

Aliens or Alienated? Naturalisation of Ex-Yugoslav Citizens in the Republic of Croatia

Nives MAZUR KUMRIĆ

e-mail: nives.mazurkumric@ulg.ac.be

Abstract

The purpose of this paper is to summarise the implications of the succession of the former Yugoslavia and correlated social changes for the legal status of ex-Yugoslav citizens in the Republic of Croatia. The focus of the research refers to the issue of the acquisition of Croatian citizenship by naturalisation with reference to the challenges and obstacles encountered by ex-Yugoslav citizens in the course of the naturalisation procedure. This is done through an analysis of pre-and post-succession legislation as well as discretionary decisions of the Ministry of the Interior in relation to corrective judgments of the Administrative Court and the Constitutional Court of the Republic of Croatia, adopted during the naturalisation procedures of a significant group of people who became aliens overnight, at the moment of the dissolution of the predecessor state. The large space for maneuvering enabled by provisions of the national citizenship legislation allowed the Ministry of the Interior to adopt a number of controversial decisions, which deny access to Croatian citizenship to people who otherwise qualify for its acquisition, thus leaving them in a particular vacuum between citizens and non-citizens until the final say of the Constitutional Court. This paper highlights constitutive elements of the respective sui generis approach to post-succession citizenship. Given the fact that the analysis encompasses a critical assessment of relevant provisions of the Yugoslav and Croatian national legislation, the scientific inquiry is principally based on the legal dogmatic method.

Keywords: *state succession, citizenship, naturalisation, ex-Yugoslav citizens, Republic of Croatia*

1. Introductory Remarks

When the Socialist Federal Republic of Yugoslavia (hereinafter: SFRY) dissolved 23 years ago, the newly emerged states were faced with the tremendous challenges of establishing their post-succession legal systems. The priority areas of the first wave of codifications included setting up the foundations of new citizenship regimes, i.e. determining who qualifies for citizenship of a newborn country. In that vein, the Republic of Croatia adopted its Law on Croatian Citizenship on the day of its succession¹, 8 October 1991, alongside a number of other key nation-constituting legal acts². This paper sheds light on the issue of the acquisition of Croatian citizenship by naturalisation³ with reference to major drawbacks encountered by ex-Yugoslav citizens in the course of the naturalisation procedure. It summarises a wide array of the implications of the succession of the former Yugoslavia and correlated social changes for the legal status of respective citizens. This is done through an analysis of pre- and post-succession legislation as well as discretionary decisions of the Ministry of the Interior in relation to corrective judgments of the Administrative Court and the Constitutional Court of the Republic of Croatia, adopted during the naturalisation procedures of a significant group of people who became aliens overnight, at the moment of the dissolution of the predecessor state. The large space for maneuvering enabled by provisions of the national citizenship legislation allowed the Ministry of the Interior to adopt a number of controversial decisions which deny access to Croatian citizenship to people who otherwise qualify for its acquisition, thus leaving them in a particular vacuum between citizens and non-citizens until the final say of the Constitutional Court. The purpose of the research is to highlight constitutive elements of the respective *sui generis* approach to citizenship.

¹ Zakon o hrvatskom državljanstvu (*Official Gazette of the Republic of Croatia*, nos. 53/91, 70/91, 28/92, 113/93, 4/94, 130/11).

² This primarily refers to the Decision of the Parliament of the Republic of Croatia on the Termination of the State and Legal Ties with other Republics and Provinces of the SFRY. The other acts see in *the Official Gazette of the Republic of Croatia*, no. 53/91.

³ Naturalisation is „the legal process of changing from one nationality to another“, initiated at the alien's own request. Conway W. Henderson, *Understanding International Law* (Chichester: Wiley-Blackwell, 2010), 134; Jasna Omejec, „Legal Requirements for Acquiring Croatian Citizenship by Naturalization,“ *Zbornik Pravnog fakulteta u Zagrebu* 46(1996): 490.

The dissolution of the SFRY underpins the prevailing standpoint of international law that succession of states commonly falls within the area of legal uncertainty and controversy⁴. Such an argument can be supported by several interwoven factors. First, the respective domain of international law has been only fragmentarily codified and for the most part, it is regulated by customary law⁵. The groundbreaking documents embrace two Vienna conventions, the titles of which clearly indicate the limited scope of the codification: the 1978 Vienna Convention on Succession of States in respect of Treaties⁶ and the 1978 Vienna Convention on Succession of States in respect of State Property, Archives and Debts⁷. Over the course of time, the legal framework has been gradually expanded to include norms on nationality of natural persons⁸ and statelessness⁹, but has nevertheless remained incomplete. Another drawback of the existing codification refers to the profound reluctance of states to comply with the core international standard-setting instruments in the field of succession of states; specifically, the 1978 Convention has been adopted by modest 22 state parties (of which 19 were signatories) while the 1978 Convention by only 7 of them¹⁰. Moreover, the

⁴ See James Crawford, *Brownlie's Principles of Public International Law*, Eighth ed. (Oxford: Oxford University Press, 2012), 424; Sean D. Murphy, *Principles of International Law*, Second ed. (St. Paul: Thomson/West, 2012), 45-46; Juraj Andrassy et al., *Međunarodno pravo 1* (Zagreb: Školska knjiga, 2010), 330; Rhona K. M. Smith, *Textbook on International Human Rights*, Fourth ed. (New York: Oxford University Press, 2010), 281; Robert Jennings and Arthur Watts, eds., *Oppenheim's International Law* (New York: Oxford University Press, 2008), 209-210.

⁵ See Antonio Cassese, *International Law*, Second ed. (New York: Oxford University Press, 2005), 78.

⁶ The Vienna Convention on Succession of States in respect of Treaties, United Nations, *Treaty Series*, vol. 1946, 3. The Convention was signed on 22 August 1978 and became effective on 6 November 1996.

⁷ The Vienna Convention on Succession of States in respect of State Property, Archives and Debts, Doc. A/CONF.117/14, *Official Records of the United Nations Conference on Succession of States in Respect of State Property, Archives and Debts*, vol. II (United Nations publication, Sales No. E.94.V.6). The Convention was signed on 8 August 1978 and has not yet come into force.

⁸ Draft Articles on Nationality of Natural Persons in relation to the Succession of States with commentaries, *Yearbook of the International Law Commission*, 1999, vol. II, Part Two.

⁹ Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession, Strasbourg, 19.V.2006, CETS No. 200.

