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Self-determination Constellations: Substate Regions and Citizenship in Europe

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SOVEREIGNTY & SELF-DETERMINATION



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Abstract

The paper examines European sub-state regions as loci of competing self-determination claims and overlapping citizenship regimes. There are two basic premises the paper relies on; that self-determination is a claim rather than a right; and that extending citizenship to territorially concentrated groups constitutes a surrogate for self-determination. The latter premise is a novel way of looking at the link between citizenship and self-determination. The main question of the paper is twofold (a) what role does extra-territorial citizenship play in contested territories and in the context of competing self-determination claims; and (b) can there be a normative justification for conferring dual citizenship considering the stability of sub-state territorial arrangements. The analysis relies on cases from Western, Central and Eastern Europe. The paper is a contribution to the literatures on self-determination, citizenship and sovereignty. Building on the concept of citizenship constellation, the idea that citizenship regimes overlap over a certain territory, the paper argues we should consider adding a temporal dimension to our understanding of citizenship. Finally, this lead us to the new way of thinking that can be captured by the concept of self-determination constellations involving spatiotemporal relations between self-determination, citizenship and territory.

Keywords: Substate regions, citizenship, self-determination, constellations, European integration, kin states.

Self-determination Constellations: Substate Regions and Citizenship in Europe

Introduction

This paper investigates the implications of changing borders (and self-determination) from the perspective of dual citizenship. The focus is on European substate regions as loci of competing self-determination claims and overlapping citizenship regimes. The aim is to better understand the interaction between competing self-determination claims in (border) regional polities in the context of kin-state politics and regional (supranational) integration. It engages with two main literatures: on self-determination and territoriality, and on citizenship. The research revolves around the idea of citizenship constellations, which is further developed to accommodate important temporal aspects of self-determination.

The paper rests on two premises. The first is that self-determination is a claim rather than a right, in line with some of the recent literature. The second is that extending citizenship to territorially concentrated groups constitutes a surrogate for self-determination.

The main question of the paper is twofold: (a) What role does extra-territorial citizenship play in contested territories and in the context of competing self-determination claims?; and (b) can there be a normative justification for conferring dual citizenship considering the stability of substate territorial arrangements?

The paper relies on references to cases from various parts of Europe with an emphasis on those where the territory is contested and is central to the identity of a cultural nation as perceived by nationalists. These are oftentimes the cases in which kin-state citizenship regime targets regional population to remedy the (perceived or actual) loss of the territory. Key elements of the analysis are the following: the nature of the establishment of the substate regional polity and of “territorial loss”; toleration of dual citizenship by the host-state; history of conflict; and convergence between the kin-state and host-state regarding the suprastate integration.

The paper will show that conferring citizenship on the basis of somewhat attenuated ethnic criteria (such as language competence or past citizenship), combined with territorial principles where the targeted minority exercises self-determination in a (multiethnic) substate polity, does not necessarily cause instability while divergent supranational integration paths can spark a conflict over self-determination claims. More importantly, the paper proposes the idea of self-determination constellations outlining a model that could potentially have broader applicability.

Self-determination and citizenship

Much has been said about who has the right to self-determination, and various typologies have been proposed, including external and internal self-determination. In the last couple of decades, there has been an attempt to institutionalise remedial right to self-determination and related doctrine of responsibility to protect envisaged to support minorities suppressed by their host state. However, in respect of the ruling of the International Court of Justice on Kosovo's unilateral declaration of independence (ICJ 2010), the international community failed to codify the remedial right to (external) self-determination as such.

Many years ago, Ivor Jennings (1956) exposed the paradox of the doctrine of self-determination, that has preoccupied practitioners and scholars for over a century: the principle was meaningless because before the object of self-determination—the people—could exercise that right, someone would have to define the people. Universally applied, it would also cause a number of practical issues, not least of which how to deal with the myriad potential and overlapping claims to external self-determination— independence ultimately leading to the collapse of the political order. It is precisely the overlapping self-determination claims over substate territory that are of particular interest here.

There is a widespread view in the literature that considers claims to self-determination to be of an incremental nature, a slippery slope that inevitably leads to independence. Some of these are more specific and argue that regional parties promoting regional identities are likely to stimulate conflict and secessionism (Brancati 2005), that the design of a state's institutions determine how the self-determination claims will be expressed (Roeder 2007), or that granting segmental autonomy might not be the most usable technique accommodating conflicts (Caluwaerts and Reuchamps 2015). I have argued elsewhere (Stjepanović 2015 and 2017) that this need not be the case and that institutionalising plurinationality at the substate regional level does not need to lead to demands for independence if certain criteria are met.

