croatia (No. 13/1965)	Confirms <i>ius sanguinis</i> as the main criterion for automatically acquiring Croatian citizenship; unlike the 1950 Law, stipulates that both parents have to agree on the child's citizenship if they hold different republic-level citizenships; guarantees that any SFRY citizen has a right to choose his or her republic-level citizenship and is thus free to choose citizenship of any republic without being born or residing there	
1976	Law on Citizenship of the Socialist Federal Republic of Yugoslavia (No. 58/1976)	Is adopted after the 1974 Yugoslav constitution; repeats the provisions from the 1964 Law on the relationship among the federal and republic-level citizenships; adds an article on how to resolve possible disputes caused by the republican laws on citizenship	www.sluzbenilist.co.rs (in Serbo-Croatian)
1977	Law on Citizenship of the Socialist Republic of Croatia (No. 32/1977)	Confirms <i>ius sanguinis</i> as the main criterion for automatically acquiring Croatian citizenship; specifies conditions of citizenship acquisition in the case in which the parents do not agree or do not sign a statement during two months following the birth of their child	
1991	Law on Croatian Citizenship (No. 53/1991)	Defines the citizenship of the Republic of Croatia; determines the initial body of citizens according to the principles of legal continuity and Croatian ethnicity; defines all modes of acquiring and losing nationality after independence	www.nn.hr (in Croatian); www.legislationline.org (as amended in 1992)

Date	Document	Content	Source
1992	Law on Modifications and Amendments of the Law on Croatian Citizenship (No. 28/1992)	Corrects the text of the 1991 Law; amends inconsistencies and legally problematic provisions; specifies the administrative procedures	www.nn.hr (in Croatian)
1993	Decree of the Constitutional Court of the Republic of Croatia U-I-206/1992, U-I-207/1992, U-I-209/1992, U-I-222/1992 of 8 December 1993 (No. 113/93)	Orders the Ministry of Interior to justify its decisions in case of the refusal of requests made through the regular naturalisation procedure (art. 8)	www.nn.hr (in Croatian)

Notes

- 1 The authors thank Iris Goldner for her useful comments.
- 2 Hrvatska Demokratska Zajednica – Croatian Democratic Union.
- 3 For a detailed analysis of the citizenship legislation and practices in other former Yugoslav states since 1991, see Štiks 2006. For a study of Slovenia's citizenship legislation, see also Medved in this volume.
- 4 For more on Croatia's particular brand of 'transnational nationalism', see Ragazzi 2009; for the notion of transnational nationalism, see Basch, Glick-Schiller & Szanton Blanc 1995 and Kastoryano 2006.
- 5 International law itself does not question the right of sovereign states to enact their own nationality policy. However, international law, declarations and treaties do seek to impose certain rules and thereby influence the behaviour of states when it comes to citizenship and nationality legislation and administrative practice. Art. 15 of the 1948 Universal Declaration of Human Rights states that 'everyone has the right to a nationality' and that 'no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.' The European Commission for Democracy through Law (also known as the Venice Commission), the Council of Europe's advisory body for constitutional issues, adopted The Declaration on Consequences of State Succession for the Nationality of Natural Persons in September 1996. It states that, besides respecting the principle that every person has a right to a nationality and the general prevention of statelessness, states should 'respect, as far as possible, the will of the person concerned.' It also repeats that 'in all cases of State succession, the successor State shall grant its nationality to all nationals of the predecessor State residing permanently on the transferred territory.' In a similar fashion, art. 18 of the 1997 European Convention on Nationality, prepared by the Council of Europe, declares that, in the case of succession, states should take into account 'the genuine and effective link of the person concerned with the State' and 'the habitual residence of the person concerned at the time of State succession.'
- 6 The most important treaties for citizenship issues in the Croatian lands were the Peace Treaty of St.-Germain-en-Laye with the Republic of Austria, signed on 10 September 1919, and the Trianon Peace Treaty with Hungary, signed on 4 June 1920.

