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The Governance of Citizenship Practices in the Post-Yugoslav States: The Impact of Europeanisation. European Politics and Society.

OPEN ACCESS

The governance of citizenship practices in the post-Yugoslav states: the impact of Europeanisation

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This special issue examines the governance of citizenship and citizenship-related issues in the context of complex and sometimes contested processes of Europeanisation in and across the new states of South East Europe. The basic premise for the research was the centrality of the construction and governance of its citizenship regime for each new state that emerged during the course of the progressive break up of the Socialist Federal Republic of Yugoslavia (SFRY) from 1991 onwards. Each new state established the laws and policies necessary to determine not only who were the initial citizenry of the state, but also how citizenship was acquired (and sometimes lost) at birth, through residence (or non-residence), via descent, and through other recognised connections such as 'special qualities'. However, the study of citizenship necessarily goes beyond these narrow boundaries, looking at other types of 'quasi' statuses such as permanent residency as well as informal ideational and ideological aspects of citizenship policies. And while the starting point for such citizenship studies may be the status elements of membership, it quickly becomes evident that the enjoyment of citizenship can never fully be dissociated from its rights and identitarian elements.

The preliminary mapping of the formal and informal elements of these new regimes through detailed country case studies was the primary focus of a first phase of work by the team working on the project *The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia (CITSEE)*.[1] One task of the work (Shaw and Štiks, 2012a) was that of highlighting for scholars of citizenship more generally the importance of mainstreaming the cases of new state formation in Europe within the body of scholarship which attempts to understand the functions and structure of citizenship laws and practices, and to provide typologies which explain the main currents. In fact, as Shaw and Štiks (2012b, p. 309) have argued:

> The post-Yugoslav landscape offers a unique situation when it comes to citizenship. It is simultaneously a post-socialist, post-partition and post-conflict region which has witnessed, over the last 20 years, multiple processes of disintegration, successful and unsuccessful attempts at secession, and a huge variety of internal political and territorial arrangements.

Thus the case of the former Yugoslavia is an important complement to comparative studies of citizenship regimes, even though it is hard to shoehorn

these cases into simple typologies of civic or ethnic, restrictive or liberal approaches to citizenship acquisition and loss.

At the same time, the work of CITSEE has demonstrated to scholars of the former Yugoslavia, and of Balkan studies more generally, the importance of the citizenship dimension – that is, the formal question of who is included and who is not included both at the moment of state formation and on an ongoing basis as well as the reasons behind the grant or denial of citizenship status. This forms an important baseline for polity and demos building not only around issues such as voting, elections and political parties, but also for the purposes of immigration and refugee issues (Džankić, 2014; Krasniqi, 2012; Sardelić, 2015; Djordjević, 2015). It also has state security dimensions. It can be shown to have had important influences upon the process of disintegration and gradual re-integration of these states within a broader European frame (Štiks, 2012). Citizenship status may not exhaust the conceptual resources of 'membership', but it provides an important baseline reference point.

The seven new states adopted very different approaches to developing their citizenship regimes even though all of them – with the exception of Kosovo – shared a common root in the sense of having been a republic within the SFRY. To put it another way, the citizenship regimes that were put in place by subsequent governments and legislatures drew in different ways upon former elements of the two level Yugoslav framework of federal-level 'national' citizenship and republican citizenship, based on registers of citizens at that level. As the federal-level citizenship represented a legal and symbolic umbrella of the Yugoslav unity, at the time of the disintegration of this multinational state, the republican citizenship clearly took precedence in constituting the new states' citizenship regimes. Since the territorial borders of many of the new states coincided with those of the former republics that constituted Yugoslavia, the sub-federal citizenship better articulated new ideas of *belonging*.