Others took a different approach and instead of trying to define who the people are and who the holders of the right to self-determination might be, they looked at processes of people-building (Smith 2004; Brubaker 1995) that are highly contextualised. The aim of this paper is not to assess the normative strength of the historical claims to self-determination or self-government which might be arbitrary (Moore 2003). Rather, it is to establish what role citizenship plays in the context of contested territories, how states use external citizenship, and what effects this has on the stability of substate polities. The normative aim of this paper is to explain under what conditions external citizenship targeting a territorially concentrated population could be permissible.

Additionally, there is a more recent literature that analyses self-determination as a set of political claims and demands rather than as a right *per se* (Keating 2013; Tesón 2016). Claims for self-determination are essential and defining principles of nationalism. We cannot talk about nationalism and politics without resorting to the principle of self-determination. It is the essence of the nationalist claim that a people as a defined and a bounded political entity exists and that they have a common will to establish (or at least potentially establish at some point in the future) a self-governed polity, independent or integrated into a larger state. There is a counterargument to this by Wayne Norman (2006) who says that nation-building should not be equated with the overt quest for self-determination as it can both precede and follow successful attempts of communities to become self-determining in a particular territory. Indeed, self-determination in the sense of creating a separate territorialised political unit (external or internal) is not the explicit demand of all nationalists. However, claims to self-determination do not cease to exist once an autonomous, independent or otherwise institutionalised polity is established. The claims to self-determination are of a perpetual nature and include an important future component as well. In other words, nationalists of today claim their people's right to self-determination existed in the past, exists currently, and will exist in the future as well, irrespective of the institutional form this might take.

Citizenship, as commonly understood today, involves political membership of equal individuals in a territorially bounded state (Joppke 2003). The historical goal of nation-building was not only to transfer sovereignty to the nation but also to do away with other competing forms of political loyalties, identities, and memberships (Jones and Fahrmeir 2008). Being loyal to two or more states or polities was seen as an aberration. States still remain the primary arbiters of political, social, and civic rights—in other words, the constitutive elements of citizenship (Marshall 1950)—although dual citizenship is more and more tolerated. There was an expectation that dual or multiple citizenship could be seen as a “step towards postnational conceptions of membership and the opening of new spaces for free movement and multiple identities across the borders of sovereign states” (Bauböck 2010).

Since the 1990s there has been a burgeoning literature trying to explain the role of kin-states in relation to minorities “trapped” outside the country usually as a result of a border change or the collapse of imperial order in many places in Europe, particularly central and eastern Europe. Most of it holds that diasporas and co-ethnics are not naturally occurring groups but primarily political projects (Brubaker 2005; Bauböck 2010; Brubaker and Kim 2011). Many analysts initially saw these new social groups as a challenge to the concept of the territorial nation-state (Basch, Glick Schiller, and Szanton Blanc 1995; Tölölyan 1991) or having a potentially negative influence on the homeland politics through “long-distance nationalism” (Anderson 1998). More recently

it has been claimed that co-ethnics need not be a liability for the kin-state but can instead be a resource that can be nurtured and ultimately exploited by political elites (Østergaard-Nielsen 2003).

There is no agreement in the literature on what drives kin-state policies but some of the reasons include domestic political concerns, communal solidarity, competing foreign policy goals and benefits from economic resources (King 2010, 148-151). The most controversial measure, according to Waterbury, is the expansion of citizenship through dual citizenship legislation (2010, 142). What this paper attempts to do is precisely to show that there is no direct and necessary causal relation between granting dual citizenship and the stability of interstate and intrastate relations involving a minority population. Harris, in this series, also seems to imply that recognising the complexities of transborder regions, including dual citizenship regimes in some cases, should not be ruled out.

Traditionally, the motives for kin-state interventions have been divided into explanations that emphasise affective ties between the state and its cross-border kin, and those that emphasise strategic or instrumental motives of the state in engaging in cross-border interventions (Heraclides 1991). Affective ties or nationalism-based arguments (Carment and James 1995; Carment, James, and Rowland 1997) generally hold that kin-state policies are driven by genuine desires on the part of the homeland population to rescue ethnic kin facing persecution in neighbouring countries or consolidate their ties with these populations. This fits well with the nationalist theory of territorial jurisdiction holding that, “the state derives its territorial rights from the prior collective right of a nation to that territory” (Stilz 2011).

Instrumental or strategic models expect, in contrast, that kin-state policies are motivated by geopolitical goals of the state, which may have to do with territorial expansion or leveraging one’s position with a neighbouring country.

