
Croatian Citizenship Regime and Traumatized Categories of Croatian Citizens: Serb Minority and Croatian Defenders of the Homeland War

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Summary

This paper explores the developments of the contemporary Croatian citizenship regime, with particular focus on the ones that took place after Croatian accession to the EU. The first two stages of development of Croatian citizenship regime, from the 1990s until the Croatian membership to the EU, are focused on the consolidation of the status and rights dimensions of citizenship. The aftermath of the EU accession (re)introduced identity in the focus of the Croatian citizenship debates, particularly when it comes to issues of the status and rights of two categories of citizens: Serb minority and veterans of the Homeland War. This paper will argue that the dynamics of these developments is impossible to understand without: a) comprehending the specific legal tradition and political context that shaped the circumstances of the foundation of the Croatian state; b) understanding the role of the Homeland War as the symbolic foundation of the Croatian statehood; c) the development of the new statuses and categories of citizens that emerged from the constellation of this context and symbolic foundations of the state; and, finally, d) how the institutionalization of these statuses shape the context and agenda for Croatian-citizenship-related debates.

Keywords: Croatia, Homeland War, Citizenship Regime, Serb Minority, Veteran of the Homeland War

Introduction

In July 2013 Croatia became the 28th EU member state. For the statehood consolidation of this young democracy it was a fulfilment of the more than two decades old political dream.¹ In early 1990s, this country faced complex challenges that all

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former socialist countries were dealing with in their transition from socialism to democracy; adapting to the free market economy and development of political institutions of representative democracy. Nevertheless, Croatia faced additional challenges that stemmed from the particular conditions of violent break-up of the former Socialist Federative Republic of Yugoslavia (SFRY).

With the dissolution of the SFRY, Croatia had to set the boundaries and define criteria of membership of its newly created independent state. The novel conception of Croatian state as exclusive nation-state of ethnic Croat majority was resisted by the demographic and political realities inherited from the former Socialist Republic of Croatia, where the Serb minority held a special constitutional position within the Croatian constitutional setting. Disputes over the nature and the future of the new Croatian polity were resolved through the violent conflict, the consequences of which shape the realities of Croatian citizenship regime until the present day.

The existing research on the Croatian citizenship defines several stages of the development of the Croatian citizenship regime (Ragazzi and Štiks, 2009; Djuric, 2010; Štiks, 2010b; Koska, 2011, 2012; Ragazzi, Štiks and Koska, 2013; Baričević and Hoffman, 2014). The first decade of Croatian independence was marked by the disputes over the status dimension of citizenship, where the criteria for the membership in the newly formed citizenry had to be defined. Within this stage, the generous provisions for the inclusion of ethnic Croats regardless of their residency have been enacted, while the provisions for exclusion of certain categories of non-Croat ethnic residents were implemented. The second stage, which literature perceives to have started in 2000 (Petričušić, 2004; Jović and Lamont, 2010; Djuric, 2010; Štiks, 2010b; Koska, 2012), was marked by liberalization of the discussions over the rights dimension of Croatian citizenship. The final stage involves the changes and impact on the Croatian citizenship regime that emerged in the aftermath of the Croatian membership to the EU. Since Croatia has been an EU member state for only three years, the exploration of the changes of the Croatian citizenship regime with the EU have not been addressed so far. The task of this study is to explore the key political debates emerged after the accession in the context of the previous developments of the Croatian citizenship regime.

Throughout all three stages, the idea of membership to the EU played a very important role in the Croatian project of nation and statehood building; during the 1990s it was perceived as a long term guarantee of Croatian sovereignty, statehood

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stability and economic prosperity. The 2000s until the accession were marked by democratic changes and the legislative reification of the discriminatory policies and shortcomings of the regime of the 1990s, which were largely influenced by meeting the requirements of the EU accession. The last stage, which has started in the eve of the accession and continues until today, is marked by the return of the identity disputes regarding the Croatian state and the membership identity. As this paper will highlight, the first three years of EU membership did not build on the previous decades' accomplishments of more inclusionary policies towards minorities; instead, Croatia has witnessed the revival of the nationalist discourse which is today in the media often framed under the term "conservative revolution".

