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## ***THE POLITICS OF EXTERNAL KIN-STATE CITIZENSHIP IN EAST CENTRAL EUROPE***

Szabolcs Pogonyi, Mária M. Kovács,  
Zsolt Körtvélyesi

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# The Politics of External Kin-State Citizenship in East Central Europe

Szabolcs Pogonyi, Mária M. Kovács and Zsolt Körtvélyesi

## 1 Introduction

Our aim in this paper is to present an account of external citizenship policies of kin states towards co-ethnic minorities in the region of East Central Europe. We include in this region the EU-12 accession states of 2004 and 2007, the Western Balkans, and all European states whose territory had previously been included in the Soviet Union. Our focus is on the dominant historical events and political conditions in the region, where external citizenship policies are not primarily related to the retention or re-acquisition of country of origin citizenship by migrants, as is typical for dual citizenship in Western Europe, but to the acquisition or re-acquisition of external citizenship in a neighbouring kin-state by autochthonous ethnic minorities.

After 1989, external citizenship for kin-minorities has been introduced in a number of states of East Central Europe, among them Russia, Romania, Hungary, Bulgaria, Serbia and Croatia. Some of the states that have introduced external citizenship in the region are member states of the European Union, while others are not. Likewise, certain kin-minorities targeted by kin-state policies, such as Russian minorities in the Baltic states live in host states that are member states in the European Union, and conversely, some homeland states, such as Romania and Bulgaria, that are members of the European Union, offer external citizenship to kin-minorities that live in host states that are not members of the European Union. In these latter cases, the enlisting of new citizens through external citizenship by EU member kin-states implies the extension of European Union citizenship to inhabitants of non-member states, which in turn presents the special problem that these policies create immigration rights into all other member states and may undermine other member states' capacities for immigration control, as evidenced, for instance, by warnings from several EU institutions towards Romania on account of its policies of making a large part of the Moldovan population eligible for Romanian citizenship (Iordachi 2009: 14). If Croatia joins the EU, close to 500,000 non-resident Croatian citizens will also gain EU citizenship automatically (Ragazzi & Štikš 2009b: 14).<sup>1</sup> Our analysis is therefore not restricted to external citizenship offered to kin-minorities by the new member states of the European Union, but takes into account external citizenship in the region in general, including the external citizenship policies of kin-states outside the European Union.

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<sup>1</sup> Though the concerns over 'opening back doors' to the EU emerge in relation to non-resident citizenship offered for kin minorities in non-EU member states, similar worries are present even if only EU member states are involved. The new Hungarian citizenship regulations offering citizenship without residency requirements for ethnic Hungarians in the region will help eligible Romanian citizens to circumvent the transitional restrictions introduced by some old member states on the movement of workers from the new member states. While there are still eleven member states restricting access to its labour market for Romanian citizens, the transitional period will be over for Hungarians by January 1, 2011 (EUROPA 2010). Moreover, since Hungary has already joined the US Visa Waiver Program, ethnic Hungarians in the neighbouring countries will also be eligible for visa free travel to the US. According to the preliminary estimations of the government commissioner in charge of implementing the new Hungarian citizenship regulations in effect from 20 August 2010, 240,000-400,000 non-resident Hungarians may apply for citizenship by the end of the year (Berek 2010).

## 2 Kinship-based external citizenship in East Central Europe since 1989

Several East Central European countries have introduced kinship-based preferential treatment after 1989 granting easier access to citizenship for ethnic kin groups living in other countries. All EU-12 new member states give privileged access to their citizenship to descendants of emigrants or persons with close cultural affinity, or have at least done so for a certain period after 1989.

### Box 1. Benefit Laws for Co-Ethnic Minorities Abroad

**Lithuania** 1995: An amendment to art. 17-2 and 17-4 of the citizenship act provided certain rights to people who, although eligible for citizenship, have not actually acquired it. This includes ‘persons of Lithuanian origin’ defined as persons ‘whose parents or grandparents, or one of the parents or grandparents are Lithuanians and the person himself/herself declares that he/she considers himself/herself Lithuanian’

**Slovenia** 1996, 2002, 2006: Slovenia passed two resolutions (1996 and 2002) and a law (2006) that defined historic Slovene communities outside Slovenia as belonging to a common Slovene ‘cultural zone’ with Slovenes in Slovenia and provided state subsidies to strengthen these ties. When in Slovenia, the beneficiaries enjoy preferential treatment in higher education, research, libraries, archives, property rights, and employment. Until recently, nobody applied for this status.

**Slovakia** 1997: In 1997 the Slovakian Parliament adopted the Act on Expatriate Slovaks and Changing and Complementing some Laws (no. 70 of 14 February 1997) offering educational, employment and transportation benefits to Slovaks living outside Slovakia and shortened naturalisation requirements for Slovaks abroad.

**Romania** 1998: On 15 July 1998 Romania adopted a law that grants free higher education in Romania to Romanians living abroad (The Law Regarding Support Granted to the Romanian Communities from all over the World).

**Russia** 1999/2010: The 1999 Law on Compatriots Living Abroad granted support to former citizens, and descendants of citizens of the Russian Empire, the Russian Republic of 1917, and the USSR who live outside Russia in the areas of culture, education and information and pledged government support for the repatriation of such individuals. In July 2010 an amendment has narrowed down the term ‘compatriots’ to mean only Russian citizens and Russian-speaking residents of other countries and stipulates that Russia will provide compatriots living abroad with equal rights when entering the country’s universities and will promote their resettlement.

**Bulgaria** 2000: On 11 April 2000, Bulgaria passed the Law for Bulgarians Living outside the Republic of Bulgaria.

**Hungary** 2001/2003: On 19 June 2001 Hungary passed the Act on Hungarians Living in Neighbouring Countries, which provided transportation, education, cultural and health benefits, together with short-term employment cards to those Hungarians abroad who acquired a Hungarian identity card. After criticism by the Venice Commission of the Council of Europe, the law was modified in 2003.

**Poland** 2007: the Act on the Polish Charter establishing a Polish Ethnicity Card was adopted to strengthen symbolic relationship with Poles living abroad.

**Serbia** 2009: The Law on Diaspora and Serbs in the Region provides ethnic Serbs living outside the Serb Republic with opportunities for economic and cultural cooperation (Rava 2010: 21).

Sources: EUDO-Citizenship Country Profiles, available at: <http://eudo-citizenship.eu/country-profiles>; Zevelev (2008); the database of the Hungarian Academy of Sciences at [http://www.jogtar.mtaki.hu/data.php?node\\_id=2\\_2](http://www.jogtar.mtaki.hu/data.php?node_id=2_2)

Hungary, Slovakia, Romania, Bulgaria, Poland, Serbia and Slovenia have additionally introduced benefit laws, or ‘external quasi citizenship’ rules (Bauböck 2007a) that grant

special privileges to co-ethnic minorities in neighbouring countries who do not possess their formal citizenship, including a preferential treatment in naturalisation. Albania has introduced a system for the preferential access of Albanians residing in successor states of Yugoslavia to education in Albania (Krasniqi 2010a, 2010b).

While benefit laws for ethnic kin groups also exist in some old EU member states (Italy and Greece, see Groenendijk 2006: 413-420), and privileged access to citizenship for non-resident persons with close cultural affinity are also present in some of the old member states in Western Europe (Denmark, France, Germany, Ireland, Greece, Spain and Portugal), the issue of kinship-based ethnic privileges in benefit laws and citizenship acquisition appear in a different context in new EU member states and candidates for membership.