¹⁰ „United Nations Treaty Collection“, accessed August 26, 2014,

complexity of the issue is intensified by the fact that the succession of states is inseparably linked with one of the cardinal, yet ambiguous and politically or ideologically sensitive principles of international law – the right to self-determination¹¹. In exercise of the right to external self-determination, one of the key questions arising at the time of a territorial change relates to the fate of the population of a disintegrated entity in terms of their citizenship status – do these people automatically lose the old and acquire the citizenship of a newly established state¹²? Finally, citizenship-related matters bear fundamental significance at a time of succession of states given the fact they are inseparably affixed to a polity's main attributes: a population, a defined territory, a government and independence/capacity to enter into relations with other states¹³. Yet, neither of the Vienna Conventions on succession of states contains provisions on citizenship whereas relevant guidance on the citizenship-succession interrelation can be found in some later codifications namely the 1996 Declaration on the Consequences of State Succession for the Nationality of Natural Persons¹⁴, the 1999 Draft Articles of the International

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXIII-2&chapter=23&lang=en and
https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-12&chapter=3&lang=en.

¹¹ This particularly holds true if applied to situations encompassing exercise of the so-called „post-colonial right of secessionary self-determination“, which was the case in the SFRY. See Matthew Craven, „Statehood, Self-determination, and Recognition,“ in *International Law*, Third ed., ed. Malcolm D. Evans (New York: Oxford University Press Inc., 2010), 235-236. More on the nature of the principle of self-determination see Antonio Cassese, *International Law*, op. cit. (note 5), 60-64; James Crawford, *Brownlie's Principles of Public International Law*, op. cit. (note 4), 141-142, 646-647; Juraj Andrassy et al., *Međunarodno pravo I*, op. cit. (note 4), 114-116.

¹² Sean D. Murphy, *Principles of International Law*, op. cit. (note 4), 45. Authors express different attitudes as to whether transfer of a territory automatically triggers a change of citizenship. For example, Randelzhofer explains that the right of a successor state to confer its nationality on the population domiciled in the transferred territory is not a duty while Brownlie argues that state succession results in automatic loss of one and acquisition of another citizenship. Cited according to Alfred M. Boll, *Multiple Nationality and International Law* (Leiden/Boston: Martinus Nijhoff Publishers, 2007), 105.

¹³ See James Crawford, *Brownlie's Principles of Public International Law*, op. cit. (note 4), 128-130; Alfred M. Boll, *ibid.*, 14-21.

¹⁴ Declaration on the Consequences of State Succession for the Nationality of Natural Persons, adopted by the European Commission for Democracy through Law at

Law Commission and the 2006 European Statelessness Convention. As these standards are deemed fragmentary, every case of state succession in relation to citizenship needs to be assessed *ad hoc*. International law standards thereby provide a general framework, the norms and principles of which are impacted by internal law and practice¹⁵.

The break-up of the SFRY is a prime example of the complexity of the processes correlated with succession of states. Seven successive declarations of independence were followed by seven simultaneous massive transformations of political, economic and social systems, with immense impact on the shaping of appertaining citizenship policies. The paper focuses on one particular fragment of the respective labyrinthine process: the state's regulation of acquisition of its citizenship by the citizens of a former federal state as well as challenges, obstacles and prejudices associated therewith.

2. The Break-Up of the Former Yugoslavia and the Acquisition of Croatian Citizenship

When Croatia gained independence in 1991, the modes of acquisition of its citizenship by former Yugoslav citizens were largely shaped by their previous civic status in the predecessor state. The general rule was simple: in most cases, a person retained the citizenship of a republic which provided her or him with the status of a citizen during the Yugoslav era. Nevertheless, there were a number of exceptions related to people who wanted to opt for citizenship different than the one they were entitled to, who were unsure or were misled about their earlier republican citizenship or did not feel particularly attached to any republican citizenship in the SFRY. Having a citizenship of a republic which was not a person's habitual residence was common. As a result of the constitutionally guaranteed freedom of movement

its 28th Plenary Meeting, Venice, 13-14 September 1996, in: "Consequences of State Succession for Nationality", Report by the Venice Commission, *Collection Science and Technique of Democracy*, No. 23 (Strasbourg: Council of Europe Publishing, 1998), 5-9.

¹⁵ Duško Dimitrijević, „Regulisanje državljanstva na prostoru bivše SFR Jugoslavije,“ *Međunarodni problemi* 60(2008): 300, 303.

and settlement within the former SFRY¹⁶, people were moving across republican borders and settling in Croatia primarily for family or business reasons. Some of the factors that had a negative impact on their citizenship rights included delays in the adoption and application of new post-Yugoslav citizenship legislation, disregard to the right of option, exclusivity of national citizenship and a lack of solutions for family unity protection¹⁷. In order to assess the variety of impediments which a considerable portion of the Croatian population has encountered in the attempt to determine whether they qualify for Croatian citizenship, the most notable pieces of the Yugoslav citizenship legislation and their long-term impacts on the requirements for acquisition of Croatian citizenship are addressed in the following lines.

According to the last Constitution of the SFRY, promulgated in 1974, the SFRY was a federation of „free and equal peoples and nationalities“ who „exercised their sovereign rights in the Socialist Republics and Autonomous Provinces in conformity with their constitutional rights and in the SFRY if in their common interests it was specified so by the Constitution“ (Basic Principle I)¹⁸. It was also described as „a state community of voluntarily united nations and their Socialist Republics and Autonomous Provinces“ (Article 1) in which every citizen was granted equality „in rights and responsibilities regardless of a nationality, race, sex, language, religion, education or social status“ (Article 154)¹⁹. As citizens of a federal state, Yugoslavs were automatically considered (quasi)dual citizens, at the same time possessing a federal (state) and a republican (sub-state) citizenship²⁰. The respective civic status was enshrined in both state and republican constitutions

¹⁶ See Article 183 of the 1974 Constitution of the SFRY. Ustav Socijalističke Federativne Republike Jugoslavije (*Official Gazette of the Socialist Federal Republic of Yugoslavia*, no. 9/1974).

¹⁷ Duško Dimitrijević, „Regulisanje državljanstva na prostoru bivše SFR Jugoslavije“, op. cit. (note 15), 291.

¹⁸ Ustav Socijalističke Federativne Republike Jugoslavije, loc. cit. (note 16).

¹⁹ Ibid. See more Tibor Varady, „Minorities, Majorities, Law, and Ethnicity: Reflections on the Yugoslav Case,“ *Human Rights Quarterly* 19(1997): 17-20.