As Bellamy argues (2004: 5), the analysis of citizenship has to be scrutinized within the context of ideological languages of political actors constructed to address the issues emerging from the interaction between the state and society in a given national community. Hence, analysis of Croatian citizenship development proposed in this paper will be offered through the lens of citizenship regime, a concept developed by Shaw and Štiks. Here, citizenship regime represents a concept that "encompasses a range of different legal statuses viewed in their wider political context, which are central to the exercise of civil rights, political membership and full socio-economic membership in a particular territory" (Shaw and Štiks, 2010: 5).

The key features of Croatian citizenship legislation, unlike in the other post-socialist countries, have remained robust over time. Even besides the several changes of the legislation since 1991, its key features reflect the institutionalized notion of Croatian polity primarily imagined as a nation-state of trans-territorial Croat ethnic community (Ragazzi, 2009a, 2009b; Štiks, 2010b; Koska, 2011, 2012). However, the comprehensive analysis of Croatian citizenship regime and its identity cannot be fully understood without the detailed exploration of the developments in the status, identity and rights of the Serb minority and veteran soldiers of the Homeland War. It may be argued that the Homeland War represents a constitutive story of the development of the modern Croatian states. Hence, the debates over the status, rights and identities of these two categories of citizens stem from the ascribed identities and roles they had during this event.

We will argue that the changes and the dynamics of Croatian citizenship regime are impossible to understand without a) comprehending the specific legal tradition and political context that shaped the circumstances of the foundation of the Croatian state; b) understanding the role of the Homeland War as the symbolic foundation of the Croatian statehood; c) the development of the new statuses and categories of citizens that emerged from the constellation of this context and symbolic foundations of the state (the scope of rights ascribed to each of these groups is made according to the perceived role that each of them had during the constitutive stage of Croatian

citizenship development); and, finally, d) the institutionalization of these statuses shape the context and agenda for any present-day citizenship-related debates.

Nationalizing State, Dimensions of Citizenship and Constitutive Stories: Setting the Framework for the Analysis of Croatian Citizenship Regime

As Koska (2013: 114) argues, the fundamental features of the contemporary Croatian nation-state include the transnational conception of ethnic Croat community as a main holder of ownership of the state, and secondly, considering that from such a conception the bonds between the individual and state transgress the formal citizenship status and residence, citizenship policies are impacted by the forces internal and external to the Croatian state. Furthermore, analysis has to delineate between the dimensions of citizenship (which will be under particular empirical and analytical scrutiny), and the context which frames the arena within which the debates between the key stakeholders and between the competing ideas over the content and scope of the citizenship rights happen.

For analytical purposes, this study departs from Cristian Joppke's (2007) proposal of comprehensive citizenship theory where three main dimensions are defined: status, rights and identity. The dimension of status denotes the criteria of the formal membership to political community and legal practices for membership acquisition. The rights dimension is concerned with immunities, rights and privileges connected to specific status and categories that stem from the formal membership. Finally, the identity dimension of citizenship ranges from the views held by the ordinary people to the official views propagated by the states (*ibid.*: 44). As Joppke argues, these dimensions do not operate in separation but are interdependent. Any changes of criteria of formal membership may produce serious traumatic consequences for affected groups and trigger novel claims for the scope of rights either from the old bearers of the formal membership status or the new members of political communities who may use their franchise to place new issues on the citizenship policies agenda. Once disputes over the rights dimension are solved, they affect the dominant perception of the novel identity of citizenship. As Joppke concludes, the resulted perceptions of identity may produce competing identity conceptions among various categories of citizens and the formal state officials.

The Croatian case provides a unique experimental ground for the study of the developments of the citizenship status, rights and identity, as Croatia had to establish the criteria for the novel democratic citizenry of the newly established independent state. However, even under such circumstances the design of citizenship policies did not start *ex nihilo*; the political and legal arena for elite's implementation of, in Benedict Anderson's (1983) terms, the process of "imagining the community" and defining the criteria for new Croatian polity and citizenry, was determined

by the specific political events of the time, previous legal structures and competing ideas of the nature of the future polity.