Some arguments combine these two logics. For instance, Saideman (1997; 1998; 2001) argues that ethnic ties (affective motives) are the basic drivers of ethnic interventions insofar as governments seek to respond to genuine concerns that their constituents feel for ethnic kin over the border. However, strategic logic or instrumentalism also comes into play when governments face too many constraints to engage in ethnic interventions or when the elite’s core constituency changes so that the previous constituents’ cross-border affective ties are no longer important to the elites.

Bauböck’s (2010) “citizenship constellation” is a model that is more promising to understand the interactions of kin-state—host-state citizenships, minority groups, and

substate polities. According to him, citizenship constellation explains a structure in which individuals are simultaneously linked to several political entities so that their legal rights and duties are determined not only by one political authority but by several, illustrating how states are in a strongly intertwined relationship. Bauböck argues that within a citizenship constellation, states react to each other's citizenship policies without attempting to coordinate them. Further, the model allows us to talk about nested citizenship constellations which captures citizenship at different spatial levels, both below and above the state in addition to the elements of the "triadic nexus" (Brubaker 1995): the kin-state, the host-state, and the national minority. Bauböck's model, nevertheless, does not explicitly address the temporal aspect of these interactions which will be discussed later in the text.

It becomes quite clear from the discussion above why states might extend citizenship to populations living outside its borders. How this is related to self-determination and why some host states attempt to resist it, however, needs additional clarification.

There is an argument within the libertarian camp of political and legal theories saying that self-determination is connected to property, in other words, that it is the sum of property owners' rights who legitimise a state's territorial rights. Some accounts are rather crude. Others such as Tesón's (2015) are more refined but come down to the same idea. Property holders forfeit some of their rights (stemming from property ownership) to the state that has a duty to protect and represent them. How does this relate to citizenship? Many of these theories can be easily refuted, not least by the reference to jurisdictional rights preceding property rights. However, there is a certain logic in the argument that by providing citizenship to a population living just outside its borders, state governments can be seen as engaging in the creation of membership outside their internationally recognised boundaries and potentially claiming jurisdiction over that territory. Most commonly, this is done on two principles: ethnic, usually co-ethnicity with shared ancestry, culture, and/or language, and territorial and intergenerational, usually by reference to former citizenship especially in the cases of state territory "shrinkage."

If we look at the example of Northern Ireland and the overlapping UK and Republic of Ireland (ROI) citizenship regimes producing a particular form of citizenship constellation, these arguments gain some substance. Following the Tan War, the Anglo-Irish Treaty was signed in December of 1921 and ratified the next year. This created the twenty-six counties of the Irish Free State, later the ROI, which excluded the six north-eastern counties. The split of these six counties from the rest of Ireland effectively created a special status for six of the nine counties of the historic province of Ulster (English 2006). They were recognised for a long time in the ROI constitution as an integral part of the ROI although under UK control. The period of protracted conflict ended in 1998

with the Good Friday Agreement and the formation of a successful power-sharing government (Hayes & McAllister 2016). The creation of NI as such was not planned but was a residual element of the ROI's secession processes.

Most importantly for our discussion here is the fact that one of the essential components of the Good Friday Agreement, after dropping irredentist clauses from the ROI constitution, is the right of NI residents to have dual citizenship, something that was agreed to by both states. The regulation of citizenship targeting NI residents is significantly different from that pertaining to the "Irish Diaspora" which leads to "privileged naturalisation regime for those of 'Irish descent or Irish associations'" (Handoll 2012). The relevant section of ROI citizenship law is using the *ius soli* provisions for the benefit of those from NI. This means in practical terms that all permanent residents and those born in the six counties of the NI are *de jure* dual citizens of the UK and the ROI despite the fact that some have not exercised their dual citizenship rights in full. This case shows clearly how in the process of negotiations, the ROI government dropped explicit claims to territory by removing it from the constitution while at the same time introducing a citizenship regime targeting the residents of NI. This is a clear example of citizenship being used as a surrogate for self-determination pertaining to the specific territory. The government of the ROI for its purposes recognised the entirety of the population of the six counties as their own citizens. This does not necessarily give territorial rights to the ROI but could be interpreted in political contestation as such (see Margaret Moore in this working paper series). The abovementioned libertarian reasoning could lend it some support as the ROI could potentially justify its territorial claims by reference to its citizens and protection of their property. Although not directly comparable, following Russia's annexation of Crimea in 2014, the reference to former citizenship was used as a post-factum justification of Russia's intervention.¹