²⁰ On some other federations and closely interwoven delineations of state and sub-state citizenship see Olivier Beaud, „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*, eds. Randall Hansen and Patrick Weil (New York/Oxford: Berghahn Books, 2002), 314-330; Derek Heater, *What is Citizenship?* (Cambridge/Maldon: Polity Press, 2005), 123-126, 132-134.

and laws on citizenship. Thus, pursuant to Article 249 of the Constitution, Yugoslav citizens possessed a single citizenship of the SFRY while every citizen of a republic was simultaneously a citizen of the SFRY. Moreover, a citizen of one republic found on the territory of another republic had the same rights and duties as citizens of that republic²¹. *Mutatis mutandis*, the same standing was upheld in Croatia via Article 5 of the 1974 Constitution of the Socialist Republic of Croatia²². Identical wording of the respective norm on the relation of federal and republican citizenship was also incorporated in Articles 1 and 2 of the 1977 Law on Citizenship of the Socialist Republic of Croatia²³. In contrast, the 1976 Law on Citizenship of the SFRY²⁴, the last legal act regulating the basis and requirements for acquisition and termination of Yugoslav citizenship, merely confirmed that Yugoslav citizens had a single Yugoslav citizenship (Article 2). Unlike the above-mentioned documents as well as the preceding 1964 Law on Yugoslav Citizenship²⁵ which explicitly specified that only a Yugoslav citizen could possess a republican citizenship and that loss of Yugoslav citizenship was to automatically lead to loss of the republican one (Article 2), the 1976 Law contained no such specific provisions on republican citizenship. It referred to it only in relation to the acquisition of Yugoslav citizenship by naturalisation²⁶ and to the choice of law rules for conflict of republican laws on citizenship²⁷. The latter provisions had largely predetermined the future civic status of Yugoslav citizens who resided on the Croatian (republican) territory and were minors at the time of the state succession. Defined rather extensively, these standards were further elaborated

²¹ Ustav Socijalističke Federativne Republike Jugoslavije, loc. cit. (note 16).

²² Ustav Socijalističke Republike Hrvatske (*Official Gazette of the Socialist Republic of Croatia*, no. 8/1974).

²³ Zakon o državljanstvu Socijalističke Republike Hrvatske (*Official Gazette of the Socialist Republic of Croatia*, no. 32/1977).

²⁴ Zakon o državljanstvu Socijalističke Federativne Republike Jugoslavije (*Official Gazette of the Socialist Federal Republic of Yugoslavia*, no. 58/1976).

²⁵ Zakon o jugoslavenskom državljanstvu (*Official Gazette of the Socialist Federal Republic of Yugoslavia*, nos. 38/1964, 42/1964).

²⁶ Pursuant to Article 10, when applying for admission to Yugoslav citizenship, applicants had to indicate the republican citizenship they wanted to acquire. Zakon o državljanstvu Socijalističke Federativne Republike Jugoslavije, loc. cit. (note 24).

²⁷ Starting from the general clause that the republican citizenship of a child was determined in accordance with the law of the republic, the citizenship of which both parents possessed at the time of the child's birth, Article 22 in its further five paragraphs regulated conflict of republican laws in a variety of situations with parents having different republican citizenships. *Ibid.*

in the 1977 Law on Citizenship of the Socialist Republic of Croatia which set solid grounds for determining whether an applicant fulfils the conditions for acquisition of Croatian citizenship and its interrelation with other republican citizenships.

The Yugoslav federal state was the holder of international legal personality²⁸ and consequently, the only one entitled to decide upon the central matters related to Yugoslav citizenship²⁹. The republics were not subjects of international law, hence republican citizenship represented a formality with no far-reaching impacts on the legal status and daily life of Yugoslav citizens. Nonetheless, at the moment of the collapse of the federation, this sub-state citizenship came into focus and gained unprecedented relevance by becoming the state citizenship of newly constituted subjects of international law³⁰. Indeed, this logical pattern enabled a vast majority of residents of the ex-Socialist Republic of Croatia to acquire the citizenship of the Republic of Croatia. *Per contra*, a considerable number of long-term residents who possessed a citizenship of another ex-Yugoslav republic, many of whom were born and/or lived for most or whole of their lives in the Socialist Republic of Croatia, became aliens overnight, at the moment of the dissolution of the federation. For these members of the Croatian society, new citizenship legislation prescribed naturalisation (regular or preferential) as a modus of obtaining Croatian citizenship, but some of them were put in an unfavourable position due to the vagueness and discriminatory nature of certain norms, their wide discretionary interpretation by relevant authorities, the complexity of pre-succession citizenship legislation applicable to respective applicants³¹ and a generally delicate political climate.

²⁸ Vladimir-Đuro Degan, *Međunarodno pravo* (Zagreb: Školska knjiga, 2011), 255; Juraj Andrassy et al., *Međunarodno pravo 1*, op. cit. (note 4), 130; Robert Jennings and Arthur Watts, *Oppenheim's International Law*, op. cit. (note 4), 249.

²⁹ See Article 281 of the Constitution of the SFRY, loc. cit. (note 16).

³⁰ See Igor Štiks, „Laboratorija državljanstva: Konceptije državljanstva u Jugoslaviji i postjugoslovenskim državama,“ in *Državljeni i državljanstvo posle Jugoslavije*, eds. Džo Šo and Igor Štiks (Beograd: Clio, 2012), 45-46.

³¹ From the establishment of the separate Croatian republic within Yugoslavia in the course of WWII to the declaration of independence in 1991, three laws on Croatian citizenship were adopted: in 1950, 1965 and 1977. The texts are available in Stipe Ivanda, *Zbirka propisa o državljanstvu hrvatskomu* (Zagreb: VIV-inženjering, 1995), 30-48.

3. Unprivileged Citizens and the Margin of Appreciation

The process of naturalisation of ex-Yugoslav citizens in Croatia has indicated a variety of imperfections in naturalisation schemes and administrative procedures within the Croatian legislative framework. In a number of cases, the admittance of ex-Yugoslav citizens into Croatian citizenship turned into a delicate issue, thus confirming the prevalent viewpoint that matters of citizenship commonly coincide with concepts of ethnicity, individual and collective identity, emotions and convictions as well as with ideological perspectives of politics and morals³².

The naturalisation procedure in Croatia falls into the domain of the Ministry of the Interior. According to Article 25 of the Law on Croatian Citizenship, the Ministry of the Interior handles affairs related to the acquisition of Croatian citizenship by naturalisation and international treaties, and affairs related to termination of Croatian citizenship³³. The controversial segment of the process relates to Article 26 of the Law on Croatian Citizenship, pursuant to which the Ministry of the Interior retains a wide margin of discretion while deciding on who should be granted Croatian citizenship. In fact, it can, unless stipulated otherwise by the Law, reject a request for acquisition or termination of the citizenship if the referring requirements have not been met. The Ministry of the Interior can reject such a request *even if the requirements are met* but in its opinion, the request should be rejected due to reasons of interest for the Republic of Croatia³⁴. This wide discretionary freedom has sparked a number of controversies about the

³² Alfred M. Boll, *Multiple Nationality and International Law*, op. cit. (note 12), 81, 84-87. See also Enikő Horváth, *Mandating Identity: Citizenship, Kinship Laws and Plural Nationality in the European Union* (Alphen aan den Rijn: Kluwer Law International, 2008), 41-66; David Miller, *Citizenship and National Identity* (Cambridge/Maldon: Polity Press, 2005); Gerard Delanty, *Citizenship in a Global Age: Society, Culture, Politics* (Buckingham/Philadelphia: Open University Press, 2002); Derek Heater, *World Citizenship: Cosmopolitan Thinking and Its Opponents* (London/New York: Continuum, 2002), 53-82; Engin F. Isin and Patricia K. Wood, *Citizenship and Identity* (London/Thousand Oaks/New Delhi: SAGE Publications, 1999); Jeff Spinner, *The Boundaries of Citizenship: Race, Ethnicity, and Nationality in the Liberal State* (Baltimore/London: The John Hopkins University Press, 1996); Julie Mostov, „Democracy and the Politics of National Identity,“ *Studies in East European Thought* 46(1994): 12-15.