- 7 *Official Gazette of Democratic Federal Yugoslavia* 64/1945. The law was confirmed and amended on 5 July 1946 (see *Official Gazette of the Federal People's Republic of Yugoslavia (FPRY)* 54/1946). The law was further amended and revised in 1947 (see *Official Gazette of the FPRY* 104/1947) and twice in 1948 (see *Official Gazette of the FPRY* 88 and 105/1948).
- 8 *Official Gazette of the FPRY* 86/1948 and 22/1962.
- 9 *Official Gazette of the FPRY* 105/1948.
- 10 *Official Gazette of the FPRY* 104/1947.
- 11 *Official Gazette of the FPRY* Supplement No. 6/1954.
- 12 This was not the case in two other socialist multinational federations. Republic-level citizenship was established in Czechoslovakia only in 1969 and the first Soviet republic that enacted its own citizenship law was Lithuania in November 1989.
- 13 The fact that only republic-level registers existed at the moment of Yugoslavia's break-up would prove to be very important, because all Yugoslav republics would adopt a policy of legal continuity between previous republic-level citizenship and citizenship of the new state. Only those granted Yugoslav citizenship at a Yugoslav embassy who were residing abroad were not included in the republic-level registers. Once they established their residence in Yugoslavia, they were also entered into the register of the republic in which they resided.
- 14 In the 1963 Constitution, the FPRY was renamed the Socialist Federal Republic of Yugoslavia (SFRY).
- 15 *Official Gazette of the Socialist Federal Republic of Yugoslavia (SFRY)* 38/1964 (corrected version in 42/1964).
- 16 *Official Gazette of the SFRY* 58/1976.
- 17 *Official Gazette of the People's Republic of Croatia* 23/1950.
- 18 *Official Gazette of the Socialist Republic of Croatia* 13/1965.
- 19 *Official Gazette of the Socialist Republic of Croatia* 32/1977.
- 20 Obviously, between 1965 and 1977 the automatic acquisition of republic-level citizenship was not a rule if only one parent had Croatian citizenship, even if a child was born in Croatia (on changes in the Croatian law on republic-level citizenship and administrative practices between 1950 and 1991, see the report on Croatia in UNHCR 1997).
- 21 *Official Gazette of the Republic of Croatia* 21/1991.
- 22 *Official Gazette of the Republic of Croatia* 53/91; modifications and amendments in *Official Gazette of the Republic of Croatia* 28/92. These amendments were mainly corrections of inconsistencies in the law, or legal clarifications of its provisions, which were written and adopted hastily in the context of Croatia's declaration of independence from SFRY and its open conflict with Belgrade. Some changes were obviously made after complaints were received from the ground about the implementation of the law. An important amendment was that the renunciation of foreign citizenship required for naturalisation was eased (see note 24).
- 23 These 'conditions' were imposed on ethnic non-Croats coming from other Yugoslav republics. They also provided a basis for the Ministry in charge to refuse Croatian citizenship to certain individuals, non-Croats from other republics, but also to some Croatian Serbs (see 11.2.1.3 for further details).
- 24 The 1992 amendments, however, facilitated access to Croatian citizenship for those who, for various reasons, are unable to obtain release from their previous citizenship. Following these amendments, applicants have to state that they will renounce their previous citizenship, if granted Croatian citizenship.
- 25 *Official Gazette of the Republic of Croatia* 113/1993.
- 26 The 1991 Law additionally required ten years of residence for this group, which was not in accordance with art. 8 and art. 16 and was therefore corrected in the

amendments adopted only seven months later on 8 May 1992. Applicants merely had to prove that they were registered as residents (see *Official Gazette of the Republic of Croatia* 28/1992).