This brings us the issue of temporality and past territorial rights and citizenship rights and duties that might, in some cases rather legitimately, stem from the membership in a previous polity that occupied the same physical space or from the past citizenship regime. One such illustration comes from the Croatian-Slovene-Italian cross-border region of the upper Adriatic and in particular the historic region of Istria. The region changed hands several times between the Habsburg Empire, Kingdom of Italy, and Yu-

¹ Nikolay Starikov and Dimitriy Belyaev claim in *Rossiia, Krim, Istoriia* [Россия. Крым. История] St. Petersburg: Piter (2016) that the 1954 transfer of Crimea to Ukraine did not regulate the status of RSFR citizens and that they retained their Russian rather than Ukrainian substate citizenship throughout the Soviet period.

goslav state in the twentieth century.² Despite the process of ethnic homogenisation in Yugoslav Istria, minority rights for the Istrian Italians were guaranteed by international and bilateral agreements, especially after the treaty of Osimo (1975) signed between Italy and Yugoslavia which regulated the border, minority rights, and war damages. Bilingualism was institutionalised although limited to the municipalities with a significant Italian population. Even after the dissolution of the Yugoslav federation, the logic of bilateralism prevailed. Thus, for example, ethnic Italians citizens of the newly independent Slovenia, largely due to the external pressures of the Italian state on the newly independent Croatia, continued to exercise a number of rights in the post-independence period, including access to the job market in both newly independent countries. Many of their existing citizenship and minority rights were not abrogated due to the fact that two new states were formed in a substate and transborder area that they traditionally inhabited.

In the post-1990 period, a number of special provisions aimed at allowing people to reacquire Italian citizenship in cases where they had lost their Italian citizenship during the time when the right to hold dual citizenship was still uncertain were adopted by Italian governments (Zinconone and Basili 2013). These measures targeted foreign citizens of Italian descent living in the territories that, having belonged to the Austro-Hungarian Empire before the end of the First World War and to Italy in the interwar period, were subsequently incorporated into Yugoslavia after the Second World War. Istria represents, by far, the largest proportion of that territory. Further amendments to the legislation of 2006 introduced the verification of the existence of co-ethnic ties by examining an applicant's knowledge of the Italian language and culture. The necessary proofs included a verifiable document confirming descent from an Italian citizen and proof of knowledge of Italian language and culture. As a net result of these policies, in a bilingual region of Istria where over 70% of population speak Italian at various levels of competence (Hržica et al. 2011, 192) and in a region which has not undergone large migration, this meant that the overwhelming majority of Istria's population of 200,000 could apply for Italian citizenship. According to estimates, 30,000 Italian citizenships were handed out before 2012, a number that surpasses by at least two-fold the number of declared ethnic Italians. This has also not caused any tensions and prominent Istrian regionalist leaders have publically stated that they are in possession of an Italian passport.

This development explains a very significant theoretical point. Using the citizenship constellations model, we can explain the overlap of the Italian and Croatian citizenship regime in Istria and even talk about the nested nature of the citizenship constellations

² On Istria see Ballinger (2004) and Stjepanović (2017).

of the substate region, of both state and EU citizenship. However, one crucial issue here is that following the dissolution of Yugoslavia, ethnic Italians preserved their rights in both Slovenian and Croatian territories, something that was not readily available to other citizens. In this way and regardless of the new states' creation, the residual rights continued to be exercised in the previously created territory finding itself under two new states. Citizenship provisions, in this case, have directly reconstructed a territory that preceded the nation-states. This is an obvious argument in favour of inclusion of a temporal aspect of citizenship constellations (in this case, past), which explains the current situation.

Another similar case is that of Serbia's Vojvodina region and its relation to Hungarian citizenship which includes a temporal aspect of citizenship constellations, in this case, a future one. Vojvodina is a multi-ethnic autonomous region with constitutional guarantees in the Republic of Serbia. From 1867 to 1918, it constituted a part of the Kingdom of Hungary, with three dominant ethnic groups: Serbs, Germans, and Hungarians. Most of the ethnic German population was expelled after the Second World War and self-declared Serbs today represent around two-thirds of the two million strong population in the region. The autonomous region is multilingual with six official languages, and an elected assembly and executive. The dominant politics of the region takes the form of multinational regionalism.³ Serbia is an EU candidate country while Hungary has been a member state since 2004. EU membership is a valence issue in Serbia today.