³³ Zakon o hrvatskom državljanstvu, loc. cit. (note 1).

³⁴ Ibid.

righteousness of the Ministry's decisions which denied access to Croatian citizenship to ex-Yugoslav citizens who met all the requirements listed in the Law³⁵, but were nevertheless rejected for reasons such as a lack of an official public document proving the affiliation to the Croatian people³⁶, minor criminal offences³⁷, religious affiliation³⁸, service in the Yugoslav People's Army³⁹, incorrect interpretation and application of the Law on Croatian Citizenship⁴⁰, etc. The respective practice turned them into „illegal aliens in their own country“⁴¹ deprived of some fundamental civil and political rights enshrined in the leading standard setting instruments in the field of citizenship (e.g. the 1930 Convention on Certain Questions Relating to the Conflict of Nationality Laws⁴², the 1948 Universal Declaration of Human Rights⁴³, the 1965 International Convention on the Elimination of All Forms of Racial

³⁵ Many applicants also had a *real* and *effective* link with the Croatian state which is one of the essential elements of the definition of citizenship, a notion most often designated as a legal bond between an individual and the state. See Article 2 of the European Convention on Nationality, CETS no. 166, Strasbourg, 6 November 1997, Treaty Office of the Council of Europe, accessed September 5, 2014,

<http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm> and Nottebohm Case (*Liechtenstein v. Guatemala*), Second Phase, Judgment of 6 April 1955, I.C.J. Reports 1955, 23.

³⁶ U-III-2820/2010, 9 December 2010 (*Official Gazette of the Republic of Croatia*, no. 145/10); U-III-938/1997, 14 February 2001 (*Official Gazette of the Republic of Croatia*, nos. 20/01, 34/01).

³⁷ U-III-4003/2005, 24 April 2008 (*Official Gazette of the Republic of Croatia*, no. 59/08).

³⁸ U-III-2914/2002, 16 May 2007 (*Official Gazette of the Republic of Croatia*, no. 65/07).

³⁹ U-III-419/1998, 12 July 2001 (*Official Gazette of the Republic of Croatia*, no. 67/01).

⁴⁰ U-III-74/2000, 10 January 2001 (*Official Gazette of the Republic of Croatia*, nos. 4/01, 13/01).

⁴¹ United Nations High Commissioner for Refugees, „Citizenship and Prevention of Statelessness Linked to the Disintegration of the Socialist Federal Republic of Yugoslavia,“ *European Series* 3(1997): 11.

⁴² See Article 1, Convention on Certain Questions Relating to the Conflict of Nationality Laws, 13 April 1930, League of Nations, Treaty Series, vol. 179, 89. The same text was later incorporated into Article 3 of the 1997 European Convention on Nationality.

⁴³ See § 1 and 2 of Article 15, Universal Declaration of Human Rights, A/RES/217(III)A, 10 December 1948.

Discrimination⁴⁴, the 1997 European Convention on Nationality⁴⁵). At times, the broad space for maneuvering which led to various human rights breaches was repeatedly criticised by international organisations (both governmental and non-governmental) and bodies such as the United Nations Commission on Human Rights⁴⁶ and its successor, the Human Rights Council⁴⁷, the Human Rights Committee⁴⁸, the Committee on the Elimination of Racial Discrimination⁴⁹, the United Nations High Commissioner for Refugees⁵⁰, the Advisory Committee on the Framework Convention for the Protection of National Minorities⁵¹, the European Commission Against Racism and Intolerance⁵², Human Rights Watch⁵³, to name but a few.

There are five criteria which must be cumulatively met in order to acquire Croatian citizenship by (regular) naturalisation: 1. that the person has

⁴⁴ See Article 1 § 3, International Convention on the Elimination of All Forms of Racial Discrimination, A/RES/2106 (XX), 21 December 1965.

⁴⁵ See Article 18 § 2, European Convention on Nationality, loc.cit. (note 35).

⁴⁶ E.g. Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World, with Particular Reference to Colonial and Other Dependent Countries and Territories, Commission on Human Rights, E/CN.4/1995/57, 16 January 1995, paras. 63, 69 (b).

⁴⁷ See Report of the Working Group on the Universal Periodic Review: Croatia, Human Rights Council, A/HRC/16/13, 4 January 2011, para. 98(18).

⁴⁸ E.g. Consideration of reports submitted by States parties under article 40 of the Covenant: Second periodic report of Croatia, Human Rights Committee, CCPR/C/SR.2662, 18 March 2010, para. 45.

⁴⁹ E.g. Concluding observations of the UN Committee on the Elimination of Racial Discrimination in respect of Croatia, CERD/C/60/CO/4, 21 May 2002, para. 14.

⁵⁰ E.g. United Nations High Commissioner for Refugees, „Citizenship and Prevention of Statelessness Linked to the Disintegration of the Socialist Federal Republic of Yugoslavia, loc. cit. (note 41).

⁵¹ E.g. Opinion on Croatia adopted on 6 April 2001, ACFC/INF/OP/I(2002)003, para. 27; Second Opinion on Croatia adopted on 1 October 2004, ACFC/INF/OP/II(2004)002, paras. 16, 65-66; Third Opinion on Croatia adopted on 27 May 2010, ACFC/OP/III(2010)005, paras. 24-25, 45, 79.

⁵² E.g. Report on Croatia, CRI(99)49, 28 November 1998, paras. 5-6; Second Report on Croatia, CRI(2001)34, 15 December 2000, paras. 9-10; Third Report on Croatia, CRI(2005)24, paras. 16-20; Fourth Report on Croatia, CRI(2012)45, 20 June 2012, paras. 10-17.

⁵³ E.g. Human Rights Watch, „Second Class Citizens: The Serbs of Croatia,“ *Human Rights Watch Report* 11(1999): 4, 46-50; Human Rights Watch, „Civil and Political Rights in Croatia,“ (Helsinki: Human Rights Watch, 1995), 5-16.

reached the age of eighteen years and that her or his legal capacity has not been removed; 2. that the person's foreign citizenship has been revoked or that the person has submitted a proof that her or his foreign citizenship will be revoked if he or she is admitted to Croatian citizenship; 3. that the person has lived and has had an uninterrupted registered residence in the Republic of Croatia for at least eight years immediately preceding the submission of the application and has been granted the status of a foreigner with permanent residence; 4. that the person is proficient in the Croatian language and Latin script, and is familiar with the Croatian culture and social arrangement; 5. that it can be concluded from the person's behaviour that he or she respects the legal order and customs of the Republic of Croatia (Article 8 § 1)⁵⁴. Persons who benefit from facilitated naturalisation and are exempted from one or more of the respective five requirements include aliens who were born and live in the Republic of Croatia and have been granted permanent residence (Article 9), aliens who are married to a Croatian citizen (Article 10), emigrants (Article 11), those whose citizenship is of interest to Croatia (Article 12), those who were previously Croatian citizens and received dismissal from Croatian citizenship in order to acquire foreign citizenship for professional reasons (Article 15) and *ethnic Croats* with no domicile in Croatia (Article 16)⁵⁵.

