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## FROM PEACE TO SHARED POLITICAL IDENTITIES

Exploring Pathways in Contemporary Bosnia-Herzegovina

edited by  
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## **“BEING CITIZEN THE BOSNIAN WAY”\***

### **Transformations of Citizenship and Political Identities in Bosnia-Herzegovina**

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Igor ŠTIKS

#### **INTRODUCTION**

##### **THE EXCEPTION THAT PROVES THE POST-COMMUNIST RULE**

If one takes a close look at the map of post-communist Europe today, one can argue that Bosnia-Herzegovina is the exception which proves the rule; almost all of the post-communist states, many of which emerged from the ruins of the former multinational socialist federations, are the national states of their core ethnic groups. These are usually but not always made up of a large ethnic majority which co-exists with one sizable ethnic minority or many smaller ethnic minorities. The ethnic diversity which used to characterize Central, South Eastern and Eastern Europe was substantially reduced during the twentieth century; by the end of the century truly multiethnic states had almost completely disappeared from the map. This is not to say that many states in these regions do not still harbour an ethnically diverse population. Indeed, many core ethnic groups do co-exist with one or many other ethnic groups. But, even in the countries where the percentage represented by the core ethnic group within the overall population rests at or even just below fifty (Estonia, Latvia, and Montenegro, for instance), these states are still considered as their “national homes”.

But when one mentions the idea of a “national home” in Eastern Europe, one also must deal with the fact that there are some countries whose core ethnic group is closely related with the core ethnic group of a neighbouring country – for instance, Romania and Moldova, Byelorussia and Russia – or they even form the same trans-border nation such as the case of Kosovo and Albania. Serbs might say that Montenegrins are their southerly ethnic brothers (and one-third of Montenegrins would share this opinion)<sup>1</sup> and Bulgarians that Macedonians are just a branch of the Bulgarian nation (although a large majority of Macedonians are not convinced that is the case). Some

would also say that Bosnian Serbs and Bosnian Croats have their “national homes” in Serbia and Croatia respectively (and many of them would agree), but both Bosnian Serbs and Croats together with the Bosniaks are also the constituent peoples of Bosnia-Herzegovina as their common historical home. Bosnian and Herzegovinian ethnic Muslims opted in 1993 for the regional name (the Bosniaks) as the name of their nation instead of the religious one.<sup>2</sup> This was not to claim (although some did) that Bosnia as a state belongs exclusively to this group as their “national home”.<sup>3</sup> When it comes to the names of peoples and countries, the name of core ethnic group and the name of country – regardless of whether the ethnic group gave name to the region it inhabits or the other way around – usually coincide. In post-communist Europe, the exceptions are Bosnia-Herzegovina, a regional name for a truly multinational country comprising three constitutive peoples with no core ethnic group, and Kosovo.<sup>4</sup>

But, today’s Bosnia is an exception in one more respect: it is one of the rare federal post-communist countries. It was organised under the Dayton Peace Agreement as a federation or even confederation of two entities, one of which is itself a federation of cantons.<sup>5</sup> The post-communist countries are, as a general rule, reluctant to accept federal arrangements. For example, all 10 of the new EU member states from East, Central and Southeast Europe are unitary states (Liebich 2007: annex 5). Exceptions to the general rule of mono-national and unitary countries are rare and arguably limited to defunct bi-national Czechoslovakia until its dissolution at the beginning of 1993 and the Federal Republic of Yugoslavia comprising Serbia and Montenegro between 1992 and 2006 (although this union was heavily dominated by the ideology of the unification of ethnic Serb lands, including Montenegro).

Little wonder then that today’s Bosnia as a highly federalised multiethnic country, with no majority and no minorities, is also an exception when it comes to definitions and practices of citizenship. It is one of few countries in the world to have sub-national or sub-state citizenship alongside state or national citizenship.<sup>6</sup> Following the Dayton Peace Agreement, Bosnia introduced a dual or two-tier citizenship i.e. every citizen possesses both state and entity citizenship.

In this paper I analyse transformations of citizenship and political identities in Bosnia-Herzegovina in four periods. First, it is necessary to describe how Bosnian republican-level citizenship was defined within socialist Yugoslavia, where citizenship was bifurcated into the federal and republican citizenships immediately after the Second World War. In the second part, I analyse how and to what extent the citizenship question played a role in democratisation and fragmentation of the Bosnian political scene between 1990 and 1992 and how it was used as a tool of nationalist mobilisation. Furthermore, I describe re-definitions of Bosnian citizenship during the war (1992-1995). Finally, I attempt to scrutinise the structure and current functioning of Dayton Bosnia’s multi-layered citizenship since the Dayton Peace Agreement introduced *two-layer* (state-level and entity-level) and *multiethnic* citizenship (ethnically-based political participation). The paper further explores the possible implications of Bosnia-Herzegovina’s eventual membership in the EU which would entail the introduction of European citizenship as an additional layer of Bosnian citizenship.

## 1. CITIZENSHIP IN SOCIALIST BOSNIA-HERZEGOVINA: 1945-1990

### 1.1. Explaining the Bosnian “Anomaly”

In the introduction, I defined Bosnia-Herzegovina as the exception to the general post-communist rule that both old states (such as Poland, Hungary, Bulgaria, Romania and Albania) as well as newly independent states which were formed where multinational socialist federations once stood are national states of their core ethnic groups. The explanation for this “anomaly”, in my opinion, is to be found within the Yugoslav Communists’ solution to the national question. It was influenced mostly by the Soviet model, but it also introduced some unexpected innovations. Although the USSR, unlike Yugoslavia, had a non-national, non-regional and purely ideological name, it was organised as a federation of ethno-national states. The Soviet solution to the national question in what used to be Czarist Russia and based on the Leninist principle of national self-determination, prescribed that major ethnic groups should have their own national states, whereas numerous other “nationalities” should have a regional autonomy within republics “owned” by their titular national group (see, for instance, Connor 1984, Smith 1999).

When, after its brief disappearance in April 1941, Yugoslavia was resurrected in 1945 as a socialist multinational federation, one major difference appeared vis-à-vis the Soviet model. The “New Yugoslavia” was established as a federation of six republics (Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Macedonia and Montenegro), one autonomous province (Vojvodina) and one autonomous region (Kosovo), both of the latter within Serbia. The republics were established according to ethnic criteria, except Bosnia-Herzegovina – again the exception that proved the rule – which was formed according to its historic specificity (Budding 2008). Another exception was the autonomous province of Vojvodina which was established because of its separate history from Serbia proper and its multiethnic composition and sizable ethnic minorities such as the Magyars (a numerous German minority was expelled or left the country after the war). Vojvodina would, however, soon come to be dominated by an ethnic Serb majority. Due to its large ethnic Albanian population, Kosovo was formed as an autonomous region (*oblast*) – a lower status than that of a province (*pokrajina*) – but, due to general reluctance of Albanians to accept yet another Yugoslav government in Kosovo, was immediately under martial law after the war.

Although they were under the direct influence of Moscow until 1948 when Tito split with Stalin, the Yugoslav communists’ innovations within the Soviet blueprint could be explained by their long-term advocacy of a federal solution for Yugoslavia. This was the case even when they, under Moscow’s orders between 1925 and 1934-1935, officially rejected unitary and “bourgeois” Yugoslavia altogether and demanded its dissolution. In their “federal vision”, Yugoslavia was supposed to comprise not only states for major nations, or “tribes” as they were called at the time (Slovenes, Serbs and Croats) but also Bosnia-Herzegovina in its historical borders and Macedonia (for the Yugoslav Communist solution to the national question before and after 1945, see, for instance, Banac 1988, Shoup 1968, Connor 1984, Djilas 1991). As early as 1924 the Communist Party of Yugoslavia’s (CPY) “Resolution on the National Question”

condemned unitarism and Serbian bourgeois hegemony and asked for, among other things, Bosnian autonomy (the document is available in Kobsa *et al.* 1978: 221-225).