Changes in the political boundaries after transition to democracy provided a rich terrain for the emergence of kin-state activism related to kin-minorities living abroad. Prior to 1989 diaspora politics and kin-state activism had been taboo in countries of the Warsaw Pact (Fowler 2004). Following 1989, however, most countries of the region, including Hungary, Bulgaria, Romania, Slovenia, Slovakia, Croatia, Macedonia, Poland, Ukraine and Russia adopted amendments to their constitutions assuming special responsibility for the protection of kin-minorities living in foreign countries.

Since then, a number of states in the region have introduced preferential access to citizenship by ethnic kins and a number of states have adopted external citizenship policies that, by removing residence requirements, have significantly expanded the size of the potential or actual citizenry of the homeland state.

#### Box 2. Constitutional Provisions Concerning Expatriates and External Kin Groups

**Croatia:** Article 10 of the Constitution (1991): ‘Parts of the Croatian nation in other states are guaranteed special concern and protection by the Republic of Croatia.’

**Hungary:** Article 6 of the Constitution (revised in 1989): ‘The Republic of Hungary bears a sense of responsibility for the fate of Hungarians living outside its borders and shall promote and foster their relations with Hungary’.

**Macedonia:** Article 49 of the Constitution of the ‘Former Yugoslav Republic of Macedonia’ (1991): ‘The Republic cares for the status and rights of those persons belonging to the Macedonian people in neighbouring countries (...), assists their cultural development and promotes links with them.’

**Poland:** Article 6 of the Constitution (1997): ‘The Republic of Poland shall provide assistance to Poles living abroad to maintain their links with the national cultural heritage.’

**Romania:** Article 7 of the Constitution (1991): ‘The State shall support the strengthening of links with Romanians living abroad and shall act accordingly for the preservation, development and expression of their ethnic, cultural, linguistic, and religious identity under observance of the legislation of the State of which they are citizens.’

**Slovakia:** Article 7a of the Constitution (amended in 2001): ‘The Slovak Republic shall support national awareness and cultural identity of Slovaks living abroad and their institutions for achieving these goals as well as their relationships with their homeland.’

**Slovenia:** Article 5 of the Constitution (1991): ‘Slovenia shall maintain concern for autochthonous Slovene national minorities in neighbouring countries and shall foster their contacts with the homeland. (...) Slovenes not holding Slovene citizenship may enjoy special rights and privileges in Slovenia. The nature and extent of such rights and privileges shall be regulated by law.’

**Ukraine:** Article 12 of the Constitution (1996): ‘Ukraine provides for the satisfaction of national and cultural, and linguistic needs of Ukrainians residing beyond the borders of the State.’

Source: Iván Halász and Balázs Majtényi (2002)

External citizenship policies in East Central Europe are targeted at two different types of external kin populations, territorially dispersed migrant diasporas, on the one hand, and transborder minorities whose homelands had once been part of the territory of the homeland state, on the other hand. It is with regard to transborder minorities that the issue of external citizenship has become a topic of domestic and interstate political contestation. Ethnic minorities in several states have nearby kin-states. In some states, even ethnic majorities are claimed as ethnic kin populations of a neighbouring country. For instance, Romania is a kin state for the majority of the population of Moldova, Bulgaria is a kin-state for two-thirds of the population of Macedonia, and Serbia is a kin-state for the majority of the sub-state unit of the Bosnian Serb Republic.

Besides the purpose of protecting kin-minorities, cross-border ties with kin minorities are also advocated by homeland states in order to symbolically expand the size of the homeland nation by gaining influence over external kin populations that homeland states regard as part of a larger trans-border nation whose membership extends beyond the homeland population to members of external kin minorities. As we shall see below in the section on external voting, trans-border kin minorities are, in some countries, also regarded as potential constituents who either already possess, or are likely to acquire, voting rights through which they can influence domestic electoral outcomes. As a result, the issue of the enfranchisement of external kin minorities has, in a number of homeland states, literally become an instrument of domestic political competition with political parties recruiting supporters through external electoral engineering. Consequently, the enfranchisement of external kin-minorities who have been granted external citizenship has raised questions with regard to the functioning of electoral institutions within the homeland states. In countries with large external kin-minorities, such as Hungary, Serbia, Croatia, Romania and Bulgaria, the enfranchisement of external kin-minorities might lead to the serious consequence that external voters acquire an unduly large influence on domestic electoral outcomes without actually being exposed to most political consequences of their votes.

Instituting external citizenship for ethnic kin minorities has been, in most cases, a gradual, step-by-step process, triggered by political contingencies over several years. As a somewhat paradoxical outcome, some homeland states that promote external citizenship for their kin-minorities have opposed similar policies concerning minorities that live within their borders and are targeted by external citizenship policies pursued by other states. While Croatia offers non-resident citizenship to hundred thousands of ethnic Croats living in the neighbouring countries, it is highly critical of Italian external citizenship policies. When in 2006 Italy offered citizenship for ethnic Italians living in the territories annexed during the Second World War, right-wing Croatian politicians accused Italy of creating citizens with double loyalty (Ragazzi & Štiks 2009b: 13). Romania is at once the kin-state of Romanian ethnic kin populations in Moldova and the host state for a Hungarian minority. In the case of Romania, this dual role has resulted in a degree of inconsistency in citizenship policies: while it instituted kin-state policies towards Romanians in Moldova, it contested similar kin-state activism by Hungary towards the Hungarian minority in Romania, although its response to the latest Hungarian law of 2010 extending external citizenship to transborder Hungarians was surprisingly muted (Barbulescu & Stavila 2010).

Such inconsistencies point to a certain absence of principled views on citizenship. As evidenced in conflicts between Hungary and Romania, this then contributes to the potential of kin-state policies to lead to interstate tensions. At the time of the introduction of the Hungarian Status Law (2001/2003) Romania claimed that the problem with Hungarian kin-state policies was that Hungary employed ethno-cultural criteria in identifying kin groups by including, as criterion, the knowledge of Hungarian language. In contrast, for at least a time,

Romania claimed to have used ‘civic’ criteria in identifying kin groups as persons who had been citizens of greater Romania and their descendants. There was little that Hungary could do to move away from an ethno-cultural definition of kin populations given the different histories of Hungary and Romania. Had Hungary used the same criteria as Romania and identified kin groups based solely on citizenship of the former Hungarian part of the Austro-Hungarian Empire, all citizens of current Slovakia and several million non-Hungarians in today’s Romania would have been included in the Hungarian definition of kin groups and their numbers could then have even surpassed the population of current Hungary. But even though Romania’s kin policies target a less sizeable population relative to the size of Romania, in the last few years, Romania has been encountering similar problems regarding its own kin-policies. Trying to stem the tide of applications for Romanian citizenship, after 2003 Romania also introduced ‘ethno-cultural’ criteria of the same kind that it had criticised with regard to the Hungarian Status Law. Eligibility for Romanian external citizenship for residents of Moldova and the Ukraine was narrowed down to ethnic Romanians defined by the criterion that they must ‘possess knowledge of the Romanian language and elementary notions of Romanian culture and civilization’ (Iordachi 2010: 16).

### 3 Non-resident Acquisition of Citizenship in Western Europe

While nationality in the sense of formal citizenship status is often decisive in the application of international norms, e.g. in determining the competent judicial authority, international law paradoxically has little to say about the acceptable frames of national citizenship regulations. As the Permanent Court of International Justice noted in its 1923 advisory opinion on nationality decrees issued in Tunis and Morocco,<sup>2</sup> questions of nationality are in principle reserved domain (or *domaine réservé*), over which the concerned state has exclusive authority. The 1930 Hague Convention<sup>3</sup> states that ‘it is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.’ Even the 1992 EU Maastricht Treaty<sup>4</sup> stipulated in an annexed declaration that questions of nationality fall within national competence: ‘wherever in the Treaty [...] reference is made to nationals of the Member States, the question whether an individual possesses the nationality of a Member State shall be settled solely by reference to the national law of the Member State concerned.’