The Law on Croatian Citizenship explicitly promotes the principle of the legal continuity of republican citizenship, stipulating that a person is considered a Croatian citizen if she or he has acquired this status pursuant to regulations which had been in force until the entry into force of the Law, i.e. 8 October 1991 (Article 30 § 1). However, this rule is not absolute and is broadened by an ethnocentric clause⁵⁶ which leaves open the possibility that a person who belongs to the Croatian people and who on 8 October 1991, did not have Croatian citizenship is considered a Croatian citizen if she or he had a registered domicile on the respective date and provides a written statement indicating that she or he considers her- or himself a Croatian citizen (Article

⁵⁴ Zakon o hrvatskom državljanstvu, loc. cit. (note 1).

⁵⁵ Ibid.

⁵⁶ On the ethnocentric character of the Law on Croatian Citizenship and its side effects see in Nives Mazur Kumrić, „Multiple Citizenship at Stake: a Critical Assessment of the Croatian Citizenship Policy Towards National Minorities,“ *Mediterranean Journal of Social Sciences* 5(2014): 187-189; Viktor Koska, „Razumevanje režima državljanstva u okviru složenih trostrukih veza: Istraživanje slučaja Hrvatske,“ in *Državljeni i državljanstvo posle Jugoslavije*, eds. Džo Šo and Igor Štiks (Beograd: Clío, 2012), 193-218.

30 § 2). The written statement shall be submitted to the police authority which then determines whether the requirements listed above are met or not (Article 30 § 3 and 4)⁵⁷.

The following chapter looks into the naturalisation standards for acquisition of Croatian citizenship, seen through the lens of the Constitutional Court case-law and its implications. It illustrates the unfavourable position of ex-Yugoslav citizens confronted with an array of challenges in an attempt to acquire the desired citizenship. If applicants filed a complaint against the decisions of the Ministry of the Interior on such occasions, their cases were further adjudicated by two higher courts: the Administrative Court and the Constitutional Court. There are dozens of such cases⁵⁸, but for the purpose of the research, the paper highlights a few layers of the issue through a description of a couple of decisions on the rejection and the acceptance of a constitutional complaint.

4. Case-Law

4.1. Decisions on the Rejection of a Constitutional Complaint

On 24 March 2009, the Constitutional Court of the Republic of Croatia delivered the judgment no. U-III-2826/2006 which rejected a constitutional complaint filed against the judgment of the Administrative Court of the Republic of Croatia no. US-4666/02 of 18 May 2006 which dismissed the applicant's complaint in an administrative dispute against the decision of the Croatian Ministry of the Interior no. 511-01-73- UP/I-4/7290/4-00 of 24 January 2002⁵⁹. The case reflects the standpoint of the Croatian authorities in circumstances in which an application for acquisition of Croatian citizenship

⁵⁷ Zakon o hrvatskom državljanstvu, loc. cit. (note 1).

⁵⁸ The list and texts of the judgments are available at Constitutional Court of the Republic of Croatia, accessed October 3, 2014, http://www.usud.hr/default.aspx?Show=c_praksa_ustavnog_suda&m1=2&m2=0&Lang=hr.

⁵⁹ U-III-2826/2006, 24 March 2009 (*Official Gazette of the Republic of Croatia*, no. 50/09). The applicant claimed that the decisions of the first two instances violated his constitutional rights enshrined in Article 14 § 2 (the right to equality before the law) and Article 18 (the right to appeal against individual legal decisions made in first-instance proceedings by courts or other authorized bodies) of the Croatian Constitution.

on the basis of Croatian ethnicity, the widely criticized provision of the Croatian citizenship legislation, is considered incomplete. The applicant applied for Croatian citizenship in accordance with Article 11 of the Law on Croatian Citizenship which enables Croatian emigrants and their descendants to acquire Croatian citizenship by facilitated naturalization⁶⁰. He based his application on official documents confirming that his father was born and had lived and worked in Croatia until 1947 when he moved to Slovenia where he applied for Slovenian citizenship in 1992, i.e. after the dissolution of the SFRY. At the advice of competent authorities, the initial application was later modified to replace the grounds for the application in question; namely, Article 11 was replaced with Article 16 which sets a basis for facilitated naturalization of persons who belong to the Croatian people with no domicile in Croatia⁶¹. The latter norm was regarded as the only appropriate one, because the circumstances of the case refuted the applicant's claim that he was a legitimate holder of the emigrant status. When the applicant's father left Croatia in 1947, Slovenia was a constituent part of the same country as Croatia – the Federal People's Republic of Yugoslavia (later on the SFRY) and therefore could not be viewed as a foreign country, i.e. "abroad"⁶². The applicant was asked to submit a proof of his Croatian ethnicity, which he did by providing a document on his father's craft store issued by the Crafts Department of the City People's Council in which his father declared himself as a Croat. He added no other documents, with the explanation that the law did not precisely prescribed the obligation to submit written communication containing his explicit declaration on the belonging to the Croatian people. In

⁶⁰ In the process of the acquisition of Croatian citizenship by naturalisation, Croatian emigrants and their descendants need to meet only two (out of five) criteria: a) that she or he is proficient in the Croatian language and Latin script, and is familiar with the Croatian culture and social arrangements and b) that it can be concluded from her or his behaviour that she or he respects the legal order and customs of the Republic of Croatia. *Zakon o hrvatskom državljanstvu*, loc. cit. (note 1).

⁶¹ Ethnic Croats with no domicile in Croatia need to meet only one naturalisation requirement: that it can be concluded from her or his behaviour that she or he respects the legal order and customs of the Republic of Croatia. *Ibid.*

⁶² Due to analogous misinterpretations of the ambit of Article 11, the respective norm was expanded by the 2011 amendments to the Law on Croatian Citizenship. The newly added §3 stipulates that „a person who (...) has changed her or his place of residence by moving to one of the other countries that were formerly a part of the state union of which Croatia was also a part, shall not be considered an emigrant“. *Ibid.*

his view, his subjective feeling of ethnic affiliation was sufficient. Even though the remark about the vagueness of the norms regulating the fact of “belonging to the Croatian people” was correct⁶³, the Constitutional Court rightly adjudicated that the applicant did not submit enough evidence which would back the arguments about his ethnicity, primarily a document which explicitly confirms his own and not only his father’s (Croatian) nationality. The applicant’s misapprehension could have been generated by at least two factors. First, by the highly complex interdependence between the Yugoslav and post-Yugoslav citizenship legislation that has induced a number of cases in which the subjective perspective of one’s own identity does not coincide with correlated *de iure* solutions. Second, this complexity, potentiated by a rather large number of applicable provisions and their occasional vagueness, has made it difficult for applicants to comprehend which modus of acquisition of Croatian citizenship could be in line with their specific case.