Hungary has had somewhat more restrictive external ethnic citizenship policies until relatively recently. Since 2010, however, the Orbán government has encouraged ethnic Hungarians living outside the country who became eligible for non-resident citizenship in 2010 to naturalise (Pogonyi et al. 2013). External citizenship is given to a non-Hungarian citizen whose ancestor was a citizen of historic Hungary,⁴ or who demonstrates the plausibility of his or her descent from Hungary and proves knowledge of the Hungarian language, following the amendment of the Citizenship Act. They can obtain access to Hungarian citizenship through preferential, but not automatic, naturalisation. This type of citizenship regime reinstated for the purpose of citizenship acquisition effectively recreated the territory (itself being a social construct) of pre-WWII Kingdom of Hungary, something that has a strong symbolic appeal to many Hungarian nationalists. However, this has not have a destabilising influence in Vojvodina. According to well-informed estimates, over 150,000 residents of Vojvodina

³ See Stjepanović (2017).

⁴ This would mainly relate to the period from the Ausgleich in 1867 and creation of the dual Austro-Hungarian monarchy up until 1944 and the formation of the Hungarian Republic. It is worth mentioning that residents were not citizens of Austria-Hungary but of either Hungary or Austria.

applied for Hungarian citizenship by 2016. A large number of the applicants do not necessarily identify as ethnic Hungarians in the censuses. As a corollary to this, unlike in Istria, which is largely bilingual, an increasing number of Vojvodina's non-Hungarian population is taking classes to learn Hungarian. A few years ago, a minister of Vojvodina's government, Andor Deli, decided to leave his post as he was elected a member of the European Parliament on FIDESZ's (the ruling party of Hungary) electoral list.

Coming back to the temporal aspect of citizenship constellations, I argue that such a development was possible largely due to the fact that both the kin-state, Hungary, and the host-state, Serbia, agree on the prospects of Serbia's EU membership. In other words, the future nested citizenship constellation in this case, just as in Istria, will currently include regional, dual national, and EU citizenship.

It is important to distinguish the above cases, which exhibit relative stability within the constellation, from a case that does not. In South Slovakia, the region inhabited by a substantial Hungarian minority, formerly part of the Kingdom of Hungary and the war-time Hungarian state, we see a significantly different outcome. Here, Hungary's 2010 citizenship law resulted in a radically different response and tit-for-tat tactics in which Slovakia stripped its citizens of Slovak nationality if they acquired Hungarian citizenship (see Erika Harris's paper in this working paper series). My argument is that one of the crucial differences and reasons for a different outcome is that, unlike in the above cases, South Slovakia does not exist as a (autonomous) territorial polity. Again, this links the issue of self-determination to citizenship. In the above cases, self-determination claims by minorities (Irish, Italian, and Hungarian) were largely addressed through internal self-determination by the creation of substate regional polities representing their interests, and political and cultural rights. The introduction of kin-state citizenship targeting residents of substate regional polities did not have such a destabilising effect as it did in the case of Slovakia where the kin-state citizenship or surrogate for self-determination was also applied.

Explaining the self-determination constellations model

In the table below, I outline some of the prominent elements of what could be called the self-determination model accounting for various elements of substate polity formation, the nature of kin-state citizenship and host state responses, and the past and the future of citizenship constellations. Some of the cases are then added to the grid, including South Tyrol as a negative case (there is no kin-state citizenship), to better understand the dynamics of the model.

Table 1: *Self-determination Constellations grid*

Case	Autonomy / substate polity established	Dual citizenship tolerated by host state	Past	Suprastate Integration (future)	Current situation
Istria	Bilaterally	YES	Conflict	Common (EU MS)	Stable/integrated
Vojvodina	Unilaterally	YES	Conflict	Common (potential EU MS)	Stable/integrated
Northern Ireland	Bilaterally	YES (part of autonomy)	Conflict	Uncertain (Common Travel Area)	Potentially unstable
Crimea	Unilaterally	NO	Non-conflict	Separate	Unstable/seceded
South Slovakia	Non-existent	NO	Conflict	Common (EU MS)	Unstable/integrated
South Tyrol	Bilaterally (guaranteed)	Non-existent	Conflict	Common (EU MS)	Stable/integrated

Source for the table: Own elaboration.