The CPY, along with its general secretary Josip Broz Tito, led the liberation movement in Yugoslavia during the war. By November 1942 the Anti-Fascist Council of National Liberation of Yugoslavia (AVNOJ) was already formed in Bihać (Bosnia) as a supreme legislative and executive body of the new Yugoslavia to be created after the liberation. In 1943 similar anti-fascist councils were constituted in Slovenia, Croatia, Bosnia-Herzegovina, Montenegro, and Sandžak,<sup>7</sup> and, in 1944, in Serbia and Macedonia. The constitution of the Land Anti-Fascist Council of National Liberation of Bosnia-Herzegovina (ZAVNOBIH) confirmed Yugoslav communists' determination to establish Bosnia-Herzegovina as a unit of the future federal Yugoslavia. On its second session in Jajce (Bosnia) in November 1943, the AVNOJ issued a decision on the "building of Yugoslavia according to the federal principle". In its second point, federalism was evoked again as the governing principle of the future Yugoslavia which would provide for the full political equality of Serbs, Croats, Slovenians, Macedonians, and Montenegrins, or, in other words, "the peoples of Serbia, Croatia, Slovenia, Macedonia, Montenegro, and Bosnia and Herzegovina". It is interesting to note that in one of the founding documents of the future socialist Yugoslavia the very definition of peoples – the Yugoslav ethnic nations<sup>8</sup> and/or the peoples i.e. citizens of the constitutive republics – is imprecise and ambiguous. This would also have significant consequences for the future of the country.

### **1.2. Dual Citizenship in Yugoslavia, Republican Citizenship in Bosnia-Herzegovina**

Another striking deviation from the Soviet model was the introduction of a *two-level* or *bifurcated* citizenship in Yugoslavia in 1945, which involved the establishment of federal and republican-level citizenships.<sup>9</sup> The 1945/46 Law on the citizenship of the Federal People's Republic of Yugoslavia stated that: "Every citizen of a people's republic is *simultaneously* a citizen of the FPRY and every citizen of the FPRY is *in principle* a citizen of a people's republic" (Art. 1, para. 2). Art. 48 of the 1946 Constitution of the FPRY established that "every citizen of a republic enjoys in every republic the same rights as the citizens of that republic".<sup>10</sup>

It is important to mention here that in Habsburg Bosnia the 1910 Land Statute for Bosnia-Herzegovina (arts. 3 and 4) regulated the question of "Bosnian-Herzegovinian belonging". However, in the Kingdom of Serbs, Croats and Slovenes (popularly called Yugoslavia and later renamed as the Kingdom of Yugoslavia) local autonomies were abolished and the country was divided according to geographic and not historic or ethnic criteria. That Yugoslavia was formed first as a unitary state (this would change only in 1939 with the creation of the autonomous Croatian *Banovina*), was also reflected in its single citizenship. Curiously, the law on single Yugoslav citizenship was proclaimed in 1928, a decade after the creation of the state itself.<sup>11</sup> The law provided that "every citizen must have "home belonging" [*zavičajnost*] in one of the Kingdom's municipalities" (The full text of the law is in Tepić & Bašić 1969: 105-130). *Zavičajnost* actually signified permanent municipal residence and a legal link between the individual and the municipality or county where he or she lived (Jovanović 1977: 15). *Zavičajnost* remained an important legal device up until 1945 when it constituted the basis for the



establishment of republican citizenships (Jovanović 1977: 26). The republican-level laws on citizenship in socialist Yugoslavia were fashioned in order to be in harmony with the federal law on citizenship. In general, they were similar, but they also varied to a certain extent from one republic to the next. The Socialist Republic of Bosnia-Herzegovina was established as a unitary state with a single republican citizenship.<sup>12</sup> However, attention was always paid to the equal representation in its political bodies of its three major ethnic groups.

Although, during socialist Yugoslavia, republican citizenship played an almost insignificant role in the everyday life of the Yugoslavs, after the break-up of the country in late 1991, republican-level citizenship became essential for determining the initial citizenry of the new states. In other words, republican citizenships became the only strong criterion for immediate political, social and economic inclusion or exclusion. But before I show how citizenship was defined in independent Republic of Bosnia-Herzegovina, and in what respect it differed from the practice in other former Yugoslav republics, it is necessary to examine the role citizenship played in the democratisation and ensuing ethnic fragmentation of Yugoslavia and Bosnia.

## **2. CITIZENSHIP AND THE ROAD TO WAR, 1990-1992**

### ***2.1. Democratisation and Ethnic Fragmentation***

The League of Communists of Yugoslavia, composed of six republican parties, split at its 14<sup>th</sup> extraordinary Congress in January 1990. After that precursory event which announced the break-up of the country itself, the Yugoslav republics separately organised their first free democratic elections, which took place between April and December 1990. The *timing* and *sequencing* of the republican democratic elections, especially the considerable time gaps between them, played an important role in the electoral preferences of citizens. Electoral outcomes were heavily influenced by inter-republican and inter-ethnic quarrels. Slovenia held elections in April which brought victory to the centre-right pro-independence coalition. When Croatia held elections in April and May 1990, Tuđman's nationalists won an absolute majority in the parliament. There then followed a huge gap (for such turbulent times) between the elections in the north-western republics and the subsequent elections in the south-eastern republics, which were finally called in late autumn 1990. In brief, the democratically elected, mostly right-wing republican governments of Slovenia and Croatia co-existed for half a year with the old communist governments in Bosnia, Macedonia, Montenegro, and Serbia still in place. The latter two were also nationalistic.

As early as August 1990 the local Serbs in the so-called Krajina region of Croatia had blocked the roads in open defiance of the new Croatian authorities. A month later Serbia adopted a new Constitution confirming the abolition of the autonomy of Vojvodina and Kosovo, but retaining their two seats in the Yugoslav Presidency composed of the representatives of six republics and two provinces. If Milošević's bullying clearly handed the advantage to nationalist and separatist forces in Slovenia and Croatia, inter-ethnic conflicts in Croatia, in turn, had a strong impact on the electoral preferences of Bosnian, Montenegrin and Serbian citizens. Predictably, the nationalist parties won these elections. The nationalist reformed Communists won in

Serbia and Montenegro, whereas in Bosnia the nationalist anti-Communists (Serb, Croat and Muslim ethnic parties) formed a coalition which would have disastrous results for the country's future. In Macedonia, nationalists had strong backing but they failed to form a government which would at that time be led by a non-partisan prime minister. Finally, a non-nationalist reformed communist (Kiro Gligorov) was elected president in early 1991. In sum, conservative nationalist political forces triumphed almost everywhere in Yugoslavia, even in the guise of "socialist parties", such as Milošević's. This confirms Horowitz's observation that "ethnic conflict in unranked systems [unlike ranked systems] usually goes hand in hand with conservative politics" (Horowitz 1985: 32).

No left-leaning pan-Yugoslav party made a strong showing at the elections. In a belated attempt to fill the vacant spot left by the League of Communists of Yugoslavia as the only all-Yugoslav supra-national political force, the federal prime minister Ante Marković founded the Alliance of Reform Forces (SRS) in the summer of 1990. In spite of his all-Yugoslav popularity, due to a sharp economic recovery, he had entered the game too late (after elections in Slovenia and Croatia). Since the federal-level elections at which his party could have gained more political influence never took place, it participated at the republican-level elections in south-eastern republics. It predictably performed well in Bosnian urban centres and in Macedonia, two republics whose citizens were well aware that they would be the ones to pay a heavy price in the case of Yugoslavia's disintegration and the outbreak of ethnic conflict. Marković's failure could be explained simply by the fact that in the context of ethno-politics – whose rules dominated the political scene at the moment of his appearance – parties which stand above ethnic divisions and formulate their programmes only on ideological or, as in his case, economic or technocratic grounds do not have much hope of electoral success. In the context of the ethnic fragmentation of the citizenry through a democratic electoral process, the general tendency among the electorates was not to vote for non-ethnic parties, but to opt instead for those parties which presented themselves as "guardians" of ethno-national interests. However, an exception to this was the urban population in general, particularly in large and ethnically diverse cities, which proved more resistant to nationalist rhetoric than voters in smaller cities or rural areas.<sup>13</sup>

The first democratic elections thus took place in an atmosphere of conflicting nationalist aspirations. It is not surprising then that the elections revealed a strong backing for ethnic leaders and ethnic parties whose message of ethnic solidarity traversed republican borders. They promised to "protect" and guard the interests of their ethnically defined electorate in the inter-republic and inter-ethnic conflicts in the case of Yugoslavia's disappearance. The Serb Democratic Party (SDS) was established in both Croatia and Bosnia and was then 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 Tuđman's Croatian Democratic Union (HDZ) founded a Bosnian branch and Tuđman, though the president of the Republic of Croatia, fashioned himself as the "president of all Croats". Alija Izetbegović's SDA meanwhile founded a Sandžak branch.