In order to understand these starting constitutional points, the analysis will rely on Brubaker's notion of citizenship as a powerful instrument of closure (1992, 2015). As the arguments will show, since the 1990s but with continuity until today, Croatia continues to exercise the features of a "nationalizing state" (Brubaker, 1996), being imagined as a state "of" and "for" a particular ethnic nation. Its citizenship policies set in the 1990s have established the particular notion of nationhood tradition, which once institutionalized governs and sets the trajectory for future debates on the nature and scope of reach of Croatian citizenship.

The Croatian nationhood tradition develops on two primary notions: firstly, on the idea of the Croatian state as a fulfillment of the perennial claim of Croatian people to have their nation-state, advocated by the Croatian nationalist elites in the eve of the break-up of the SFRY and which is a fundamental pillar of Croatian constitution; and secondly, on the Homeland War as a collective traumatic event, as well as a powerful constitutive story and foundation of the modern Croatian identity.

As Rogers B. Smith (2001) notes, the prevalent role of constitutive stories in the people-building politics can be defined as a "wide variety of accounts that present membership in a particular people as somehow intrinsic to who its members really are" (*ibid.*: 79). The characteristics of these stories are central to intrinsic meaning of individuals' self-perception, they are intergenerational and inspire trust and worth among its addressees. They are normative in character, less tangible to evidence and they go beyond the mere instrumental reasons to belong to the imagined people, hence provide a rationale for the membership, which is enduringly important (*ibid.*: 81).

The proposed analysis recognizes that any particular narrative does not evolve in the political vacuum, but is always the reflection of the competing discourses in the politically complex and often emotionally charged social environment. What makes the story of Croatian citizenship especially challenging for the analysis is that events of the 1990s have produced, in Bauböck's terms (Bauböck, 2010), a complex citizenship constellation; Croatian citizenship regime today regulates or makes claim to regulate several categories of individuals with formal and/or informal membership in more than one state. It includes ethnic Croats abroad without Croatian citizenship; ethnic Croats abroad with Croatian citizenship; non-ethnic Croats who are Croatian citizens abroad; different categories of Croatian residents without Croatian citizenship, and finally Croatian citizens who have a residency in Croatia and who either are members of the Croat majority or belong to one of the national minority categories.

In such a constellation, the Croatian state acts as the external kin-state for its ethnic compatriots abroad, but also has to deal with the complex stances that stem from the demands and claims made by the external kin-states of its national minorities. This analysis will aim to recognize that each citizenship outcome reflects the dynamic nature of the relational fields and decisions of actors within these fields that shape the context within which the citizenship policies are made. However, as Brubaker argues, “the stances emerging within each of the fields may shape the perceptions and representation of the external fields, but may take shape in response to perceptions and representations of developments in that external field” (1996: 69).

The Evolution of the Croatian Citizenship Regime and the Development of the Homeland War as a Constitutive Traumatic Story of Croatian Nationhood

Newly established states after the break-up of the SFRY faced a number of difficulties and challenges during the process of transition to democracy. Most of them related to the consolidation of new statehoods, but also to the determination of the membership criteria for novel citizenries (Koska, 2011, 2012; Ragazzi, Štiks and Koska, 2013; Baričević and Hoffman, 2014). In almost all former Yugoslav republics, the nationalist parties won the first democratic elections (Hayden, 1992), hence they were entitled to formulate the contents of the new constitutions and determine criteria for the membership of the emerging political communities.

However, demographic realities were often in disjunction with the national imaginaries of such elites, as nationally homogenous states ought to be imagined in otherwise ethnically heterogeneous territories (Koska, 2012: 397). In order to resolve such disputes, as Štiks argues, the citizenship policies were utilized as a powerful tool for ethnic engineering (Štiks, 2010a: 9-11) resulting in the discriminatory citizenship policies and practices. With the end of the 1990s and the emergence of EU membership as the primary political goal, in order to meet the accession criteria, post-Yugoslav states had to liberalize their often exclusive citizenship regimes established during the constitutive stages of their statehood (Koska, 2011: 2).