In cases where there is an interstate agreement such as between Italy and Austria guaranteeing the autonomy of South Tyrol, there might be different types of expectations regarding the involved states' behaviour than cases where the autonomy is a product of internal politics. The other element, the nature of territorial loss (including past conflict) and how prominent it is in national memory, could also have an effect on the self-determination constellation. The Trianon treaty reducing the territory of pre-WWI Hungary, for example, although it happened nearly a century ago, is still part of national narratives to the extent that it features in party manifestos and parliamentary debates. Additional elements include toleration of dual citizenship by the host-state, a crucial element of self-determination constellations. In cases where the host-state forbids dual citizenship, the kin-state's actions might be more cautious unless it wants to compromise the relations with a host-state. Hungary, pointedly, has not applied its expansive citizenship policies to Austria, a key partner in the EU and a country that does not normally tolerate dual citizenship. Finally, the issue of convergence of suprastate integration between the kin-state and host-state is relevant. This is particularly telling as the suprastate integration, such as the EU, provides an opportunity to renegotiate sovereignty, borders, and solidarity at different spatial levels.

What the cases show us is, as mentioned earlier, the existence or the lack of a regional polity is of crucial importance to achieve a stable outcome. Whether the polity and its institutions are established bilaterally, as in the case of Northern Ireland, or by the host-state and regional demands, as in the case of Vojvodina, does not influence the outcome significantly. The Slovak case illustrates that the lack of substate institutional

framework amplifies the self-determination contest over the territory disguised in the form of the kin-state citizenship. Certainly, the host-state tolerating or not dual citizenship can be seen both as a dependent and an independent variable. In most cases, there is a past of conflicts and the expectations would be that this could be of importance for the outcome. However, what is more important is the future rather than the past element, again giving prominence to the temporal aspect of the model. As the Crimean case, backed by relevant opinion polls⁵, illustrates, it is the change in the suprastate future (integration within Eurasian Union vs. the EU, not discounting the military involvement of the kin-state), which is crucial for the outcome. This is not surprising as one of the key nationalist (self-determination) demands is for citizens to be able to decide the future of their own polity.

This, in no way exhaustive, list of elements is a good starting point to better understand self-determination disputes and citizenship constellations. Apart from the overlapping and nested nature of citizenship, the list includes the substate polity and its establishment and a temporal aspect of relations with an emphasis on future expectations. This framework can then help us give a more nuanced answer to the normative question of the paper.

When can dual citizenship be tolerated?

Prompted by Hungary's and Slovakia's dispute over dual citizenship for ethnic Hungarians, which escalated in 2010, EUDO Citizenship Observatory published a number of commentaries by the leading experts in the field. Most of the contributors indicated these developments might have a negative effect not only on the targeted minorities but also on the kin-state's democratic processes and accountability. Very few, such as Florian Bieber, have argued there might be some positive effects of the externalisation of kin-state citizenship after all. He argued that, "the extra citizenship is also a sort of insurance policy, combined with an exit ticket" Bieber – EUDO (2010). This is worth mentioning as this paper does not consider extra citizenship as an insurance policy, something that could be abused by the host-states, limiting some of the minority rights provisions in place. However, it does make us consider possible conditions under which dual citizenship does not need to cause instability.

⁵ In the 2013 survey conducted by the USAID, 53% of Crimeans supported a customs union with Russia, Belarus, and Kazakhstan (Eurasian Union) as opposed to the 17% support for the EU if Ukraine was able to enter only one international economic union (IRI, USAID, Baltic Surveys/The Gallup Organization, Rating Group Ukraine Crimea residents survey, May 2013).

In the same vein as EUDO, understanding the *Realpolitik* of citizenship regimes, the OSCE has adopted Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations, something that has, in turn, given rise to publications seeking to answer how stability of intergroup relations can be achieved amidst expanding kin-state involvement (e.g., Palermo and Sabanadze 2011). The Bolzano/Bozen recommendation no. 11 specifically addresses the issue of external ethnic citizenship:

States may take preferred linguistic competencies and cultural, historical or familial ties into account in their decision to grant citizenship to individuals abroad. States should, however, ensure that such a conferral of citizenship respects the principles of friendly, including good neighbourly, relations and territorial sovereignty, and should refrain from conferring citizenship *en masse*, even if dual citizenship is allowed by the State of residence. If a State does accept dual citizenship as part of its legal system, it should not discriminate against dual nationals.

Worth noting is the emphasis on the non-desirability of *en masse* citizenship conferral rather than on ethnic external citizenship *per se*. Yet again, substate politics, the construction of their membership, and the effects of kin-state citizenship are not explicitly discussed.

Fear of citizenship conferral and active kin-state politics is particularly resonant in Eastern Europe, especially the post-Soviet territories, where the newly independent states contained large populations of Russian speakers (oftentimes denied citizenship, as in Estonia and Latvia) and were concerned that Russia's expansive citizenship policies might be translated into territorial expansion. Similar concerns were voiced in the Hungarian case as well (see Harris in this volume), especially due to the rise of the far-right Jobbik party and the nationalist/populist turn of the ruling FIDESZ.

