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**Croatian citizenship regime and contested categories of
Croatian citizens: Ethnic Croats abroad, Serb minority and
Croatian defenders of the Homeland War**

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EXECUTIVE SUMMARY

The existing research on the Croatian citizenship defines several stages of the development of the Croatian citizenship regime (Ragazzi & Štiks 2009; Djuric 2010; Štiks 2010b; Koska 2011; 2012; Ragazzi, Štiks & Koska 2013; Baričević & Hoffman 2014). The first decade of Croatian independence was marked by the disputes over the status dimension of citizenship, where the criteria for the membership in the newly formed citizenry had to be defined. Within this stage, the generous provisions for the inclusion of ethnic Croats regardless their residency have been enacted, while the provisions for exclusion of certain categories of non-Croat ethnic residents were implemented. The second stage which literature perceives to have start in 2000 (Petričušić 2004; Jović & Lamont 2010; Djuric 2010; Štiks 2010b; Koska 2012) was marked by liberalization of the discussions over the rights dimension of Croatian citizenship. The final stage involves the changes and impact on the Croatian citizenship regime that emerged in the aftermath of the Croatian membership to EU. Since Croatia has been an EU member state for only three years, the exploration of the changes of the Croatian citizenship regime with the EU have not been addressed so far. The task of this study is to explore the key political debates that emerged in the context of the previous developments of the Croatian citizenship regime.

Throughout all three stages, idea of membership to EU played a very important role in Croatian project of nation and statehood building; during the 1990s it was perceived as a long term guarantee of Croatian sovereignty, statehood stability and economic prosperity. The 2000s until the accession were marked by democratic changes and the legislative reification of the discriminatory policies and shortcoming of the regime of the 1990s, which were largely influenced by the meeting the requirements of the EU accession, which was set as the primary national priority and goal. The last stage, which have started in the eve of the accession and continued till today, is marked by the return of the identity disputes regarding the Croatian state and the membership identity. As this report will highlight, the first three years of EU membership did not build on the previous decades' accomplishments of more inclusionary policies towards minorities; instead, Croatia has witnessed the revival of the nationalist discourse which is today in the media often framed under the term 'conservative revolution'



1. INTRODUCTION

In July 2013 Croatia became the 28th EU member state. For the state-hood consolidation of this young democracy it was a fulfilment of the more than two decades old political dream. In early 1990s, this country was faced with complex challenges that all former Socialist countries were dealing with in their transition from Socialism to democracy. However, besides the challenges of adopting the free market economy and development of the representative democracy, Croatia was facing additional challenges that stemmed from the particular conditions of violent break-up of the former Socialist Federative Republic of Yugoslavia.

With the dissolution of the former socialist federation, Croatia had to set the boundaries and define criteria of membership of its newly created independent state. This project was to be developed in the context where the idea of the new Croatian state as a nation state of ethnic Croat majority was resisted by the demographic and political realities inherited from the former Socialist Republic of Croatia, where the Serbian minority had a secured constitutional position within the Croatian legal and political setting. Disputes over the nature and the future of the new Croatian polity were resolved through the violent conflict consequences of which are shaping the realities of Croatian citizenship regime until the present day.

The existing research on the Croatian citizenship defines several stages of the development of the Croatian citizenship regime (Ragazzi & Štiks 2009; Djuric 2010; Štiks 2010b; Koska 2011; 2012; Ragazzi, Štiks & Koska 2013; Baričević & Hoffman 2014). The first decade of Croatian independence was marked by the disputes over the status dimension of citizenship, where the criteria for the membership in the newly formed citizenry had to be defined. Within this stage, the generous provisions for the inclusion of ethnic Croats regardless their residency have been enacted, while the provisions for exclusion of certain categories of non-Croat ethnic residents were implemented. The second stage which literature perceives to have start in 2000 (Petričušić 2004; Jović & Lamont 2010; Djuric 2010; Štiks 2010b; Koska 2012) was marked by liberalization of the discussions over the rights dimension of Croatian citizenship. The final stage involves the changes and impact on the Croatian citizenship regime that emerged in the aftermath of the Croatian membership to EU. Since Croatia has been an EU member state for only three years, the exploration of the changes of the Croatian citizenship regime with the EU have not been addressed so far. The task of this study is to explore the key political debates that emerged in the context of the previous developments of the Croatian citizenship regime.

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revival of the nationalist discourse which is today in the media often framed under the term 'conservative revolution'².

The study presented in this report aims to provide the analytical overview of the developments of the Croatian citizenship from its constitution until today. This analysis will depart from the understanding of the citizenship as the formal membership to political community. However, it will apply the more comprehensive understanding of citizenship, necessary to fruitfully address the key features, events and processes that guided the developments of the Croatian citizenship over the last 25 years. As Bellamy argues (2004: 5) the analysis of citizenship has to be scrutinized within the context of ideological languages of political actors constructed to address the issues emerging from the interaction between the state and society in a given national community. Furthermore, as Anderson, Shutes and Walker argue, citizenship fuses the legal and political as it constitutes a citizen as a stakeholder, in which citizenship describes the belonging to the political community (2014: 7).³

Hence, Croatian citizenship will be analyzed through the lens of citizenship regime, a concept developed by Shaw and Štikš. Here, citizenship regime represents a concept that 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 and Štikš 2010: 5).

The key features of Croatian citizenship legislation, unlike in the other post socialist countries, have remained robust over the time. Even though several changes in citizenship legislation were made since its enactment in 1991, its fundamental provisions still define *ius sanguinis* as a primary mode of citizenship acquisition by birth, while generous provisions for inclusion of Croats regardless of their

² The term „conservative revolution“ has been widely accepted by academics, politicians, activists and journalists as a term under which the set of political and social processes oriented toward the restoration of traditional values in Croatian society. These processes are oriented towards, but not limited to, promotion of Croat ethnic identity, heteronormative definition of traditional family, emphasis of values of Catholic Church as foundations of Croat identity and values of the Homeland War in all strata of society. Even though there is still no definition of this process present in academic literature, for examples of how the term is utilized in public see: Conservative revolution in Croatia: First they came for the Faculty of Philosophy... („Konzervativna revolucija u Hrvatskoj: Prvo su došli po Filozofski...“, Novi list, 26.09.2016 (available at: <http://www.novolist.hr/Vijesti/Hrvatska/Konzervativna-revolucija-u-Hrvatskoj-Prvo-su-dosli-po-Filozofski>); Behind the curtain: is the conservative revolution taking place? („Iza zavjese“ – je li na djelu konzervativna revolucija?, Hrvatska Radio Televizija, 18.12.2016. (available on: <http://vijesti.hrt.hr/365638/iza-zavjese-akteri-konzervativne-revolucije>); Conservative revolution? It is an oxymoron („Konzervativna revolucija? To je oksimoron, tportal.hr, 20.11.2016. (available on: <https://www.tportal.hr/vijesti/clanak/konzervativna-revolucija-to-je-oksimoron-20161120>)

³ In line with the theoretical framework developed by Mónica Ferrín and Francis Cheneval (2014) for the Working Package 4, where the term community in this paper will be used, it will be utilized in a manner, which recognizes the complexity of the term. As Cheneval argues, it is a broader concept than population, as it involves a subjective sense of belonging and is not solely focused on majority vs minority distinction, hence it represents a useful analytical concept for studying the citizenship in EU context (2014: 10-11).



residency reflects the institutionalized notion of the Croatia which is primarily imagined as a nation state of trans territorial Croat ethnic community (Ragazzi 2009a; 2009b; Štiks 2010b; Koska 2011; 2012).

However, the comprehensive analysis of Croatian citizenship regime and its identity cannot be fully understood without the detailed exploration of the developments in the status, identity and rights of two additional categories of citizens within the Croatian political framework; Serbian minority and Veteran soldiers of the Homeland war.⁴ In this paper, the developments of the Croatian citizenship regime will be analyzed in the complex political context of the foundation of Croatian statehood. In this context, the Homeland war represents a very special place in construction of the modern Croatian identity. The debates over the status, rights and identities of these two categories of citizens are strongly related to the ascribed identity and role that each of this groups had during the Homeland war, for which it may be argued represents a constitutive story of the development of the modern Croatia.

Hence, we will argue that the changes and the dynamics of Croatian citizenship regime are impossible to understand without a) comprehending the specific legal tradition and political context that shaped the circumstances of the foundation of the Croatian state; b) understanding the role of the Homeland War as the symbolic foundation of the Croatian statehood, c) the development of the new statuses and categories of citizens that emerged from the constellation of this context and symbolic foundations of the state. The scope of rights ascribed to each of these groups are made according to the perceived role that each of the analyzed group had during the constitutive stage of Croatian citizenship development and finally, d) the institutionalization of this statuses shape the context and agenda for any nowadays citizenship related debates.

This argument will be presented through several section of this report. Firstly, I will provide an overview of the citizenship policies that preceded the modern Croatia and build the analysis by providing the key features of today's Croatia citizenship legislation. Here, I will reflect on the so called Homeland War as a constitutive story of modern Croatian state-hood. In the following three section the emergence of status and dynamics of changing rights within three key citizenship categories (Croats abroad, Serb minority and Croatian veterans of Homeland War) will be delivered. In the last sections of the report, the analysis of the challenges of the Croatian citizenship regime following the accession to EU will be provided.

⁴ Dissolution of the former Yugoslavia did not go through peacefully. Croatia's claims for independence were met with the strong opposition from the centrist powers from Belgrade who supported the armed rebellion of the parts of Serb population in Croatia. These events led to the war, which lasted from 1991 until 1995. In Croatian public discourse, this war is symbolically named Homeland War. For more detailed overview of the developments of the conflict see Chapter 3.3. of this paper.



2. NATIONALIZING STATE, DIMENSIONS OF CITIZENSHIP AND CONSTITUTIVE STORIES: SETTING THE FRAMEWORK FOR THE ANALYSIS OF CROATIAN CITIZENSHIP REGIME

The growing literature in the area of citizenship studies today adopts competing and rather ambivalent understandings of the citizenship as analytical, legal or theoretical concept (Joppke 2007). However, to place the discussion on the development of the Croatian citizenship regime in appropriate analytical framework, one needs to properly address the fundamental features of the contemporary Croatian nation state.

As Koska (2012) argues, these features include the transnational conception of ethnic Croat community as a main holder of ownership of the state, and secondly, considering that from such conception the bonds between the individual and state transgress the formal citizenship status and residence, citizenship policies are impacted by the forces internal and external to the Croatian state. Furthermore, analysis has to delineate between the dimensions of citizenship, which will be under the particular empirical and analytical scrutiny, and the context which frames the arena within which the debates between the key stakeholders and over the competing ideas over the content and scope of the citizenship rights happens.

For analytical purposes, this study departs from Cristian Joppke's (2007) proposal of comprehensive citizenship theory where three main dimensions are defined; status, rights and identity. The dimension of status denotes the criteria of the formal membership to political community and legal practices through which such status is acquired. The rights dimension is concerned regarding the formal immunities, rights and privileges that are connected to specific status and categories that stem from the formal membership. Finally, identity dimension of citizenship ranges from the view held by the ordinary people to the official views propagated by the states (44). As Joppke argues, these dimensions do not operate in separation but are very interdependent. Any changes of criteria of formal membership may result in the trigger of the novel claims for the scope of rights either from the old bearers of the formal membership status or the new members of political communities who may use their franchise to place new issues on the citizenship policies agenda. Once these disputes over the rights dimension are solved, they affect the dominant perception of the novel identity of citizenship. As Joppke concludes, the resulted perceptions of identity from such constellation may have competing, not necessarily congruent, perceptions between the members of the society and the formal state officials.