Croatia was not an exception from this model. In comparison with the other post-Yugoslav republics, during the 1990s it established the most stable citizenship legislation. The core criteria for the formal membership to the Croatian political community have not been substantially questioned until today. Its exclusionary practices of the 1990s consolidated the imaginary of the nationalist elites of Croatian state for Croat people, while the negotiations with the EU during the 2000s led to partial liberalization of the citizenship-related policies. These changes were directed to a greater inclusion of the minorities and partial overcoming of the consequences of the previous discriminatory practices.

In order to examine the developments of the citizenship regime in Croatia, it is important to provide a brief overview of the citizenship legislation that regulated membership before 1991, the year which represents the critical juncture for the present-day Croatian citizenship regime. The citizenship practices enacted after this date did not adequately acknowledge the political, legal and social realities of the citizenship regimes that preceded the constitution of the Croatian state. Instead, the new citizenship legislation will move towards the inclusion of the new categories of individuals and exclusion of those categories that did not fit the national imaginaries of the new Croatian elites. In addition to a detailed summary of the key legislative features of the 1991 Law on Croatian Citizenship, an overview of the Homeland War as the constitutive story will be provided.

Croatian Citizenship before the 1990s

In the beginning of the twentieth century, Croatia was a member of the Austro-Hungarian Empire. Due to the fact that it was divided in three lands (Croatia, Slavonia and Dalmatia) whose governance was separated between the Hungarian and Austrian administrative authorities, citizenship practices were regulated by two separate citizenship legislations. Dalmatian citizenship was regulated by the Law on Austrian Citizenship based on the 1811 (1867) Austrian Civil Code, whereas citizenship in Croatia and Slavonia was regulated by the 1879 Law on Hungarian Citizenship (Ragazzi, Štiks and Koska, 2013: 2; Koska, 2011: 7).

Following the break-up of the Empire with the end of the First World War, and the formation of a new South Slavic state which included Croatia, Slovenia and Serbia in 1918, a single citizenship legislation needed to be passed. However, it took a whole decade for that to happen, until the enactment of the Law on Citizenship of the Kingdom of Yugoslavia (Ragazzi, Štiks and Koska, 2013: 2; Koska, 2011: 7). As Štiks (2016: 59-74) argues, this citizenship had to give impetus to the creation of a single Yugoslav identity and promote the political integration of all nations to the new state. However, such endeavors were doomed to failure since they were targeting the territory within which during the previous decades of national enlightenments national intelligentsia already managed to construct the distinct Croat, Serb and Slovene identities.

After the dissolution of the Kingdom during the Second World War (WWII), on the territory of Croatia, with the support of the Axis powers, the quisling Independent State of Croatia (NDH) was established. Under the notorious "Ustasha" Croatian regime NDH was responsible for the genocide of thousands of Serbs, Jews, Roma and other minorities, but it also persecuted ethnic Croats who were opposing the state ideology. In 1941, many Croats welcomed the establishment of NDH as the escape from the previous Serbian hegemonic regime. However, due to recogni-

tion of the criminal nature of the new regime (Goldstein, 2006), by the end of the War the majority of Croats and Croatian Serbs were participating in the war on the side of Yugoslav resistance struggle led by the Communist party.

With the end of WWII the new Yugoslavia was established, but this time as a Socialist Federation. By learning from previous regime mistakes, new communist elites did not insist on the unified Yugoslav identity and recognized the existence of separate republics. The state was organized on federative principles, and these characteristics were reflected in the new citizenship legislation (Koska, 2011: 7). As Omejec argues (1998), the federative citizenship regime of Yugoslavia was organized around three key principles. Firstly, the principle of unity was in power, which determined the co-existence of federal and republic citizenship. Secondly, *ius sanguinis* was the primary principle of citizenship acquisition. Finally, there was a principle of exclusivity by which every Yugoslav citizen could be a citizen of only one republic (*ibid.*: 103).