As in many other post-communist countries, the first democratic elections in Yugoslavia demonstrated the "ethno-national cartelization of opinion and electoral

competition” (Skalnik Leff 1999: 214). With the disintegration of Yugoslavia looming following the break-up of the LCY in January 1990, citizens began to wonder *if* and *how* Yugoslavia would disintegrate. The *natural* lines of separation were the republican borders, but the signal sent from the republican leaders and nationalist politicians suggested that ethnic separation was the aim: the break-up of Yugoslavia presented an opportunity to redraw “artificial” republican borders. In this context, the constant communication via the republican-controlled media between the republican political leaderships and citizens – or more precisely nationalist leaders and their ethnic bodies – is essential for understanding the political dynamic of Yugoslavia’s dissolution.

## 2.2. Citizenship as a Factor of Disintegration

I claim that some of the fundamental questions of citizenship – namely, *To what state do I owe my loyalty? And, which state guarantees, or promises to guarantee my rights and protection?* – critically influenced the democratisation process and Yugoslavia’s violent disintegration. Of course, it was one of many factors, although it is one which has not so far received sufficient scholarly attention.

Yugoslavia’s subunits were all (but one) defined in ethno-national terms. Eventually and, perhaps predictably, these ethnically defined republics did not adopt *civic* democracy as republican communities of citizens which negotiated or confronted each other over the future of their common state (union or separation?). Generally, the democratisation of Yugoslavia reinforced the factor of ethnicity i.e. the citizen’s identification with his or her ethnic group. The democratic elections confirmed the conflict between, on one hand, the citizens’ civic or republican identity and, on the other, ethnic belonging. However, the very fact that all republics (except, it should be noted again, Bosnia) were defined as the “national homes” of their core ethnic group only underlined the primacy of ethnic identity. This was even the case when the citizens themselves rejected ethno-nationalism and expressed a purely *civic* patriotism or loyalty to the institutions of their republics and to the Federation. These two political identities could be easily reconciled only if a citizen resided in his or her own ethnic republic and therefore belonged to its ethnic majority. However, this was not the case for the considerable number of individuals who lived outside the “national homes” of their ethnic groups and were instead inside republics to which they had historically belonged *civically* (as republican citizens) but not *ethnically*.

Civic membership was thus soon eclipsed by ethnic belonging as the most important marker of a citizen’s identity. Vojin Dimitrijević describes the mechanism of ethnic identification: “individuals are pushed not to act primarily as citizens but as members of the ethnic group. They are induced not to recognise any social, economic, professional and other interests and to behave as if all members of the ethnic group were in the same social position” (1998: 152). To illustrate this rejection of civic identity – by a great number of individuals but not by everyone in Yugoslavia – Dimitrijević quotes Miroslav Toholj, one of the leaders of Bosnian Serbs, who at the eve of the Bosnian war declared the following: “Serbs have been finally deprived of their Serb name, *they have been made citizens*, which they will not accept” (emphasis added, 1998: 152).

The ethno-national conception of citizenship finally prevailed and fuelled violent conflicts over the redefinition of national borders within which the ethno-national states

were to be formed on the basis of the absolute majorities of the core ethno-national groups (see Štiks 2010). Democracy, from this viewpoint, was seen as workable only if it was essentially ethno-national. In other words, majority rule should not entail a division between an ethnic majority and an ethnic minority but rather should be practiced *within* the core ethno-national group with the majority/minority divide formed on the basis of ideological preferences. In this sense, a projected ethno-national state, territorially expanded in order to include most if not all members of the ethnic group, could be truly democratic *only if* the core ethnic group had an absolute majority and ethnic minorities were reduced to an insignificant percentage of the population. Therefore, a “fear of becoming minority” (Jović 2001) pushed many to fight to be the “majority” in the new states in the making and ideally without having to leave their places of residence.

This conception of citizenship, coupled with the new democratic order, fuelled extreme nationalism: most ethnic Serbs and ethnic Croats started to perceive Serbia or Croatia respectively as *their* states, regardless of their places of residence. They refused loyalty to Croatia and Bosnia (in the case of most ethnic Serbs) or to Bosnia (in the case of many ethnic Croats, particularly in Western Herzegovina) and hoped that their ethnic state’s borders would expand so as to encompass politically and legally their place of residence even if it were located in territories where they lived as a minority. These territories were to be conquered and ethnically “cleansed”, as was the case, for instance, of the Bosnian Serb capture of almost 70 per cent of Bosnia’s territory and the massive ethnic cleansing of ethnic Muslims and Croats, which accompanied this expansion.

### 2.3. “From Voting to Violence” in Bosnia

In the context of the ethnic fragmentation of Yugoslavia, Bosnia-Herzegovina, as the only non-ethnically defined republic within whose borders it was physically almost impossible to draw ethnic boundaries, was to pay the heaviest price. The prevalence of the ethno-centric conception of citizenship which put ethnic above civic loyalty paved the way, to use the title of Jack Snyder’s book (2000), for the move “from voting to violence”. In his 1996 collection of essays on *Nationhood and the National Question in New Europe*, Rogers Brubaker explained the triadic relationship between a “nationalizing state”, a “national minority” and a “national homeland”, and uses Croatia (nationalizing state), its ethnic Serb minority (national minority) and Serbia (national homeland) as a textbook example for the inter-ethnic conflicts of Eastern Europe. The war in Bosnia, however, defies the model and Brubaker admits in the book that he does not intend to deal with this conflict. I will argue further that, in the case of Bosnia, it was more of an *imagined* triadic relationship. Nonetheless, since the triadic relationship is considered a hotbed of ethnic conflicts in Eastern Europe, it is necessary to explain the Bosnian situation in exactly these terms.

Bosnia was not a “nationalizing state” to start with. Nor could it later qualify as one. Bosnian Serbs and Croats were not “national minorities” in this truly multinational country with, regardless of actual percentages, no majorities and no minorities. So far as Brubaker’s triangle is concerned, only Serbia and Croatia were perceived as “external homelands” by nationalist Bosnian Serbs and Croats. The mobilisation of Bosnian

Serbs for war was mostly motivated by the Greater Serbia project that had already begun in Croatia in 1991 and was territorially inconceivable without the acquisition of Bosnian territories. Bosnian Serbs were not in the same position as the Croatian Serbs i.e. a “national minority” whose rights were threatened by a “nationalizing” Croatian state which deprived Serbs of their status of Croatia’s constituent people. Moreover, Bosnian Serb representatives were sharing power with Croat and Muslim ethno-nationalist parties. However, Serb nationalistic propaganda concentrated on portraying Bosnia as an incipient “Muslim” nationalising state and on portraying Bosnian Muslim leaders as “fundamentalists” plotting to subjugate or eliminate Serbs in a future Islamic state. Eventually, a significant proportion of Bosnian Serbs rejected Bosnia as an independent multinational state and decided to join Serbia (or stay in a political union with Belgrade), taking with them as much Bosnian territory as they could conquer. The majority of ethnic Serbs – but not all, especially in the big Bosnian cities – boycotted the referendum on independence on which 63.4 per cent of the eligible voters massively voted for independence. This decision was taken in the context of Yugoslavia’s disappearance when the only other available option was to join the Belgrade-dominated union with Serbia and Montenegro. This option was rejected by almost all members of the two other ethnic groups (ethnic Muslims and Croats) as well as by many people of mixed ethnic background and many members of other Bosnian nationalities (8 per cent of the population). The major Serb nationalist party (SDS) led by Radovan Karadžić and backed by Belgrade and the JNA thus rejected the status of a constituent people for Serbs in independent Bosnia – claiming that Serbs would become a minority (31 per cent of the population) in a country dominated by ethnic Muslims (44 per cent) and Croats (17 per cent) – and opted instead to become an absolute majority in a greater Serbian state in the making.

The case of nationalist Croats in Bosnia is slightly different, as their tactic, in 1991 and 1992, initially was to support Bosnia’s statehood. During this period, the reinforcement of Bosnian statehood also entailed the reinforcement of Croatia’s bid for independence and the front against Serbia and Montenegro and Serb nationalists in Croatia and Bosnia. However, as the war progressed, in 1993, Croats in Western Herzegovina and Central Bosnia – under direct influence and control from the nationalist government in Zagreb – adopted a position similar to that of the Bosnian Serbs. They rejected Bosnia as a multinational state, established their own statelet, the so-called Croatian Republic of Herceg-Bosna, portrayed Bosnian Muslims as fundamentalists, entered into an open conflict with Sarajevo and tried to get as much territory as possible with the intention of attaching it to Croatia. In that respect, it is impossible to speak about a *real* triadic relationship. It is only possible to speak of how the triad was *simulated* in order to legitimize ethnic Serbs’ and Croats’ ambitions to join what many of them perceive as their “national homelands”.

