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1. Croatia in the 1918-1941 period- historic context

1.1. The end of The Great War

The historic period of 1918 to 1941 in Croatia is remembered by large-scale political and ethnic turmoil. During the Great War the Croatian territories were part of the Austro-Hungarian Monarchy which was in rapid decline. The decline and the eventual breakup of the Monarchy was influenced by various factors. *"A significant influence was posed by the Yugoslav committee founded in Paris on the 30th of April 1915 which was comprised of 15 Croatian, Slovenian and Serbian political immigrants from the Austro-Hungarian Monarchy. The committee was led by Ante Trumbić, a Croatian politician of Dalmatian origin."*¹ The other factor of great importance was the Kingdom of Serbia whose post-Great War goal was defined as *"liberation of all non-free brothers Serbs, Croats and Slovenes."*

1.2. The State of Slovenes, Croats and Serbs

The military failures of the Austro-Hungarian army towards the end of the Great War led to a declining political stability in the Monarchy and consequently led to the formation of the People's councils of Slovenes, Croats and Serbs living in the Monarchy. *"As the situation progressed, the self-proclaimed "Croatian state parliament" on the 29th*

¹ ČEPULO, Dalibor: *Hrvatska pravna povijest u europskom kontekstu [Croatian Legal History in the European Context]*. Zagreb, 2021, Pravni fakultet Sveučilišta u Zagrebu, p. 203.

of October, 1918 issued a one-sided declaration on severing all ties between the Kingdom of Croatia, Slavonia and Dalmatia on one side, and the Kingdom of Hungary and the Austrian Empire on the other.”² In reality, the political situation for the State of Slovenes, Croats and Serbs was untenable. The Kingdom of Serbia was the only member of the Entente, which recognised the “People’s council of SHS” as the States’ legitimate government. Moreover, the Italian army was preparing an invasion on the Dalmatian coast based on the secret “London agreement” signed in 1915, a scenario that would mean the end of the State of Slovenes, Croats and Serbs. The unification with the kingdoms of Serbia and Montenegro was the only realistic option for preserving the State’s territorial integrity.

1.3. The Kingdom of Serbs, Croats and Slovenes

The National Council of the State of SHS issued the “Address” in which it expressed its interest in forming the joint state with the Kingdom of Serbia and the Kingdom of Montenegro under the rule of the king Peter, the ruler of Serbia. Later on, the unification happened by the “1st of December act” on the same date in 1918. “Part of the Croatian politicians did not accept the 1st of December act, most notably Stjepan Radić who, among others, claimed that the act is not legally binding.”³

1.4. The Banovina of Croatia

The constant political instability and the looming danger of another world war meant that the collapse of the Kingdom of Yugoslavia is imminent. The only realistic solution of this crisis was to begin a process of decentralisation. Therefore, “...the regency appointed moderate politician Dragiša Cvetković as a prime minister to try to come to

² *Ibid.*, p. 258.

³ *Ibid.*, pp. 262–263.

an agreement with the Croats and solve the Croatian question.” After negotiations, the Cvetković- Maček agreement was approved by the regency on the 24th of August 1939.”⁴

The Banovina of Croatia’s borders were drawn along the lines of the lands historically inhabited by the Croatian ethnic group. The state enjoyed legislative and judicial autonomy while being governed by a Croatian “ban”, Ivan Šubašić.

2. Citizenship in the State of Slovenes, Croats and Serbs and earlier

*“With the kingdoms of Croatia, Slavonia and Dalmatia breaking their ties with the rule of the Hungarian crown comes the end of uniform citizenship for all inhabitants of the lands of the Hungarian realm.” “Until the unification of the State of SHS with the Kingdom of Serbia and the Kingdom of Montenegro into the Kingdom of SHS on the 1 of December 1918, the citizenship was determined solely by belonging to the State of Slovenes, Croats and Serbs.”⁵ Before this, the citizenship was determined by the “local citizenship” principle that determined the citizenship of a certain individual based on belonging to a certain homeland or a region. The reason for this was in the fact that a reliable system for determining citizenship simply did not exist. As an additional principle for determining citizenship, the Law on Hungarian citizenship of 1880 prescribed a *praesumptio iuris* of everyone born, found or raised within the lands of the Hungarian crown as a citizen.⁶*

3. Effects of peace treaties with Austria and Hungary

⁴ *Ibid.*, pp. 276–277.