As a number of scholars argue (Medvedović, 1998; Omejec, 1998; Ragazzi, Štiks and Koska, 2013), in the Yugoslav citizenship regime, the federative citizenship status was the primary source of the citizenship rights, while the republican citizenship had little practical value. Socialist elites perceived the federative citizenship as a vehicle for ensuring equality of all Yugoslavs regardless of their residency or nationality. In practice, the residency, not republican citizenship, was the formal status through which one could regulate any administrative issues related to his rights.

Hence, with large-scale migrations of individuals within Yugoslavia, people would often change their residency from one republic to another, without many concerns over the status of their republican citizenship. Since the republican citizenship was acquired according to *ius sanguinis* principle, the consequence of such practices were that in reality, even the children of such migrants did not possess the citizenship of the republic in which they were born and lived, but were instead registered according to their parents' republican citizenship. While this complex citizenship constellation did not pose any practical issues during Yugoslavia, with the break-up of the federation many citizens would wake up in the new states to realize that they are foreigners in their own state (Ragazzi, Štiks and Koska, 2013; Koska, 2011).

Croatian Citizenship since 1991

The last years of the former Yugoslavia were marked by the constitutional and economic crisis. It started with the death of Yugoslav president Josip Broz Tito in 1980, continued throughout the decade and finished in bloody conflict which marked the end of almost fifty-year-long idea of "Brotherhood and Unity" among Yugoslav nations, nationalities and republics, making them still traumatized on the individual,

as well as the collective level. With Tito's death nationalism gradually gained impetus as the dominant principle of politics in Yugoslav republics. Starting from Serbia where Slobodan Milošević utilized it in order to win the power struggles within the Serbian communist party (Kasapović, 1996), it easily spread over to other republics as a reflex on the perceived aggressive and authoritarian tendencies of Milošević's politics.

The popularity of nationalist ideas became evident in the results of the first democratic elections in all republics. In Croatia, by building on the growing public perception of the threat to Croatia from Serbian nationalist politics, Croatian Democratic Union (HDZ) won the elections. Even though the HDZ won relative majority, according to the majority electoral rule set for the first elections in Croatia by the reformed Croatian communist party (Grdešić, 1992), the HDZ won almost two thirds of parliamentary seats in the first democratically constituted Croatian Parliament. This enabled the HDZ to promote their ethnical conception of Croatian nation as a foundation of the Croatian state.

The new Constitution enacted in December 1990 proclaimed "the Republic of Croatia as the national state of the Croatian people and the state of members of other nations and minorities who are its citizens". These constitutional changes were not welcomed by the Croatian Serbs, who perceived the replacement of their status of constitutive nation enjoyed during socialism with the status of minority as a possible threat to their security and position in the new Croatian state (Koska, 2011: 8; Ragazzi, Štiks and Koska, 2013: 5; Koska, 2013: 401).² The Serbian nationalist elites from Belgrade, who portrayed the new Croatian authorities as the revival of the WWII Ustasha regime, further fueled their fears.

Within the context of the escalation of political hostilities in Yugoslavia, in May 1991 Croatia held a referendum on Croatian independence where 94.7% of voters voted for independence. The vast majority of Croatian Serbs boycotted the referendum. Nevertheless, the result led to the Croatian declaration of independence on 25 June 1991. The European Community and the Conference on Security and Cooperation in Europe imposed Croatia with a three months moratorium on the independence decision, so officially Croatia proclaimed its independence with the termination of this period on 8 October 1991.

The Croatian Parliament enacted the first citizenship legislation on the same date when the Croatian independence and separation from SFRY was proclaimed. The new Law on Croatian Citizenship (LCC) built on the constitutionally defined

² According to Article 1 of the Constitution of Socialist Republic of Croatia, Croatia was defined as a nation-state of Croats, state of Serbs in Croatia and state of other nations and nationalities who live in it.

Croat ethnic community as a titular nation of the Croatian state (Ragazzi, Štiks and Koska, 2013: 5). Two main pillars of LCC were legal continuity with citizenship of the Socialist Republic of Croatia and ethnic criterion (Croatian ethnicity) (Omejec, 1998: 99; Ragazzi, Štiks and Koska, 2013: 5; Koska, 2013: 401).