### 3. CITIZENSHIP IN WAR-TIME BOSNIA (1992-1995)

When the Bosnian war was about to break out, on 5 April 1992, a last attempt at preserving civic citizenship and civic solidarity was made. Demonstrators gathered in front of the Bosnian parliament in Sarajevo to protest against the nationalist policies of the three main ethnic parties which were clearly carrying the country into

a bloodletting. Their demonstration was also an act of civic courage against Bosnian Serb paramilitaries loyal to Karadžić, who were already in control of some Bosnian cities and some Sarajevo neighbourhoods, while the remnants of the federal army (JNA), with its predominantly Serb personnel mostly loyal to Slobodan Milošević, were deploying their troops in and around Sarajevo. The only symbols and flags the demonstrators were able to carry in the situation of imminent ethnic conflict were the flags of socialist Yugoslavia and socialist Bosnia-Herzegovina – a red flag with a small Yugoslav flag in its upper-left corner – as well as portraits of Tito. They were obviously using the symbols of the state which emphasised supra-national civic solidarity and loyalty without forgetting ethnic balances. The images of Tito were there mostly as symbols of long-term peace, prosperity and a promise, for so many people, of a better future than the one offered by nationalist leaders. But, it was, as so often, too little too late. The demonstrators occupied the Parliament and wanted to chase away Bosnian Serb paramilitaries from their outposts around the Parliament. Serb snipers randomly fired at the crowd that gathered at a bridge across the Miljacka river. Two young women were killed on the spot, an ethnic Muslim from Dubrovnik and an ethnic Croat from Sarajevo. The war began the following day, on 6 April, the anniversary of the day of Sarajevo's liberation from the Nazis in 1945. It is an irony of history that on that same date in 1992 the remnants of the national-liberation army (the Partisans) that had liberated Sarajevo in 1945 joined forces with ethnic Serb militias which, to make matters even worse, portrayed themselves as followers of the war-time enemies of the Partisans, the Chetniks – and attacked the city.

The outbreak of war also coincided with the international recognition of Bosnia-Herzegovina. Obviously in these circumstances the questions related to the legal definition of citizenship and initial citizenry of newly independent country were not on the top of the government's agenda. However, six months later the war presidency issued a decree on citizenship of the Republic of Bosnia-Herzegovina (6 October 1992) which was later amended twice during 1993.<sup>14</sup> It was grounded, as in other Yugoslav republics, on maintaining legal continuity between the former republican citizenship and the citizenship of the newly independent country. Thus, Bosnian citizenship was guaranteed to all holders of Bosnia-Herzegovina's republican citizenship. Bosnia-Herzegovina's wartime government also adopted a liberal and inclusive approach with regard to the citizenship status of those residents (citizens of other Yugoslav republics) who did not have Bosnian republican citizenship. It also formally permitted dual citizenship.

Being a truly multi-ethnic country with no majority group, as a state, Bosnia behaved differently than other Yugoslavia's successor states. Generally, once Yugoslavia disappeared, citizens of other Yugoslav republics residing in another republic often – especially if their ethnicity was different from ethnic majority – faced enormous difficulties in regulating their status. The best known case is that of *the Erased* in Slovenia, but in reality many similar problems arose throughout former Yugoslavia (see Štikš 2006, Pejić 1998, Medved 2007, UNHCR 1997, Dika *et al.* 1998, Imeri 2006). Nationalist elites of the successor states mostly attempted to reduce ethnic heterogeneity within their boundaries and to create “pure” or “purer” ethno-national states the territorial shape of which would be decided either militarily or by mutual agreements between

those elites. This was confirmed through the practice of constitutional nationalism (Hayden 1992) and, frequently, through citizenship legislation. The legislative “ethnic engineering”, as I call it, aimed at numerically reinforcing the ethnic majority and reducing the number of other ethnicities in the citizenry of the new states (Štiks 2006). This process was also intimately related to democratic procedure itself and to the fact that *only* citizens would be invited to participate in the political arena and, ultimately, allowed to vote. Therefore, the inclusion of the members of the core ethnic group, regardless of their places of residence (inside or outside state borders), and the parallel exclusion – as much as possible – of members of other ethnic groups (especially if they were citizens of other republics) was one of the strategies most crucial to the transformation of socialist Yugoslavia’s multinational space into a series of ethnically homogenized *democratic* states.

Bosnia-Herzegovina’s citizenship law was first amended in April 1993. It declared that all SFRY citizens residing on the territory of Bosnia-Herzegovina on 6 April 1992 should automatically be considered citizens of Bosnia-Herzegovina, regardless of their former republican citizenship (art. 29).<sup>15</sup> Interestingly, amongst the former Yugoslav countries, this is the only citizenship law comparable to Rogers Brubaker’s “new-state model”, that was otherwise used in some ex-USSR republics (Brubaker 1992), insofar as it determined the initial citizenry in a very inclusive manner – basically declaring lawful citizens all residents on the territory – and came very close to “collective naturalization” (Muminović 1998: 78).<sup>16</sup> Nevertheless, the 1993 amendments which eliminated the birth or residency principles which were necessary for acquiring Bosnian citizenship, were interpreted in the 1997 UNHCR report as reflecting the Bosnia-Herzegovina war government’s political intention to ensure that all of the country’s residents would fully participate in the fulfilment of their military obligation (art. 29).<sup>17</sup>

Since they were adopted within the context of the violent ethnic fragmentation of the country, these laws applied only to the territories which were under the effective control of the Sarajevo government. In other words, its application was virtually impossible in the parts of the country which were controlled by the self-proclaimed and internationally unrecognized Serb and Croat political entities. In addition, it is important to mention that the breakaway *Republika Srpska*, under the political domination of Karadžić’s Serb Democratic Party and its military apparatus, adopted its own law on “Serb citizenship” in December 1992. The law itself was, unsurprisingly, considered “problematic” owing to its “ethnic overtones” (UNCHR 1997: 30).

#### 4. MULTI-LAYERED CITIZENSHIP IN DAYTON BOSNIA

##### 4.1. How do we define the Bosnian Leviathan?

Observers of Dayton Bosnia rarely miss a chance to single out the curiosity and uncommonness of the country’s constitution and function. The underlying assumption is, of course, that a more or less ethnically, culturally or linguistically homogenous and unitary nation-state is “normal”, and therefore the norm. Indeed, one rarely finds a political arrangement which is comprised of one state, two entities, one district and three peoples. Furthermore, it is a federal/confederal state of two ethnically defined entities (the Serb one and the Bosniak-Croat one), the former being a unitary mono-national

republic as its name *Republika Srpska* (RS) itself defines and the latter a bi-national federation of ten autonomous cantons with a rather neutral name – more suitable for the country itself – of the Federation of Bosnia-Herzegovina (FBH). To the Dayton mosaic one must add the district of Brčko in northeast Bosnia, a self-governing body which basically acts as a multi-ethnic third entity “owned” by two entities but placed under the direct sovereignty of the state of Bosnia-Herzegovina<sup>18</sup> (on features of the Dayton Constitution see Šarčević 2008 and Balazs 2008; see also the contributions by Mujkić, as well as Jones, in this volume).

We should also mention here that the Dayton Peace Agreement changed the name of the country. The Republic of Bosnia-Herzegovina was succeeded by Bosnia-Herzegovina. It is not clear how this almost imperceptible change actually happened. *Nomen est omen* here as well. It seems that the Serb representatives in Dayton insisted on stripping Bosnia-Herzegovina of any of the *republican* identity which they wanted to reserve for their own entity. Thus, while the RS is unitary in character, and the other entity is a federation of cantons, “Bosnia-Herzegovina” is just a name given to a loose union.

So far as the definition of this uncommon union is concerned, commentators, citizens and politicians have been unable to agree whether Bosnia is a federal or a confederal state. Immediately after the war, Bosnia-Herzegovina was without doubt a confederal state. Its territory was divided into three zones which were controlled by three different armies. The FBH struggled to integrate its cantons controlled by ethnic Croat and Bosniak nationalist elites, while the RS, with Radovan Karadžić still in office or about to leave the political scene and go underground, did not show any interest in integrating with the rest of the country. The Bosnian state was extremely weak and completely dependent on the entities which, furthermore, had a right to enter into confederal agreements with Croatia and Serbia.