The Croatian case provides a unique experimental ground for the study of the developments of the citizenship status, rights and identity, as Croatia had to establish the criteria for the novel democratic citizenry of the newly established independent state. However, even within such circumstances the design of citizenship policies did not start completely *ex nihilo*, as the political and legal arena was determined by the specific political events of the time, previous legal structures and competing ideas of the nature of the future polity. In Benedict Anderson (1983) terms, the process of 'imagining the community' was determined by all these feature that set the constitutional position of elites who are leading the project of defining the criteria of the new nation and the institutional structure of the future state.

For understanding these starting constitutional points, the analysis provided in this report will rely on Brubaker's notion of citizenship as a powerful instrument of closure (1992, 2015). As the arguments provided in the report will show, since the 1990s but with the continuity until today, Croatia continues to exercise the features of a 'nationalizing state' (Brubaker 1996), being imagined as a state 'of' and state 'for' particular ethnic nation.



Its citizenship policies set in the 1990s have established the particular notion of nationhood tradition, which ones institutionalized governs and sets the trajectory for debates on the nature and scope of reach of Croatian citizenship. In Croatian case, this nationhood tradition develops on two primary notions: Firstly, on the idea of the Croatian state as a fulfillment of the perennial claim of Croatian people to have their nation state, idea advocated by the Croatian nationalist elites in the eve of the break-up of the Former Yugoslavia and which is a fundamental pillar of Croatian constitution; and secondly on the Homeland War as a powerful constitutive story and foundation of the modern Croatian identity.

As Rogers M. Smith (2001) notes, the prevalent role of constitutive stories in the people building politics cannot be neglected. For him constitutive stories can be defined as ‘wide variety of accounts that present membership in a particular people as somehow intrinsic to who its members really are’ (Smith 2001: 79). The characteristics of these stories are central to intrinsic meaning of individuals’ self-perception, they are intergenerational and inspire trust and worth among its addressees. They are normative in character, less tangible to evidence and last but not least, they go beyond the mere instrumental reasons to belong to the imagined people, hence provide a rationale for the membership which is enduringly important (2001: 81).

Last but not least, the proposed analysis recognizes that any particular narrative does not evolve in the political vacuum, but is always the reflection of the competing discourses in the politically complex and often very emotionally charged social environment. What makes the story of Croatian citizenship even more challenging for the analysis is that events of the 1990s have produced, in Bauböck’s terms (Bauböck 2010) very complex citizenship constellation; Croatian citizenship regime today regulates or makes claim to regulate several categories of individuals with formal and/or informal membership in more than one state. It includes ethnic Croats abroad without Croatian citizenship; ethnic Croats abroad with Croatian citizenship; non-ethnic Croat Croatian citizens abroad; different categories of Croatian residents without Croatian citizenship and finally Croatian citizens who have a residency in Croatia and who are either members of Croat majority or belong to one of the national minority categories.

In such constellation Croatian state sometimes acts as the external kin state for its ethnic compatriots abroad, but also has to deal with the complex stances they stem from the demands and claims made by the external kin states of its national minorities. This analysis will aim to recognize that each citizenship outcome reflects the dynamic nature of the relational fields and decisions of actors within these fields that shape the context within which the citizenship policies are made. However, as Brubaker argues ‘the stances emerging within each of the fields may shape the perceptions and representation of the external fields, but may take shape in response to perceptions and representations of developments in that external field’ (1996 :69).

3. THE EVOLUTION OF THE CROATIAN CITIZENSHIP REGIME AND THE DEVELOPMENT OF THE HOMELAND WAR AS A CONSTITUTIVE STORY OF CROATIAN NATIONHOOD

Newly established states after the break-up of the Former Yugoslavia were facing a number of difficulties and challenges during the process of transition to democracy. Most of them are connected to the consolidation of their statehood, but also to the determination of the membership criteria for their political communities (Koska 2011; 2012; Ragazzi, Štiks & Koska 2013; Baričević & Hoffman 2014). In almost all former Yugoslav republics it was the nationalist parties who won the first democratic elections (Hayden 1992), hence they were given the dividend to formulate and design the



contents of the new constitutions and determine criteria for the membership of the emerging political communities.

However, demographic realities were often in disjunction with the national imaginaries of such elites, as nationally homogenous states were ought to be imagined in otherwise ethnically heterogeneous territories (Koska 2012: 397). In order to resolve such disputes, as Štiks argues, the citizenship policies were utilized as a powerful tool for ethnic engineering (Štiks 2010a: 9-11) resulting in the discriminatory citizenship policies and practices. With the end of the 1990s and the emergence of the EU membership as the primary political goal, in order to meet the accession criteria, post-Yugoslav states had to liberalize their often exclusive citizenship regimes established during the constitutive stages of their statehood (Koska 2011: 2).

Croatia was not exception from this model. In comparison with the other post Yugoslav republics, during the 1990s it established the most stable citizenship legislation. The core criteria for the formal membership to the Croatian political community has not been substantially questioned until today. Its exclusionary practices of the 1990s consolidated the imaginary of the nationalist elites of Croatian state for Croat people, while the negotiations with EU during the 2000s led to partial liberalization of the citizenship related policies. These changes directed to the greater inclusion of the minorities and partial overcoming of the consequences of the previous discriminatory practices.

In order to examine the developments of the citizenship regime in Croatia, it is important to provide a brief overview of the citizenship legislation than regulated membership before the 1991, the year which represents the critical juncture for the nowadays Croatian citizenship regime. The citizenship practices enacted after this date did not adequately acknowledge the political, legal and social realities of the citizenship regimes that preceded the constitution of Croatian state. Instead, the new citizenship legislation will move towards the inclusion of the new categories of individuals and exclusion of those categories who were not fitting the national imaginaries of the new Croatian elites. In addition to the detailed summary of the key legislative features of the 1991 Law on Croatian Citizenship, the overview of the Homeland War as the constitutive story will be provided. Such overview is necessary for the comprehensive understanding of the status and the role of the key citizenship categories within the Croatian citizenship framework today.

3.1 CROATIAN CITIZENSHIP BEFORE THE 1990s

In the beginning of the twentieth century, Croatia was a member of the Austro-Hungarian Empire. Due to the fact that it was divided in three lands (Croatia, Slavonia and Dalmatia) whose governance was separated between the Hungarian and Austrian administrative authorities, citizenship practices were regulated by two separate citizenship legislations. Dalmatian citizenship was regulated by the Law on Austrian Citizenship based on the 1811 (1867) Austrian Civil Code, whereas citizenship in Croatia and Slavonia was regulated by the 1879 Law on Hungarian Citizenship (Ragazzi, Štiks & Koska, 2013:2; Koska, 2011: 7).

Following the break-up of the Empire with the end of the First World War, and the formation of a new South Slavic state which included Croatia, Slovenia and Serbia in 1918, a single citizenship legislation needed to be passed. However, it took a whole decade for that to happen, until the enactment of the Law on Citizenship of the Kingdom of Yugoslavia (Ragazzi, Štiks & Koska, 2013: 2; Koska, 2011: 7). As Štiks (2016: 59-74) argues, this citizenship had to give impetus to the creation of the single Yugoslav identity and promote the political integration of all nations to the new state. However, such endeavors were doomed to failure since they were targeting the territory within which during the previous decades of national enlightenments national intelligentsia already managed to construct the distinct Croat, Serb and Slovenian identities. The novelty of this legislation was introduction of the



term *zavičajnost*, which signified 'home belonging' and alluded to the both legal status of the citizen's permanent municipal residence and a „special legal bond to the municipality or the country“ (Koska, 2011: 7) they lived in. *Zavičajnost* will become a foundation for determining the republican citizenship in the Yugoslav citizenship legislation in the aftermath of the Second World War (Medvedović 1998).

The break-up of the First Yugoslavia was triggered by the Second World War. On the territory of Croatia, with the support of the Axis powers, the Quisling Independent Croatian State was established. During the war, the notorious 'Ustasha' Croatian regime was responsible for the genocide of thousands of Serbs, Jews, Roma and other minorities, but it also persecuted ethnic Croats who were opposing the state ideology. In 1941, many Croats welcomed the establishment of NDH as it was perceived as the escape from the previous Serbian hegemonic regime. However, it did not take too long for majority of population to recognize the criminal nature of the new regime (Goldstein 2006). By the end of the War the majority of Croatian Croats and Serbs were participating in the war on the side of Yugoslav resistance struggle led by the communist party.

With the end of the WWII the new Yugoslavia was established, but this time as Socialist Federation. New communist elites did not want to make another mistake by insisting on the unified Yugoslav identity. Instead, they recognized the existence of separate republics and organized the state on federative principles. This vision of the new state was reflected in the new Yugoslav citizenship legislation (Koska, 2011: 7).

As Omejec argues (1998), the federative citizenship regime of the Yugoslavia was organized around three key principles. Firstly, the principle of unity was in power, which determined the co-existence of federal and republic citizenship. Secondly, *ius sanguinis* was the primary principle of citizenship acquisition. Finally, there was a principle of exclusivity by which every Yugoslav citizen could be a citizen of only one republic (Omejec 1998: 103).

As the number of scholars argue (Medvedović 1998, Omejec 1998, Ragazzi, Štiks & Koska 2013), within Yugoslav citizenship regime, the federative citizenship status was the primary source of the citizenship rights, while the republican citizenship had little political or legal value. Socialist elites perceived the Federative citizenship as a vehicle for ensuring equality of all Yugoslavs regardless their residency or nationality. In practice, the residency status, not republican citizenship, was the formal status through which one could regulate any administrative issues related to his rights.

Hence, with a large scale migrations of individuals within the Yugoslavia, people would often change their residency from one republic to another, without much concerns over the status of their republican citizenship. Considering that republican citizenship was attributed to the new born citizens according to *the ius sanguinis* principle, in reality many residents of the republics did not possess the citizenship of the republic in which they were born and lived all their lives, but instead were registered as the citizens of their parents' republican citizenship. While this complex citizenship constellation did not pose any practical issues during Yugoslavia (due to the primacy of the residency and federal citizenship over the republican citizenship for participation in citizenship rights), with the break-up of the federation many citizens will wake up in the new states to realize that they are foreigners in their own state. (Ragazzi, Štiks & Koska 2013; Koska 2011)

3.2 CROATIAN CITIZENSHIP SINCE 1991

The last years of the former Yugoslavia were marked by the constitutional and economic crisis. It started with the death of Yugoslav president Josip Broz Tito in 1980, continued throughout the decade and finished in bloody conflict which marked the end of almost fifty years long idea of 'Brotherhood and Unity' among Yugoslav nations, nationalities and republics. With Tito's death



nationalism gradually gained impetus as dominant principle of politics in Yugoslav republics. Starting from Serbia where Slobodan Milošević utilized it in order to win the power struggles within the Serbian communist parties (Kasapović 1996), it easily spread over to other republics as a reflex on the perceived aggressive and authoritarian tendencies of Milošević's politics.