Though international human rights documents also emphasize the importance of non-discrimination standards, the principle of equality concerns citizens only, and does not rule out the legal possibility of preferential treatment of co-ethnics in the acquisition of citizenship. Signatories of the 1997 European Convention on Nationality<sup>5</sup> (currently ratified by twenty states, of which twelve are EU member states)<sup>6</sup> are bound by the non-discrimination clause in Art. 5 (which rules out discrimination ‘on the grounds of sex, religion, race, colour or national or ethnic origin’). Preferential treatment, often present in

<sup>2</sup> National Decrees issued in Tunis and Morocco, Advisory Opinion, 1923, P.C.I.J., Series B, No. 4.

<sup>3</sup> League of Nations, Convention on Certain Questions Relating to the Conflict of Nationality Law, 13 April 1930, League of Nations, Treaty Series, vol. 179, p. 89, No. 4137. Entry into force: 1 July 1937.

<sup>4</sup> Treaty on European Union, 7 February 1992, O.J. C 224/1 (1992), [1992] 1 C.M.L.R. 719, 31 I.L.M. 247.

<sup>5</sup> European Convention on Nationality, 6 November 1997. European Treaty Series – No. 166. Entry into force: 1 March 2000.

<sup>6</sup> Chart of signatures and ratifications. European Convention on Nationality CETS No.: 166.

<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=166&CM=8&DF=30/07/2010&CL=ENG> (last accessed on 30 July 2010).

citizenship acquisition rules, is, however, not outlawed in all cases: facilitated naturalisation of nationals of certain other states (like other EU member states) would not amount to discrimination under the Convention.<sup>7</sup>

In the fifteen old EU member states seven countries apply preferential rules for those with certain cultural affinity towards the country in question (Denmark, France, Germany, Greece, Ireland, Portugal and Spain).<sup>8</sup> To quote Christian Joppke: '[t]o say that the role of ethnicity in the contemporary liberal state's immigration policy has shrunk is not to say that it has disappeared or that it eventually will disappear' (Joppke 2005: 219). Most of these advantages target ethnic diasporas or descendants of former or deceased nationals abroad, who may apply for citizenship without residence in the country of their ancestors. Similar preference for nationals of certain states exists: for lusophones in Portugal, for nationals of specific Latin-American countries in Spain, and for certain East and Central European German-speaking minorities in Germany. As for acquisitions from abroad, where statistics are available, the ratio compared to all acquisitions stays usually below five per cent (with rare exceptions).

We should not forget however, that in the Southern European states that apply cultural affinity based preferential treatment, these preferential acquisitions for external kin groups 'will in many cases outnumber acquisition in the country' (Waldrauch 2006: 303).<sup>9</sup>

#### 4 The demography of external citizenship in East and Central Europe

Before proceeding to discussing external citizenship in East Central Europe, we note that even though the internationally recognised principle of new state formation in East Central Europe relied on the concept of *uti possidetis juris* insofar as new states were exclusively formed of units with pre-existing federal borders, the resulting new states nonetheless declared themselves to be nation-states with one dominant constituent nation. Significantly, from the perspective of the evolution of kin-state policies, 21.15 percent of the population of the new states of East Central Europe are regarded by these states as not belonging to the titular national majority of the state in which they live, at least according to demographic data provided by official censuses. At the same time, in two among the fifteen new states, Bosnia and Montenegro, the proportion of the titular majority does not even reach 50 percent of the state's population, while in Estonia, Latvia and Macedonia, the proportion of the titular majority remains under 70 percent.

Below we present a comparative table on the proportion of titular majorities in the ECE region to indicate the dimensions of the problem. Such data are, of course, to be used with caution, because census data on ethnic affiliation tends to simplify social reality. They usually do not express the self-perception of people with multiple identities and ambiguous affiliations that are so characteristic of multi-national societies. Nonetheless, census data on ethnic affiliation play an important role in defining and shaping state policies, ethno-national claims and, in certain instances, even the policies of international organizations. This has been

<sup>7</sup> Explanatory Report. European Convention on Nationality (ETS No. 166)  
<http://conventions.coe.int/Treaty/en/Reports/Html/166.htm>.

<sup>8</sup> EUDO Citizenship Database, *Modes of acquisition, Cultural affinity*,  
<http://eudo-citizenship.eu/modes-of-acquisition/190/?search=1&idmode=A19> (last accessed on 2 August 2010).

<sup>9</sup> In Spain, the majority of naturalisations is cultural affinity-based and their share has risen from 56 to 73 per cent between 2004 and 2008. In Germany the ratio dropped from 79 to 43 per cent between 1992 and 19999, before the 2000/2001 reforms. See the statistical data on the EUDO Citizenship Statistics page: <http://eudo-citizenship.eu/stat/index.php?styp=2&stat=0>.

the case, for example, in Bosnia and Herzegovina where international organizations have been involved in devising administrative structures to accommodate conflicting ethno-national claims.

**Table 1 Percentage of Titular and Minority Populations in East Central European States**

States of Eastern Europe and FSU after 1989			
State	Population	Percentage of titular majority in the population	Minority population in the state
<b>New States</b>			
Belarus	9,680,000	81	1,839,200
Bosnia and Herzegovina	4,590,000	48	2,386,800
Croatia	4,490,000	90	449,000
Czech Republic	10,220,000	90	1,022,000
Estonia	1,300,000	68	416,000
Kosovo	2,130,000	88	255,600
Latvia	2,240,000	58	940,800
Lithuania	3,560,000	83	605,200
Macedonia	2,060,000	64	741,600
Moldova	4,320,000	78	950,400
Montenegro	680,000	43	387,600
Serbia	8,030,000	83	1,365,100
Slovakia	5,450,000	86	763,000
Slovenia	2,000,000	83	340,000
Ukraine	46,000,000	78	10,120,000
Total	106,750,000	78.85	22,582,300
Armenia	3,000,000	98	60,000
Azerbaijan	8,180,000	91	736,200
Georgia	4,630,000	84	740,800
Kazakhstan	15,340,000	53	7,209,800
Kyrgyzstan	5,360,000	65	1,876,000
Tajikistan	7,200,000	80	1,440,000
Turkmenistan	5,180,000	85	777,000
Uzbekistan	27,350,000	80	5,470,000
Total	76,240,000	75.98	18,309,800
<b>Old states with old borders</b>			
Albania	3,620,000	95	181,000
Bulgaria	7,260,000	84	1,161,600
Hungary	9,930,000	92	794,400
Romania	22,250,000	90	2,225,000
Poland	38,500,000	97	1,155,000
Total	81,560,000	91.60	5,517,000
<b>Old states with new borders</b>			
Russia	140,700,000	80	28,140,000
Total	140,700,000	80.00	28,140,000
Overall population of Eastern Europe and the FSU (without the ex-GDR): 405,250,000			

Source: The table is based on available census data as collected by the World Factbook, [www.cia.gov/library/publications/the-world-factbook/](http://www.cia.gov/library/publications/the-world-factbook/).

Based on data from the year 2008, the number of people living in those new states of East Central Europe who do not belong to the titular majority of the state in which they live and

are thus potential targets of kin-state policies amounted to 22,582,300. Adding the 5,517,000 people who live as minorities within the old states of the region, the overall number of people who can become potential targets of external citizenship policies by their kin-states exceeds 28 million (Table 1).

