Štiks, Igor. "Notes." *Nations and Citizens in Yugoslavia and the Post-Yugoslav States: One Hundred Years of Citizenship*. London: Bloomsbury Academic, 2015. 194–202. *Bloomsbury Collections*. Web. 26 Apr. 2023. <<http://dx.doi.org/10.5040/9781474221559.0005>>.

Downloaded from Bloomsbury Collections, www.bloomsburycollections.com, 26 April 2023, 14:59 UTC.

Copyright © Igor Štiks 2015. Released under a CC BY-NC-ND licence (<https://creativecommons.org/licenses/by-nc-nd/3.0/>). You may share this work for non-commercial purposes only, provided you give attribution to the copyright holder and the publisher, and provide a link to the Creative Commons licence.

Notes

Introduction

- 1 Some authors suggest different analytical understandings of citizenship and its various dimensions. Christian Joppke (2007) sees citizenship as status, as rights and as identity. Rainer Bauböck (2001) understands it as membership, rights and practices, whereas Richard Bellamy defines citizenship as rights, belonging and participation (2004). Finally, Seyla Benhabib (1999) segments citizenship into collective identity, political membership and social rights and claims.
- 2 For detailed histories of pre-modern citizenship, see, for instance, Pocock (1998) and Shafir (1998).
- 3 Here I am drawing upon the understanding of citizenship regime that I developed together with Jo Shaw (in Shaw and Štiks 2010, 2012, 2013b).
- 4 Many papers and studies are available on the website of the project, www.citsee.law.ed.ac.uk and the project's web magazine 'Citizenship in Southeast Europe', www.citsee.eu.

Chapter 1

- 1 Writers continued to enjoy this dubious privilege during the communist period too, albeit under a different ideological arrangement: they became in Stalin's famous words 'engineers of human souls', whether they were loyal to the regime or its dissidents. For more on this and the serious challenges to the writers' traditional societal role in post-communism and the various strategies they deploy to 'remain relevant' under new circumstances, see Wachtel (2006).
- 2 One should not forget another important political actor in late nineteenth-century Croatia, namely a very strong pro-Hungarian current in favour of closer political unity between Hungary and Croatia within the Dual Monarchy.
- 3 One should not forget to mention here Matija Ban, a writer and diplomat from Dubrovnik, who was a partisan of the Yugoslav cause and had strong ties with nascent Serbian state. He worked closely with Garašanin and lived in Belgrade where a part of the city is still called after him – *Banovo brdo* or Ban's Hill.
- 4 For more details on the first years of the political life in the Kingdom of Serbs, Croats and Slovenes, see Banac (1984), and for an analysis of political developments until 1941, see Djokić (2007).

- 5 The most important treaties are the Peace Treaty of St.-Germain-en-Laye with the Republic of Austria signed on 10 September 1919; the Peace Treaty of Trianon with Hungary signed on 4 June 1920; and the Peace Treaty with Bulgaria signed on 27 November 1919 in Neuilly-sur-Seine. The treaty between the Kingdom of Serbs, Croats and Slovenes and the Kingdom of Italy was signed in Rapallo on 12 November 1920.
- 6 Interestingly, when the law on Croatian domicile or *zavičajnost* was introduced in 1880 within the Hungarian kingdom, it was already interpreted by some politicians and jurists as a form of Croatian citizenship since it involved electoral rights and the right to exercise public functions which was not possible for those not having *zavičajnost* in Croatia (Čepulo 1999).
- 7 Official Gazette 254/1928. The full text of the Law also available in Tepić and Bašić (1969: 105–130).