In its judgment no. U-III-1895/2001 of 16 February 2005, the Constitutional Court of the Republic of Croatia rejected a constitutional complaint on the admission to Croatian citizenship, thereby confirming the earlier decision of the Administrative Court no. US-5833/1999-4 of 3 May 2001 and of the Ministry of the Interior no. 511-01-42-UP/I-7/712/1-98 of 15 April 1999⁶⁴. The applicant, born in Bosnia and Herzegovina in 1953, applied for Croatian citizenship on the basis of Article 4 § 1 of the Law on Croatian Citizenship which gives a possibility to a child to acquire citizenship by descent if both of her or his parents were Croatian citizens at the time of the

⁶³ The negative effect of the initially blurred criteria for belonging to the Croatian ethnic corpus was additionally multiplied by the wide margin of discretion of the Ministry of the Interior in deciding who could qualify for a member of the Croatian people. To neutralise it, Article 16 was expanded in 2011 by § 2 which prescribes that the respective status can be determined by previous declarations of belonging in legal transactions, statements of belonging in certain public documents, through protection of rights and promotion of interests of the Croatian people and active participation in Croatian cultural, scientific and sports associations abroad. Ibid.

⁶⁴ U-III-1895/2001, 16 February 2005, accessed October 14, 2014, <http://sljeme.usud.hr/usud/praksaw.nsf/Praksa/C1256A25004A262AC1256FAF00437202?OpenDocument>. The applicant argued that the earlier instances' decisions infringed her constitutional rights granted by Articles 9 (on acquisition and revocation of Croatian citizenship), 19 (on individual decisions of governmental agencies, the civil service and bodies as well as their judicial review) and 26 (on equality before courts, governmental agencies and other bodies vested with public authority) of the Croatian Constitution.

child's birth. The supporting documents included the parents' marriage certificate, the mother's citizenship certificate (hr. *domovnica*) and the declaration on the belonging to the Croatian people. Similar to the previously examined judgment, the primary basis of the complaint was later replaced by Article 16 § 1 of the Law on Croatian Citizenship and the reasons for the modification were twofold. First, the applicant submitted a declaration of ethnicity which is an essential prerequisite for the facilitated naturalization regulated by Article 16 and not by Article 4. Second, Article 4 § 1 is applied only to children born after the entry into force of the Law, i.e. 8 October 1991. For those born earlier, Article 30 § 1 and 2 might be applicable⁶⁵. The applicant, however, omitted to justify the criteria set by Articles 16 or 30 which would confirm her close and effective link with Croatia. Namely, she neither complied with the authorities' request to provide a document in which she declared her Croatian ethnicity (e.g. a student's certificate or employment record) nor did she fill in the sections of the application related to her nationality and current citizenship. Taking these flaws into consideration, the final judgment seems to be correct. Nevertheless, some of its parts appear vague and ambiguous, e.g. the judgment says nothing about the applicant's residence and the circumstances under which authorities insisted on applying Article 16 despite the applicant's explicit rejection of this possibility.

4.2. Decisions on the Acceptance of a Constitutional Complaint

On 9 December 2010, the Constitutional Court of the Republic of Croatia delivered the judgment no. U-III-2820/2010 on the acceptance of a constitutional complaint which overruled the decision of the Ministry of the Interior no. 511-01-203-UP/I-1/2856/7-09 of 11 November 2009 and the judgment of the Administrative Court no. US-11489/2009-10 of 4 March

⁶⁵ According to Article 30 §1 and 2, a person is entitled to Croatian citizenship if she or he has acquired this status pursuant to regulations which were effective until the entry into force of the Law on Croatian Citizenship. A person who belongs to the Croatian people and who on the day of the entry into force of the Law on Croatian Citizenship did not have Croatian citizenship shall be considered a Croatian citizen if on that day she or he had a registered domicile in the Republic of Croatia and provided a written statement saying she or he considered her-or himself a Croatian citizen. *Zakon o hrvatskom državljanstvu*, loc. cit. (note 1).

2010⁶⁶. The first two instances dismissed the claim, stating in their reasoning that the applicant did not meet the requirements set forth by the complaint's basis, Article 16 § 1, which imposes an obligation to comply with Article 8 § 1(5) of the Law on Croatian Citizenship – that it can be concluded from the applicant's behavior that she or he respects the legal order and customs of the Republic of Croatia. Their findings were based on the fact that the applicant did not support her submission by an official document containing a declaration of her Croatian ethnicity. According to the attached evidence, the applicant lived in Croatia for many consecutive years, was married to a Croatian citizen who was a Homeland War veteran, her son was a Croatian citizen and her mother was of Croatian ethnicity. However, the first two instances argued that the subjective feeling of belonging must be always objectified with official declarations of ethnic affiliation in public documents, which the applicant could not efficiently prove. The Constitutional Court rejected such a standpoint depicting it as arbitrary and came to several valuable conclusions. First, it emphasised that the means of proof include not only exclusively public documents but also an array of other means. The two instances could point neither to the facts which prove the affiliation to the Croatian national corpus nor to those which disapprove it. Furthermore, every case must be evaluated separately, taking into account all the relevant circumstances, facts and specificities. Particular attention must be paid to cases in which rejection of the application would severely affect the essence and unity of a family. This especially holds true in sensitive cases related to ex-Yugoslav citizens wishing to acquire Croatian citizenship as they need different treatment from other aliens in consequence of the transitional elements of their legal situation. Correspondingly, the Constitutional Court adjudicated that the case should be primarily perceived through the lens of protection of the actual family and their human rights granted by the Constitution.

The judgment of the Constitutional Court no. U-III-2914/2002 of 16 May 2007 dismissed the decision of the Ministry of the Interior no. 511-01-42-UP/I-4/3497/2-98 of 26 November 1999 and the judgment of the

⁶⁶ U-III-2820/2010, loc. cit. (note 33). The applicant argued that the judgment of the Administrative Court violated her constitutional rights stipulated by Articles 14 § 2 (the right to equality before the law), 16 (restrictions of freedoms and rights), 26 (equality before courts, agencies and other bodies vested with public authority) and 29 (entitlement to have her/his rights and obligations (...) decided upon fairly before a legally established, independent and impartial court within a reasonable period of time) of the Croatian Constitution.