This meant that the previous republican citizenship, not the residency, became the primary criterion for the membership to new Croatian citizenry. In cases where individuals did not possess Croatian citizenship, but were registered residents of Croatia, their application for citizenship status was determined according to their ethnicity. If they were ethnic Croats they were included to the citizenry *ex lege*; if they were of any other ethnicity, they had to naturalize through complex naturalization procedures designed for foreigners. As Croatian citizenship did not recognize the right of the dual citizenship for this category of applicants, even if an individual had met all residency criteria for naturalization, he would still not be able to provide a proof of dismissal from the previous republican citizenship. Simply, at the time other republics did not yet recognize Croatian independence or were in open conflict with Croatia regarding the future of the Yugoslav heritage.

On the other hand, LCC did not treat all applicants to citizenship through naturalization equally either. The provisions of LCC allowed a facilitated naturalization for ethnic Croats abroad. As Štiks (2010b) argues, the new Croatian citizenship regime distinguished between at least four categories of individuals who had citizenship claims vis-à-vis the state. The category of “included” involved all who had citizenship of the former Socialist Republic of Croatia and Croat residents who were citizens of any other former Yugoslav Republic. The category of “invited” was related to all ethnic Croats regardless of their residency. The category of “excluded” included minority residents who were citizens of other republics. However, this provision mostly targeted the members of the local Serb community. The category of “self-excluded” included the rebelled Serb population, which resisted the establishment of the new Croatian state.

This situation of ethnic engineering (Štiks, 2010b; Koska, 2013: 401) fueled Croatian Serbs’ rebellion, and consequently, Croatian war with the Yugoslav army. By the establishment of the self-proclaimed Republic of Serb Krajina, Serbs who were residents of the territory were Croatian citizens but they opted for self-exclusion (Koska, 2013: 401). However, from the perspective of Croatian Constitutional Court, they were still considered legal citizens of Croatia. However, the position of the Croatian state vis-à-vis this category would change in 1995 in the aftermath of the military operation Storm, when the military campaign of the Croatian army to liberate the territories under Serb control resulted in mass exodus of more than 200,000 Serbs from Croatia. The citizenship-related policies enacted in this period fit the descriptions which authors such as Hayden (1996) call

bureaucratic ethnic cleansing, and we will reflect on these policies later in this paper.

The Law on Croatian Citizenship from 1991 was still in force and not significantly changed up until December 2011, when the Croatian Parliament passed the Law on Modifications and Amendments of the Law on Croatian Citizenship. It was directed towards administrative upgrading and improvement, rather than substantive changes of the Croatian citizenship regime (Ragazzi, Štiks and Koska, 2013: 8). The *ius sanguinis* remains the primary mode for acquisition of Croatian citizenship, while the naturalization policies still provide the facilitated provisions for incorporation of non-resident Croats.³

War in Croatia

The first signs of the conflict in Croatia emerged in August of 1990, followed by rebellion of the part of the Serbian population in the areas where they consisted the majority of population. The events occurred in the area that became known as the self-proclaimed rebel Republic of Serb Krajina (SAO Krajina) (Glenny, 1992: 1-31; Goldstein, 2001: 212-226).

The rebellion spread through almost the entire area of Banija, Kordun, parts of Lika region and of Dalmatinska Zagora, but also Posavina, the region around towns of Glina and Dvor, and in Western Slavonian town of Pakrac. The barricades consisting of trees and rocks were set on the main road connecting the inland of Croatia with the coast in an attempt to block the passage of the Croatian police forces into Krajina, where the plebiscite was to be held on declaring independence from the Croatian state. The act of road blockage was named The Log Revolution by the media and represents the first serious outburst of the Serb separatist claims. These events took place only a few months after the first multi-party elections in Croatia. What started as an act of disobedience towards the HDZ Croatian authorities, evolved into a severe armed conflict, resulting with proclamation of independence of so-called SAO Krajina within the Croatian state borders.

The rebels' plan was to obtain control of the abovementioned areas through taking full command over the Yugoslav People's Army (JNA) armories. Most of the officers in charge of armories were Serbs by nationality, and the plan included releasing from duty officers and soldiers that were of Croatian nationality whilst ensuring they surrender their armory before leaving.