Chapter 2

- 1 There has been a surge of interest in Austro-Marxism and the theory of non-territorial national cultural autonomy within the fields of nationalism, multiculturalism, transnationalism and diaspora studies. Somewhat belated proof of this trend is the long overdue first English translation of Otto Bauer's *The Question of Nationalities and Social Democracy* (2000).
- 2 It is hard not to notice again a certain similarity with the federalization of the Communist Party of Yugoslavia and the future *League* of Communists of Yugoslavia.
- 3 The Resolution and many other documents to which I refer in this and subsequent chapters are published partially or entirely in Kobsa, Koprivnjak and Šaškor (1978). For the Tivoli Resolution, see Kobsa et al. (1978: 173–174).
- 4 For detailed accounts and analysis of the debates on the national question within the CPY, see Perović for the period until 1923 (1984), Vlačić for the period until 1927 (1984) and Haug for the inter-war years (2012: 17–57). For original documents, see Vlačić for the period between 1919 and 1945 (1974) and the above-mentioned anthology (Kobsa et al. 1978).
- 5 It is hard to know whether it was this theoretical confrontation with Stalin, or simply the fact that he found himself as an international communist in Moscow at the end of the 1930s, that sealed his fate. Marković disappeared in Stalin's purges in 1939. He was posthumously rehabilitated in 1958 (see Lazitch and Drachkovitch 1986: 303).
- 6 Parts of Tito's speech are quoted in Connor (1984: 146–147). Connor, in his turn, refers to Stephen Clissold's book *Whirlwind: An Account of Marshall's Tito's Rise to Power* (1949) which fails to cite the source.

- 7 This was the fate of several hundred Yugoslav communists who found themselves in the USSR at that time. Miroslav Krleža would later refer to the shadows of his comrades and friends as 'my Siberian graves.' Tito not only survived the purges but Moscow appointed him in 1937 secretary general of the CPY. The fact that the majority of Yugoslav communists perished in the USSR while Tito was sent by Stalin to take over the Party leadership cast a shadow of doubt on Tito's true role during the purges (see Djilas 1980: 28–29). However, Milovan Djilas' personal opinion is 'that Tito's participation in the purges was limited'.
- 8 Connor does not miss an irony of history in Tito's speech: 'Had the purged Marković been present, he would have undoubtedly found it a bit droll to hear himself criticized in a speech denigrating separatism and extolling autonomy' (Connor 1984: 146).
- 9 The anti-fascist council for this region was abolished in March 1945 and the territory of Sandžak (predominantly populated by Muslims) was divided between Serbia and Montenegro.
- 10 At that time the list did not include the Slavic Muslim population of Yugoslavia as a separate nation. Muslims were seen as a specific ethnoreligious group that belonged to the Serbian, Montenegrin and Croatian nations. This view would change in the 1960s.

Chapter 3

- 1 Pijade also chaired the committee that prepared the Constitutional Law of 1953.
- 2 *Službeni list DFJ* (Official Gazette of Democratic Federal Yugoslavia 64/1945). The law was confirmed and amended on 5 July 1946, *Službeni list FNRJ* (Official Gazette of Federal People's Republic of Yugoslavia 54/1946). The law was further amended and revised in 1947 (OG of FPRY 104/1947) and twice in 1948 (OG of FPRY 88/1948 and 105/1948).
- 3 'The Law on the Deprivation of Citizenship for Officers and Non-Commissioned Officers of the Former Yugoslav Army Who do not Want to Return to the Homeland, and for the Members of Military Forces Who Have Served for the Enemy and Have Defected Abroad' (this law also entailed the confiscation of goods; it was invalidated in 1962), Official Gazette of FPRY 88/1948 and 22/1962.
- 4 Official Gazette of FPRY 104/1947.
- 5 The citizenship of these groups was later defined by the Memorandum of Understanding between the Government of Italy, the United Kingdom and Yugoslavia which divided the Free Territory of Trieste (1947–1954) between Italy and Yugoslavia (Official Gazette of FPRY Supplement 6/1954). Their status was later regulated by the 1975 Osimo Treaty between Italy and Yugoslavia (Jovanović 1977: 27–31; Medved 2007: 215; Medvedović 1998: 32).