The popularity of nationalist ideas became evident in the results of the first democratic elections in all republics. In Croatia by building on the growing public perception of the threat to Croatia from Serbian nationalist politics, Croatian Democratic Union (HDZ) won the elections. Even though HDZ won relative majority, according to the majority electoral rule set for the first elections in Croatia by the reformed Croatian communist Party (Grdešić 1991), HDZ won almost two thirds of parliamentary seats in the first democratically constituted Croatian Parliament. This enabled HDZ to promote their ethnical conception of Croatian nation as a foundation of the Croatian state and to realize the primary goal promised during the campaign: the constitution of Croatia as an independent state (Goldstein 2001: 205-208).

The new Constitution enacted in December 1990 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'. Here Croatian nation was conceived as a transnational ethnic community of all Croats. These constitutional changes were not welcomed by the Croatian Serbs who lost their status of constitutive nation enjoyed during the socialism. From their perspective the new national minority status ascribed to Serbs meant a derogation of the status of Croatian Serbs within the constitutional framework of the new Croatian state (Koska 2011: 8; Ragazzi, Štiks & Koska 2013: 5, Koska 2012: 401) ⁵.

The fears of Serb minority were further fueled by the Serbian nationalist elites from Belgrade, who presented the new Croatian authorities as the revival of the Second World War Ustasha regime. Within the context of the escalation of political hostilities in Yugoslavia, in May 1991 Croatia held referendum on Croatian independence where 94,7 per cent of voters voted for independence. The referendum was boycotted by the vast majority of Croatian Serbs. However, the result led to the Croatian declaration on independence of 25 June 1991. European Community and the Conference on Security and Cooperation in Europe imposed Croatia with a three months moratorium on the independence decision, so officially Croatia proclaimed its independence with the termination of this period on 8th October 1991.

The first citizenship legislation was enacted by the Croatian Parliament on the same date when the Croatian independence and separation from Socialist Federative Republic of Yugoslavia was proclaimed. The new Law on Croatian Citizenship (LCC) built on the constitutionally defined Croat ethnic community as a titular nation of the Croatian state (Ragazzi, Štiks & Koska 2013: 5). Two main pillars of LCC were legal continuity with citizenship of the Socialist Republic of Croatia and ethnic criterion (Croatian ethnicity) (Omejec 1998: 99, Ragazzi, Štiks & Koska 2013: 5; Koska, 2012: 401).

In practice this meant that the previous republican citizenship, not the residency, will be set as the primary criteria for the membership to new Croatian citizenry. In cases where individuals did not possess Croatian citizenship, but were registered residents of Croatia, their application for citizenship status was to be determined according to their ethnicity. If they were ethnic Croat they were

⁵ According to the Article one of the Constitution of Socialist Republic of Croatia, Croatia was defined as a nation state of Croats, state of Serbs in Croatia and state of other nations and nationalities who live in it. With the new Croatian Constitution, the special constitutive status of Serbs in Croatia was removed.



considered included to the citizenry *ex lege*; if they were of any other ethnicity, they had to naturalize through very complex naturalization procedures designed for foreigners.⁶ As Croatian citizenship did not recognize the right of the dual citizenship for this category of applicants, even if an individual had met all residency criteria for naturalization, he would still not be able to provide a proof of dismissal from the previous republican citizenship. Simply, at the time other republics did not yet recognize the Croatian independence or were in open conflict with Croatia regarding the future of Yugoslav heritage.

On the other hand, LCC did not treat all applicants to citizenship through naturalization equally either. The provisions of LCC allowed a facilitated naturalization for ethnic Croats abroad. As Štiks argues, the new Croatian citizenship regime distinguished between at least for categories of individuals who had citizenship claims vis a vis the state. The category of 'included' involved all who had citizenship of the former Socialist Republic of Croatia and Croat resident who were citizens of any other former Yugoslav Republic. The category 'invited' was related to all ethnic Croats regardless their residency. The category 'excluded' can be related to minority residents who were citizens of other republics. However, this provision mostly targeted the members of the local Serb community. Finally, the fourth category were the 'self-excluded'. This situation of ethnic engineering (Štiks 2010b; Koska, 2012: 401) resulted in Croatian Serbs' rebellion, and consequently, Croatian war with the Yugoslav army. By the establishment of the self-proclaimed Republic of Serbian Krajina, Serbs who were residents of the its territory were Croatian citizens but they opted to the self-exclusion (Koska, 2012: 401). However, from the stand point of the Croatian Constitutional Court, they were still considered to be legal citizens of Croatian state. However, the position of the Croatian state vis a vis the later category will change in the 1995 in the aftermath of the military operation Storm, when the following the military campaign of Croatian army to liberate the territories under the Serbian control resulted with mass exodus of more than 200,000 Serbs from Croatia. The citizenship related policies enacted in this period could fit the descriptions which authors such as Hayden (1996) call bureaucratic ethnic cleansing. This aspect of Croatian citizenship regime towards the Serb minority will be elaborated in the section 5 of this report.

The Law on Croatian Citizenship from 1991 was still in force and not significantly changed, up until December 2011, when the Croatian Parliament passed the Law on Modifications and Amendments of the Law on Croatian Citizenship. It was however directed towards administrative upgrading and improvement, rather than substantive changes of the Croatian citizenship regime (Ragazzi, Štiks & Koska 2013: 8). The *ius sanguinis* remains the primary mode for acquisition of the Croatian citizenship

⁶ For instance, the regular naturalization procedure for acceptance to Croatian citizenship (Art 8 paragraph 2) required from the applicant to provide a proof of release of his previous citizenship, or to bring the proof that such release will be provided by the state of previous citizenship upon acceptance to Croatian citizenship. Since at the time Croatia was entering into the conflict with Serbia, and had little or no bilateral relation with most of other post Yugoslav republics, for these applicants it was practically impossible to receive such proof. In addition, Article 8 paragraph 5 defined that in order to accept an applicant to Croatian citizenship it should be evident from the applicants' behavior that he respects Croatian legal order and customs of Republic of Croatia and that he accepts Croatian culture. This was a very arbitrary formulation, which put a lot of discretionary power into the hands of the administration to determine whether a particular individual is suitable for acceptance to Croatian citizenship or not.



by birth, while the naturalization policies still provide the generous provisions for incorporation of the ethnic Croats to Croatian citizenry.⁷

3.3 WAR IN CROATIA

The first signs of the conflict starting to take place in Croatia emerged in August of 1990, followed by rebellion of the part of Serbian population in the areas where they consisted the majority of population. The events occurred in the area that became known as the self-proclaimed rebel Republic of Serbian Krajina (SAO Krajina) (Glenny 1992: 1-31; Goldstein 2001: 212-226).

The rebellion soon spread throughout almost entire area of Banija, Kordun, parts of Lika region and of Dalmatinska Zagora, but also Posavina region around towns of Glina and Dvor, and in Western Slavonian town of Pakrac. The barricades consisting of trees and rocks were set on the main road connecting the inland of Croatia with the coast in attempt to block the passage of the Croatian police forces into Krajina, where the plebiscite was to be held on declaring independence from Croatian state. The act of road blockage was named The Log Revolution by the media and represents the first serious outburst of the Serbian separatist claims. The events took place only few months after the first multi-party elections were held in Croatia, resulting with victory of the right-winged HDZ. What started as an act of disobedience towards the Croatian authorities, evolved into a severe armed conflict, resulting with proclamation of independence of the so called SAO Krajina within the Croatian state borders.

The rebels plan was to obtain control of the fore mentioned areas through taking full command over the Yugoslav National Army (JNA) armories. Most of the officers in charge of armories were Serbs by nationality, and the plan included releasing from duty officers and soldiers that were of Croatian nationality whilst ensuring they surrender their armory before leaving.

In the eyes of Croatian authorities, domestic and international public the territory was considered to be under occupation, since the Krajina leaders refused any attempts for reconciliation with the legally elected Croatian government, who considered the rebels to be Croatian citizens. The rebels disputed those claims, responding by issuing their own currency, printing passports for the citizens of "Krajina" and building separate state functionaries and institutions. The self-proclaimed leaders of SAO Krajina were former dentist Milan Babić, who was named the major of Knin, and former police officer Milan Martić, who became the Minister of Internal Affairs of the so called Republic of SAO Krajina. Both were in close correspondence with the Serbian nationalistic elites in Belgrade, including the Serbian president Slobodan Milošević (Glenny 1992: 16-21).

However, the first armed conflicts took place in April 1991, along with the gradual bowing of JNA to Serbian rebels. By the end of 1991, JNA joined the attack on Croatian strongholds, together with voluntary troops from Serbia. These processes were accompanied with strong nationalism among the Serbian political elites, which tends to realize the idea of the so called Greater Serbia, establishing its desired future border on the line spreading from Virovitica, Karlovac to Karlobag.

These events outraged the entire Croatian public and were portrayed by the government controlled mainstream media as a direct attack to Croatian state sovereignty and independence. The Homeland war therefore shaped the formation of Croatian national identity in opposition to the rebel territorial

⁷ For the more detailed review of the Croatian citizenship legislation see: Ragazzi, Štikš and Koska 2013; Koska 2011.



claims, and gave additional weight to the perception of the war as a symbolic act for liberation of Croatia from its inner and outer nemesis.⁸

The perception of the resistance as crucial for the independence and preservation of Croatian state can be seen most clearly through observing the events of attack on the two Croatian towns in 1991, Vukovar and Dubrovnik. The troops of JNA were sent from Belgrade to siege Vukovar, while Dubrovnik was attacked by the JNA troops located in Montenegro. Even though the two towns had no strategic importance for the course of war actions, the aggressor marked them for destruction relying on the effect of shock and discouragement the destruction would create among the Croatian military troops and Croatian public (Žunec, 1998: 111). Both towns suffered wide scale destruction, followed by deaths of hundreds of civilians and soldiers, leaving Vukovar completely destroyed and most of its inhabitants fled to refuge.

The period between 1992 and 1995 was marked by numerous diplomatic efforts and negotiations, but the central events of the period were the operations for the liberation of the Croatian territory named „Flash“ and „Storm“ (Tatalović 1996). The goal of the operation „Flash“ was to liberate the occupied area of Western Slavonia, which was under the supervision of the UN peacekeeping forces. The operation ended in May of 1995, resulting with liberation of the entire area. Three months later, in August 1995, the operation „Storm“ started, liberating the entire area of the so-called SAO Krajina. The military operation „Storm“ is considered to be the greatest triumph of the Croatian military troupes in the entire course of war and its success marked the end of the Homeland war. In the aftermath of the war the area of Eastern Slavonia was peacefully reintegrated by transitional international governance between 1996 and 1998.

The operation „Storm“ resulted in many consequences for the inhabitants of the SAO Krajina, as more than 200 thousand people, almost all Serbian ethnics, were forced to leave their homes and seek refuge in Serbia, Bosnia and Herzegovina and other European countries, resulting in what became the biggest scale forced migration wave since the WW2 (HHO 2001). Hence, for the Serbian minority the military operation „Storm“ represents a national tragedy. On the other hand, Croat majority perceives it as a national holiday, celebrating it under the name of „Victory and Homeland Thanksgiving Day“ („Dan pobjede i domovinske zahvalnosti“). The following section of this chapter reflects on political disputes related to the military operation „Storm“ and institutional aspects of the legislative development of the narrative of the Homeland war as one of the primary pillars of the novel Croatian state.