- 27 Guestworkers, or 'workers temporarily employed abroad', according to the official Yugoslav terminology.
- 28 If a person did not declare himself or herself an ethnic Croat in official documents such as a birth certificate or a marriage certificate, or if a person had declared ethnicity as Yugoslav and/or was born in a so-called 'mixed marriage', the state authorities (the Ministry of the Interior) established a person's membership of the Croatian people by using Catholic Church certificates (if available) and even passed judgement on the 'Croatness' of a person's family name. This was certainly a somewhat delicate matter since a large percentage of 'Croatian' family names are shared by Serbs and other South Slavic groups (see also the report on Croatia in Imeri 2006: 127).
- 29 A significant number of the Croatian Serbs continued to live in territory controlled by the Croatian authorities. They managed to regulate their status either smoothly (i.e. as holders of the former Croatian republican citizenship they were automatically registered into the new registries of citizens), or in some cases, with considerable difficulties. Numerous reports testify to cases of violations of their right to Croatian citizenship in the 1990s. See, for instance, reports on the issue published in Dika, Helton and Omejec 1998 and also the report on Croatia in Imeri 2006.
- 30 For more details on the present situation and descriptions of some concrete cases, see the report on Croatia published in Imeri (2006: 97-123). The report points out that, for instance, the status of persons of non-Croat ethnic origin who were permanent residents of Croatia before the 1991 Law on citizenship still awaits regulation.
- 31 This article was modified by art. 4 of the Law on Modifications and Amendments of the Law on Croatian Citizenship (*Official Gazette of the Republic of Croatia* 28/1992), deleting the five years of permanent residence requirement demanded in the first version of the law. As the law stood in 1991, those born in the country who could apply for facilitated naturalisation had to fulfil a longer residence requirement than those applying for regular naturalisation. To obtain permanent residence one first has to prove five years of temporary residence, according to the new Law on Aliens. In practice this would have thus meant that a person born in the country had to prove ten years of residence in the country, whereas those applying for regular naturalisation only had to prove five. However, the modification does not imply that those born in the country do not have to fulfil any residence requirement; they now have to prove five years of registered residence just as those applying for regular naturalisation. It is important here not to confuse this modification with another important modification of residence requirements introduced by art. 13 of the same amendments, which deleted the ten years residence required in art. 30 para. 2 of the 1991 Law defining a specific procedure of acquiring Croatian nationality by declaration for ethnic Croats (see note 26). The authors would like to thank Iris Goldner for this clarification.
- 32 It also adds that 'the statement from paragraph 1 of this Article shall be given before the competent authority or before the diplomatic or consular office of the Republic of Croatia abroad'.
- 33 'Revocation' in the text of the law.
- 34 For more information on the procedure, see: www.mup.hr. The average net salary in 2007 was 4,841 kuna per month (see Central Bureau of Statistics, *Statistical information* 2008. www.dzs.hr).

- 35 Art. 4 of the Law on Citizenship of Bosnia-Herzegovina allows Bosnian citizens to hold a citizenship of another country provided there is a bilateral agreement. The question of the dual (Croatian and Bosnian) citizenship of many citizens of Bosnia-Herzegovina was regulated by the agreement on dual citizenship signed by Croatia and Bosnia-Herzegovina on 29 March 2007. The ratification is still pending.
- 36 See 'Talijani u RH i Hrvati u BiH nemaju ista prava?!' [Italians in Croatia and Croats in Bosnia-Herzegovina Do Not Have Equal Rights?!], www.tportal.hr, 10 March 2006.
- 37 Art. 45 of the 1990 Constitution granted Croats abroad the right to vote. This provision was enacted for the first time during the 1995 elections, during which the ruling party, the HDZ, decided that the seats attributed to the 'diaspora' should represent 10 per cent of the representatives, namely twelve seats. After many debates, this was changed in 1999 and the seats were apportioned according to voter turnout. This secured only six seats for the 'diaspora' vote in the 2000 and 2007 elections.
- 38 The UNHCR report quotes the same data, but adds that 'a total of 412,137 requests were submitted to the Ministry of Internal Affairs between 8 October 1991 and 31 December 1995 under article 30 paragraph 2.' This slightly changed the total number of processed requests through art. 30, paras. 1 and 2, available in Omejec (1998) and fixed it at 969,553 at the end of 1995 (UNHCR 1997: 16). Indeed, Jasna Omejec is quoted as a co-author of the national report on Croatia published in UNHCR. Although published in 1998, her own article was obviously written before the UNHCR report published in 1997.

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