- 6 See, for instance, *Narodne Novine* [Official Gazette of Socialist Republic of Croatia], No. 7/1990.
- 7 The only exception to the general rule of republic-level registers of citizens was the case of foreigners granted Yugoslav citizenship at a Yugoslav embassy who were residing abroad. Once they established their residence in Yugoslavia, they were also entered into the register of the republic in which they resided.
- 8 Official Gazette of Socialist Federal Republic of Yugoslavia 38/1964 (corrections in 42/1964).
- 9 Official Gazette of SFRY 58/1976.
- 10 *Narodne novine* (Official Gazette of People's Republic of Croatia) 23/1950.
- 11 Official Gazette of Socialist Republic of Croatia 13/1965.
- 12 Official Gazette of Socialist Republic of Croatia 32/1977.
- 13 Obviously, between 1965 and 1977 the automatic acquisition of republican citizenship was not the rule if only one parent had Croatian citizenship, even if a child was born in Croatia. On changes in the Croatian law on republican citizenship and administrative practices between 1950 and 1991, see the report on Croatia in UNHCR 1997.
- 14 The Party's promotion of Yugoslavism in the 1950s and its abandonment in the mid-1960s are discussed below.

Chapter 4

- 1 These units played the crucial role in 1991 and 1992 during the armed conflicts between by then the Serb-controlled federal army (JNA) and Serb paramilitaries on one side, and Slovenian, Croatian and Bosnian authorities and their territorial defence forces on the other.
- 2 For incriminating parts of his speech, see the obituary, 'In Memoriam Professor Mihailo Đurić (1925/2011): Jedna tragična paradigma [One Tragic Paradigm]', *Vreme*, 1 December 2011, <http://www.vreme.co.rs/cms/view.php?id=1022041> [Accessed 5 October 2014]. See also Haug 2012: 275–280.
- 3 I slightly amended the translation.
- 4 Around 80,000 candidates were competing for seats in all chambers of the republics and provinces (2,769 seats) and the communal assemblies (40,279 seats) (Lampe 2000: 306–307).
- 5 *A Platform for the Preparation of Views and Decisions of the Tenth LCY Congress* [Platforma za pripremu stavova i odluka Desetog kongresa SKJ] (in Kobsa et al. 1978: 364).
- 6 Interestingly, the Macedonian law on citizenship from 1977 in its first article states that 'for citizens of the Socialist Republic of Macedonia citizenship of the Socialist

Republic of Macedonia is provided', without mentioning the federal citizenship (*Official Gazette of the SR of Macedonia 19/1977*).

- 7 In Yugoslavia, nevertheless, *residence* never became as important for determining citizenship status as it is, for instance, in the US legislation, or as it was in the USSR. American citizens change their state citizenship *automatically* if they move to another state within the United States. There is also a legal possibility for Americans to possess only federal citizenship if a citizen, for example, lives abroad (Neuman 2003: 152–153). Obviously, this type of legislation is more appropriate to federal nation-states in which the primacy of the federal citizenship is clearly stated.
- 8 The whole affair is documented in Laura Silber and Alan Little's *The Death of Yugoslavia* (1995) and the BBC's documentary of the same name (1995).

Chapter 5

- 1 It is interesting to note in the context of linguistic conflicts that at the same time, in April 1967, the Federal Assembly introduced simultaneous translation enabling delegates to speak in their mother tongue if it was one of the languages of Yugoslav peoples or national minorities. Therefore, Yugoslavia, after the Swiss parliament, became the second multilingual parliament in Europe (Hondius 1968: 328–329), a practice that preceded the current multilingual communication in the EU institutions.
- 2 'The Scholars' Initiative: Confronting the Yugoslav Controversies'; the reports on different aspects of Yugoslavia's dissolution are available at www.cla.purdue.edu/si [Accessed on 5 October 2014].

Chapter 6

- 1 The fact that Spain was a unitary state before the first elections helped polity-wide parties to emerge. Moreover, these polity-wide parties predated Franco's destruction of the Spanish republic. It is also equally important to note that the Spanish kingdom is a long-standing territorial unit on the map of Europe, whereas the USSR – although one could argue that it was a successor state to the Russian Empire – Yugoslavia and for that matter, Czechoslovakia – which held its first general elections simultaneously with regional elections and also disintegrated – were all established towards the end of the First World War.
- 2 In 1990, the Yugoslav average unemployment was at 15.9 per cent (in Woodward 1995b: 384): Bosnia (20.6 per cent), Montenegro (21.6 per cent), Macedonia (22.9 per cent), Kosovo (38.4 per cent), Vojvodina (16.6 per cent), Serbia proper (16.4 per cent), Croatia (8.6 per cent) and Slovenia (4.8 per cent).