Fourteen years later, the FBH is an integrated entity and the physical entities’ borders no longer exist. There is one state army (though two police structures), one monetary system with the Central Bank, the Constitutional Court of BiH, a common external border control, and more effective state institutions and the Parliament. In this respect Bosnia could qualify as a federation, albeit only a loose one. A full integration of the country has indeed failed. Although the Constitutional Court concluded on 1 July 2000 that the entities were under the sovereignty of Bosnia-Herzegovina and that the Bosnian Constitution had supremacy over the constitutions of both the FBH and the RS,<sup>19</sup> the real power is still within the entities which have their own police structures, may open foreign affairs’ offices abroad, and have control of their railways, telecommunications, education, and electric systems (on whether Bosnia is a federal state or a union of states see Šarčević 2008 161-162). Especially since Milorad Dodik came to power in the RS in 2006, the reforms aimed at a closer integration have stalled. Moreover, during numerous discussions on the constitutional reforms of Dayton Bosnia, the representatives of the RS insisted on the *confederal* elements of the country’s current and future political and economic structures.



#### 4.2. Multi-Layered Citizenship in Dayton Bosnia

How does citizenship fit into this picture? It is clear that citizenship cannot be separated from the general political structure of the country. The Dayton Agreement introduced *two-level*<sup>20</sup> and *multiethnic* citizenship. In legal terms, there are state-level and entity-level citizenships. A citizen’s “entity citizenship” is determined by her or his place of residence before the war (i.e. before 6 April 1992), unless she or he currently resides in another entity. There is also a curious case of citizens from the district of Brčko. Although Brčko is not *de facto* a part of any of the two entities but *de jure* belongs to both entities, its citizens may choose what entity citizenship they wish to have. Bosnia’s citizenship could be defined as *multi-ethnic* insofar as all political participation of citizens is grounded in ethnic belonging i.e. citizens enter the political arena only as members of one of the three constituent ethnic groups (see below).

Bosnia’s bifurcated citizenship recalls Yugoslavia’s two-level citizenship. As it was in Yugoslavia before, the question of primacy between entity citizenship and state citizenship is also on the table. It is also one of the elements which could help resolve the puzzle of whether Bosnia is a federal or a confederal country. The answer, however, is not straightforward. On the one hand, some legal experts believe that the Dayton Peace Agreement grants primacy to the entities (Muminović 1998: 84-86), whereas, on the other, a person’s entity citizenship is considered a derivative of her or his Bosnia-Herzegovinian citizenship, which thereby provides the common denominator (UNHCR 1997). The latter view is supported by the fact that, in spite of the ethnic definition of the entities, the Constitution of the country provides that all constitutive peoples and all citizens of Bosnia and Herzegovina are equal within its territory. The 1997 Law on Citizenship affirms that they “shall enjoy the protection of those rights [...] under the same conditions and regardless of their entity citizenship” (art. 3). In January 2003 new uniform identity cards were introduced and a central database of all Bosnian citizens was established. The identity cards do not state which entity citizenship a person has, although the certificate of Bosnian citizenship states both state and entity citizenship. In this context, it is interesting to note that each of the entities and the cantons in the FBH has the right to issue Bosnian passports, but there is nevertheless a central registry of the country’s citizens (unlike in the former Yugoslavia which only had republican registries!).

Just as was the case in socialist Yugoslavia, so in today’s Bosnia we deal with what could be termed a *federal citizenship contract*. Classical citizenship entails a *bipolar* relationship between citizens and aliens, whereas citizenship in a federation is characterized by a *triangular* relationship between citizens of the member states, citizens of the federation and aliens (Beaud 2002: 317-318). This is especially so if there is a legally defined multi-layered citizenship. I call this triangular relationship a *federal citizenship contract*, which involves offering equal rights to all federal citizens over the federation’s territory, regardless of their *federated* or sub-state identity or citizenship. In that respect, in July 2000, the Constitutional Court of Bosnia-Herzegovina declared unconstitutional certain portions of the entities’ constitutions which granted the constituent people status only to their ethnic groups and not to all three groups throughout Bosnia in both entities as stated in the Bosnian Constitution.

### 4.3. Multi-Ethnic Citizenship, Ethnopolitics, and its Civic Subversions

Nevertheless, according to Annex 4 of the Dayton Peace Agreement, all political participation by citizens and all state institutions are regulated by strict ethnic quotas. State institutions include a bicameral Parliamentary Assembly, a three-member Presidency, a Council of Ministers, a Constitutional Court, and a Central Bank. All these institutions must represent equally the three constituent peoples: Serb representatives are elected from the RS and Croat and Bosniak representatives from the FBH. The passing of decisions requires an ethnic consensus. The Dayton Constitution also guarantees an ethnic “vital interest” right to veto whereby representatives of the constituent peoples and members of the Presidency may block any decision judged to be detrimental to their people’s interests. Although the citizenship law and the above-mentioned decision of the Constitutional Court underline the ideas that all citizens should enjoy equal rights throughout Bosnia and that all three groups are constituent in both entities, political participation and voting is ethnically defined and entity-based. Bosnian contemporary politics is essentially *ethnopolitics*, where a little room is left to non-ethnic, state-level or civic political identities and initiatives (see Mujkić 2007 and Vlasisavljević 2006).

As an example, according to art. 5 of the Constitution, the three members of the Presidency representing Bosnia’s three constituent peoples are not elected at the state level, but at the level of the entities; one Croat and one Bosniak are elected from the territory of the FBH and one Serb from the territory of the RS. This means that a Bosnian citizen of Bosniak ethnic background living in the RS can only vote for the Serb representative. It also means that he cannot vote for “his” ethnic representative in the Presidency; he or she is elected with the votes from the FBH. In turn, the Serb representative does not represent the Serbs living in the FBH, but only those who voted for him or her in the RS. The combination of ethnic and territorial principles thus undermines the general principle of equal ethnic representation: not all members of the three ethnic groups are equally represented. Indeed they cannot even vote for their ethnic representatives nor can they stand in elections if they happen to reside outside their ethnic entity. The electoral rules also imply ethnically homogenous territories, or, in other words, those living in other group’s entity (RS) or in other groups’ entity (FBH) are in a *minority* position which is clearly inconsistent with the three constituent people rule and their equality throughout the territory. In reality, Bosnia is divided in three *zones* in which each group has an absolute majority and other groups are treated as and feel as minorities. The international community in Bosnia hoped that the return of refugees to their pre-war places of residence would change the consequences of the war and ethnic cleansing. Although many refugees did return, the final result is meagre (Guzina 2007). To illustrate this, the population of 1991 in what is now the RS was made up of 55 per cent Serbs, 28 per cent Bosniaks and 9 per cent Croats. In 1997, there were 97 per cent Serbs. Today the population is around 75-80 per cent Serb. In the other entity, in 1991 there were 52 per cent Bosniaks, 22 per cent Croats and 18 per cent Serbs. In 1997 almost 73 per cent were Bosniaks and today around 75-80 per cent are Bosniaks and, to a lesser extent, Croats (Guzina 2007).

Although Bosnia is officially a country with no majority and no minority, there is, however, a sizable *minority* in Bosnia comprising all citizens who do not belong to the

three constituent peoples. They are officially called *the Others* and represent around 10 per cent of the population. Among them one finds, for instance, other South Slavic ethnicities, Jews, the Roma, and, mostly, individuals with mixed ethnic origins who refuse to declare their belonging to one of three official ethnicities. They generally have the same rights but are not entitled to be elected to the state Presidency and other ethnically defined positions such as representatives at the House of Peoples of the Bosnian Parliamentary Assembly. This obvious discrimination, which is inconsistent with the general principle of equality for all citizens, resulted in 2006 and 2007 in three lawsuits against Bosnia-Herzegovina before the European Court of Human Rights. Bosnia was brought before the Court by members of Jewish and Roma communities and by a Bosniak from the RS. In December 2009 the Court decided in favour of Dervo Sejdić of Roma origin and Jakob Finci of Jewish origin judging that preventing a Roma or a Jewish person from standing for election to the House of Peoples or for the State Presidency amounts to discrimination and breaches their electoral rights.<sup>21</sup> The ruling should result in a reform of the electoral procedures. As things stand today, the *Others* could enter the political structures as elected representatives of mostly non-ethnic parties (ideologically not ethnically defined parties) but only in the House of Representatives of the Parliament. The Council of Europe has repeatedly demanded changes to the electoral procedures since they are in obvious conflict with the European Convention on Human Rights (see Šarčević 2008: 159).