Administrative Court of the Republic of Croatia no. US-2470/2000-4 of 9 May 2002 on the rejection of a constitutional complaint⁶⁷. The decision of the Ministry of the Interior confronted the earlier Ministry's decision no. 511-01-42-UP/I-4/3497/1-98 of 7 May 1998 on the applicant's admission to Croatian citizenship on the basis of Article 16 § 1 of the Law on Croatian Citizenship. The applicant was admitted to Croatian citizenship by submitting a declaration of belonging to the Croatian people and meeting the requirements related to the Croatian language proficiency and familiarity with the Croatian culture as well as to the respect for the Croatian legal order and customs. However, in one of the later official documents, i.e. the certificate of temporary residence, issued for the purpose of regulating his employment status in a construction company, he declared himself a Muslim. The first two instances treated this declaration as new evidence which would have altered the positive decision on the admission to Croatian citizenship if the evidence had been known to the authorities. The applicant explained that his statement was a declaration of his religious and not national affiliation and as such should not nullify his earlier declaration of his Croatian ethnicity submitted in the procedure for acquisition of Croatian citizenship. In the respective declaration, he declared himself as „an ethnic Croat of Muslim religious affiliation“. The Constitutional Court rightfully warned that someone's religion cannot be taken into consideration in decisions on acquisition of Croatian citizenship and cannot be interpreted as national affiliation. It emphasised that the Law on Croatian Citizenship makes no reference to religious affiliation at all, which is in accordance to the constitutional freedom of religion⁶⁸. Moreover, it concluded that the controversial decisions also violated Article 9 § 2 of the Croatian Constitution which stipulates that a citizen of the Republic of Croatia may not be forcibly deprived of citizenship, except in cases prescribed thereby⁶⁹.

⁶⁷ U-III-2914/2002, loc. cit. (note 35). The legal basis for the constitutional complaint comprised Article 14 § 1 (regulating prohibition of discrimination and the right to equality before the law) and Article 15 § 4 (regulating freedom of members of all national minorities to express their nationality, to use their language and script, and to exercise cultural autonomy) of the Croatian Constitution.

⁶⁸ Article 40 of the Constitution of the Republic of Croatia grants „freedom of conscience and religion and freedom to demonstrate religious or other convictions“. Ustav Republike Hrvatske (*Official Gazette of the Republic of Croatia*, nos. 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 5/14).

⁶⁹ Ibid.

5. Conclusion

The succession of states and the concept of citizenship are closely interconnected. Every territorial rearrangement which leads to revision of state boundaries inevitably impacts the citizenship status of domicile population in areas affected by territorial redistribution. In general, states retain considerable freedom in shaping their citizenship policies, so it is not uncommon that successor states which once constituted the same federation adopt different approaches in determining who is eligible to be their citizen. However, the general point of departure is that the sub-state citizenship of a former federation's entity transforms into the citizenship of a newly emerged state. Although the principle appears simple and clear, the example of the Republic of Croatia unveils a number of difficulties which might be encountered by former citizens of a former federation in the process of acquisition of the citizenship of a successor state.

Although the Law on Croatian Citizenship has created a considerably stabile citizenship regime, the analysis of the naturalisation of ex-Yugoslav citizens indicates some of the flaws in the existing legislative framework and procedures. As the major stumbling block the research has identified a wide margin of discretion of the Ministry of the Interior while deciding on who should be granted Croatian citizenship. By the 2011 amendments which made the Law on Croatian Citizenship more transparent, this broad space for maneuvering had been additionally potentiated by the vagueness and ambiguity of norms most often used by ex-Yugoslav citizens as a basis of their citizenship application (primarily Article 16 but also Articles 8, 11 and 30). Finally, one of the decisive factors in potentiating the vulnerable position of ex-Yugoslav citizens has also been their difficulty to understand a large number of pre- and post-succession citizenship norms as well as their complex interdependence and application. In order to enable a fairer access of ex-Yugoslav citizens to Croatian citizenship, it would be opportune to avoid categorising them as ordinary aliens. Each case of their naturalisation should be thoroughly assessed through the lens of the succession of the SFRY, taking into consideration the transitional elements of their peculiar legal situation.

Bibliography

- Andrassy, J., Bakotić, B., Seršić, M., Vukas, B. (2010). *Međunarodno pravo 1* (Zagreb: Školska knjiga).
- Beaud, O. (2002). „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*, eds. Randall Hansen and Patrick Weil (New York/Oxford: Berghahn Books), 314-330.
- Boll, A. B. (2007). *Multiple Nationality and International Law* (Leiden/Boston: Martinus Nijhoff Publishers).
- Cassese, A. (2005). *International Law*, Second ed. (New York: Oxford University Press).
- Concluding observations of the UN Committee on the Elimination of Racial Discrimination in respect of Croatia, CERD/C/60/CO/4, 21 May 2002.
- Consideration of reports submitted by States parties under article 40 of the Covenant: Second periodic report of Croatia, Human Rights Committee, CCPR/C/SR.2662, 18 March 2010.
- Constitutional Court of the Republic of Croatia, Case-law, accessed October 3, 2014, http://www.usud.hr/default.aspx?Show=c_praksa_ustavnog_suda&m1=2&m2=0&Lang=hr.
- Convention on Certain Questions Relating to the Conflict of Nationality Laws, 13 April 1930, League of Nations, *Treaty Series*, vol. 179.
- Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession, Strasbourg, 19.V.2006, CETS No. 200.
- Craven, M. (2010). „Statehood, Self-determination, and Recognition,“ in *International Law*, Third ed., ed. Malcolm D. Evans (New York: Oxford University Press Inc.), 203-251.

Crawford, J. (2012). *Brownlie's Principles of Public International Law*, Eighth ed. (Oxford: Oxford University Press).

Decision of the Parliament of the Republic of Croatia on the Termination of the State and Legal Ties with other Republics and Provinces of the SFRY (*Official Gazette of the Republic of Croatia*, no. 53/91).

Declaration on the Consequences of State Succession for the Nationality of Natural Persons, adopted by the European Commission for Democracy through Law at its 28th Plenary Meeting, Venice, 13-14 September 1996, in: "Consequences of State Succession for Nationality", Report by the Venice Commission, *Collection Science and Technique of Democracy*, No. 23 (Strasbourg: Council of Europe Publishing, 1998).

Degan, V.-Đ. (2011). *Međunarodno pravo* (Zagreb: Školska knjiga).

Delanty, G. (2002). *Citizenship in a Global Age: Society, Culture, Politics* (Buckingham/Philadelphia: Open University Press).

Dimitrijević, D. (2008). „Regulisanje državljanstva na prostoru bivše SFR Jugoslavije,“ *Međunarodni problemi* 60(2-3): 291-344.

Draft Articles on Nationality of Natural Persons in relation to the Succession of States with commentaries, *Yearbook of the International Law Commission*, 1999, vol. II, Part Two.

European Convention on Nationality, CETS no. 166, Strasbourg, 6 November 1997, Treaty Office of the Council of Europe, accessed September 5, 2014, <http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm>.

Fourth Report on Croatia, CRI(2012)45, 20 June 2012.