Chapter 7

- 1 Among the most relevant and/or most quoted works are Little and Silber (1995), Glenny (1993), Malcolm (1996), Ramet (1992, 2002), Woodward (1995a), Cohen (1995) and Wachtel (1998).
- 2 This imbalance of power was illustrated by Serbia's insistence on keeping Vojvodina's and Kosovo's seats in the collective Presidency. It became clear that when Milošević had political control over not only Serbia proper, Vojvodina and Kosovo, but also Montenegro, that the balance of power had changed drastically. Serbia now confronted the other four republics with four votes out of eight in the Presidency and hoped furthermore to capitalize from the fact that the Bosnian representative (Bogić Bogićević) was an ethnic Serb, during the critical months in 1991. At the key meeting of the Presidency called by the federal army (JNA) after the demonstrations in Belgrade in March 1991, the JNA demanded that the Presidency declare a state of emergency. Bogićević surprisingly defied both the federal army chiefs and the Serb leaders by refusing to use Bosnia's decisive fifth vote to sanction a large military intervention. This was a rare example of the prevalence of civic over ethnic loyalty. The paralysis of the collective Presidency culminated in Serbia's refusal to recognize the Croatian candidate Stjepan Mesić as President, even though it was Croatia's turn to take over the presidency of Yugoslavia.
- 3 The Serb Democratic Party (SDS) was established in both Croatia and Bosnia and was under the direct influence of Milošević who was already perceived (and often portrayed himself) as not only the leader of Serbia but of *all* Serbs. Similarly, Tudjman's Croatian Democratic Union (HDZ) founded a Bosnian branch and Tudjman, though the president of the Republic of Croatia, fashioned himself as the 'president of all Croats'. Alija Izetbegović's Party of Democratic Action (SDA) founded Sandžak and Croatian branches as well with a goal of politically representing ethnic Muslims (later Bosniaks) in and outside Bosnia.

Chapter 8

- 1 According to the exhaustive database of the Research and Documentation Centre in Sarajevo (IDC). For war victims in Croatia see 'Documenta' research centre publications at www.documenta.hr.
- 2 Russia broke this initial agreement by recognizing Abkhazia and South Ossetia in 2008.

Chapter 9

- 1 On the citizenship laws of the USSR, see Ginsburgs (1983). For more on new citizenship laws by the Soviet Union successor states, see Brunner (2001) and Shevel (2009).
- 2 According to the UNHCR (July 1993), there were between 400,000 and 500,000 stateless persons living in Estonia as of 30 March 1993. During the EU accession process, Latvia and Estonia removed some restrictions and amended their citizenship laws to allow non-citizens to apply for citizenship. Nevertheless, language requirements remain a huge problem for non-native speakers (Jackson 2004). There are still 370,000 stateless persons in Estonia and Latvia today, according to the UNHCR, see 'Statelessness in Europe', <http://www.unhcr.org/pages/4e12db4a6.html> [Accessed 9 October 2014].
- 3 I am grateful to Rainer Bauböck for this suggestion.
- 4 The European Union Observatory on Democracy – Citizenship, a research project based at EUI in Florence (for more information on the project see www.eudo-citizenship.com), obtained the official statistics from the Croatian Ministry of the Interior that confirm that between 1991 and 2010, 1.11 million persons acquired Croatian citizenship (800,000 of them originate from Bosnia-Herzegovina). For other sources, see UNHCR (1997) and Omejec (1998).
- 5 Both Serbia and Montenegro retained old republican-level laws on Serbian citizenship (dating back to 1979; amended in 1983) and Montenegrin citizenship (from 1975). Montenegro changed its law on republican citizenship in 1999 and Serbia only in 2004.
- 6 According to some estimates, up to 300,000 non-Slovene residents lived in Slovenia in 1991. Obviously, the idea of having such numerous 'non-autochthonous minorities', as they are called in the Slovenian constitution, consisting of Croats, Serbs, Bosnian Muslims, Albanians and Roma from other Yugoslav republics, was problematic for the administration of the first Slovenian independent state. Some 170,000 of this group regulated their status, whereas the status of the others remained unresolved. Many of them left Slovenia (e.g. federal army personnel and their dependents, others with non-regulated status), but those who remained in Slovenia and did not apply for or obtain the new citizenship in time were later *erased*.
- 7 Although in April 2003 the Constitutional Court of Slovenia ordered the administration to immediately issue permanent residence status to this group, the whole case became highly politicized with the right-wing government showing a lack of will to resolve the issue. In recent years, the centre-left administration apparently started to solve the remaining cases. It is expected that the 'erased' chapter will be closed after the European Court of Human Rights in July 2010