From this number one would have to deduct those minorities that are ‘stateless’ in the sense that there is no state where their language and cultural identity is established as a national one, as, for instance the Gagauz, Kashubs, etc. One important difference between Western and East Central Europe is that there are many more minorities in the West that are ‘stateless’ in this sense, including large and territorially autonomous minority nations, such as the Catalans, Basques and Scots.

In East Central Europe the largest among the ‘stateless’ minorities are the Roma whose numbers range in the millions but, in most countries official census data do not contain reliable information on their numbers.<sup>10</sup> Officially, external citizenship policies in the East Central European countries treat the Roma as members of linguistic nations in the territory inhabited by the given nations, so that, for instance, Hungarian external citizenship is made available to the Roma of Slovakia or Romania who speak Hungarian and have Hungarian citizens in their ancestry.

Thus, one special feature of external citizenship policies in Central and East European states relates to the relative demographic weight of external kin-populations compared to the size of homeland populations. Under Bulgaria’s rules on ethnic Bulgarians, around two-thirds of Macedonia’s population of two million are eligible for Bulgarian citizenship on a preferential basis, though the number of Macedonian citizens who have acquired Bulgarian citizenship remains low (Hristova 2010). For the period of 2001 to 2006, 32,702 applications came from Macedonia, while 10,850 Macedonian citizens were granted Bulgarian citizenship on the grounds of Bulgarian origin in the same period (Smilov & Jileva 2010: 15; for a wider comparison, see EUROSTAT 2010: Table 3). The number of acquisitions of Bulgarian citizenship by Macedonian citizens was 3,637 in 2008, amounting to 50.9 per cent of total acquisitions that year. Under Romanian rules, 2.5 million Moldovans out of 4 million are eligible for Romanian external citizenship, and under Hungarian rules over 2.5 million ethnic Hungarians in neighbouring states are eligible for Hungarian external citizenship.

While in the case of Romania the number of those Moldovans who have already acquired the status of external citizens remains less than one third of all those eligible, and Hungary has not yet implemented the new rule, the majority of Croats in Bosnia possess external citizenship in Croatia (Ragazzi & Štiks 2010: 13). Those eligible for Serbian external citizenship amount to over two million compared to the 6.2 million population of the Republic of Serbia: almost the entire population of the Bosnian Serb Republic and a third of the population of Montenegro are eligible for external Serb citizenship (Rava 2010). According to Moldovan estimates, applications by Moldovan citizens for Romanian citizenship currently are between 800,000 and 1.5 million, and the number of those Moldovan citizens who had already acquired Romanian citizenship is over 300,000 (Gasca 2010a: 14).

Albania is considering to adopt the ‘Romanian model’ and extend external citizenship rights to Albanians in Kosovo which will then make the overwhelming majority of the approximately two million Kosovars eligible for Albanian external citizenship. The European Commission has warned Albania that an unusual increase in the numbers of Kosovar Albanians with an Albanian passport might impact negatively on the imminent visa free travel agreement with Albania (Krasniqi 2010a: 19).

<sup>10</sup> <http://www.migrationinformation.org/feature/display.cfm?ID=308>.

At least in some states of the region, for instance in Moldova, the eligible target groups of external citizenship policies may comprise the numerical majority of the population of the state in which the target group resides. In other cases, such as the Bosnian Serb Republic, the numerical majority of an autonomous sub-state unit is eligible for the external citizenship of another state. Paradoxically, the relatively large demographic weight of external kin populations, combined with the emerging trend of introducing external citizenship policies on the part of kin-states, damages the prospects for increased autonomy of kin-minorities (Bauböck 2007a). States whose population includes ethnic minorities that are targets of external citizenship policies by neighbouring states regard external citizenship as an obstacle to considering claims for minority autonomy, because they fear that autonomous territories might then be controlled by a foreign state.

Following the dissolution of the Soviet Union, Russia also instituted generous external citizenship policies towards former citizens of the Soviet Union who found themselves as minorities in states outside Russia. Russian law on citizenship allowed residents of former Soviet republics to apply for citizenship if they had not become citizens of their newly independent states, regardless of their ethnic affiliation. However, until 2002, the procedure was very complicated and required several trips to Russian consular offices or moving to Russia. From 2002, an amendment to the law on citizenship introduced a simplified procedure of citizenship acquisition for former citizens of the Soviet Union if they resided in any of the former Soviet republics and were not able to acquire citizenship from those republics and thus remained stateless. After 2002 such individuals were admitted to Russian citizenship upon submission of a written petition to a Russian consular office in the republic of their permanent residency, where they receive Russian passports as a proof of their Russian citizenship. At the same time however, the 2002 reform introduced the restriction according to which those taking up Russian external citizenship must renounce their former citizenship (Zevelev 2008). Until 2002 an estimated one million former Soviet citizens received external Russian citizenship, among them around 200,000 in the Ukraine, 200,000 in Abkhazia, 50,000 in South Ossetia, 135,000 in Transnistria and close to 100,000 in Estonia. More recently, similar to the trend observed in Romania, the Russian *Duma* has adopted legislation in July 2010 that narrows down eligibility for the status of Russian ‘compatriot living abroad’ to ethnic Russians, thus excluding those non-Russians who have held the citizenship of the Soviet Union in the past.<sup>11</sup>

Dual citizenship, however, is prohibited or restricted in most of the newly independent post-Soviet countries in the region, including Estonia (Järve & Poleshchuk 2010), Latvia (Krūma 2010), Lithuania (Kūris 2010) and the Ukraine (Shevel 2010). Some of these states have significant migrant populations and also have large ethnic minorities with neighbouring kin states. While there is a growing need to recognise dual citizenship in order to strengthen ties with their diaspora in North America and Western Europe, the newly independent former Soviet republics are reluctant to recognise multiple citizenship offered for members of their internal ethnic minorities by neighbouring kin states.

Though the Estonian Citizenship Act bans dual citizenship, it also stipulates that Estonian citizenship acquired by birth shall not be taken away without the request from the citizen naturalising in another country (Järve & Poleshchuk 2010: 10). In Latvia dual citizenship legislation is not less ambiguous. Dual citizenship is not permitted (Krūma 2010: 10), but, because of the increasing number of citizens working in other EU member states, there is a growing pressure to legalise multiple citizenship (ibid.: 19). In Lithuania, while there are legislative attempts to tolerate multiple citizenship, the Constitution itself contains a

<sup>11</sup> <http://www.regnum.ru/news/1265205.html>, and <http://eng.kremlin.ru/acts/657>, 24 July 2010.

rule banning this possibility for citizens of Lithuania. The Constitutional Court of Lithuania blocks all amendments going beyond the acceptance of multiple citizenship on a narrow, exceptional basis. This shifted the whole debate from the policy sphere to the legal territory. The unconstitutionality did not prevent an estimated 100,000 people from acquiring citizenship of a foreign state prior to the Constitutional Court decision (this window existed from 2003 to 2006). Furthermore, the 2006 legislative attempt to create an exception for those who can restore their Lithuanian citizenship (emigrants) was also found unconstitutional, as were other legislative attempts to the same effect (Kūris 2010: 37). The then President of the Republic, Valdas Adamkus, vetoed one of the legislative attempts in 2008. Due both to his emigrant and former dual citizen background and to his political credo, the President argued for a wider toleration of multiple citizenship; he would have seen all ethnic Lithuanians to be Lithuanian citizens, no matter where they lived (Kūris 2010: 41). The current law is considered provisional (on 1 January 2010 extended by six months), but it remains to be seen what citizenship regime will be introduced (Kūris 2010: 45). In the Ukraine acquiring external Russian citizenship is prohibited. Following the 2008 war in South Ossetia fought by Russia with reference to its obligation to protect Russian citizens outside Russia, Ukraine began investigating the problem of ‘illegal citizenships’, namely cases in which Ukrainian citizens applied for, and received Russian external citizenship. The loss of Ukraine citizenship in these cases is, however, not automatic but requires an administrative procedure and documentary evidence, which may leave some loopholes for persons interested in acquiring a kin state citizenship (Shevel 2010). The Romanian offer of external citizenship to kin minorities had also contributed to Ukrainian policies, initially prompted by the offer of Russian external citizenship to Ukrainian citizens, to withdraw Ukrainian citizenship from permanent residents of the state who accept the citizenship of another country. In the case of the Ukraine, the issue of dual citizenship is rather eminent on the agenda of domestic politics: Hungarian minority politicians for instance, have emphasized the common interest of the Hungarians, Romanians and Russians of the Ukraine to have the ban on dual citizenship lifted.