More specifically, it can be said that the non-ethnic parties – almost inevitably the left-leaning parties such as the Social-Democratic Party or recently established Naša Stranka [Our Party] – and independent citizens' movements such as "Dosta" [Enough!] are primary agents of civic subversion of the ethnic principle. One of the most significant subversions of the whole Dayton system occurred during the 2005 elections when Željko Komšić from the Social-Democratic Party (successor of the former League of Communists of Bosnia-Herzegovina) was elected as the Croat representative in the Presidency with the votes coming from his sympathizers regardless of their ethnic background. In other words, many non-Croats decided to give their votes in the FBH to a future Croat representative – rather than to *their own* ethnic candidate – because they shared with him the same political and ideological values. This is clearly a scenario the Dayton Peace Agreement did not anticipate.

#### **4.4. Dual Citizenship and Complicated Loyalties in Bosnia-Herzegovina**

When dealing with the citizenship issue in Bosnia one cannot fail to mention that a considerable number of Bosnian citizens possess the citizenship of another country. Art. 4 of the Law on Citizenship of Bosnia-Herzegovina allows for double citizenship provided there is a bilateral agreement between Bosnia and the state in question. The issue is a sensitive one for all of the ethnic groups, since a significant number of ethnic Croats hold Croatian citizenship,<sup>22</sup> many ethnic Serbs hold Serbian citizenship or could apply for it and there are numerous Bosnian refugees (the highest percentage of whom are ethnic Bosniaks) who have since acquired the citizenship of the countries to which they emigrated. Since many countries do not have bilateral agreements of this sort and are reluctant to sign them, and since deputies from the Serb entity have on several occasions blocked the removal of art. 4, the large number of Bosnians in

possession of dual citizenship are worried about the eventual outcome. However, the High Representative for Bosnia-Herzegovina decided to postpone the deadline for concluding bilateral agreements until 2013.

The dual citizenship of so many citizens gives another dimension to multi-layered Bosnian citizenship. Double citizenship links many Bosnians primarily to neighbouring states such as Croatia and Serbia but also to some immigration countries such as the US, Canada, the Netherlands or Sweden. By some estimates, more than 800,000 people living in Bosnia have Croatian citizenship.<sup>23</sup> This exceeds the number of ethnic Croats in Bosnia-Herzegovina almost all of whom, due to the ethnocentric definition of Croatian citizenship, are entitled to Croatian citizenship (see Ragazzi and Štiks 2009). Since the new law on Serbian citizenship in 2004 (confirmed in 2007) basically opens the doors to Serbian citizenship to all ethnic Serbs regardless of their place of residence, one could expect that many ethnic Serbs in Bosnia (around one million persons) would acquire this additional citizenship as well.<sup>24</sup> If we also add the fact that many refugees and immigrants have citizenship of the host countries and keep their Bosnian citizenship and residence, we could come to a rough estimate that approximately a half of the Bosnian population has dual or, in some instances, multiple citizenships.

Politically the consequences have been already felt. The Croatian electoral law has created a special electoral constituency that allows those Croatian citizens who form the “diaspora” (including the “near abroad”) to vote in the Croatian parliamentary and presidential elections. The law was designed in the 1990s by the nationalist government to bring as many seats as possible – ten per cent of the Representatives i.e. 12 seats – to Franjo Tuđman’s Croatian Democratic Union. Since 1999 the seats have been attributed on the basis of voter turnout. Nevertheless, it is not uncommon to see nationalist Croatian politicians campaigning among Bosnian Croats or to see their billboards in downtown Sarajevo (see Ragazzi and Štiks 2009). Many Croats, especially from the border regions with Croatia do have not only dual citizenship but a dual residency in Bosnia and Croatia and – due to the proximity of Croatia – often vote at the Croatian local elections as well. On the other hand, not all Croatian citizens abroad and in Bosnia vote at these elections. Actually, of 405,092 registered voters abroad only 90,482 (mostly in Croat-populated Western Herzegovina) voted at the 2007 elections.<sup>25</sup> Nevertheless, we would certainly witness an even more complicated situation and general “loyalty crisis” (already present in the situation of Bosnian Croats) if, for instance, Serbia decides to allow Serbian citizens abroad (mostly in Bosnia) to vote at its elections as well.

#### ***4.5. From Ethnic Fragmentation Towards European Integration? EU Citizenship as Yet Another Layer***

Bosnia-Herzegovina signed the Stabilisation and Association Agreement with the EU in 2008 and, in general terms, the EU has promised “a European future” to the Western Balkans (for a detailed discussion, see Bechev, in this volume). Here is not the place to discuss estimates of how long it might take for the Western Balkan states to join the EU, but it would however be interesting to contemplate what effect eventual EU membership of Bosnia and other former Yugoslav countries might have on specific

multi-layered and multi-ethnic Bosnian citizenship. Obviously, EU membership entails the introduction of European citizenship as well. In other words, already existing layers of Bosnian citizenship will acquire yet another one, the European layer, the access to which would, however, only be possible via Bosnian state citizenship.

It would be nevertheless an interesting situation both, so to speak, *vertically* and *horizontally*. Vertically, there would be three levels of citizenship: entity, state and European level. Horizontally, on the other hand, EU citizenship of citizens of all former Yugoslav republics would make redundant the question of dual citizenship (except for those holding a non-EU citizenship), especially when it comes to delicate relations between Bosnia, Croatia and Serbia. It would, politically, lower the importance of state borders and their relation to the territorial diffusion of ethnic groups. Finally, it would be interesting to observe how free movement and electoral rights attached to the EU citizenship would influence future political landscape in what used to be Yugoslavia (for European experiences on this matter see Shaw 2007).

## EPILOGUE

### ON NECESSITY OF EXCEPTIONS, OR WHY THE BOSNIAN EXCEPTION IS CRUCIAL FOR THE POST-COMMUNIST RULE

Observers of democratisations in countries with a high degree of ethno-national diversity often quote (quite uncritically) the classic liberal authority John Stuart Mill, who claims in his *Considerations on Representative Government* (1861) that "democracy is next to impossible in a country made up of different nationalities". Donald Horowitz observes that "democracy is exceptional in severely divided societies, and the claim has repeatedly been advanced that democracy cannot survive in the face of serious ethnic divisions" (Horowitz 1985: 681). According to Philip Roeder, the post-communist experience demonstrates that "democracy is unlikely to survive in ethnically plural societies" (1999: 855). Roeder is one of those scholars worried about the "third wave of democracy" and who claim to have statistical evidence that "successful democratic transitions are improbable when national revolutions are incomplete" (1999: 856). In Roeder's view national revolutions must be completed, whereas "improbable projects" such as multinational federal Bosnia are, he argues, "short-sighted" (1999: 855-856). It is interesting to observe how the views of democracy promoters and of nationalist leaders in many emerging democracies exhibit strong similarities. In fact, democracy promoters very often encourage nationalist politicians – although sometimes they worry about their human rights records – through their own claims that democracy is possible only with a solid ethnic majority, or failing this, a peaceful and complacent minority.

"In the post-communist world", Roeder continues, "stable democracy has triumphed only in countries that have solved their nation-ness problem. That is, democratization has been most successful in states that are both older and more homogeneous. No states that are both new and diverse are democracies" (1999: 860). To insist on ethnic homogeneity as a pre-condition for liberal democracy in Eastern Europe is essentially to advocate a system of ethnically "pure" and separated territories. But to achieve such ethnic "purity", or at least to reduce ethnic plurality, as demonstrated in the former Yugoslavia and in some post-Soviet regions, requires the massive employment of *non-democratic* methods involving human rights' violations, violence against civilians,

expulsions and, ultimately, mass killings. After all, historically, this is how most of “old Europe” and almost all of “new Europe” achieved their ethno-national homogeneity and a “democratic peace”.

In conclusion to this paper, which has attempted to trace profound transformations of citizenship and political identities in Bosnia-Herzegovina in its recent history, I will only add one more note on the necessity of the exceptions. In post-communist Europe, the only exception (Bosnia-Herzegovina) is crucial for the rule (national states of core ethnic groups), not only to prove it, but also to remind those who advocate it of what was there before (a multi-ethnic, multi-religious and multi-lingual diversity), and how the rule actually became the rule (by employment of massive violence). Bosnia-Herzegovina is also there to constantly question the rule and its validity and to remind us that what the rule is today was not the rule yesterday and may not necessarily be the rule tomorrow.