These new ideas of *belonging* were central to constructing the tissue of new states and societies in the post-Yugoslav space. The strong group attachments, revivals, transformations and developments of ethno-national identities all contributed to the centrality of citizenship policies in *constructing* and *governing* new states. Citizenship policies determined which group or groups had the claim to the state, which would have a special status, and which would be marginalised in or completely excluded from the construction of the demos. The definition of the demos in this regard was not only a symbolic expression of the state's constitutional identity, but also a more pragmatic tool for regulating who would be included in or excluded from such an identity. Hence citizenship, as a symbolic and a pragmatic manifestation of what the state is intended to be, reinforced political processes in the newly established post-Yugoslav states.

Definition of terms

The governance of citizenship examined in this special issue is not only related to the citizenship policy that is encapsulated in a country's nationality law. Rather, it refers to broader policies that regulate the distribution of rights across the demos, including mobility, participation, social policy, education, and so on. In other words, the governance of citizenship spreads across multiple

overlapping arenas within which individuals make claims and exercise duties that they have by virtue of being members in a state. Such practices of citizenship take place within 'wider political settlement, reflecting, for example, contestations between, for instance, titular 'national' and minorities, among 'constitutive peoples', political and ideological groups or simply citizens over citizenship and related rights, especially rights of political participation' (Shaw and Štiks, 2013, pp. 4–5).

However, one of the most important geographical and geopolitical facts about this region is that the states that remain outside the European Union (Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro and Serbia) represent, along with Albania, an enclave surrounded by the European Union (EU). Moreover, only Slovenia joined the EU in the first tranche of central and Eastern European states in 2004, and Croatia had to wait until 2013 to take its place. Hence, it is clear that almost throughout the territory of the former Yugoslavia the processes of Europeanisation have been retarded and contested, not least as the consequence of the troubled history of this region and as a result of the presence of several unconsolidated states with rigid citizenship regimes (Džankić, 2015).

While as a preliminary effort, Europeanisation may be defined as 'domestic adaptation to European regional integration' (Vink and Graziano, 2007, p. 7), in practice this special issue tries to dig deeper into the concept. The articles collected here permit a deep study of the transformations of citizenship governance triggered by the interaction between the national governments and the EU. This thus helps us to build on and reformulate Radaelli's (2000, p.4) seminal view of the concept as

> processes of a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies.

A broader approach to the concept of Europeanisation is essential here, as the process that occurs between national governments of countries that are Member States of the EU differs significantly from that in those aspiring to EU membership. While the EU Member States have an opportunity to affect the policies at the EU level, thus feeding directly into the process, the post-Yugoslav countries are subject to unidirectional domestic adaptation to the accession requirements (Schimmelfennig and Sedelmeier, 2005; Schimmelfennig, Engert, and Knobel, 2006).

This adaptation requires not only the direct absorption of the *EU Acquis*, but also the acceptance of the norms and values enshrined in international human rights norms and promoted by other international organizations such as the Council of Europe (CoE), the Organization for Security and Cooperation in Europe (OSCE), the World Bank, and so on. These have become complementary tools for ensuring the key guarantees of rights and freedoms for the citizens of the newly established states, and as such have become integrated in the process of EU accession indirectly through Europeanisation, rather than through formal *Acquis* requirements.

Yet, in the context of the governance of citizenship, we need to be aware of the limits of the transformative power of the EU, as the regulation of membership statuses is the prerogative of the Member States. Indeed, while some mechanisms of policy convergence of nationality laws, such as the Council of Europe's European Convention on Nationality (ECN), exist, they are commonly understood as standard setting rather than legally binding. Hence while the impact of Europeanisation on the matters of status is rather limited, it has had a significant effect on the rights associated to membership. International instruments and standards, including the European Convention on Human Rights and Fundamental Freedoms (ECHR), the Framework Convention for the Protection of National Minorities (FCNM), the European Charter for Regional and Minority Languages (ECRML), but also judgments of the European Court of Human Rights (ECtHR) and recommendations of other CoE bodies (such as the Venice Commission, parliamentary committees) have become an essential component of the governance and practices of citizenship across the post-Yugoslav states.