## 5 External citizenship and interstate tensions

For the last few decades most accounts of multiple nationality focused on immigrants who were allowed to retain the citizenship of their country of origin when acquiring the citizenship of their new country of residence. The growing toleration of multiple citizenship has been celebrated as the end of the Westphalian system in citizenship legislation. But, as developments in East Central Europe have demonstrated, multiple citizenship can easily appear in the toolbox of those envisaging a nationalist or imperialist project of expanding the size of their nation across its present borders.

In East Central Europe external citizenship policies have frequently led to interstate tensions in the past two decades. Romanian-Moldovan, Serbian-Montenegrin, Macedonian-Bulgarian, Greek-Albanian, Ukrainian-Romanian, Russian-Ukrainian, Romanian-Hungarian, Polish-Lithuanian and Slovak-Hungarian relations have been seriously strained by a lack of co-ordination or outright political conflict related to kin state policies and external citizenship between homeland states and the states in which targeted ethnic-kin groups reside.

For example, after 1989, when Romania offered external citizenship to ethnic kin groups in Moldova and the Ukraine, it did so in the expectation of a gradual and negotiated process of unification between Moldova and Romania (Iordachi 2004b: 247). But later on, when it emerged that Romania’s offer of external citizenship did not extend to inhabitants of Moldova who had settled in there during Soviet times, Moldovan opposition to Romanian

policies began to solidify. In the year 2007, when Romania joined the European Union, Moldova banned individuals with dual nationality from holding public posts. In the case *Tănase and Chirtoacă v Moldova*<sup>12</sup> (18 November 2008, for a summary see Moldova.org 2008), the European Court of Human Rights declared the Moldovan practice to be in violation of the European Convention of Human Rights and on 27 April 2010 the Grand Chamber of the European Court of Human Rights issued its judgment<sup>13</sup> on the case *Tănase v Moldova* forcing Moldova to lift its ban on dual citizens from holding public posts (for a summary of the decision see Gasca 2010b). Since then the number of those Moldovan parliamentarians who possess external Romanian citizenship has risen to almost ten percent of all members of the Moldovan parliament. In Romania, the topic of the future unification of Romania and Moldova has again emerged on the public agenda promoted, among others, by Romanian President Traian Basescu, whose electoral victory in December 2009 was partly secured by external voters from Moldova.<sup>14</sup> At the same time, responding to EU criticism about its over-expansive external citizenship policies, Romania has recently narrowed down the circle of those eligible for Romanian external citizenship.

Similar to the recently lifted Moldovan restrictions on the rights of those with Romanian external citizenship, Lithuania is also considering restricting the rights of those Lithuanian citizens who accept an external quasi-citizenship status offered by Poland from 2007 for the Poles living in Lithuania, who compose seven per cent of the population of Lithuania.<sup>15</sup> Although Lithuanian law does not prohibit Lithuanian citizens from applying for such external quasi-citizenship status, according to the debate that has started in Lithuania in 2009, Polish card-holders may be restricted from civil service in Lithuania and from running in elections. Even though the Polish card does not amount to external Polish citizenship, Lithuanian proponents of restricting the political rights of card-holders argue that swearing allegiance to Poland justifies the restriction of political rights and the rights to employment in certain parts of the public sector. An additional argument in favour of restricting the rights of holders of Polish cards is to discourage the Russian minority in Lithuania from applying for a ‘compatriot status’ that Russia is considering to offer to Russians abroad who have become citizens of other states.

Regulations on Serbian external citizenship put Serbian-Montenegrin relations under strain (Džankić 2010a). While Serbia extends external citizenship to the Serbs of Montenegro, Montenegro insists that its citizenship will be terminated for those residents in the country who acquire Serbian external citizenship (Džankić 2010b).

Romania reacted vehemently to the Hungarian Status Law of 2001/2003 claiming that the law was discriminatory and called into question the sovereignty of Romania over its territory. The recent introduction of non-resident Hungarian external citizenship provoked not only a war of words between Hungary and Slovakia, but the introduction of new Slovak legislation to try to prevent Hungarians in Slovakia from applying for Hungarian external citizenship.

<sup>12</sup> *Tănase and Chirtoacă v Moldova* (App no 7/08) ECHR 18 November 2008.

<sup>13</sup> *Tănase and Chirtoacă v Moldova* (App no 7/08) ECHR 27 April 2010.

<sup>14</sup> ‘Traian Basescu won the second round of the Romanian 2009 presidential election by a margin of 71.000 votes after receiving 115.831 of the votes cast abroad (78.86 percent of the total). The support for Basescu was overwhelming in the Republic of Moldova, where he received 94.8 percent of the votes cast (around 10.000 preferences)’ (Dumbrava 2009). Basescu considers that Moldova’s integration to the European Union would constitute a form of a ‘minimal’ policy of unification with Romania, while the outlines of a ‘maximal’ policy remain unclear (Bidder 2010).

<sup>15</sup> <http://www.lithuaniatribune.com/2009/10/18/polish-charter-holders-may-be-restricted-from-civil-service-in-lithuania/>.

## 6 External citizenship: a precarious status?

The conflict between Hungary and Slovakia erupted in the spring of 2010 when the Hungarian offer of non-resident external citizenship to Hungarian minorities outside Hungary resulted in a Slovak retaliation whereby Slovakia adopted legislation to automatically strip those who receive external Hungarian citizenship of their Slovak citizenship.<sup>16</sup> This conflict brought into sharp focus the insufficiency of international regulatory frameworks regarding external citizenship.

Both Hungary and Slovakia have ratified the 1997 European Convention on Nationality, and both states made sure that their steps comply with the Convention. The Hungarian offer of external citizenship to ethnic Hungarians in foreign countries and Slovakia's retaliation are compatible with the ECN insofar as the convention allows states to create external citizenship and also to withdraw citizenship from persons who acquire the citizenship of a foreign state. The fact that both states have complied with the requirements of the ECN while yet their policies put the target group of Hungarians in Slovakia in a precarious position brought into focus the absence of a sufficient international regulatory framework that would recognise the strong interdependencies between national citizenship laws (Blatter 2010). While multiple citizenship is now widely accepted (be this tacitly or explicitly), international law is largely silent on how to resolve conflicts arising from the institution and exercise of multiple nationalities (Hailbronner 2006: 85).

As the Slovak-Hungarian conflict has demonstrated, interstate tensions over external citizenship can turn explicitly dangerous as they may threaten to create a precarious status for external Hungarian citizens in Slovakia who, upon taking up external Hungarian citizenship, would lose membership in the Slovak political community, but would not at the same time become full members of the Hungarian political community. Under the combined impact of new Hungarian and Slovak rules, Hungarians in Slovakia acquiring Hungarian external citizenship would become *de iure* Hungarian citizens, as Hungary would recognise their Hungarian citizenship, but this status would not automatically imply that they could exercise social or political rights within Hungary, since most of these rights are conditional upon residence within Hungary. External Hungarian citizens who are not registered in Hungary as permanent residents do not have the right to vote either in national or European elections and in case they do not pay taxes in Hungary they are not entitled to social benefits. At the same time, Hungarians in Slovakia who acquire Hungarian external citizenship are no longer eligible to exercise those property, social and political rights within Slovakia that are conditional upon citizenship status. As it stands, Hungarians in Slovakia who apply for Hungarian external citizenship may end up with a status that resembles the status of migrants with no effective link to the state of their new *de iure* citizenship and with their rights as citizens withdrawn in the state of their permanent residence and original citizenship.