## REFERENCES

- Balazs, Lilla. “Bosnia-Herzegovina: ‘Transition, Times Two.’” *L’Europe en formation* 349-350 (automne-hiver 2008): 99-118.
- Banac, Ivo. *With Stalin against Tito: Cominformist Splits in Yugoslav Communism*. Ithaca: Cornell University Press, 1988.
- Beaud, Olivier. “The Question of Nationality within Federation: A Neglected Issue in Nationality Law.” In *Dual Nationality, Social Rights and Federal Citizenship in the U.S. and Europe: The Reinvention of Citizenship*, edited by Randall Hansen and Patrick Weil, 314-330. London-New York: Berghahn Books, 2002.
- Brubaker, Rogers W. *Nationalism Reframed. Nationhood and the National Question in the new Europe*. Cambridge: Cambridge University Press, 1996.
- Brubaker, Rogers W. “Citizenship Struggles in Soviet Successor States.” *International Migration Review* 26/2 (1992): 269-291.
- Budding, Audrey Helfant. “Nation/People/Republic: Self-Determination in Socialist Yugoslavia.” In *State Collapse in South-Eastern Europe*, edited by Lenard J. Cohen and Jasna Dragovic-Soso, 91-130. West Lafayette: Purdue University Press, 2008.
- Connor, Walker. *The National Question in Marxist-Leninist Theory and Strategy*. Princeton: Princeton University Press, 1984.
- Dika, Mihajlo, Arthur C. Helton, and Jasna Omejec (eds.). *The Citizenship Status of Citizens of the Former SFR Yugoslavia after its Dissolution. Croatian Critical Law Review* 3/1-2 (1998): 1-259.
- Dimitrijević, Vojin. “The Construction of States: Nationalism and the Definition of Nation-States in Post-Communist European Countries.” In *Dissolution, Continuation and Succession in Eastern Europe*, edited by Brigitte Stern, 147-170. The Hague: Martinus Nijhoff Publishers, 1998.
- Djilas, Aleksa. *The Contested Country: Yugoslav Unity and Communist Revolution, 1918-1953*. Cambridge: Harvard University Press, 1991.
- Guzina, Dejan. “Dilemmas of Nation-Building and Citizenship in Dayton Bosnia.” *National Identities* 9/3 (2007): 217-234.
- Hayden, Robert. “Constitutional Nationalism in the Formerly Yugoslav Republics.” *Slavic Review* 51 (1992): 654-673.

- Horowitz, Donald L. *Ethnic Groups in Conflict*. Berkley, Los Angeles, London: University of California Press, 1985.
- Imeri, Shpend (ed.). *Rule of Law in the Countries of the Former SFR Yugoslavia and Albania: Between Theory and Practice*. Gostivar: Association for Democratic Initiatives, 2006.
- Jovanović, Svetolik Đ. *Državljanstvo Socijalističke Federative Republike Jugoslavije* [Citizenship of the Socialist Federal Republic of Yugoslavia]. Beograd: Službeni List SFRJ, 1977.
- Jović, Dejan. “Fear of Becoming Minority as a Motivator of Conflict in the Former Yugoslavia.” *Balkanologie* 1-2 (2001): 21-36.
- Kobsa, Leopold, Vjekoslav Koprivnjak and Ines Šaškor (eds.). *Nacionalno pitanje u djelima klasika marksizma i u dokumentima i praksi kpi/skj* [The National Question in the Works of Marxist Classics and in documents and practice of CPY/LCY]. Zagreb: Naklada CDD, 1978.
- Liebich, André. “Introduction: Altneuländer or the vicissitudes of citizenship in the new EU states.” In *Citizenship Policies in the New Europe*, edited by Rainer Bauböck, Bernhard Perchinig and Wiebke Sievers, 17-40. Amsterdam: Amsterdam University Press, 2007.
- Medved, Felicita. “From Civic to Ethnic Community? The Evolution of Slovenian Citizenship.” In *Citizenship Policies in the New Europe*, edited by Rainer Bauböck, Bernhard Perchinig and Wiebke Sievers, 213-242. Amsterdam: Amsterdam University Press, 2007.
- Mujkić, Asim. “We, the Citizens of Ethnopolis.” *Constellations* 14/1 (2007): 112-128.
- Muminović, Edin. “Problems of Citizenship Laws in Bosnia and Herzegovina.” *Croatian Critical Law Review* 3/1-2 (1998): 71-88.
- Pejić, Jelena. “Citizenship and Statelessness in the Former Yugoslavia: The Legal Framework.” In *Citizenship and Nationality Status in the New Europe*, edited by Síofra O’Leary and Teija Tiilikainen. 169-186. London: The Institute for Public Policy Research / Sweet & Maxwell, 1998.
- Ragazzi, Francesco, and Igor Štiks. “Croatian Citizenship: From Ethnic Engineering to Inclusiveness.” In *Citizenship Policies in the New Europe*, edited by Rainer Bauböck, Bernhard Perchinig and Wiebke Sievers. Second, expanded edition. Amsterdam: Amsterdam University Press, 2009.
- Roeder, Philip G. “People and States after 1989: The Political Costs of Incomplete National Revolutions.” *Slavic Review* 54/4 (1999): 854-882.
- Šarčević, Edin. “Dejtonski Ustav: karakteristike i problemi” [The Dayton Constitution: Features and Problems]. *Status* 13 (2008): 153-168.
- Shaw, Jo. *The Transformation of Citizenship in the European Union: Electoral Rights and the Restructuring of Political Space*. Cambridge: Cambridge University Press, 2007.
- Shoup, Paul. *Communism and the Yugoslav National Question*. New York & London: Columbia University Press, 1968.
- Skalnik Leff, Carol. “Democratization and Disintegration in Multinational States: The Breakup of the Communist Federations.” *World Politics*, 51/2 (1999): 205-235.
- Smith, Jeremy. *The Bolsheviks and the National Question, 1917-23*. Basingstoke: Macmillan, 1999.
- Snyder, Jack. *From Voting to Violence. Democratization and Nationalist Conflict*. New York-London: W. W. Norton & Company, 2000.
- Štiks, Igor. “‘The Berlin Wall Crumbled Down Upon Our Heads!’ 1989 and Violence in the Former Socialist Multinational Federations.” *Global Society* 24/1 (2010): 91-110.

- Štiks, Igor. "Nationality and Citizenship in the Former Yugoslavia: From Disintegration to the European Integration." *South East European and Black Sea Studies*, 6/4 (2006): 483-500.
- Stokes, Gale, with Drago Rokсандić *et al.* *Independence and the Fate of Minorities, 1991-1992*, published at [www.cla.purdue.edu/si/](http://www.cla.purdue.edu/si/), 2005.
- Tepić, Đuro & Bašić, Ivan (eds.). *Zbirka propisa o državljanstvu* [The Collection of the Citizenship Regulations]. Narodne novine: Zagreb, 1969.
- UNHCR, Regional Bureau for Europe. *Citizenship and Prevention of Statelessness Linked to the Disintegration of the Socialist Federal Republic of Yugoslavia*. European Series 3/1 (June 1997). Geneva: UNHCR.
- Vlaisavljević, Ugo. *Etnopolitika i gradjanstvo*. Mostar: Dijalog, 2006.

## NOTES

- \* *Being Citizen the Bosnian Way?* is a paraphrase of the title of Tone Bringa's study *Being Muslim the Bosnian Way: Identity and Community in a Central Bosnian Village* (Princeton University Press, 1995). I am grateful to Dejan Jović, Jo Shaw, Ljubica Spaskovska and Gëzim Krasniqi, as well as to participants of the seminar *Identity Politics and Political Identities in post-Dayton Bosnia*, organised by Sylvie Ramel and Francis Cheneval (4-5 June 2009, European Institute of the University of Geneva), for their useful comments and suggestions. All unnoticed mistakes, needless to say, are my sole responsibility. My research was supported by funding under the project "The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia" (CITSEE; European Research Council 230239). Contact: [i.stiks@ed.ac.uk](mailto:i.stiks@ed.ac.uk).
- <sup>1</sup> Montenegro is an interesting case. The country's regional name became the name of an ethnic group, the Montenegrins. However, many Montenegrins were confused about whether they constituted a separate nation or were just a branch of the Serbian nation. This internal conflict had many political twists and turns in the twentieth century. At the 1991 census 62 per cent of the population declared their ethnicity as Montenegrin, only 9 per cent as Serb and 4 per cent as ethnic Yugoslavs. The 1990s were dominated by the ideology of a national unification with the Serbs, although by the end of 1990s the Montenegrin leadership – including politicians such as current prime minister Milo Đukanović, who advocated the idea of union, political and national, with Serbia in early and mid-1990s – took a sharp turn towards independence. However, the 2003 census showed a different ethnic picture: only 43 per cent of the population declared as ethnic Montenegrins, whereas 32 per cent as Serbs; other major groups being Bosniaks and ethnic Muslims (12 per cent), and Albanians (5 per cent). Although this schism torments Montenegrin body politics, and although ethnic Montenegrins are not a majority in their own country (but are numerically the strongest group), they should be considered Montenegro's core ethnic group.
- <sup>2</sup> For a detailed analysis see Sevan Pearson's paper in this volume.
- <sup>3</sup> The Bosniaks as such do not have their own exclusive "national home". They have a state – Bosnia-Herzegovina – that they *share* with two other ethnic groups and this state is "the home" to all Bosnian citizens. In the Sandžak region in Serbia and Montenegro and elsewhere, many South-Slavic Muslims also adopted the Bosniak name (although some still declare themselves as ethnic Muslims), although they live outside the regions of Bosnia and Herzegovina and thus could not claim Bosnia-Herzegovina – which is furthermore, as explained above, a truly multi-national country – as their "national