However, although external kin-state citizenship cannot and should not replace instruments of minority protection and there are limited benefits other than symbolic ones that could not be conferred onto a group by policies excluding full citizenship, the analysis suggests there are cases where dual citizenship does not have a negative influence on the stability of the territorial arrangement or minority—majority relations. Those are the cases where the relevant minority enjoys a degree of rights in the regional (substate) multiethnic polity due to the fact that competing self-determination claims were well accommodated and opportunities for radicalisation that the externalisation of ethnic citizenship could have caused were significantly limited. Furthermore, citizenship acquisition should not be limited to members of a single ethnic group but extended to all residents of the substate polity even if this requires a degree of language competency. And finally, this type of self-determination constellation need not lead to instability for as long as there is a common future of supranational integration acceptable to the kin-state and the host-state as well as to the substate polity in question.

Conclusion

Self-determination constellations, the relations between competing self-determination claims involving a specific territory, and citizenship regimes cannot be understood simply in spatial terms. Building on Bauböck's model of citizenship constellations, the self-determination constellations paradigm also allows us to include the substate polity into the analysis as the arena of competing citizenships (as surrogates for self-determination). It also enables us to look both as uncoordinated as well as coordinated citizenship policies between the kin- and host-states. Apart from the territorial aspects we can include important prospects of citizenship as well as current and future supranational integration. As the analysis shows, the change of future prospects can result in the balance of the constellations tipping toward disintegration or conflict rather than integration and stability and vice-versa. This is not surprising: as we mentioned earlier, self-determination and its temporal variations are an essential part of any nationalism.

What the analysis shows as regards the normative question of the paper is that in cases where citizenship targets a territorially concentrated population whose competing self-determination claims are addressed by institutionalising a regional autonomy could be permissible. This rests on the premise that citizenship is not accorded to an ethnic group, so that the process of naturalisation is open to both the majority and minority in the territory. The acquisition of citizenship should be an active process rather than an en masse conferral. These are some obvious similarities and differences between this conclusion and the Bolzano recommendations. External citizenship cannot and should not replace providing for minority rights which is the duty of the host-state. Otherwise, the risks of ghettoising the group in question are high. The usual criticism evoked against national cultural autonomy or similar non-territorial types of self-determination apply.

By including prospects of (suprastate) regional integration over which the interested parties, in other words, the elements of the triadic nexus and the substate regional polity, (dis)agree upon, we can highlight the importance of the "future citizenship constellation" for the substate regions. In that respect, Istria and Vojvodina stand at one end of the spectrum while Crimea, where there are different, competing visions of the future integration, stands on the other.

The conclusions of the paper also make a strong case for adding a temporal dimension to our understanding of citizenship and self-determination. We could see that often regional polities and indeed regional citizenship regimes outlive state dissolution, thus relating to the past citizenship emphasising the temporal aspect of the constellations model. Hopefully, this model can help shed light on some of the complex cases of interstate territorial disputes and transborder regions in Europe.

References

- Anderson, B. 1998. "Long distance nationalism." In *The spectre of comparisons: Nationalism, southeast Asia and the world*, edited by B. Anderson, pp. 58–74. London: Verso.
- Ballinger, P. (2004). "Authentic Hybrids' in the Balkan Borderlands." *Current Anthropology*, 45(1), 31-60. doi:10.1086/679292
- Bauböck, R. 2010. "Studying Citizenship Constellations." *Journal of Ethnic and Migration Studies* 36(5) 847-59.
- . "Dual citizenship for transborder minorities? How to respond to the Hungarian-Slovak tit-for-tat." <http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/322-dual-citizenship-for-transborder-minorities-how-to-respond-to-the-hungarian-slovak-tit-for-tat?showall=&limitstart=> (Last accessed 15 July 2017).
- Brubaker, R. 1996. *Nationalism Reframed: Nationhood and the National Question in the New Europe*. Cambridge: Cambridge University Press.
- . 2004. *Ethnicity without Groups*. London: Harvard University Press.
- . 2005. "The 'Diaspora' Diaspora." *Ethnic and Racial Studies* 28(1). 1-19.
- Brubaker R. and J. Kim. 2011. "Transborder Membership Politics in Germany and Korea." *Archives Européennes De sociologie/European Journal of Sociology* 52 (1):1-75.
- Brancati, D. 2005. "Pawns Take Queen: The Destabilizing Effects of Regional Parties in Europe." *Constitutional Political Economy* 16(2).
- Caluwaerts, D. and M. Reuchamps. 2015. "Strengthening Democracy through Bottom-up Deliberation: An Assessment of the Internal Legitimacy of the G1000 Project." *Acta Politica* 50(2): 151-70.
- English, R. 2006. *Irish Freedom: A History of Nationalism in Ireland*. London: Macmillan.
- Handoll, J. 2012. *EUDO Citizenship Observatory Country Report: Ireland*, Florence: EUI.
- Hayes, BC. and I. McAllister. 2016. "Religion, electoral participation and party support in Northern Ireland." In *The Act of Voting: Identities, Institutions and Locale*, edited by JA Elkink and DM Farrell, 234-254. Abingdon: Routledge.