The Slovak law has been criticised on grounds that it identifies the voluntary acquisition of Hungarian external citizenship with a voluntary renunciation of Slovak citizenship, even if the person applying for external Hungarian citizenship does not intend such renunciation. As for relevant European practice, voluntary acquisition of citizenship is a

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<sup>16</sup> For a summary of the Slovak reactions see Kuša (2010) and the EUDO CITIZENSHIP Forum Debate *Dual citizenship for transborder minorities? How to respond to the Hungarian-Slovak tit-for-tat*, at: <http://eudo-citizenship.eu/citizenship-forum/322-dual-citizenship-for-transborder-minorities-how-to-respond-to-the-hungarian-slovak-tit-for-tat>.

ground for the loss of original citizenship only in a minority of countries. These are: Austria, the Czech Republic, Denmark, Estonia, Germany, Ireland, Latvia, Lithuania, Netherlands, Norway, Poland and Spain (de Groot and Vink 2010).<sup>17</sup> With the recent modification of the law Slovakia joined this group of countries.

Thus, the combined impact of the rules newly introduced in Hungary and Slovakia could set off a process that would amount to a loss of rights tied to effective citizenship (Ganczer 2010). The new rule on Hungarian external citizenship may also put ethnic Hungarians in the Ukraine at risk of losing their Ukrainian citizenship and, as a result, losing the right to inherit agricultural land, which, according to the Land Code of Ukraine, can only be inherited by citizens of Ukraine.

## 7 External Citizenship and Voting rights

Serious concerns have emerged in relation to the possible effects of external citizenship on electoral processes and results. From the point of view of the equality of the rights of all citizens, arguments have been advanced to justify that external citizens who have an individual stake in the future of the polity must enjoy the same rights, including voting rights, as other citizens (Bauböck 2007b: 2408). However, it has also been argued that from the point of view of procedural and substantive concerns, the currently enfranchised citizens of homeland states should be able to decide whether or not they wish to extend the franchise to new constituencies of external citizens, and if they decide to do so, how much representation external citizens may get (ibid.: 2446).

External electoral groups may easily be mobilised by parties who want to stay in power, as has happened in Croatia repeatedly in elections in 1995, 2000 and 2007. Extending citizenship for external kin groups is a possible way to influence electoral outcomes. External dual citizens with voting rights, who do not bear the cost of political decisions, may determine the result of elections and thereby outvote certain parts of the domestic constituencies.

Non-resident voting rights in the past decades were primarily discussed in relation to refugees and migrants. Though no international norms require it (Grace 2007), in some EU member states absentee voting is available not only for citizens on temporary leave, but also for emigrants and expatriates without permanent residence in the country where the vote is held.<sup>18</sup> With the exceptions of Ireland and Greece, all of the EU-15 states provide non-resident citizens with some access to voting rights. Some states, including four in Europe (Croatia, Portugal, France and Italy), have introduced special parliamentary representation for non-resident citizens (IDEA 2007: 28).

Article 25 of The International Covenant on Civil and Political Rights<sup>19</sup> declares that every citizen should have the right to vote and to be elected ‘without unreasonable restrictions,’ but it does not specify whether the lack of residence counts as a legitimate restriction on the exercise of political rights. The 1990 International Convention on the

<sup>17</sup> See also the EUDO Citizenship Database, *Modes of loss. Ground for loss: Acquisition of a foreign citizenship*. <http://eudo-citizenship.eu/modes-of-loss/186/?search=1&idmode=L05> (last accessed on 2 August 2010).

<sup>18</sup> See the map prepared by ACE Electoral Knowledge Network, <http://aceproject.org/epic-en/CDMap?question=VO004>.

<sup>19</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

Protection of the Rights of all Migrant Workers and Members of their Families<sup>20</sup> states that migrants should have a right to vote in their state of origin (Art. 41), but this convention has not been ratified by any of the EU member states. The Guidelines on Election<sup>21</sup> adopted by the Council of Europe's Venice Commission in 2002 state that 'the right to vote and to be elected may be accorded to citizens residing abroad,' but it also adds that the introduction of residence requirements is not contrary to norms of universal suffrage. This approach suggests that there are no international legal norms that require equal voting rights for resident and non-resident citizens. The reluctance of large migrant sending states and the international community to universally formalise the basic principles of external voting rights indicates the sensitivity of the question (Grace 2007: 41).

These dilemmas of external voting are present not only in the new EU member states, or other states in East Central Europe. The 2000-2001 Italian constitutional reforms (originally proposed by the neo-fascists in 1955) (Arconi 2006) established parliamentary representation of ethnic Italians abroad (Zincone & Basili 2009: 11). The Berlusconi government assumed that the external constituency would support the right-wing parties so it hoped to gain votes. But in the 2006 elections, the opposite happened: thanks to the external votes and to the inability of right wing parties to form an electoral coalition, the centre-left forces led by Romano Prodi could secure a thin majority in the Senate and form a new coalition government.

The influence of the non-resident constituency raises even greater dilemmas in case of East European countries with large external citizens living in transborder regions. The real-world consequences of voting rights for large kin-minorities may be that outsiders may determine the future of those who, unlike external citizens, are subjected to the laws of the homeland. The 1991 Croatian Law on Citizenship grants citizenship to non-resident ethnic Croats, including the members of the then 800,000 strong Croat community in neighbouring Bosnia and Herzegovina. External votes helped the nationalist Franjo Tudjman to win elections in 1995 and 2000 (Waterbury 2009: 4). In 2000 Croatia reformed its electoral system under European pressures and abolished the system of fixed seats for external voters in parliament. In the parliamentary elections of 2007, out of 4,478,386 people eligible to vote in the parliamentary elections of 2007, nearly a tenth, 405,092 voters, were external citizens.<sup>22</sup> By this year, the system of reserved seats had been replaced with a system in which the number of external seats is not fixed (though a maximum of 12 seats is established) and the overall turnout of external voters is compared to the overall turnout of in-country voters before the number of dedicated external seats is established. Significantly, the 12 seats that may, as a maximum, be allocated to representatives of external citizens outnumber the 8 seats that are reserved for Croatia's internal minorities.

Despite the reform that, in principle, reduced the influence of external constituencies, the votes cast by the Croatian dual citizens in Bosnia-Herzegovina in the 2007 parliamentary elections were still decisive (Ragazzi & Štiks 2009b: 14). This fact was established with the help of exit polls on election night that all predicted the victory of social democrats. However, none of these polls, taken within Croatia, measured external votes, which, by the time of actual counting, changed the balance. The conservatives, who oppose reforms of the current dual citizenship policies, won the elections because of the votes from the diaspora

<sup>20</sup> UN General Assembly, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (adopted 18 December 1990 A/RES/45/158, entered into force 1 July 2003).

<sup>21</sup> European Commission for Democracy through Law (Venice Commission) 'Guidelines on Elections', 51<sup>st</sup> session (Venice, 5-6 July 2002), CDL-AD (2002) 13 Or. fr., Opinion no. 190/2002.

[http://www.venice.coe.int/docs/2002/CDL-AD\(2002\)013-e.asp](http://www.venice.coe.int/docs/2002/CDL-AD(2002)013-e.asp).