3.3.1 HOMELAND WAR, INTERNATIONAL TRIBUNAL FOR FORMER YUGOSLAVIA (ICTY) AND DECLARATION OF THE HOMELAND WAR: THE BIRTH OF CONSTITUTIVE STORY

The war had a very important impact on all dimensions of the citizenship regime and practices in Croatia. As a consequence, the war established a new category of deserving citizens. These were mainly the veterans of the Homeland war, whose role during the conflict was protected by special legislation, which on the symbolical level confirms their sacrifice for the establishment of the Croatian state, while on the other hand provides a set of special rights attributed to this status.⁹

⁸ For more information on symbolism of Homeland War for development of Croatian identity and for further information on Croatian perspective of the war in Croatia see e.g. Žunec 1998: 2007; Barić 2005.

⁹ Detailed analysis of this category of citizens within the Croatian citizenship regime will be provided in separate section of this report.



Furthermore, the experience of war also produced a negative perception towards the Serbian minority in Croatia. In the context of newly independent Croatian state, the Serbian minority in Croatia is perceived among radical circles of Croatian society as the enemy of the state; this discourse is prevalent until the present day. It derives from the autocratic governance of the first Croatian president Franjo Tuđman and the nationalist rhetoric the purpose of which was to call upon an ethnically homogeneous Croatia, whereas Serbs were anticipated as a „cancer of Croatian society“ and were treated as second class citizens (HRW, 1999).

Tensions were intensified after the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 1993 by UN Security Council, the role of which was to bring about a reconciliation and justice. In order to establish conciliatory climate in Croatia and Serbia, activities of the ICTY were directed towards acknowledgment of war victims and prosecuting war criminals. However, the results of these processes only brought about further disappointment and dissatisfaction, depending on the particular case in question. Until the acquittal verdict that ICTY brought in the cases of two Croatian war generals, Ante Gotovina and Mladen Markač, in 2012, the public perception of court will be that ICTY is a political court with the aim to equalize the guilt for the wars in the 1990s equally among all conflicted sides. Perceived as the court which is set against the Croatian national interest, it will face strong opposition from the organizations of the Croatian veteran soldiers.

In this context, it is important to emphasize the role of the Declaration on the Homeland War of the Croatian Parliament in 2000, enacted as following the strong pressure by such organizations in the light of the rising tensions between Croatia and ICTY, related to the indictments towards the Croatian generals.

The Declaration consists of the emphasis on Croatian victory in the Homeland War, which is presented strictly as a defensive war with the background of Serbian aggression against Croatia and its territory. The main role in defensive activities of Croatian territory belongs to the Croatian war veterans, whose contribution is perceived as a foundation for modern independent Croatia. As such, it is considered to be generally accepted by Croatian nation and all Croatian citizens whose main task is nurturing their honor and reputation (Paragraph 2 of the Declaration). Therefore, institutionalization of constitutive narratives took place parallel with the omnipresent discourse stemming from Croatian war veterans, celebrating victory, justifying their operations and encouraging the public perception which identifies the Serb minority in Croatia with atrocities and aggressive tendencies committed by the Serb nationalist elites in early 1990s.

4. CROATIAN CITIZENSHIP REGIME AND ETHNIC CROATS ABROAD

Contemporary citizenship literature often emphasizes that the participation in modern political states today goes beyond cultural, ethnic and state boundaries (Bosniak 2000, Benhabib 2004, Soysal 1994). The dominant notion of transnational citizenship in this literature is often perceived in postmodern and post-national terms with the fluidity of identities detached from the state. The emergence of the new nation-states in the realm of the post-socialist Europe sets us the lens for alternative understandings of the notion of transnationalism. The newly formed states are often imagined as the kin states of ethnic communities, regardless of their place of residence.

In line with such developments, Croatia does develop specific conception of statehood, which has obligations for the people beyond state territorial boundaries. However, in this sense



transnationalism is not claimed in the name of identity free category, but rather is reinforcing the symbolic notion of imagined ethnic Croat community. Ethnic membership here becomes one of the foundation for claiming rights vis a vis the state. As it will be shown, citizenship policies that Croatia enacted regarding diaspora aimed to expand the sovereign power of the state beyond the limits of its territorial borders. It also does not just institutionally recognize the existing Croat communities abroad – it imagines and constructs diaspora communities where they otherwise do not exist.

4.1 DEVELOPMENT OF THE DIASPORA DISCOURSE IN 1990S

The prominent place that diaspora discourse holds in Croatian citizenship regime can be traced in the early stages of the political and democratic transition in Croatia. As several scholars argue (Garding 2010; Koska 2011), the political conditions of the first democratic elections in Croatia allowed the introduction of the diaspora discourse in twofold manner. Firstly, the conditions of the single party system and monopoly of the Communist party to define the rules for the first democratic elections pushed the emerging opposition parties to seek support and resources for electoral campaign outside the state apparatus. Hence, Croatian Democratic Union (HDZ) turned towards diaspora for financial and political support by representing its platform as the one which will unify the so called homeland Croatia and emigration and will provide the platform for national reconciliation between the left-wing and the right-wing political options (Goldstein 2001:212; Koska 2011). This strong financial and political connections established between HDZ and Croatian emigration will further develop in emigrations financial support to the Croatian state for building the new Croatian army.

Besides this instrumental role, diaspora discourse played a particularly important role in president Tuđman's ideological foundations of the Croatian nationhood. As Brubaker (1996) argues, Croatia had the features of the nationalizing state of and for the Croat ethnic community. Often, such states aim to accomplish to set of nationalizing goals (Brubaker, 1996: 79); the first one is related to consolidation and expansion of ethnic homogeneity within the territorial borders, while the second aims to upgrade the national community by either symbolic or territorial expansion. The diaspora discourse of the 1990s was utilized to accomplish both defined goals. The former was aimed to be accomplished by the encouragement of the return of the Croats abroad to the homeland, with particular focus on the transatlantic Croatian diaspora. The attempts for accomplishment of the second set of nationalist goals became evident in the particular Croatian policies towards Croats in Bosnia and Herzegovina. While the first goal can be qualified as the failure, as the large scale return of the Croats abroad never took place even though during the 1990s it was actively promoted, the second had produced political and legal consequences which are present until the present date.

The HDZ nationalist elites have a particular interest towards the promotion their political goals over the Croat population in this neighboring republic. The generous provisions of LCC allowed naturalization of more than 800,000 citizens whose place of birth was in Bosnia and Herzegovina, while additional the same data revealed that 678,916 applicant held the republican citizenship of Bosnia and Herzegovina (Ministry of Interior 2010). However, as Kasapović (2005) argues the nationalist projections did not recognize the political complexity and demographic heterogeneity of multiethnic enclaves. The attempts to accomplish the nationalist goals over such territory resulted in even more violent war than the one in Croatia, in which in during the early years Croatian elites supported the establishment of the Croatian community of Herzeg-Bosnia in 1991 later to develop into the Croatian Republic of Herzeg-Bosnia. Between 1993 – 1994 the policies of this entity were in line with President Tuđman's goals to annex the territories of BiH populated with Croats to Croatia state. However, with the pressure of international community and following the Dayton Peace Agreement of 1995 the politics of partition of this republic had to be abandoned as a politically feasible goal (Koska 2012).



However, Croatian citizenship policies enacted in the 1990s allowed to Croatia to use its policies to actively support its ethnic compatriots in this republic and consolidate their status as the essential members of Croatian political community and citizenry. AS Ragazzi argues, with granting citizenship to more than 800,000 BiH residents, Croatia continued to exercise the de facto sovereignty over the certain sections of population of BiH (2009a). Furthermore, Croatian government until the present day continued to provide a generous public expenditure and support to the Croat community in this republic, ranging from the support of education institution, health subsidies (Sarajlić 2012) but stretch as far to include benefits such as maternity and child benefits (Stubbs and Zrinščak 2015: 406). Needless to say, the 1990s policies expended the influence of the Croatian state towards over the various aspects of social and political life of BiH Croats that transgress the mere formal aspects of status dimension of Croatian citizenship.

4.2. CROATIAN CITIZENSHIP AND DIASPORA AFTER 2000: THE CONTESTED PERCEPTIONS OF POLITICAL PARTICIPATION AND THE LAW ON RELATIONS OF REPUBLIC OF CROATIA WITH THE CROATS OUTSIDE THE REPUBLIC OF CROATIA

While in the 1990s the status dimension of Croats abroad has been stabilized, by inclusion of virtually all ethnic Croats to Croatian citizenry, the new decade brought the disputes over the scope of the rights that should be granted to this category of citizens (Koska 2012; 2013). The majority of these disputes were related primarily to the generous provisions of electoral rights granted to this category. While the HDZ was the biggest proponent of these rights, it had to face the opposition stemming from liberal and left political parties and sections of society and academia, who offered arguments for declining the right to vote to non-resident Croatian citizens. Nevertheless, the notion that Croats abroad do belong to the Croatian political community remained undisputed by all positions in Croatian political specter. Such state – diaspora obligations were further reinforced in the law on Relations between the Croatia and Croats abroad enacted in 2011.

In the context of justification for electoral rights within particular countries, Croatian electoral laws would fall within the ethno-nationalist principle which enables equal voting rights of all citizens regardless their residency. The first electoral law from 1992 anticipated voting rights for non-resident Croatian citizens, but it did not secure special parliamentary representation for 'diaspora' voters. In the 1992 parliamentary elections the segmented electoral system was in power, according to which the resident citizens could vote on two lists: on the state list and on the single mandate electoral lists (Zakošek 2002: 19-22; Koska, 2013: 221). The former treated the country as a single electoral unit whereas sixty seats were allocated according to the voting results on a unitary list. The later divided the country into sixty single-mandate electoral counties, whereas each citizen could cast his second vote for the electoral county of his residency (Koska, 2013: 221). This electoral law enabled non-resident citizens to vote, but they were only allowed to cast their ballots on the state list. Therefore, there was no special representation for these voters, up until the changes in the 1995 elections.

The first major changes into the mode of political participation in the elections was introduced in 1995, for the early elections held after the operation Storm. By setting the early elections, HDZ wanted to fortify its position in power by gaining on momentum on victory in the Homeland war. For these elections the new electoral law was enacted which introduced special electoral representatives for non-resident Croats. The special representation will be granted until the present day, but with gradual decrease of numbers of representatives granted to Croats abroad.

From fixed quota of twelve representatives set for the elections in 1995, this number was reduced to six seats in 2000 elections, four in 2003 elections and five in 2007 elections. However, regardless of the number of representatives allocated for diaspora electoral unit, one of its features remained



unchanged. Until the last elections in 2016¹⁰, all the representatives elected on this list were won by the HDZ. Additionally, majority of the voters voting on 'diaspora list' came from Bosnia and Herzegovina, the state in which Croats are nominally not diaspora in traditional understanding of the term, but one of the three constitutive peoples of the republic (Kasapović 2012). For Croatian Democratic Union these votes have served at least two purposes. Firstly, they were providing electoral stronghold for this party and secondly, through the representatives from this list it was reinforcing its symbolical representation and political influence over the Croats from Bosnia and Herzegovina.