Special issue: conceptualisation and structure

This special issue, which also draws on the CITSEE work, explores the governance and practices of citizenship in innovative ways, in the interests of bringing the citizenship-based material to a broader European/EU studies audience interested in the complex phenomenon of Europeanisation. It draws on an emerging body of citizenship studies across different disciplines which have dealt with the construction, regulation and practices of citizenship in Europe's new states, many of which are to be found in South East Europe. Legal scholars have examined how the formal links between the individual and the state have been created when states come into being, and have explored the legal consequences of the boundaries of inclusion and exclusion especially for minority or vulnerable groups such as Roma. Sociologists and anthropologists have looked at citizenship practices in a broader context, often focusing on how people articulate claims against institutions, how they behave, and what broader societal reactions their activities trigger. Political scientists explored the different levels and dimensions of citizenship in their attempts to unveil the nature of the relationship between the individual and the newly established polities and the strategies of states often under pressure from both the inside and the outside.

Yet only a handful of these works have been devoted to the study of how the spaces for citizenship practices are shaped, governed, and transformed in the multi-level governance context of Europe. These spaces, which demand study from the perspective of many different academic disciplines, encompass the status, rights and identity dimensions of citizenship, but concern not just the formal institutional elements of citizenship understood as a top down phenomenon (imposed and restricted by states). On the contrary, they are experienced or lived by the people on a day-to-day basis, and it is possible also to see how individuals and groups negotiate aspects of their memberships (often plural) with states and – in certain respects – with the European Union, which has had an increasing direct and indirect impact upon citizenship regimes.

Thus the spaces for lived citizenship are shaped, governed and transformed both internally and under external influences such as EU accession processes. In the post-Yugoslav states, which have been for the first time experiencing independent citizenship regimes, the creation, management and change of these spaces is not affected only by the tendencies of the domestic actors to consolidate the governance of citizenship with their political objectives in mind. Rather, it is also subject to the pressures stemming from the external environment and above all the European Union, since these states are or aspire to become Member States of the EU. In this context, the post-Yugoslav states are required to adapt to the conditions of membership. To reiterate, these conditions are broader than the *Acquis.* Hence as a preliminary condition of accession to the EU, the post-Yugoslav states have become members of the CoE and acceded to the ECHR. Meanwhile, some of the states have also experienced direct intervention in their affairs in the context of conflict prevention and peace-keeping activities, with impacts upon their citizenship regimes (Shaw, 2011).

This special issue takes a closer look at the conditions of EU membership against the backdrop of a broader field of European and international level norms (e.g. relating to human rights). It does so by distinguishing between different dimensions of citizenship, where the requirements of EU accession (or pathways towards accession such as Schengen visa liberalization) according to the regulatory character of the various fields. For while these conditions are stipulated clearly in some areas through the EU's *Acquis* (hard governance), in other cases they are only vaguely or scarcely defined (soft governance). The more regulated these areas are through the EU's *Acquis*, the greater is the potential for a 'misfit' of the policy or laws at the national level with the conditions of accession. Thus, the effect of EU-driven rule transfer is likely to have a more profound effect upon the transformation of citizenship in those spaces of citizenship governed directly through the *Acquis*, as this will become embedded in the domestic modes of governance. On the other hand, the subtler effects of norm transfer in other fields where the EU's governance is confined to 'softer' approaches can have notable impacts upon the scope of citizenship, especially the rights of citizenship and the capacity of individuals to enjoy full membership.

Hence, this special issue explores how the lived spaces of citizenship are governed in the context of three areas of public policy which are to a different degree affected by the EU. The freedom of movement, examined here through the focus on visa liberalization and extradition, is a key part of the EU's *Acquis* and represents an example of hard governance; social policies and welfare are only partly included in the EU's regulation, and as such reflect a mixed mode of governance; while education policies lie predominantly with the national authorities at different levels and the EU sets only the general principles and contributes through complementary policies. The latter, soft modes of governance, include principles such as promotion of social inclusion in education and training, and some education relevant provisions from within other fields such as minority rights in the field of education. In the context of EU studies, the approach taken in this special issue will contribute to a better understanding of (a) the types of competence and (b) the modes of governing – from the traditional 'community method' (supranational, hard law) to the 'open method of

coordination' (intergovernmental, soft law). It helps to unveil the export of the EU's modes of governance to acceding countries, while simultaneously looking at how these countries adapt to the transfer of competences to the EU in various policy areas.