<sup>22</sup> <http://www.uprava.hr/?A=NOVOSTI&GRUPA=1&SIF=230>.

constituency. This experience indicates that in cases of large-scale enfranchisement of transborder ethnic kin groups, once established, the voting rights of external citizens may have a formative impact on shaping the relevant policies of the kin state.

Though the composition of the Bulgarian non-resident constituency is very different from the Croatian external citizenry, non-resident votes still raise serious normative and practical concerns in Bulgaria. Ethnic Turks who left Bulgaria in response to the massive coercive assimilation policies of the Shivkov regime since 1984 started reclaiming Bulgarian citizenship in large numbers after 1989. According to the official statistics, 380,000 former Bulgarian citizens in Turkey have re-acquired Bulgarian citizenship (Smilov & Jileva 2009: 19). Since the 1990s, the voting rights of dual citizens who are resident in Turkey stirred heated debates within Bulgaria. Bulgarian parties in the past 15 years have actively campaigned for the support of non-resident Turkish-Bulgarian dual citizens, who may vote either in Turkey (where 70 polling stations are established) or in Bulgaria. In the 2001 parliamentary elections, the votes from non-resident Bulgarian citizens in Turkey helped to elect three representatives of the liberal Movements for Rights and Freedoms, a party organised mostly by the members of the Turkish ethnic minority. External votes also helped MRF in the municipal elections. Voting rights of non-resident Turkish-Bulgarian citizens are now criticised by all opposition parties. In 2007 the opposition parties proposed that residence requirements should be introduced, so that the external Turkish citizens may no longer vote. According to 2007 statistics, more than 78 percent of Bulgarians supported the introduction of residency requirements. Although residency requirements have been introduced in the 2007 local elections, Turkish-Bulgarian dual citizens could still vote, since registering a permanent address in Bulgaria is a pure formality (*ibid.*: 20). The 2001 constitutional reforms introduced preferential acquisition policies for ethnic Bulgarians (among others, no residency is required and they may also retain their other citizenship) (*ibid.*: 13-14). Though the preferential naturalisation policies initiated a significant rise in the number of citizenship applications from ethnic Bulgarians (*ibid.*: 14), the Turkish diaspora still constitute the largest non-resident voting group. During the 2009 parliamentary elections, out of the 153,154 external votes 89,071 came from Turkey (*ibid.*: 21).

The case of Montenegro points to how certain citizenship rights, and especially those related to voting rights, may become derivative of an assessment of the political sympathies of certain ethnic groups. Montenegro adopted a restrictive law regarding multiple citizenship after opting for independence in 2006. The law limited possibilities for dual citizenship because there were worries that Serbian citizens exercising voting rights in Montenegro could influence elections in favour of unionists (with Serbia). Accordingly, the issue is still subject to heated political debates – among the pro-union and the pro-independence camp (Džankić 2010a: 8-9). While DPS, the ruling pro-independence party adopted a European rhetoric and is trying to follow European recommendations (e.g. from the European Council on the prevention of statelessness and the de-ethnicisation of citizenship),<sup>23</sup> the implementation of inclusive citizenship rules might face delays. External citizens of Serbia, if let into the Montenegrin electorate, are likely to vote against the pro-independence DPS, ‘due to their affiliation with Serbia’ (Džankić 2010a: 16). The negotiations with Serbia on dual citizenship are blocked not so much by the diplomatic tensions due to the recognition of Kosovo’s independence by Montenegro as much as the DPS’s fears of the effect of adding a certain 100,000 voters challenging the current governing majority (Džankić 2010a: 17). Given Serbia’s law on external citizenship, more than a third of Montenegrin citizens could become new citizens of Serbia (Rava 2010: 22).

<sup>23</sup> See the recent ratification of the Council of Europe’s Convention on the Avoidance of Statelessness in Relation to State Succession and the European Convention on Nationality (Džankić 2010c).

External citizenship debates are central to Serbian citizenship policies. Given the expansive stance of Serbian citizenship legislation (the 2004 Citizenship Act of Serbia<sup>24</sup>, which entered into force in 2005), one can interpret the text of the law in a way that ‘almost anybody from the region can theoretically become a citizen’, including all the refugees after the armed conflicts (Rava 2010: 23). Serbian citizenship policy clashes with the restrictive regulations of Montenegro, making it impossible to reach a consensus on (possible) dual citizens of the two states. Serbia does not grant access to the list of Serbian-Montenegrin dual citizens, at the same time Montenegro insists that the Montenegrin citizenship of those who have external Serbian citizenship will be terminated (Rava 2010: 22). With regard to external Serbs in Kosovo the problem is even more complicated. Although Serbia does not recognise Kosovo’s statehood and regards all Kosovo citizens as citizens of Serbia, it has agreed to European pressures to exclude external Serbs in Kosovo from the Schengen visa agreement with Serbia (Rava 2010: 25).

In Romania, the vague formulation of reacquisition rules allowed many in Moldova and Ukraine to (re)gain their Romanian citizenship. This concerns both former citizens and their descendants (Iordachi 2009: 187) and resulted in a grant of citizenship without the need for applicants to ever visit the country. According to statistics, in August 2003 approximately 300,000 Romanians in Moldova held dual citizenship (Iordachi 2004a: 128). Although subsequent modifications made acquisition harder for these applicants, since the amendments in September 2007 the number of acquisitions has reached a long-time time peak (Iordachi 2009: 197). Many ethnic Romanians in Moldova voted in the highly contested 2004 Romanian elections (Csergo 2004), and though the Moldovan constituency amounts only to a very small percentage of the total eligible voters in Romania, the external votes from Moldovan Romanians in the December 2009 presidential elections were seen to be decisive (Dumbrava 2009). Without the overwhelming support of the Romanian dual citizens in Moldova, incumbent president Traian Basescu would have lost office.

Though the failed 2004 referendum and the 2010 citizenship reform about extending citizenship for ethnic Hungarians living in the neighbouring states did not specify whether dual citizenship would entail voting rights, the Hungarian right wing parties supporting the initiative clearly hoped that the external constituency would help them stay in power (Kovács 2007: 100). As István Mikola, former Minister of Health of the Orbán government, noted before the 2006 elections, the centre right Fidesz party could ‘stay in power for twenty years’ by offering citizenship for the five million Hungarians in the diaspora (Heti Világgazdaság 2006). If ethnic Hungarians in the neighbouring countries are entitled to vote, the parties competing for power within Hungary will certainly try to get their support – by making promises that would be financed from public revenues paid by Hungarian resident citizens. In return, the political parties that would be helped into power by external voters, as happened in Croatian and Romanian elections, may introduce policies for the domestic, resident citizenry that would in no way affect those external voters who helped them into power. Such conflicts of interest in the long run could easily create tensions between the resident and the external citizenry.

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<sup>24</sup> Official Gazette of the Republic of Serbia, 135/2004.

## 8 Conclusion

In East Central Europe the institution of non-resident external citizenship is a practice that is at once widespread and widely contested. In our paper we have refrained from a discussion of normative arguments in favour of or against external citizenship and have focused rather on a descriptive account of existing practices. Nonetheless, in our sections on interstate tensions and voting rights we have indicated the topics of the controversies that surround external citizenship and the granting of external franchise.