In the eyes of Croatian authorities, domestic and international public, the territory was considered to be under occupation, since the Krajina leaders refused any

³ For a more detailed review of the Croatian citizenship legislation, see: Ragazzi, Štiks and Koska, 2013; Koska, 2011.

attempts at reconciliation with the legally elected Croatian government. The rebels disputed those claims, responding with building separate state institutions. The self-proclaimed leaders of SAO Krajina were former dentist Milan Babić, previously the mayor of Knin, and former police officer Milan Martić, who became the Minister of Internal Affairs of Krajina. Both were in close correspondence with the Serbian nationalistic elites in Belgrade, including the Serbian president Slobodan Milošević (Glenny, 1992: 16-21).

The first armed conflicts took place in April 1991, along with the gradual alignment of JNA with Serbian rebels. By the end of 1991, JNA joined the attack on Croatian strongholds, together with voluntary troops from Serbia. These processes were accompanied with strong nationalism among the Serbian political elites, which strives to realize the idea of so-called Greater Serbia, establishing its desired future border on the line spreading from Virovitica via Karlovac to Karlobag.

These events outraged the Croatian public and were portrayed by the government-controlled mainstream media as a direct attack on Croatian state sovereignty and independence. With time, those events and the upcoming war would become the cornerstone of Croatian cultural victim trauma. The Homeland War therefore shaped the formation of Croatian national identity in opposition to the rebel territorial claims, and gave additional weight to the perception of the war as a symbolic act for liberation of Croatia from its inner and outer nemesis.

The perception of the resistance as crucial for the independence and preservation of the Croatian state can be seen most clearly through focusing on the attacks on two Croatian towns in 1991, Vukovar and Dubrovnik. The troops of JNA were sent from Belgrade to besiege Vukovar, while Dubrovnik was attacked by the JNA troops located in Montenegro. Even though the two towns had no strategical importance for the course of war actions, the aggressor marked them for destruction relying on the effect of shock and discouragement the destruction would create among the Croatian military troops and Croatian public (Žunec, 1998: 111). Both towns suffered wide-scale destruction, followed by deaths of hundreds of civilians and soldiers, leaving Vukovar destroyed and most of its inhabitants fled to refuge.

The period between 1992 and 1995 was marked by numerous diplomatic efforts and negotiations, but the central events of the period were the operations for the liberation of the Croatian territory named "Flash" and "Storm" (Tatalović, 1996). The goal of the operation "Flash" was to liberate the occupied area of Western Slavonia, which was under the supervision of the UN peacekeeping forces. The operation ended in May 1995, resulting with liberation of the entire area. Three months later, in August 1995, the operation "Storm" started, liberating the majority of the area of so-called SAO Krajina. The military operation "Storm" is considered to be the greatest triumph of the Croatian military troops in the entire course of war and

its success marked the end of the Homeland War. In the aftermath of the war, transitional international governance between 1996 and 1998 peacefully reintegrated the area of Eastern Slavonia.

The operation “Storm” resulted in many consequences for the inhabitants of SAO Krajina, as more than 200 thousand people, almost all Serbs, were forced to leave their homes and seek refuge in Serbia, Bosnia and Herzegovina and other European countries, resulting in what became the biggest-scale forced migration wave since WWII (HHO, 2001). Hence, for the Serb minority the military operation “Storm” represents a national tragedy and major source of their victim cultural trauma. On the other hand, the Croat majority perceives it as a national holiday, celebrating it under the name of “Victory and Homeland Thanksgiving Day” (“Dan pobjede i domovinske zahvalnosti”).

Homeland War, International Tribunal for Former Yugoslavia (ICTY) and Declaration of the Homeland War: the Birth of the Constitutive Story

The war had a very important impact on all dimensions of the citizenship regime and practices in Croatia. Consequently, the war established a new category of deserving citizens. These were mainly the veterans of the Homeland War, whose role during the conflict was protected by special legislation, which on the symbolical level confirms their sacrifice for the establishment of the Croatian state, while on the other hand provides a set of special rights attributed to this status.