It helps to build a more nuanced picture of the Europeanisation process, especially in the context of accession and pre-accession, going beyond the classic descriptive or interpretative theories of Europeanisation which largely see this, in pre accession contexts, as a top down process of adjustment for the purposes of acquiring membership of the EU. However, given the different disciplinary starting points of the papers, the special issue does not work with a single imposed description or theory of the Europeanisation process, but encourages the various authors to develop complementary frames of reference that draw on a variety of overlapping literatures.

In order to analyse how different nuances of Europeanisation are articulated in the governance and practices of citizenship in the post-Yugoslav space, the papers in this special issue are organised in pairs. What all papers have in common is their focus on the effects of the evolution of citizenship in the new states as these implement their aspiration to join the EU. However, the effects of Europeanisation on the governance and practices of citizenship differ. They can be positive or negative for the construction of the demos. While Džankić's paper clearly highlights the positive impact of Europeanisation on driving states away from 'constitutional nationalism' (Hayden, 1992, p. 655), Kacarska's highlights the negative and exclusionary effects of the process of visa liberalisation on the exercise of human and minority rights. Equally, if the three sets of papers indicate, the impact of Europeanisation can be located on a continuum from 'strongest' in matters regarding justice and home affairs (Džankić and Kacarska), to 'moderate' in general issues of social policy (Stambolieva and Stubbs and Zrinščak), to 'weakest' in transforming citizenship through education policies (Pantić and Hromadžić). The broader scholarly implication of these conclusions is that the consequences of Europeanisation are different in nature, character and scope. As such, while generally having a positive effect, they may produce as much contestation, convolution and conflict along the different arenas in which citizenship is governed and exercised.

Examining these issues through the lenses of extradition policies and visa free travel of third country nationals as key segments of the *EU Acquis* is the main objective of the first set of papers in this special issue. Although operating within similar conceptual boundaries of Europeanisation in the area of justice and home affairs, the papers provide a differing, even contrasting view of this process using diverse methodological tools. In her paper *The Unbearable Lightness of Europeanisation: extradition policies and the erosion of sovereignty in the post-Yugoslav states,* Jelena Džankić analyses vertical (legal adaptation) and horizontal consequences (conclusion of bilateral agreements) of Europeanisation on citizenship in the post-Yugoslav states. Specifically, the paper examines the evolution of the different states' policies related to extradition of their own nationals in the context of the implementation of the European Arrest Warrant Framework Decision in conjunction with the requirements for regional cooperation and good neighbourly relations implemented in the Western Balkans. Methodologically, the paper looks at three

categories of states - EU members, candidate countries, and potential candidates and contested states. In contrast to (dominant) arguments of fake compliance in the region under examination in this special issue, Džankić supports the line of deep transformative effect of Europe in this specific issue under examination, including a spill over on other policy areas. Yet, she emphasizes that the major constitutional and legal adaptations to the requirements for accession relation to justice, freedom and security, i.e. chapter 24 in the EU negotiating structure are more likely however in the last stages of accession, judging by the experiences of Croatia and Slovenia.