In only a few cases of the several ones that we have discussed, was the granting of external citizenship prompted by the concern that former citizens of a given state with new borders (e.g. Russia or Serbia) would remain stateless if no other state would grant citizenship to these former citizens or by the fact that the granting of citizenship by the new states was tied to conditions, mainly language tests and residence requirements over a certain period (Ragazzi-Stiks 2010: 6, Krūma 2010: 5, Järve & Poleshchuk 2010: 5) that the former citizens could not fulfil. Even in the case of Russia and Serbia, eligibility for external citizenship was defined for a much wider constituency than the circle of those former citizens who would remain stateless without the external citizenship of the kin-state. In most other cases, as in Romania, Poland, Hungary and Croatia, external citizenship is granted to people who possess the citizenship of the state of their current residence. Under such circumstances the granting of external citizenship by kin states was motivated by, and justified with, dissatisfaction with the reconfiguration of borders and patterns of state succession in 1989, 1945 or 1918. Kin states belonging to this group regard transborder ethnic kin groups as ‘lost’ members of the nation to be recovered for the national community of the kin-state even if they had never resided, or set foot, in the territory of the kin state.

In some cases, as the Russian or the Romanian ones, the process of granting external citizenship started out as an expansive policy that was based on the idea of the restitution of former citizenship transmitted through several generations. Romania initially offered external citizenship not only to ethnic Romanians in Moldova, but to all current residents of Moldova. Likewise, Russia initially offered external citizenship not only to ethnic Russians outside Russia, but to all those who had been citizens of the Soviet Union until 1989. However, in both of these cases it is possible to observe the trend of ethnicisation with eligibility for external citizenship being narrowed down to people that are ethnic kin groups of the kin state.

All of this has to do, in large part, with size. Given the history of border creation in the region, even the size of ethnic kin communities eligible for external citizenship is so significant that – unlike in most of Western Europe – external citizens who are considered ethnic kin and, in certain cases, external kin voters may represent an unusually large voice in influencing relevant policies of the kin state. The few states that have experimented with offering restitution of their citizenship to external residents regardless of ethnic affiliation, and thus to an even larger constituency than the size of their kin-populations, seem to have realised the need to move away from such policies.

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**Annex: Table 2 Preferential Citizenship and External Voting Rights in East Central European Countries**

Country	General rules of acquisition: residency requirement	Multiple citizenship allowed (in principle)	Foreign citizenship allowed if naturalising (no obligatory renunciation or automatic loss)	Loss of citizenship if acquiring foreign citizenship	Cultural affinity-based preference exists?	Who qualifies for this preference	Citizenship for non-residents (external citizenship possible)	Quasi citizenship regulation exists	External voting possible
Bosnia & H.	8 years	no (exc.: bilateral agr. w/ Serbia and Sweden, but not w/ Croatia)	no (same exc.)	yes	no	in Rep. Srpska: persons who resided in the country on 6/4/92 but moved to the Republic of Srpska by 1/1/98 (not federal cit.)	no	no	yes
Bulgaria	5 years	yes (cannot become pol. candidate)	no (exc.: cultural affinity-based acquisition)	no	yes	at least one of his or her ancestors ethnic Bulgarian parents and grandparents: birth certificates, their mother tongue, membership in Bulgarian institutions (Bulgarian Church, schools), former Bulgarian citizenship etc.	yes	yes (2000 Law on Bulgarians Living outside the Republic of Bulgaria)	yes
Croatia	5 years	yes	no	no	yes	ethnicity: declaration, documents of SFRY or republican authorities, Catholic Church certificates	yes	-	yes

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Country	General rules of acquisition: residency requirement	Multiple citizenship allowed (in principle)	Foreign citizenship allowed if naturalising (no obligatory renunciation or automatic loss)	Loss of citizenship if acquiring foreign citizenship	Cultural affinity-based preference exists?	Who qualifies for this preference	Citizenship for non-residents (external citizenship possible)	Quasi citizenship regulation exists	External voting possible
Czech Rep.	5 years	no (exc.marriage or birth)	no	no	no	-	no	no	yes
Estonia	8 years (5 years permanently)	no	no	yes	no (formerly exc. from taking language test)	-	no	no	yes
Hungary	8 years (with permanent residence permit)	yes	yes	no	yes	declaration	from 20/8/2010 for ethnic Hungarians	yes (2001 Law on Hungarians Living in the Neighbouring Countries, 'Status Law')	yes
Latvia	5 years	yes (ambiguous)	no	yes	yes (5 years residency requirement, but exc. from other requirements)	citizens of Lithuania or Estonia in 17/6/1940 or of Poland in 1/9/1939 and their descendants	no	no	yes
Lithuania	10 years	no (with few exceptions, including descendants)	no	yes	yes	Lithuanian citizens before 15/6/1940 and left the country from 15/6/1940 to 11/3/1990, their children, grandchildren and great-grandchildren	yes	no	yes
Macedonia	8 years	yes	no (exc. spouse and emigrant)	no	no	-	yes (emigrant)	no	no
Moldova	10 years	yes (in certain cases)	no (with exceptions including int'l agreements)	no	yes (recognition)	descent, specific historical regions	no	no	yes

Country	General rules of acquisition: residency requirement	Multiple citizenship allowed (in principle)	Foreign citizenship allowed if naturalising (no obligatory renunciation or automatic loss)	Loss of citizenship if acquiring foreign citizenship	Cultural affinity-based preference exists?	Who qualifies for this preference	Citizenship for non-residents (external citizenship possible)	Quasi citizenship regulation exists	External voting possible
Montenegro	10 years	only under reciprocity	yes	yes (exc.: int'l agreement)	no	-	no	no	no
Poland	5 years (w/ permanent residence permit)	ambiguous (no sanction for mere holding)	no (w/ exceptions for certain states)	yes	yes (2000 Repatriation Act; external, specific countries: Asiatic rep.s + invitation letter from spec. inst.s)	former Polish citizens or one parent or grandparent or two great-grandparents ethnic Poles or held Polish citizenship (+ declaration of Polish ethnicity, proof of attachment to Polish culture by nurturing Polish language, traditions and customs)	no (repatriation visas 'activated' on entering Poland)	yes (2007 Act on the Polish Ethnicity Card)	yes
Romania	8 years	yes (excluded from holding public office)	yes	no	not express (reacquisition based on territory)	inhabitants of the former SSR of Moldova, and of the provinces of Northern Bukovina and Southern Bessarabia in the Ukraine (former citizens + descendants to two degrees)	yes	yes (1998 Benefit Law)	yes

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Country	General rules of acquisition: residency requirement	Multiple citizenship allowed (in principle)	Foreign citizenship allowed if naturalising (no obligatory renunciation or automatic loss)	Loss of citizenship if acquiring foreign citizenship	Cultural affinity-based preference exists?	Who qualifies for this preference	Citizenship for non-residents (external citizenship possible)	Quasi citizenship regulation exists	External voting possible
Russia	5 years	yes	no (exc.: int'l treaties)	no	yes (simplified procedure)	former USSR citizens (vocational school students, served in the army etc.)	yes	N/A	yes
Serbia	3 years	yes	no (exc.: cultural affinity-based acquisition)	no	yes	emigrants and their families; persons of Serbian ethnicity; Serbian residents born in SRFY who fled from another Yugoslav republic	yes	no	no
Slovakia	8 consecutive years	yes	no	yes (amendment in 2010, new gov't considering repeal)	yes (3 years residency requirement)	'Slovak living abroad' (national awareness, direct ancestor or Slovak ethnicity)	no	yes (1997 Act on Expatriate Slovaks, 'Slovaks Living Abroad')	no
Slovenia	10 years (last 5 years w/o interruption + 'settled status')	yes	no (exc.: cultural affinity-based acquisition + EU if reciprocity)	no	yes (1 year residency requirement)	three generations direct descent	no	yes (2006 Slovenians Abroad Act)	yes

Source: The table is based on data from the EUDO databases and country reports (<http://eudo-citizenship.eu>) and IDEA 2007