The 2007 elections represent the moment in which the debates over diaspora's scope of rights reached its peak. As Mirjana Kasapović argues (2012), the proponents of these rights were emphasizing the important role that diaspora played during the Croatian struggle for independence, their contribution to economy, its close affiliation to Croatian state and it conceived the generous voting rights as a symbolic compensation for historical injustices these communities had faced. On the other hand, the opponents of these rights were putting emphasis on democratic deficit of such voting (Zakošek, 2002: 26-27) and on the "civic" arguments that non-resident voters do not have to face consequences of the political decisions they make. The compromise on this issue has been settled down in the eve of the constitutional changes in 2010.

Croatia had to reach consensus for these changes as these were necessary for the preparation for accession to the EU. Hence, with the new electoral law in 2010, diaspora has been allocated with three fixed representatives. However, these changes did not mean that relations towards the ethnic community abroad have lost the significance within the official political discourse.

Disputes that marked the debates over the political rights have never spilled over to the discussions on whether the ethnic Croats should be deprived from their right to Croatian citizenship. There seems to exist the anonymous agreement among all sections of society that ethnic Croats, regardless of their residency, are the bearers of the part of Croatian sovereignty and are inseparable part of Croatian political community. This was demonstrated through the absence of any political party which in its platform denied the right to citizenship to ethnic Croats, not there were any such demands made in public. Hence, the constitutional changes did not challenge the provisions of the Article 10 of Croatian Constitution, which sets special obligations of Croatian state regarding ethnic Croats regardless their citizenship and residence status. Instead, in the late 2011, the Law on Relations of Republic of Croatia with the Croats Outside the Republic of Croatia has been enacted. Within this law, three categories of Croats abroad have been defined: 1) Croats from Bosnia and Herzegovina, who form constitutive people in this republic; 2) the members of Croatian minority in other European countries and 3) Croat emigration in transatlantic and other European countries¹¹ and their descendants. While the first two categories present the categories whose special status is often recognized within the legal and political systems of their state of residence, the emergence of the third category reveals how

¹⁰ In September 2016 early elections, for the first time in Croatian electoral history, one seat from diaspora representation was from the representative outside the HDZ. However, Željko Glasnović, non HDZ representative elected was a previous HDZ representative and was holding the parliamentary seat in the previous session of the Croatian Parliament as the member of this party.

¹¹ Term „other European countries“ refers to European states in which Croats do not have a constitutionally or legally recognized status of national minority.



citizenship policies can be utilized as a tool of construction of political closure and development of imagined community.

This argument may be elaborated by highlighting the arbitrary approach to the meaning of migration within the realms of the legislation as it not foresees the bonds with non-ethnic Croat emigrants. Such definition, for example, excludes more than two hundred thousand Croat Serbs, who left the country after 1995. On the contrary, it does include and aims to build the bond with people who do not necessarily consider themselves to have any strong relations to Croatia, but the state perceives them to belong.¹² On the other hand, the reluctance to recognize the existence of the Serb emigrants who hold Croatian citizenship from the images of diaspora reveals the strongly political and constructivist character of such endeavors. It does not just recognize the existence of the recognized non-resident ethnic Croat communities, but it also constructs diaspora where it does not exist, or excludes those categories of citizens who would have greater interest in relations with the Croatian state.

5. CROATIAN CITIZENSHIP REGIME AND SERB MINORITY; FROM THE POLICIES OF EXCLUSION TOWARDS THE POLITICS OF CULTURAL RECOGNITION

As it was argued in this paper, the status of Serb Minority deserves a special focus in the study of Croatian citizenship for at least two sets of reasons. Firstly, constitutionally the newly formed state has deprived the Croatian Serb population of its legal status as one of the constitutive people of the Croatia state. Secondly, the experience of the war established a collective stigma over the population of Croatian Serbs as the constitutive others against which the identity of Croatian state is to be defined. In this section, we will elaborate on the legislative development and the political contexts that shaped the stage of status determination and stage of rights debates associated to this category of Croatian citizens.

In the years preceding the Homeland war, the percentage of Serbian population in Croatia was estimated at 12,2. Within the realms of the Socialist Republic of Croatia Serbian minority enjoyed the status of one of the titular people of the Croatian state. However, as it was previously noted, the emerging nationalist Croatian elites perceived this status as a threat to Croatian national homogeneity and developed the plans to constitute the state with Serbs as the minority within its

¹² The rationale for such activities vary. However, from the anecdotal evidence the policies of the professional sport associations may be seen as one of the examples of such practices. For the purposes of the selection of the Croatian national football team, Croatian Football Association often scouts the talented young football players around the globe who have any Croatian descent in order to recruit them for the national selection (see for example article "Daniel Biloš: I am getting closer to say 'yes' to Croatia (Daniel Biloš: Sve sam bliži da kažem 'da' Hrvatskoj) <http://www.jutarnji.hr/arhiva/daniel-bilos-sve-sam-bliži-da-kazem-%60da%60-hrvatskoj/3392126/>). The daily media often emphasizes the taken for granted link between the Croatian state and descendants of Croat emigrant, by promoting the romantic stories of their successful return or pride over the discovered Croat identity (see for example article "9 emigrants reveal why they returned to Croatia: Here, there is a better quality of life!" (9 iseljenika otkriva zašto su se vratili u Hrvatsku: Ovdje je život kvalitetniji! <http://www.vecernji.hr/hrvatska/prednosti-hrvatske-besplatno-zdravstvo-manje-stresa-sigurno-okruženje-za-obitelj-1006982>).



citizenship framework. Authors such as Hudelist (2014), further emphasize that Tuđman envisioned a new Croatian state in which the percentage of Serbian population should not exceed the 5 percent of the overall population. With such demography the stability of the Croatian state should be secured.

What started as a vision soon came to life in form of the new 1990s Croatian constitution, which stated that Croatia was a “national state of Croatian people and members of other nations and minorities who are its citizens”, practically depriving Serbian population of its previous status, putting it on the same ground with other minorities. In practice this resulted with numerous obstacles and various administrative challenges towards Serb population, whose members now feared that the new Croatian state will treat them as second class citizens (Jović, 2002).¹³

Meanwhile, the Croatian government tried to create an image of Croatia in the international community as a modern liberal state with special protection of minority rights. Pressured by the international community in order to receive international recognition, Croatia enacted the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Minorities in Croatia (LHR) in 1991. This law confirmed the minorities rights in area of cultural autonomy and political representation and was important considering the fact that Croatia, as a newly established state, needed the acceptance of its sovereignty from the neighbor states which have had its minorities within Croatian borders (especially from Italy and Hungary). Through the set of bilateral agreements, the position of minorities was confirmed by the Croatian state as well as their external homelands. This, however, was not the case with Serbian population in Croatia, nor were similar agreements met with the Serbian government. However, the Law provided the provisions which allowed a high level of territorial autonomy for the local communities in which Serbs constituted majority of the population. Additionally, Law guaranteed the proportional representation in the public and political institutions for those minorities who form more than eight per cent in total population.

At the same time, the parts of Serbian population in Croatia were heavily influenced by the propaganda from Serbia whose nationalist elites contributed to ongoing tensions. In 1991 the armed conflicts began when a part of Serbian community rebelled against Croatian authorities, declaring their own state within Croatian borders and calling it the Republic of Serbian Krajina (RSK). The political regime established by the rebelled Serbian authorities was far from liberal or democratic. During their control over these territories, the large scale of ethnic cleansing towards non Serb population was conducted and more than 200,000 Croats were expelled to the territories under the control of Croatian authorities.

The conflict ended in 1995 with military operations “Flesh” and “Storm” 1995 with which Croatia regained the control over the most of the rebelled territory. However, the war had tragic consequences for the Serb minority, resulting with hundreds of thousands Serbian people fleeing Croatia. The precise number of people who left Croatia is still a matter of dispute, but it is estimated that more than two hundred thousand people left to seek refuge in Serbia, Bosnia and Herzegovina and other European countries. The outcome of such events are reflected in Croatian demographic realities, where according to the 2011 census data, Croatian Serbs today in Croatia constitute only

¹³ In the two interviews conducted with the representatives of Serbian minority political elites it was highlighted that this new provisions related the citizenship were essential for holding up the positions in public administration and state offices. The proof of Croatian citizenship became necessary for all employees in such institutions, hence the lack of citizenship would lead to the losses of employment and other social rights previously exercised in Socialist Republic of Croatia.



4,36 per cent of total population. The number of scholars argue that the Croatian policies enacted after the flight of Serbian refugees did not encourage their return, and rather discriminated them from the full access to Croatian society (Blitz 2003, Djurić 2010, Koska 2008; 2014).

In 1995 the Croatian government passed a Decree on Temporary Suspension of Particular Articles of the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Minorities in Croatia, suspending the right of proportional representation of Serbian population in all levels of government. Furthermore, even though the Serbs that left Croatia were nominally perceived as Croatian citizens by the Croatian government, administrative obstacles were introduced to impede their access to Croatian citizenship (Blitz 2005 : 369). The other law that came into force that year was the Law on Temporary Take Over and Administration of Certain Property (LTTO), followed by The Law on Areas of Special State Concern (LASSC) in 1996. The Croatian government claimed those laws were made in attempt of protecting the abandoned property of refugee Serbs, calling previous owners to reclaim their ownership in 90 days, which was often almost impossible due to a set of bureaucratic patterns and practices which de facto prevented them from obtaining those and other rights, varying from social benefits, pension entitlements to property claims (Koska 2008). Confiscated houses and other property of the refugee Serbs were in most cases given to Croatian nationals arrived from other parts of Croatia, Bosnia and Herzegovina or Vojvodina (Blitz 2005: 368). The goal was to discourage the attempts of the Serbian refugees returning to their homes in Croatia. This was followed by strong propaganda in the Croatian media, creating the narrative in which all Serbian refugees were portrayed as the collaborators of the aggressor, creating the sentiment in public the Croatia is better off without them.

Situation somewhat changed after the peaceful integration of Eastern Slavonia in 1998, resulting with easier approach in re-obtaining citizenship rights. However, it was not until the 2000 elections, when the coalition led by left-wing Social Democratic Party formed a new government made a substantial change towards bettering the position of Serbian population in Croatia (Koska 2011, 2012). In 2002 the new Constitutional Law on Rights of National Minorities (CLRNM) was passed, increasing the number of seats reserved for minorities in the Croatian parliament, granting the education and official use of minority languages and addressing the key issue of return of the refugee Serbs to their homes. In 2003 the new governmental coalition led by HDZ included the minority representatives showing that they can now be perceived as partners. Croatia also began its process of acquiring the EU membership, which included a set of recommendations and expectations from the international community, including the key issues of cooperation with the ICTY, return of the refugee Serbs and creating a stable environment for civil organizations and initiatives. The perception of Serbian minority in Croatia as a threat to Croatian state or its institutions seemed to be in decline during this period, and the rhetoric of the Croatian and Serbian authorities were now directed towards reconciliation and settling the disputes inherited from the 1990s.