found Slovenia guilty of breaching the European Convention on Human Rights and Fundamental Freedoms in the case *Kurić and others v. Slovenia* (initially known as *Makuc and others v. Slovenia*; see Deželan 2013). The Court's Grand Chamber unanimously confirmed the verdict on 26 June 2012.

- 8 We should add that Albanians in Macedonia boycotted the referendum on Macedonian independence in 1991, held their own referendum on the creation of their own autonomous region, but eventually, although grudgingly, accepted Macedonian institutions. In 2001, Albanian armed rebellion in Macedonia played again with the prospect of self-exclusion. Both times – either peacefully or violently – the prospect of self-exclusion was mostly used to gain more political rights.
- 9 Besides minor corrections, the Croatian citizenship law had not been changed since its creation in 1991 until very recently. In late October 2011, during the last session of the outgoing Croatian parliament before the new elections, the right-wing majority voted for new changes to the law without a public or significant parliamentary debate. Among others, these changes make the acquisition of citizenship harder for permanent residents (requiring eight instead of five years of continuous residence) and introduced clearer criteria for ethnic Croat applicants (in terms of documents needed to prove their ethnic belonging) and Croat emigrants (limiting the right to Croatian citizenship to the third generation). In other words, the basic ethnocentric character of Croatian citizenship has not been questioned.
- 10 Derived from File: Former Yugoslavia 2006.png by Dudemanfellabra at en.wikipedia, author: Ijanderson977.

Chapter 10

- 1 The first major intervention affecting the totality of Serbian citizens on the territory of internationally administered Kosovo and the first move towards the establishment of a separate body of Kosovo residents/citizens was initiated already in 2000. UNMIK issued a regulation establishing the Central Civic Registry for 'residents of Kosovo' and had been issuing new Kosovo identification cards and travel documents that, as it was stated, did not determine a resident's citizenship (see Krasniqi 2013a).
- 2 Since the visa liberalization, some EU states such as Belgium and Germany faced the problem of an increased number of asylum seekers from Macedonia (mainly ethnic Albanians), Serbia and Bosnia. The issue of large numbers of (mainly Roma) asylum seekers from Serbia is constantly raised in the European Parliament as well as the possibility of abolishing the visa-free regimes for some states.

- 3 There is a lot of anecdotal evidence that Kosovans go to southern Serbian municipalities and obtain biometric visa-free Serbian passports there. In a separate development, Albania recently changed its citizenship law paving the way for many ethnic Albanians to acquire Albanian citizenship. However, the amendments explicitly exclude the largest group of ethnic Albanians, namely those from Kosovo (1.8 million), from acquiring visa-free Albanian passports. The move was clearly motivated by a fear (or a threat?) that the EU might put Albania back on the Schengen blacklist. See Krasniqi, G., 'Albania to Grant Citizenship to Ethnic Albanians in the Neighbourhood and Diaspora', *Citizenship in Southeast Europe*, 5 July 2013, <http://citsee.eu/blog/albania-grant-citizenship-ethnic-albanians-neighbourhood-and-diaspora> [Accessed 10 October 2014].
- 4 Marušić, S. J., 'More Macedonians Apply for Bulgarian Citizenship', *Balkan Insight*, 5 August 2014, <http://www.balkaninsight.com/en/article/more-macedonians-apply-for-bulgarian-citizenship> [Accessed 10 October 2014].
- 5 Thorpe, N., 'Hungary Creating a New Mass of EU Citizens', *BBC*, 7 November 2013, <http://www.bbc.com/news/world-europe-24848361> [Accessed 10 October 2014].