⁵ KOSNICA, Ivan: Definiranje državljanjskog korpusa na hrvatsko-slavonskom području u Kraljevini SHS/Jugoslaviji [Defining the civic corps in the Croatian-Slavonian area in the Kingdom of SHS/Yugoslavia]. *Zbornik Pravnog fakulteta Sveučilišta u Rijeci*. 2018, vol. 39., no. 2., p. 812. <https://doi.org/10.30925/zpfsr.39.2.4>

⁶ *Ibid.*, p. 811.

The post-first world war peace treaties⁷ between the Kingdom of SHS and Austria and Hungary was a turning point in defining Croatian citizenship in the now established Kingdom of SHS. The new system defined that everyone who had local citizenship until the 1st of January 1910 and kept it until the Treaty of Trianon was put into effect, had to be considered as a citizen of the Kingdom of SHS.⁸ Consequently, the new system reduced relevance of local citizenship as a reliable means of determining of citizenship if acquired after 1st January 1910.

4. The law of citizenship of 1928

In the Kingdom of SCS there was one uniform citizenship for all inhabitants of the Kingdom from the very beginning of the state.⁹ However, the authorities unified the rules about this citizenship only by the Law on citizenship of the Kingdom of SCS of 1928. This Law *"contained important rules for defining citizenship in article 53 which differentiated two initial groups of citizens from the Croatian and Slavonian area of the Kingdom. The first group consisted of all those who received citizenship before the Law on citizenship of the Kingdom of SCS of 1928 came into effect. In this group were included all persons who had citizenship of the Kingdom of Croatia and Slavonia until the 1st of December 1918 and did not lose it based on the peace treaties."...*"*Second group of citizens were those who filed a request for naturalisation. The Law granted citizenship to all Croats, Serbs and Slovenes who filed a request for citizenship under the assumption that they are of age, "of good behaviour" and "able to provide for themselves and their families".*¹⁰ Furthermore, the authorities granted citizenship to all Slavs who submitted a request for naturalisation and lived on the territory of the Kingdom for at least 20

⁷ GOSZTONYI, Gergely: Az első világháború után [After the First World War]. In: MEZEY, Barna – GOSZTONYI, Gergely (eds.): *Magyar alkotmánytörténet [Hungarian constitutional history]*. Budapest, 2020, Osiris Kiadó, p. 333.

⁸ KOSNICA, 2018, *op. cit.*, p. 815.

⁹ *Ibid.*, p. 812.

¹⁰ *Ibid.*, p. 823.

years.¹¹ It is also important to mention that authorities treated Russian immigrants favourably in terms of receiving citizenship in the Kingdom. They considered that, due to their Slavic heritage, their cultural assimilation would be easier.¹²

5. Citizenship in the Banovina of Croatia

The formation of the Banovina of Croatia as a "state within a state" in 1939 was the first and last step in the process of decentralisation of the Kingdom of Yugoslavia. *"It's territory was determined by using both ethnic and historical principles,"*¹³ meaning it encompassed lands historically inhabited by the Croatian ethnic group. Although the Banovina had a wide legislative and judicial autonomy, no significant changes related to the concept of national citizenship occurred since its citizens were still citizens of the Kingdom of Yugoslavia.

6. Conclusion

The paper followed and defined changes of the citizenship status in Croatia in the period from 1918 to 1941. Upon analysis of available information on the topic of citizenship status in Croatia it is evident that the most significant change occurred at the beginning of the given time period marked by the collapse of the Austro-Hungarian Monarchy. From then on evident is abandoning of the concept of "uniform citizenship" for all inhabitants of the Hungarian realm and replacing it with belonging to the new State of SHS. Further changes followed as the Treaty of Trianon came into effect while

¹¹ *Ibid.*

¹² KOSNICA, Ivan: Odnos državljanstva i nacionalne pripadnosti u Kraljevini SHS/Jugoslaviji [Relationship between citizenship and nationality in the Kingdom of SCS / Yugoslavia]. *Zbornik Pravnog fakulteta u Zagrebu*. 2018, vol. 68., no. 1., p. 77. <https://doi.org/10.3935/zpfz.68.1.03>

¹³ ČEPULO, *op. cit.*, p. 278.

the process of defining citizenship in the Kingdom of SHS was largely finalised with the introduction of the Law of citizenship in 1928. The period covered by this paper historically ends in 1941 with the Axis powers invading Yugoslavia and dividing it into spheres of interests and various puppet states in 1941, an event that completely redefined the citizenship status in Croatia.