The nationalist policies of the 1990s yielded under the changed circumstances in which the CLRNM ensures the national minorities that contain one third of the population in the certain area the right to education in minority language and in public institutions. However, the established framework emphasizes mainly the question of cultural rights of national minorities, while some of the main issues such as return of all confiscated property, acquiring proof of Croatian citizenship and other still remain present in the contemporary Croatian politics.



6. CROATIAN VETERANS OF THE HOMELAND WAR: THE CATEGORY OF “DESERVING” CITIZENS

The previous two sections of the paper have provided a detailed overview of the developments of citizenship legislation and politics regarding the two key groups against which the citizenry in Croatia is defined. However, the story of the Croatian citizenship would be incomplete, and identity related struggles could not be comprehended without analysis of the status of one particular category of Croatian citizens: Veteran soldiers of Homeland War. Unlike the diaspora and Serb minority, two citizen categories which were the outcomes of the direct implementation of the Constitutional provisions in practice and later shaped by the complex political events, this category came into being from the reality that Croatian independence had to be carved out through war. Institutionalization of this category with the set of privileges ascribed to this status, creates a setting for the citizenship regime where disputes over the welfare aspect of this category immediately triggers the rhetoric over the importance of the Homeland War for the constitution of Croatian state. Through this category, the story of the Homeland war is constantly revisited and reconstructed and reinforced as constant topic and the background of social and political life in Croatia.

6.1 VETERAN SOLDIERS OF THE HOMELAND WAR AS PILLAR OF CROATIAN SOCIETY AND THE STATE.

The previous sections of this report have highlighted the importance of the Homeland war and the influence of the HDZ during the constitutive stage of the Croatian citizenship developments. The category of veterans of the Homeland war is a direct product of the former, and in the public perception, at least when it comes to the most prominent organizations that represent this category of citizens, is closely connected to the later. As Fisher argues, the close connection between the representatives of the Veteran soldiers' organizations and Croatian Democratic Union date from the very beginning of the Homeland War (Fisher 2003: 70), since many of the soldiers were also the members of the party. Throughout the war and until the democratic changes in 2000, there was a strong discourse on triadic unity between the state, the nation and the party. Veteran soldiers hence did found a niche in support of the HDZ as the exemplifier of the state for which they were fighting for.

The sacrifice and the gratitude for the deeds of defenders during the war was recognized and sanctioned by the state in the 1996 when the *Law on rights of Croatian defenders from Homeland War* was enacted. The law defined a wide set of social and welfare rights granted to this category, and will remain in power with the gradual expansion until today. Over the last two decades the well-organized veterans will develop into the social actor who has a great influence on the official politics. It is especially prominent related to two political issues; firstly, to the debates on the scope of rights to be recognized to this category, and secondly, to any topic which directly or indirectly relates to the war and/or which puts under the scrutiny the dominant narrative of the nature of the war. The later are often marked by massive protests organized by the veteran's organization.

In 2000, following the democratic changes and constitution of the first left-centre government in Croatia, the particular bond between the HDZ and Veteran soldiers' organizations established in the 1990s was transformed in the massive attempts for restructuring and replacing the government and bringing HDZ back to power (Fischer 2003: 71-72). Such bond, depending on the political circumstances in the country, to greater or lesser extent remains present until today. A sort of double standard for the evaluation of the role of political actors during the war had been set by the veteran soldier organizations: HDZ perceived as the pillar of the Croatian independence became almost immune of any serious criticism from the Croatian Veteran soldiers' organizations. On the other hand, these organizations seem to be less capable to formulate their standpoints into the clear policy oriented goals in comparison with their capability to raise the media and public attention on any



Croatian identity related issues. Within their realms lies a strong political powers to influence any decision regarding the 'dignity of the Homeland War', which includes justification of the minority policies and content of Croatian symbolic policies.

If the differentiation of statuses and categories that develop within the particular citizenship regime, in Brubaker's terms (2015), can be utilized as the instrument of accomplishing a political closure, that setting the specific legal category for Homeland war veterans plays a very powerful role in such endeavor. The image of the veteran soldier becomes a symbol of heroic deed conducted by the willing individuals fighting for the highest possible goal: independent and free Croatian state. The symbolic value of such role is barely contested in Croatian public.

However, the close connection of the dominant Veteran soldier associations with the conservative and right wing political elites (mostly members of HDZ) and their willingness to actively get involved in massive, often threatening protests with the aim of unconditional influence on the political and/or electoral outcomes in Croatia led to situation where competing understandings of what the role of the veterans should be in the post-war Croatia. One of the issues that is causing the highest source of the controversies regarding this category of citizens are the rights associated to this status, which by scholars is often perceived in terms of specific clientelistic nexus (Stubbs and Zrinščak 2015) which is the legacy of HDZ's rule of the 1990s (Kasapović 2001) and/or transfer of the wartime rules to the subsequent years (Dolenec 2013: 142).

6.2 DISPUTES OVER THE RIGHTS OF VETERANS OF HOMELAND WAR

The Law on rights of Croatian defenders from Homeland War and the members of their families provides a wide range of generous rights and benefits not just to the category members, but extend these rights to the closest members of their families. According to Dobrotić (2008 :59), when compared with the other countries which recognize state obligations for special care and provision of rights to veteran soldiers, Croatia has the most comprehensive regime which includes the highest possible types of rights granted to veterans of Homeland War. The law defines two main categories of rights (2008 :61): a) the rights of defenders from the Homeland war and the members of their families and b) the rights generated according to the physical disability, death of the member of family and material and other needs of the beneficiary. Within these two categories, the range of support includes 'passive' benefits such as personal and family invalidity benefits, pensions, other cash benefits, special health care protection, state subsidies and grants for reconstruction of the houses, unemployment benefits, cheaper credits, facilitated access to shares in privatized companies (Stubbs and Zrinščak 2015: 403) but also includes active measure of positive discrimination for veteran soldiers and their children.

As Ozren Žunec (2006 :23) argues, until the 2005 there were no major public discontents regarding granting the status of war veterans to all individuals who have during the war participated in any war related activities as the members of the Ministry of Defence and/or Ministry of Interior. However, this situation started to gradually change when the first data from the Registry of Croatian defenders from Homeland War was made public and revealed that 489 407 individuals are entitled to the veteran status. Public perception of such high number was that it is fabricated, and probably the outcome of the manipulations with the veteran's status, as it does not reflect the actual number of the individuals who were actively participating in the war. By referring to President Tuđman estimates from 1996 that there were only around 336,000 veteran soldiers in Croatia, national media was ironically commenting that during the peace time the number of veteran soldiers has grown for 200,000 as the data available in 2012 showed that the number rose to the total number of 505.221 veterans. This



number continued to grow and over the last four years additional 2543 veterans appeared in the registry.¹⁴

The rights of Homeland war veterans and consequent debates over their position in the Croatian welfare system and citizenship regime, have to be tackled from at least two perspectives. The first one was already noted, and highlights the clientelistic relations between the state, HDZ and veteran organizations. Considering that high benefits attributed to the veteran soldiers, which are higher than the benefits for civilians who are in the similar social condition, the growing number of the veterans in the registry does lead to the conclusions that the dimension of status of this category is porous, open to false registration and multiplying the number of beneficiaries who raise the stigma on the whole population.

The second issue is related to the perception of these benefits from the standpoint of the veteran soldiers themselves. The set of interviews¹⁵ conducted with the members of this category of citizens reveals that in contrast with the dominant public perception, which identified the whole veteran population with the most prominent veteran organizations, not all pledge the special rights or special place within the Croatian society and not all have such a close if at all association with the HDZ or interest for active involvement in politics. Such perceptions range in accordance to the veteran's soldiers' capability to adjust to the civil life and integrate to the society; in the cases where the integration of the soldiers is absent or low, veterans perceive that their deeds and skills acquired during the Homeland war are not adequately utilized by the state. Such veterans continue to perceive their role in Croatian citizenship regime particularly through the category of 'defender' which continuously reifies the importance of the Homeland war narrative in public. This statements go in line with the arguments of scholars such as Stubbs and Zrinčak (2015) and Žunec (2006) who point to the inadequate mechanism of integration of ex-combatant to post war citizenship.

Stubbs and Zrinčak rightly point that the Croatian welfare system offers passive and compensational model for veteran soldiers by provision of various types of financial and material benefits, while on the other hand is less concerned with their social and economic re-integration (2015: 403). Županov makes similar observations by noting that the generous welfare provisions have a role of specific compensation (2006 :36). However, this compensation, however generous, is in disjunction with the action which is aimed to be compensated; the set of generous rights and benefits represent the societies attempt to compensate the absolute sacrifice of the soldier with 'bad infinity' of relative rights and privileges of the civil order (36).

7. CROATIAN CITIZENSHIP REGIME AND EU ACCESSION: THE RETURN OF IDENTITY

In July 2013 Croatian negotiations for EU membership were successfully brought to an end with Croatia becoming the 28th member state. Scholars of citizenship studies were long predicting what

¹⁴ (<http://www.jutarnji.hr/vijesti/hrvatska/broj-branitelja-u-registru-stalno-raste-ima-ih-270-tisuca-vise-nego-96.-ukupno-505.221/3719679/>)

¹⁵ The interviews were conducted by the Centre for the Study of Ethnicity Citizenship and Migration, Faculty of Political Science, University of Zagreb, for the purpose of the FP7 project SPECTRESS, Social Practice Cultural Trauma and Reestablishing Solid Sovereignties during 2015 and 2016. The provided analysis is based by the preliminary findings of the research in progress.



would be the consequences for the Croatian citizenship in the new realities that included the introduction of the EU citizenship as a new layer to existing regime. As it was showed, the external requirements imposed by the EU during the accession process led Croatia to enact more inclusive policies regarding the minority rights. Practices of the exclusion of the 1990s were slowly but effectively being replaced with more inclusive discourse towards the minorities (even though the changes in practice came in much slower pace), while the public became more open for the alternative interpretations of the role of the Croatian state during the turbulent 1990s.

However, several events before and after Croatian accession showed that instead of further liberalization the revival of nationalist and antiliberal discourse of the 1990s has taken place. In this section of the report we will provide the analysis of the three main such events that we believe shape the context for understanding the new sets of disputes in Croatian citizenship regime, that emerged in the eve and in the aftermath of the EU accession. These three events are: a) the final verdict of ICTY, b) violent protests regarding the implementation of the Constitutional Law on National Minority in the town of Vukovar followed by the rise of anti-Serbian rhetoric in public and c) protest of the Croatian veteran soldiers against the Government which was portrayed as “anti-Croat and communist”.

7.1 THE VERDICTS OF INTERNATIONAL TRIBUNAL OF FORMER YUGOSLAVIA: INSTRUMENT OF JUSTICE OF JUSTIFICATION OF CONSTITUTIVE STORIES?

One of the largest obstacles that Croatia was facing during its EU accession campaign was the responsibility for the cooperation with the ICTY. The prevalent perception in the Croatian public was that this tribunal by making the demands for the prosecution of the key Croatian army and political officials that were in charge for the military actions during the war, aims to equalize guilt and responsibility for the war between the Serbian aggressor and Croatia who was a victim. The debate over the role of international justice system goes beyond the scope of this paper, however, it is important to reflect on the discourses that followed the ICTY verdicts made on the case of general Ante Gotovina, the highest Croatian army official prosecuted in front of ICTY, whose trial on the symbolic level was perceived as a final battle for the dignity of the Homeland War.