Heraclides, Alexis. 1991. *The Self-determination of Minorities in International Politics*. Abingdon: Routledge.

Hržica, G., Padovan, N. and Kovačević, M., 2011. Društvenojezični utjecaj na dvojezičnost-hrvatske dvojezične zajednice u Istri i Beču. *Labor: časopis za hrvatski kao materinski, drugi i strani jezik*, 2(12), pp.175-196.

Jennings, I. 2011. *The Approach to Self-Government*. Cambridge: Cambridge University Press.

Jones, HS. and A. Fahrmeir. 2008. "Space and belonging in modern Europe: citizenship(s) in localities, regions, and states." *European Review of History* 15(3): 243-253.

Joppke, C. 2003. "Citizenship between De- and Re-Ethnicization." *European Journal of Sociology/Archives Européennes de Sociologie* 44(3): 429-58.

Keating, M. 2013. *Rescaling the European State: The Making of Territory and the Rise of the Meso*. Oxford: Oxford University Press.

King, C. 2010. *Extreme Politics: Nationalism, Violence and the End of Eastern Europe*. Oxford: Oxford University Press.

Moore, M. 2003. "The Territorial Dimension of Self-Determination." In *National Self-Determination and Secession*, edited by Margaret Moore, 134-157. Oxford Scholarship Online. DOI:10.1093/0198293844.001.0001

Østergaard-Nielsen, E. 2003. *International Migration and Sending Countries: Perceptions, Policies, and Transnational Relations*. Basingstoke: Palgrave Macmillan.

Palermo F. and N. Sabanadze. 2011. *National Minorities in Inter-State Relations*. Leiden: Martinus Nijhoff Publishers.

Pogonyi, S., MM. Kovács and Z. Körtvélyesi. 2010. *The Politics of External Kin-State Citizenship in East Central Europe*. Florence: EUI.

Roeder, P. G. 2007. *Where Nation-States Come from: Institutional Change in the Age of Nationalism*. Princeton: Princeton University Press.

Saideman, S. M. 2001. *The Ties That Divide: Ethnic Politics, Foreign Policy, and International Conflict*. New York: Columbia University Press.

Smith, R.M. (2004) Identities, Interests, and the Future of Political Science, *Perspectives on Politics* 2(2):301-312.

Stilz, A. 2011. "Nations, States and Territory." *Ethics* April: 572-601.

Stjepanović, D. 2015. "Rethinking *Nationalism after Yugoslavia: Multi/Plurinational Regionalisms as Alternatives to Statehood.*" In *Nationalism and Globalisation: New Settings, New Challenges*, edited by Stephen Tierney, 73-91. Oxford: Hart Publishing.

———. 2017. *Multiethnic Regionalisms in Southeastern Europe: Statehood Alternatives*. London: Palgrave.

Tesón, F. R. 2016. "Introduction." In *Theory Self Determination*, edited by Fernando R. Tesón, ix-xii. Cambridge: Cambridge University Press.

———. 2015. "The Mystery of Territory." *Social Philosophy and Policy* 32(1): 25-50.

Tölölyan, K. 1991. "The Nation-state and its Others: in Lieu of a Preface" In *Becoming National: A reader*, edited by G. Eleyand and R. Grigor Suny, 3-7. Oxford: Oxford University Press.

Waterbury, M.A. 2010. "Bridging the Divide: Towards a Comparative Framework for Understanding Kin State and Migrant-sending State *Diaspora Politics.*" In *Diaspora and Transnationalism: Concepts, Theories and Methods*, edited by R. Bauböck and T. Faist, 131-148 Amsterdam: Amsterdam University Press.

Zincone, G. and M. Basili. 2013. *EUDO Citizenship Observatory Country Report: Italy, Florence: EUI.*



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