A contrasting view of the operation and outcome of the Europeanisation of candidate countries is presented in Simonida Kacarska's *paper, Losing the rights along the way: the EU-Western Balkans visa liberalisation,* that studies the transformation of fundamental rights during the Schengen visa liberalisation process. As a potentially powerful tool for transformation, Kacarska approaches the visa talks as a parallel process to the regular EU accession mechanisms. Operating within the conceptual boundaries of Europeanisation by conditionality, the paper studies whether and how the EU has managed to incorporate fundamental rights requirements in a security dominated and politically significant process as the visa liberalisation. It adopts a before and after approach in relation to 2009/10 when the visa requirements were lifted. Analysing both the formal benchmarking process and data from stakeholders' interviews, the paper illustrates the securitisation and sidelining of fundamental rights during and in the aftermath of the visa negotiations. Contrary to Džankić's work, this paper demonstrates the potential for unwanted effects of conditionality and questions the role of the EU in promoting fundamental rights. As such, it raises significant questions the impact of the visa liberalisation project upon the governing of the citizenship regimes in the region.

While the first pair of papers deals with policy areas which are under direct influence of the EU, the second pair deals with welfare policies, which are only partly included in the EU's regulation, reflecting a mixed mode of governance. Although present, the Europeanisation paradigm in the latter is of secondary importance, i.e. these papers foremost operate in the context of the post-communist transformations. In this vein, Marija Stambolieva in her paper *Welfare state change and social citizenship in the post-Yugoslav states* discusses the interaction between social citizenship and the welfare state. She examines the relationship between changing political institutions and notions of citizenship, on the one hand and changing welfare policies on the other. She attributes the welfare diversity to inherited legacies and the transitional context, and particularly the political responses to it. Moreover, the paper locates the welfare reforms in the context of democratization processes, which have on the other hand also affected both the notions of citizenship. The largely uneven role of the European Union in these processes is a segment of the multitude of international influences that challenged existing structures and offered new perspectives. Based on the combined effect of these influences in the post-Yugoslav space, she discerns four social citizenship types: neo-corporatist (Slovenia), accommodating (Croatia), paternalistic (Serbia and Montenegro) and neo-liberal (Macedonia and Kosovo).

While Stambolieva looks horizontally at a set of countries, the next paper of the special issue zooms in on the case of Croatia, the most recent EU Member State. In their paper *Citizenship and Social Welfare in Croatia: Clientelism and the limits of 'Europeanisation* Paul Stubbs and Siniša Zrinščak explore issues related to the governance of welfare through the lens of 'clientelism' in the context of transition, war, nation state building and political settlements in Croatia. Clientelism is described as a complex structure that has an impact on social welfare which may be explicit, when particular political elites trade directly favours for votes, or institutional or hegemonic, defining an informal political common-sense. Stubbs and Zrinščak consider the relationship between governance, citizenship and social welfare and illustrate how these relationships have been shaped internally with limited external influences of the EU accession processes. The paper explores how politicisation of governance and dominance of nationality over territorial-based citizenship claims helped shape the development of clientelistic welfare, focusing on the practices of privileging the rights of war veterans and of those of Croatian ethnicity particularly from neighbouring Bosnia-Herzegovina. The authors argue that an asymmetric redistribution of resources and an ethnicised nationalism consolidated through the clientelistic welfare in the 1990s have remained largely unchallenged by the EU's regulation. Although the EU accession process impacted on and reconfigured economic, political and social arrangements, there was no radical 'break' with the social and political circumstances which had produced and consolidated these clientelistic welfare arrangements. The authors also consider the prospects for changes in these arrangements in the context of the current economic and financial crisis and in the light of EU membership. They suggest that after gaining the membership on 1 July 2013, and with the translation of EU-led austerity politics, ideas of social citizenship may be unravelling once more in Croatia.