Heater, D. (2005). *What is Citizenship?* (Cambridge/Maldon: Polity Press).

Heater, D. (2002). *World Citizenship: Cosmopolitan Thinking and Its Opponents* (London/New York: Continuum).

Henderson, C. W. (2010). *Understanding International Law* (Chichester: Wiley-Blackwell).

- Horváth, E. (2008). *Mandating Identity: Citizenship, Kinship Laws and Plural Nationality in the European Union* (Alphen aan den Rijn: Kluwer Law International).
- Human Rights Watch (1995). „Civil and Political Rights in Croatia,“ (Helsinki: Human Rights Watch).
- Human Rights Watch (1999). „Second Class Citizens: The Serbs of Croatia,“ *Human Rights Watch Report* 11.
- International Convention on the Elimination of All Forms of Racial Discrimination, A/RES/2106 (XX), 21 December 1965.
- Isin, E. F. and Wood, P. K. (1999). *Citizenship and Identity* (London/Thousand Oaks/New Delhi: SAGE Publications).
- Ivanda, S. (1995). *Zbirka propisa o državljanstvu hrvatskomu* (Zagreb: VIV-inženjering).
- Jennings, R. and Watts, A. (2008). Eds., *Oppenheim's International Law* (New York: Oxford University Press).
- Koska, V. (2012). „Razumevanje režima državljanstva u okviru složenih trostrukih veza: Istraživanje slučaja Hrvatske,“ in *Državljeni i državljanstvo posle Jugoslavije*, eds. Džo Šo and Igor Štiks (Beograd: Clio), 193-218.
- Mazur Kumrić, N. (2014). „Multiple Citizenship at Stake: a Critical Assessment of the Croatian Citizenship Policy Towards National Minorities,“ *Mediterranean Journal of Social Sciences* 5, 184-193.
- Miller, D. (2005). *Citizenship and National Identity* (Cambridge/Maldon: Polity Press).
- Mostov, J. (1994). „Democracy and the Politics of National Identity,“ *Studies in East European Thought* 46(1-2): 9-31.
- Murphy, S. D. (2012). *Principles of International Law*, Second ed. (St. Paul: Thomson/West).

Nottebohm Case (*Liechtenstein v. Guatemala*), Second Phase, Judgment of 6 April 1955, I.C.J. Reports 1955.

Omejec, J. (1996). „Legal Requirements for Acquiring Croatian Citizenship by Naturalization,“ *Zbornik Pravnog fakulteta u Zagrebu* 46, 489-519.

Opinion on Croatia adopted on 6 April 2001, ACFC/INF/OP/I(2002)003.

Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World, with Particular Reference to Colonial and Other Dependent Countries and Territories, Commission on Human Rights, E/CN.4/1995/57, 16 January 1995.

Report of the Working Group on the Universal Periodic Review: Croatia, Human Rights Council, A/HRC/16/13, 4 January 2011.

Report on Croatia, CRI(99)49, 28 November 1998.

Second Opinion on Croatia adopted on 1 October 2004, ACFC/INF/OP/II(2004)002.

Second Report on Croatia, CRI(2001)34, 15 December 2000.

Smith, R. K. M. (2010). *Textbook on International Human Rights*, Fourth ed. (New York: Oxford University Press).

Spinner, J. (1996). *The Boundaries of Citizenship: Race, Ethnicity, and Nationality in the Liberal State* (Baltimore/London: The John Hopkins University Press).

Štiks, I. (2012). „Laboratorija državljanstva: Konceptije državljanstva u Jugoslaviji i postjugoslovenskim državama,“ in *Državljan i državljanstvo posle Jugoslavije*, eds. Džo Šo and Igor Štiks (Beograd: Clio), 35-70.

The Vienna Convention on Succession of States in respect of State Property, Archives and Debts, *Official Records of the United Nations Conference on Succession of States in Respect of State Property, Archives and Debts*, vol. II (United Nations publication, Sales No. E.94.V.6).

The Vienna Convention on Succession of States in respect of Treaties, United Nations, *Treaty Series*, vol. 1946.

Third Opinion on Croatia adopted on 27 May 2010, ACFC/OP/III(2010)005.

Third Report on Croatia, CRI(2005)24.

U-III-2820/2010, 9 December 2010 (*Official Gazette of the Republic of Croatia*, no. 145/10).

U-III-2826/2006, 24 March 2009 (*Official Gazette of the Republic of Croatia*, no. 50/09).

U-III-4003/2005, 24 April 2008 (*Official Gazette of the Republic of Croatia*, no. 59/08).

U-III-2914/2002, 16 May 2007 (*Official Gazette of the Republic of Croatia*, no. 65/07).

U-III-1895/2001, 16 February 2005, accessed October 14, 2014, <http://sljeme.usud.hr/usud/praksaw.nsf/Praksa/C1256A25004A262AC1256FAF00437202?OpenDocument>.

U-III-74/2000, 10 January 2001 (*Official Gazette of the Republic of Croatia*, nos. 4/01, 13/01).

U-III-419/1998, 12 July 2001 (*Official Gazette of the Republic of Croatia*, no. 67/01).

U-III-938/1997, 14 February 2001 (*Official Gazette of the Republic of Croatia*, nos. 20/01, 34/01).

United Nations High Commissioner for Refugees (1997). „Citizenship and Prevention of Statelessness Linked to the Disintegration of the Socialist Federal Republic of Yugoslavia,“ *European Series 3*.

„United Nations Treaty Collection“, accessed August 26, 2014,

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXIII-2&chapter=23&lang=en and

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-12&chapter=3&lang=en.

Universal Declaration of Human Rights, A/RES/217(III)A, 10 December 1948.

Ustav Republike Hrvatske (*Official Gazette of the Republic of Croatia*, nos. 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 5/14).

Ustav Socijalističke Federativne Republike Jugoslavije (*Official Gazette of the Socialist Federal Republic of Yugoslavia*, no. 9/1974).

Ustav Socijalističke Republike Hrvatske (*Official Gazette of the Socialist Republic of Croatia*, no. 8/1974).

Varady, T. (1997). „Minorities, Majorities, Law, and Ethnicity: Reflections on the Yugoslav Case,“ *Human Rights Quarterly* 19(1): 9-54.

Zakon o državljanstvu Socijalističke Federativne Republike Jugoslavije (*Official Gazette of the Socialist Federal Republic of Yugoslavia*, no. 58/1976).

Zakon o državljanstvu Socijalističke Republike Hrvatske (*Official Gazette of the Socialist Republic of Croatia*, no. 32/1977).

Zakon o hrvatskom državljanstvu (*Official Gazette of the Republic of Croatia*, nos. 53/91, 70/91, 28/92, 113/93, 4/94, 130/11).

Zakon o jugoslavenskom državljanstvu (*Official Gazette of the Socialist Federal Republic of Yugoslavia*, nos. 38/1964, 42/1964).