In July 2001 ICTY pressed charges against general Ante Gotovina for the crimes against humanity and violations of the laws or customs of war committed during and in the aftermath of the military Operation Storm. The key elements of indictment stated that *Ante Gotovina acting individually and/or in concert with others, including President Franjo Tudjman, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of persecutions of the Krajina Serb population.*¹⁶

Following the ICTY indictment, the ruling left-center coalition was faced with a double political pressure; on the one hand, the unconditional cooperation with ICTY was one of the key requirements of Croatian accession to EU while on the other, the Croatian public perceived the content of the indictment as an attack to very foundations of Croatian independence and sovereignty.¹⁷ Government

¹⁶ The full text of the indictment see at: http://www.icty.org/x/cases/gotovina_old/ind/en/got-ii010608e.htm

¹⁷ See *To international actors event he the Croatian independence and sovereignty is questionable* (“Međunarodnim faktorima upitni čak I samostalnost I suverenost Hrvatske”, Jutarnji list, 24.7.2001.)



was stigmatized with qualifications which ranged from incompetency to the national treason. Such allegations were delivered from the conservative sections of society including but not limited to Catholic Church in Croatia, right wing intellectuals and the number of veteran soldiers' organizations.

However, the general Gotovina was not arrested. Instead, he evaded the authorities and clandestinely left the country remaining outside the reach of Croatian and international authorities for four years. His arrest took place only on 7th December 2005 after which he was immediately transferred to the ICTY custody. Ironically, his arrest was executed by the HDZ coalition government which regained the power after the 2003 elections, where accusations against previous governments' cooperation with ICTY and its' betrayal of generals and values of Homeland War were topics on which major support of the public was gained. The trial began in March 2008.

ICTY delivered its first degree verdict on the case in April 2011. The first degree sentence claimed that generals are guilty, sentencing general Ante Gotovina to 24 and general Mladen Markač to 18 years in prison. Such verdict resulted with the sense of deep national frustration. The support for the EU accession dramatically fell to only 23 per cent and according to the national pools there was almost anonymous agreement (95,4 %) among the Croats that the verdict was unfair.¹⁸ However, certain segments of society were aiming to calm the situation by highlighting the fact that even though the atrocities committed by Croatian side during the war did happen, Croatian authorities did not do much to prosecute the perpetrators in almost two decades following the end of the war.¹⁹ Here, the verdict was perceived as a unique opportunity for setting the framework for deliberation on the Croatian role during the war and responsibly facing the consequences and obstacles it still imposes on the development of the Croatian society.

Nevertheless, such standpoint was over voiced by the overwhelming perception that international community wants to discipline and punish Croatian independence.²⁰ Even though the Croatian president Ivo Josipović and prime minister of the ruling HDZ government, Jadranka Kosor, repeatedly stated that this verdict is not the verdict against the state, and emphasized that there is still a right to appeal, nothing could appease the majority of population deeply disappointed by the decision. This will only change in the following year when after the appeal, ICTY made its final verdict.

In November 2012, ICTY made its final decision according to which generals Gotovina and Markač have been exempted of all charges of the indictment. This time the national melancholy has been replaced with national euphoria. The front pages of the daily newspapers have been marked by the photos of generals portrayed as heroes. Just as with the first verdict, the public interpretations of the decision went beyond the mere judicial case, and was utilized to justify the dominant narrative on the nature of the Homeland war. In sum, three major conclusions in Croatian public were derived from the ICTY acquittal decision: Firstly, political elites in power sent the message that with the verdict

¹⁸ See Only 23 % of Croats support Croatian accession to EU ("Samo 23 % Hrvata za ulazak u EU", Nedjeljni jutarnji, 17.4.2011.)

¹⁹ See for example: If Gotovina gets convicted, it will not be verdict to Croatia ("Ako Gotovina I bude osuđen, to neće biti presuda Hrvatskoj", Jutarnji list, 13,4,2011.)

²⁰ See To international actors event he the Croatian independence and sovereignty is questionable ("Međunarodnim faktorima upitni čak I samostalnost I suverenost Hrvatske", Jutarnji list, 24.7.2001.)



Homeland war is finally over.²¹ Secondly, the verdict was interpreted as a proof that Serb population did not forcefully (at least not due to the actions of Croatian authorities) leave Croatia. Finally, the right wing intelligentsia and conservative segments of society used the verdict in order to portray human rights organizations and liberal sections of civil society, which were advocating for the full cooperation with ICTY and were raising the public awareness on the crimes committed by Croatian side during the war, as professional enemies of the Croatian state.²²

The last two conclusions had particular impact on the developments within the Croatian citizenship regime. The perception that Serbs voluntarily left the country in the aftermath of the military operation Storm further consolidated the public stigma associated to this category of Croatian citizens; namely, in the national imaginary verdict represents judicial confirmation of the constitutive story according to which Serbian minority, especially the sections of population who lived in the rebelled territories and fled the country in 1995, is conceived as a threat and enemy of the Croatian state.

The second conclusion on the other hand opened the venue for larger stigmatization of civil society actors who aim to critically evaluate the events of the 1990s. Furthermore, as the subsequent political events revealed, such qualifications gradually traced the terrain for re-emergence of the right wing exclusionary discourse regarding the identity dimension of Croatian citizenship regime from the margins to the mainstream of Croatian society.

7.2. THE IMPLEMENTATION OF THE CONSTITUTIONAL LAW ON THE RIGHTS OF NATIONAL MINORITIES AND SERB MINORITY RIGHTS AFTER THE EU ACCESSION

Croatian Constitutional Law on the Rights of National Minorities since its enactment was celebrated as the example of the highest possible standards that state can reach in the legal protection of minorities. In work of Milan Mesić, it was emphasized that even though in Croatia there is no clear strategic policy for development of durable minority and social justice, for which the minorities share their share of responsibilities as much as the Croat majority, the legal standards for the minority protection meet all requirements set by the international declarations and norms (2003). Tatalović argued that the key criteria for evaluation of the consolidation of Croatian democracy and its adjustments for economic and social integration to Europe will be the level to which the protection of minorities is granted (2001). The accomplishment of this tasks was perceived as going in the right dimension, as with the Constitutional Law and following policy measures Croatia made crucial preconditions for the strengthening of its international reputation and status (Tatalović and Lacović 2011).

However, once the external pressure imposed by the EU during the accession was removed following the Croatian full membership, the several events revealed that it was easier to make Constitutional promises for the greater scope of rights attributed to Serb minority, than to ensure their implementation once the demographic realities proscribed by the law for their implementation were met. The exemplifier of this case can be found in the political incidents and anti-Serbian sentiments in

²¹ See interview with the Croatian President Ivo Josipović: With this verdict the final ending has been placed to the Homeland War (“Ovom presudom na Domovinski rat napokon je stavljena točka”, Jutarnji list, 17.11.2012)

²² See for example: Ivo Josipović should be ashamed for the award given to Vesna Teršelič (“Ivo Josipović bi se trebao crvjeniti zbog nagrade Vesni Teršelič”, Večernji list, 26.11.2012)



the sections of Croatian public following the attempts to implement the provisions regarding the equal treatment of the minority script and language in public spaces in the town Vukovar.

The Constitutional Law on Rights of National Minorities in its Article 12 paragraph 1 defined that the right for equal official exercise of minority language at the level of local self-government should be granted to those minorities who according to census constitute at least one third of total population at the level of particular unit of local self-government. Furthermore, paragraph 2 of the same article foreseen that these provisions should be exercised in accordance with the statute of the unit of local self-government which is to implement such rights.

The implementation of this provisions did not face any resistance in the local communities who had a long experience of multi-national cooperation with the old minorities.²³ However, even though already at the moment of its enactment it was clear that sooner or later, this right will have to be introduced for Serb minority in one of the post conflict towns where Serbs form the large section of local population, for more than a decade neither of the governments did anything to prepare the public for implementation of these provisions. Ironically, it was in the town of Vukovar where following the 2011 census data the official use of Serbian language and Cyrillic alphabet was to be introduced.²⁴

In 2009, at the peak of the Croatian EU negotiations, the Vukovar's local government led by the coalition between the HDZ and Serb minority elected the changes to the town's statute which foreseen the introduction of Serbian language as the second official language in this town. However, the formal preconditions for triggering both the provisions of the statute and the Constitutional law were fulfilled only after the 2011 census data was made public. According to census Serbs formed 34,8 per cent of the Vukovar's population. The prospective of introducing the Cyrillic alphabet in Vukovar was received with large animosity in wider public, but mostly by the organizations of Croatian war veterans. In April of 2013 the protests of more than 20,000 people was held at the main square in Zagreb. The protest was organized by the coordination of veteran soldiers' organizations "The Head Quarters for the Defense of the Croatian Vukovar" (The Head Quarter), who sent the message to the Government: the Cyrillic alphabet is not welcomed in Vukovar and any attempt for its implementation will be resisted.

In September 2013, less than two months following Croatian accession, the local government of Vukovar introduced the public posts in both Latin and Cyrillic scripts. The next day, the protest escalated into the minor conflict between the local police and the protesters who aimed to forcefully remove the bilingual posts. In the following months, the Head Quarter attempted to initiate the referendum according to which the Constitutional rights on national minorities should be altered in manner that the rights for equal exercise of minority language at the level of local self-government

²³ For example, in the Croatan region Istria, the introduction of bilingual posts in Italian and Croatian at the local level were welcomed and were perceived as the reflection of unique regional Istrian identity and sign of spirit of tolerance and understanding of dominant in this region.

²⁴ Croatian and Serbian languages both belong to the group of Slavic languages. The similarities between two languages are very high, and authors such as Kordić (2010) argue that they represent the same language with different dialects. The difference is the product of nationalist endeavors, not of the linguistic realities. However, the biggest differences between Croatian and Serbian language are reflected in their official scripts; Croatian language uses Latin, while Serbian considers Cyrillic alphabet to be its first official script.



should be granted to those minorities who form more than fifty per cent of the local population. In other words, such provisions would allow minorities to exercise their language rights only in circumstances when they form the majority in local community. The petition for referendum has collected more than 500,000 signatures. However, the Constitutional Court has decided that proposed question to be decided on the referendum is in collision with the Croatian Constitution.²⁵

The (failure) of implementation of the language rights was an example of radical deterioration of the minority protection standards accomplished during the EU negotiations stage. However, the demise of the minority protection and return of radicalized Croat identity debates in the social mainstream, according to the interviews with the Serb political and social elites were not limited only to the aspect related to the cultural rights within the framework on the Constitutional Law on the Rights of National Minorities. As one of the representatives have states: "During the negotiation stage, with the cooperation between the Serbian representatives with the Croatian Government situation was getting better.... After the accession Croatia witnessed the rise of the anti-minority and anti-liberal discourse in practice" (Interview with a representative of Serb minority conducted in July 2016).