homeland". However, many see Sarajevo as their national and cultural capital and often migrate there to study or work.

4 Kosovo has a regional name too, but is predominantly populated by ethnic Albanians (more than 90%) as its core ethnic group. Nevertheless, since Kosovo Albanians have now their own state and since historically they were not part of Albanian state (save for a brief period during Italian fascist occupation), and provided that there is no "national unification" of two ethnic Albanian states, the establishment of an independent Kosovo might initiate in the long-run a political (not an ethno-national) differentiation between Albanians and Kosovans.

5 Russia is a federation as well, but it is much more centralised than Dayton Bosnia and is heavily dominated by the ethnic Russian majority.

6 Today other examples include, to name just a few well known, the USA which has federal and state citizenships, the latter being dependent on residence and therefore changeable; Switzerland with its three-tier citizenship (confederation, canton, community); and some special territories such as, for instance, Hong Kong and Macao in China, or, for that matter, Puerto Rico (since 2007).

7 The anti-fascist council for this region was abolished in March 1945 and the territory of Sandžak (predominantly populated by ethnic Muslims) was divided between Serbia and Montenegro.

8 At that time the list did not include the Muslim population of Yugoslavia as a separate nation. Instead it was considered to be a part of the Serbian, Montenegrin, and Croatian nations. The Muslims would be able to declare their ethnicity as "Muslim" from the 1961 census onwards. They are mentioned as a constituent nation of Yugoslavia in the constitutional amendments of 1968, a status which was finally confirmed in the last Yugoslav constitution of 1974.

9 Republic-level citizenships were established in Czechoslovakia only in 1969. The first Soviet republic which enacted its own law on citizenship was Lithuania, but this was not until November 1989.

10 The 1953 Constitutional law (art. 12) contains the same provision. The 1963 Constitution, however, coupled these rights with duties (art. 118), a measure which was also incorporated into the 1974 Constitution of the SFRY (Jovanović 1977: 22).

11 Official Gazette 254/1928.

12 Following major constitutional changes in Yugoslavia and subsequent changes to the law on federal citizenship, laws on the citizenship of the Socialist Republic of Bosnia-Herzegovina were adopted in 1950, 1965 and 1977.

13 For instance, Croatian Serbs living in big Croatian cities outside areas where Serbs formed majority in Croatia mostly voted for non-ethnic and leftist parties such as reformed communists (see Stokes *et al.* 2005: 7).

14 Službeni List RBiH (Official Gazette of the Republic of Bosnia-Herzegovina) 18/1992, amended on 23 April 1993 (SL RBiH 11/1993) and on 16 December 1993 (SL RBiH 27/1993).

15 Originally art. 29 allowed acquisition of Bosnian citizenship to citizens of other Yugoslav republics only after 5 years of continuous residence for those born in Bosnia, and 10 years of residence for those who were not born in Bosnia (UNHCR 1997: 29, Muminović 1998: 77).

- <sup>16</sup> After its declaration of independence from Serbia in 2008, Kosovo adopted its own law on citizenship which declared that Kosovo citizens were all citizens of the Federal Republic of Yugoslavia who resided in Kosovo on 1 January 1998. This is the only example of Brubaker's "new state model" in the former Yugoslavia and as such it resembles citizenship policies adopted in some republics of the former Soviet Union. I am grateful to Gëzim Krasniqi for this remark. Here one has to take into account that Kosovo as an autonomous province did not have its own citizenship but its citizens had Serbia's republican-level citizenship. Also, Kosovo's citizenship law was designed in close collaboration with supervising international bodies.
- <sup>17</sup> It would be interesting to establish what the real military potential of these (male) residents was. It was probably not very strong. On the other hand, the 1993 amendments to Bosnia-Herzegovina's decree on citizenship facilitated the naturalisation of those who *had been* actively involved in the defense forces (Muminović 1998: 79). Bosnian citizenship was granted on this basis to a limited number of foreigners, mostly from Islamic countries who had fought on the Bosniak side. In May 2005, a newly formed commission comprising local and international members launched a final revision of all naturalisations from 1992 to 2005. According to some sources, 20,000 people were in possession of a citizenship status which was considered to be problematic including Islamic fighters, Serbs from Serbia and Croatia who acquired citizenship from the Serb entity, and ethnic Bosniaks from the Sandžak region (Serbia and Montenegro) who were naturalised in the Bosniak-Croat entity. See "*Sporno 20,000 državljanstava*" [20,000 Citizenship Statuses Contested] in *Slobodna Dalmacija*, 14 May 2005, Split: <http://www.slobodnadalmacija.hr/20050514/bih03.asp>. Between March 2006 and December 2007, the Commission revoked the Bosnian citizenship of around 660 persons and, in the first half of 2008, of another 20 persons. The majority of them came from African or Asian Islamic countries. Apparently, a great number of these individuals does not reside in Bosnia anymore. See "*Oduzeto 20 pasoša BiH*" [20 Bosnian Passports Revoked] in *Press Online*, 21 October 2008: <http://www.pressonline.rs/page/stories/sr.html?view=story&id=49615&sectionId=51>.
- <sup>18</sup> The Parliament of Bosnia-Herzegovina adopted an amendment to the Constitution regulating the status of the district of Brčko on 25 March 2009.
- <sup>19</sup> For the decision U-5/98 see the official website of the Constitutional Court of Bosnia-Herzegovina <http://www.ccbh.ba>
- <sup>20</sup> The "Dayton" Constitution of Bosnia and Herzegovina (Annex IV of the Peace Agreement) defines citizenship thus: "Citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity, provided that: all citizens of either Entity are thereby citizens of Bosnia and Herzegovina" (art. 1, para 7 – Citizenship). High representative Carlos Westendorp enacted the citizenship law on December 16, 1997 with effect from 1 January 1998.
- <sup>21</sup> The Court's press release is available at [http://www.coe.org.rs/eng/news\\_sr\\_eng/?conid=1545](http://www.coe.org.rs/eng/news_sr_eng/?conid=1545)
- <sup>22</sup> Croatia and Bosnia signed the bilateral agreement in Spring 2007, but its ratification is still pending.
- <sup>23</sup> See "*Državljanstvo u 15 godina dobilo više od milijun osoba*" [In Fifteen Years More Than One Million Persons Acquired [Croatian] Citizenship], *Vjesnik*, 13 September 2006, available at <http://www.vjesnik.hr/html/2006/09/13/Clanak.asp?r=tem&c=1>

- <sup>24</sup> In July 2009 the European commission proposed visa liberalisation for Macedonia, Serbia and Montenegro (for the latter two upon completion of additional "homework") as of 1 January 2010. The Commission also concluded that Bosnia-Herzegovina, Kosovo and Albania did not satisfy criteria for liberalisation of the EU visa regime. This provoked a fierce debate especially in Bosnia-Herzegovina. Many point out that this measure basically punishes only one ethnic group (Bosniaks) since Croats will be able to travel freely to the EU with Croatian passports and many Serbs will be able to travel with their Serbian passports. Moreover, the visa liberalisation policy of the EU could motivate more Bosnian Serbs to acquire Serbian citizenship.
- <sup>25</sup> See the official webpage of the Electoral Commission: <http://www.izbori.hr/izbori/izbori07.nsf/fi?openform>