The last two papers in this special issue explore how citizenship is lived and governed in relation to education as an area of policy and practice that is predominantly in the charge of local authorities. In her paper *Citizenship and Education in the post-Yugoslav States* Nataša Pantić explores interactions between citizenship and education policies in six post-Yugoslav contexts. The paper maps out policies that shape the intended spaces for experiences of citizenship by the young people which encompass the status, rights and identity dimensions. The paper explores how elements of ethnocentric, multicultural and civic citizenship regimes reflect in education governance structures and language policies. It exemplifies the ways in which relevant provisions of the FCNM and other international norms protecting group and individual rights are adopted and adapted through their partial implementation driven by the local, by and large ethnocentric education agendas. The author considers how both universal and consociational education systems promote ethnocentric and exclusive conceptions of citizenship reflected in the context-dependent status of different minorities, and in the language policies that perpetuate dominant ethnic groups, while inclusive elements have been identified in the anti-discriminatory measures for inclusion of Roma students in mainstream education. Multicultural approaches to linguistic and cultural rights are reflected in the provision of minority language instruction options, although ethnocentric motives can be discerned behind their territorial implementation. The author

argues that while observance of the EU membership criteria and relevant norms have been an important driving force for adopting social inclusion and minority rights in education-relevant legislation and policies, their domestic consolidation and limited implementation created tensions between ensuring group rights and protection of individual rights and non-discrimination. The interactions between citizenship and education policies in the post-Yugoslav states have been summarised as the rise of *ethnocentric,* on the pretext of ensuring *multicultural* education of young citizens in line with the European ideals of respecting cultural and linguistic diversity.

The final paper in this special issue entitled *Dissatisfied Citizens: Ethnonational Governance, Teachers' Strike and Professional Solidarity in Mostar, Bosnia-Herzegovina* and authored by Azra Hromadžić presents an ethnographic and anthropological study which documents how citizenship is experienced by people in their daily life, focusing on a case of professional solidarity among teachers in Bosnia-Herzegovina. This paper illustrates how the intended governance structures and policies only partly contribute to the shaping of citizens' identities. The paper describes how ethnically divided Croat and Bosniak teachers at the first "reunified" school in postwar Bosnia and Herzegovina came to strike together to voice their professional citizen-demands. Administrative reunification of Mostar Gymnasium exemplifies the international influence over local governance mentioned earlier in this introduction. The school's reunification was celebrated by the OSCE—the main international body in charge of reunification—and some local politicians as the most powerful symbol of the city's reunification, while ethnic segregation was preserved through separate national curricula for the students of the two ethnic groups. The case illustrates how ethnic governance of the Mostar gymnasium could be at least temporarily disrupted if not completely transformed through teacher-citizens' actions. A teachers' protest group was formed across the ethnic when the feelings of citizens' dissatisfaction combined with a loss of social status and being left out of administrative procedures, which enable access to rightful entitlements. These teachers frequently referred to themselves as 'dissatisfied citizens', stressing the generational, moral and economic aspects of their predicament. Their joint actions generated a shift in the teachers' political subjectivities and probed the horizon of ethnic politics in postwar Bosnia. The author argues that these actions cannot be simply glorified as a form of cross-ethnic solidarity or as an expression of professional ethic, nor dismissed as supportive of an ethnonational regime, since these practices are never monologic, oppressive or liberatory. Rather, they illuminate the blurred distinctions between the state and citizens, the professional and personal, and the hegemonic and sincere.

Read in conjunction with the concluding remarks of Andrew Geddes, who highlights the contextual and conceptual contributions of the special issue to the wider studies of citizenship and Europeanisation, as well further avenues for research, the papers in this special issue aim to illuminate the nuances of balance and contradiction between the international (EU) and domestic factors for change. At a time when the EU is faced with major economic, political and societal challenges, it is of central importance to understand how it affects transitional societies, and what effects its accession requirements may have in

different countries and across different policy areas. The two case-studies examined in this special issue – those of clientelism in Croatia and the teachers' strike in Bosnia and Herzegovina – show the potential and limitations of Europeanisation to affect social citizenship and citizens' identities in two post-conflict, post-partition countries that have had a different experience of requirements and rewards of EU accession.

Notes

1 Details of the CITSEE project can be found on its websites: www.citsee.ed.ac.uk (which includes the text of working papers which present the raw findings of the CITSEE research) and www.citsee.eu (the Web Magazine *Citizenship in South East Europe*).

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