The progress established during the accession negotiations was mainly focused to the dimension of cultural rights recognized in the Constitutional Law. However, the integration obstacles that members of Serb community face today are more related to the lack of access to 'civic' rather than "ethnic" or "cultural" rights. The dominant issues that this population faces are related to the lack equal access to public jobs, public infrastructure, validation of the service, repossession of property and issues related to tenancy rights. In such context, the support for cultural rights is not crucial for economic integration, but has a high symbolic meaning. It is a benchmark against which the readiness of society to openly redefine the role of Serb minority in contemporary Croatia can be evaluated. Without such changes, the obstacle that stem from the dominant narrative of the Croatian statehood will continue to produce the impediments for the developments of the successful integration and minority policies, both for the Croatian citizens of Serb nationality abroad and members of Serb minority who are still residents of Croatia.

7.3. CROATIAN VETERANS OF HOMELAND WAR PROTEST: "IN 1991 AGAINST YUGOSLAVIA, IN 2014 AGAINST YUGOSLAVIANS"

The additional move towards the reintroduction of the debates on the identity dimension of the Croatian citizenship regime was demonstrated by the protest of the veteran soldiers in front of the Ministry of War Veterans. While the literature on veterans on Croatia (Kasapović 2001; Fischer 2003; Stubbs & Zrinščak 2015) highlights the close connection between the veteran organizations and HDZ, it would be misleading to conclude that such protests are mere reflection of the political games regarding the possible clientelistic cooperation between the veteran soldiers and HDZ. The trigger for the protest was deputy minister Bojan Glavašević's claim that even the civil victims of the war, including the Serbian victims, should be treated as the war victims.²⁶ Such intervention, however

²⁵ See for example: Constitutional Court made a decision: 'There will be no referendum on Cyrillic alphabet, but the Law on bilingualism should be changed' (Ustavni sud donio odluku: 'Referenduma o ćirilici neće biti, ali zakon o dvojezičnosti treba mijenjati', jutarnji list, 12.08.2014. available on: <http://www.jutarnji.hr/vijesti/hrvatska/ustavni-sud-donio-odluku-referenduma-o-ćirilici-neze-biti-ali-zakon-o-dvojezicnosti-treba-mijenjati/686686/>)

²⁶ See for example: The tape was misinterpreted, I was not trying to say that the victims and aggressors are the same ("Glavašević: Snimka je izvučena iz konteksta, nisam izjednačavao žrtvu i agresora!", Dnevnik.hr, 2,11,2014.)



marginal, was perceived in the symbolic notion as blasphemy which inflicts the very fiber of the Croatian society.²⁷ The protest demonstrated that any attempt to redefine identities and categories established following the war will be faced with the high opposition from the veteran soldiers and conservative sections of society.

The protest started early in October 2014 when the tent was set overnight in front of the Ministry of War Veterans. The veterans were blocking the traffic, gathering in front of and inside the tent where they organized press conferences, live reports and held speeches on a daily basis. They were also sleeping, eating and socializing in the tent and called by media and part of the public as “šatorasi” (tent men). In the beginning of protest the veterans only gave vague statements about how the protest is envisioned “to help preserve the dignity of the victims, veterans and families of the victims of the Homeland war”. They also demanded the resignation of Minister of War Veterans Fred Matić along with his deputies Bojan Glavašević and Vesna Nađ, and repeated those demands throughout the protest.²⁸

The Croatian Democratic Union (HDZ), which was the opposition party at the time, was first to offer support to the veterans in protest, calling the current Croatian government led by Social Democratic Party (SDP) accountable for the position many veterans were in, facing issues from poverty to various psychological problems, even though the Law on the Rights of Croatian Defenders from Homeland War and the Members of Their Families (LRCDHWMTF) provided pensions, disability compensation, tax subsidies and various other forms of help to the veterans; among other means of help they were able to apply for non-returnable grants the state provided, and encouraged to enter small business ventures together.

Croatian Prime Minister Zoran Milanović in several occasions offered to meet the protesters, expressing his willingness to open the dialogue, but emphasized that under no circumstances he was going to release Minister Matić from duty.²⁹ Soon the veterans increased their demands, rooting for implementation of the LRCDHWMTF in the Croatia Constitution, where all their beneficiaries would remain intact.

As the protest continued and grew bigger in scale, it started to obtain a more violent discourse in the form of marches, presenting symbols and marks on the veteran uniforms, with threatening rhetoric used by leaders of the protest in their public announcements and when addressing the government. The same threats were used towards to the part of public they claimed to be “anti-Croat” and communist, especially Serbian minority representatives in the Croatian parliament, humanitarian and human rights oriented non-governmental organizations, parts of academia and left-oriented public figures in Croatian society. Such was the reference used by one of the protest leaders, when he reminded on the so-called Bloody Easter, which was an event that took place during the Homeland war, with a

²⁷ See for example: Glavasevic, who are you working for and who's paying you to do so? (“Bojane Glavaševiću, odgovori za koga radiš i tko te plaća”, Braniteljski portal, 5.8.2015.)

²⁸ See for example: War veterans demand Glavasevic and Matic to resign (“Prosvjed ratnih invalida: Tražimo ostavke Matića i Glavaševića!”, Slobodna Dalmacija, 20.10.2014.)

²⁹ See for example: Veterans are important to us, but we will not abandon Matic (“Milanović: Branitelji su nam važni, ali nećemo se odreći Matića”, tportal, 8.6.2015.)



non-subtle notion that it was possible to reenact those events if the protest gets “out of hands”.³⁰ The slogans such as: “Against the Yugoslavia in 1991, against the Yugoslavs in 2014” were used in order to remind the public that, in a manner of speaking, the Homeland war was not over, but was simply led by other means, and that the so called enemy of the Croatian sovereignty and independence was still present in the legislative and governmental institutions, but also in the media, influenced and supported from abroad.

8. IN LIEU OF CONCLUSION

The literature on Europeanization has demonstrated the limitations of the EU system of conditionality to impose or direct the policies of the candidate countries after they become full EU member states (Vachudova 2008, Epstein and Sedelmeer 2008). While during the accession candidate countries do seek to achieve a national unity in order to adopt and adjust to the political and economic requirements set by EC, and hence push the radical nationalist, pro authoritarian and anti-democratic discourses on the edge of the official public debates, the situation alters after the country become a member state. Such discourses may return back to the official political arena and may even become part of the mainstream.

As Stubbs and Zrinščak (2015 :403) argue, EU disciplinaries focus mostly on economic conditionalities while the tendencies present in many Central European countries such as slow down of democratization processes, raise of the conservatism in the form of semi-authoritarian, xenophobic and distorted governance structures remain outside EU’s political influence. In such context, as Croatian case reveals, the developments achieved during the negotiation stage, fully depend on the states’ and societies’ internal capacities to build on the political accomplishment during the negotiation and internalize such changes into the social and political fabric of society.

European Union has capacities and authority to promote and strengthen the internal democratic and civil society forces within the accession seeking states. However, it can successfully accomplish this task only if EU itself changes its approach to the evaluation of the particular countries harmonization with the accession criteria. Such approach needs to acknowledge the particular developments within the specific citizenship regimes and to adequately identify the key stakeholders of democratic changes within the potential member state countries. The stability of the progress accomplished during the negotiation stage depends largely on EU’s capacities to provide a continuous support to these stakeholders and processes even after the country becomes a full member state.

It may be argued that the current approach, which is focused particularly on monitoring of the administrative harmonization with the accession criteria, rather than monitoring the potentials of long-term stability and embeddedness of the reforms in all strata of society, is the reflection of the limitations of the existing idea of EU, which becomes evident particularly in a period after the candidate countries become full member states. As the report on education on European citizenship produced for the bEUcitizen project shows (Bakker, Van der Kolk, Berkeley and Koska 2017), the idea of European citizenship today is primarily perceived in instrumental way rather than as a political value in itself. This is perception is widely held both in the old and the new member states. As the

³⁰ See for example: We want Milanovic's and Matic's apology („Klemm: Tražimo da se Milanović i Matic ispričaju hrvatskim braniteljima“, Vijesti RTL, 5.12.2014.)



Croatian example shows, accession to EU does not result with radical changes and reconfiguration of the core categories of citizens and associated right to each of the category, nor with the changes of the constitutive stories of national citizenship towards the inclusion of the idea of EU to the foundations of Croatian citizenship and identity. However, this is hard to expect to be accomplished in the political context where there is a lack of clear vision of what the future trajectory of EU citizenship should be on even on the larger EU level.

The legacy of the constitutive stage of Croatian statehood has produced a number of contentious categories of Croatian citizens, such as Croats abroad, Serb minority and Croatian defenders of the Homeland War. The political foundations of the war as the constitutive story of the modern Croatian statehood did attribute the symbolical role to each of these categories in the construction of Croatian national narrative, which is reflected in the legislation and policies that regulate Croatian citizenship regime. It seems that these positions have not been refuted, by rather reinforced with the Croatian accession. The experiences of the first three years of Croatian EU membership go in line with somewhat pessimistic characterizations which define Croatia as ethnic democracy (Štiks 2010b).

Ethnic democracy, according to Smooha (2002) is a regime which among of its features, promotes ethnic ascendancy and nurtures the perception of particular ethnic minority(ies) as a threat to statehood. If as Štiks argues, these features were present in Croatia during the pre-accession period where Serbian threat was perpetuated by the media even though the large sections of the Serb population have left the country, such discourse has exponentially spread in Croatian mainstream following the accession. However, as our analysis of the Croatian citizenship regime shows, the introduction of the identity debate in Croatian citizenship regime did not focus solely on the Serb minority; the actors within the debate (re)-invent the threat even in the sections of civil society and Croatian citizenry which propose the discussions on the nature of Croatian democracy and statehood which go beyond unidimensional narrative of the recent Croatian history. Such discourse was particularly dominated during the Government formed by the HDZ and coordination of the independents lists MOST elected in 2015 elections and which lasted only until early elections in September 2016. However, during this time the symbolic policies of 1990s were reintroduced in the dominant HDZ discourse and the rule of this government was marked with the reduction of state funding for non-profit media and civil society, heated anti minority rhetoric and even revisionist attempts of the nature of the Croatian Quisling state during the second world war. It remains to be seen how the new, more moderate coalition, formed by the same parties but with the new leadership in HDZ and supported by the representatives of national minorities, will address the Croatian identity issues opened in public over the last few years.

The existing literature that targets the specific nature of Croatian politics related to the citizen categories that emerged during the constitutive stage of Croatian statehood and from the Homeland War, often analyze these constellations through the lens of client-patron nexus established during the 1990s (Paul and Zrinščak 2015, Dolenc 2013, Kasapović 2001). These approaches fruitfully address important aspects of these issues, and certainly allow better understanding of Croatian party politics and obstacles in reforming the welfare system.

However, citizenship related disputes go beyond mere instrumental and material goals. As the preliminary findings with the interviews with veteran soldiers revealed, the main issues of those who are on the margins of society do not lie in the lack of social rights, but in their inability to contribute to society. If left on the margins, such segments of population do end up in client-patron nexus, but not by their own choice. The dependence on state subsidies is the only outcome for those who do not have any choice. The justification for such position cannot be conceived by any other mean but the reintroduction of the issues over the dignity of Homeland war in everyday politics. The reiteration of



such narrative at the end leads to the stronger institutional embeddedness of the differences of the citizenship categories, rather than provide the venue for establishment of the more inclusive citizenship regime. How these realities of the Croatian citizenship regime will respond to the emerging migration crisis and consequences of the Brexit, remains to be seen.



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