Furthermore, the experience of war also produced a negative perception towards the Serb minority in Croatia. In the context of the newly independent Croatian state, the Serb minority in Croatia is often perceived as the enemy of the state; this discourse is prevalent until the present day. It derives from the autocratic governance of the first Croatian president Franjo Tuđman and the nationalist rhetoric the purpose of which was to call upon an ethnically homogeneous Croatia, whereas Serbs were described by him as a “cancer of Croatian society” and were treated as second-class citizens (HRW, 1998).

Tensions were intensified after the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 1993 by the UN Security Council, the role of which was to bring about reconciliation and justice. In order to establish a conciliatory climate in Croatia and Serbia, activities of the ICTY were directed towards acknowledgment of war victims and prosecuting war criminals. However, the results of these processes only brought about further disappointment and dissatisfaction, depending on the particular case in question. Until the acquittal verdict that the ICTY brought in the cases of two Croatian war generals, Ante Gotovina and Mladen Markač, in 2012, the public perception of the court was that the ICTY was a political court with the aim to equalize the guilt for the wars in the 1990s among

all conflicted sides. Perceived as the court which is set against the Croatian national interest, it would face strong opposition from the organizations of the Croatian veteran soldiers.

In this context, it is important to emphasize the role of the Declaration on the Homeland War of the Croatian Parliament in 2000, enacted following strong pressure by such organizations in the light of the rising tensions between Croatia and the ICTY, related to the indictments towards the Croatian generals.

The Declaration consists of the emphasis on Croatian victory in the Homeland War, which is presented strictly as a defensive war with the background of Serbian aggression against Croatia and its territory. The main role in defense of Croatian territory belongs to the Croatian war veterans, whose contribution is perceived as a foundation for modern independent Croatia. As such, it is considered to be generally accepted by the Croat nation and all Croatian citizens whose main role is nurturing their honor and reputation. Therefore, institutionalization of constitutive narratives took place parallel with the omnipresent discourse stemming from Croatian war veterans, celebrating victory, justifying their operations and encouraging the public perception which identifies the Serb minority in Croatia with atrocities and aggressive tendencies of the Serb nationalist elites in the early 1990s.

Croatian Citizenship Regime and Serb Minority: From the Policies of Exclusion towards the Politics of Cultural Recognition

The status of the Serb minority deserves a special focus in the study of Croatian citizenship for at least two reasons. First, constitutionally the newly-formed state has deprived the Croatian Serb population of its legal status as one of the constitutive peoples of the Croatian state. Second, the experience of the war established a collective stigma over this population as the constitutive others against which the identity of the Croatian state is defined. In this section, we will elaborate on the legislative development and the political contexts that shaped the stage of status determination and stage of rights debates associated to this category of Croatian citizens.

According to the 1991 census, the Serb population in Croatia was estimated at 12.2 percent of the total population. During socialism, the Serb minority enjoyed the status of one of the titular peoples of the Croatian state. As it was previously noted, the emerging nationalist Croatian elites perceived this status as a threat to Croatian national homogeneity and designed the new Constitution within which Serbs received a status of national minority. Authors such as Hudelist (2014) further emphasise that Tudman envisioned the new Croatian state which could only maintain its political stability if the percentage of the Serb population should not exceed 5 percent of the overall population. The new Constitutional framework was

followed with the development of the novel citizenship regime, which in practice resulted with numerous obstacles and various administrative challenges towards the Serb population. As Jović notes, the Serb minority now feared that the new Croatian state would treat them as second-class citizens (Jović, 2002).⁴

Meanwhile, the Croatian government tried to create an image of Croatia in the international community as a modern liberal state with special protection of minority rights. In order to receive international recognition, Croatia enacted the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Minorities in Croatia (LHR) in 1991. This law confirmed the minority rights in the area of cultural autonomy and political representation both for newly-formed and old, established (e.g. Hungarian and Italian) minorities. This may be considered as prelude for Croatia to receive the international recognition of its neighbor countries Italy and Hungary. The law was followed with the set of bilateral agreements on minority protection between Croatia and the named states. This, however, was not the case with the Serb population in Croatia. However, the Law provided the provisions which allowed a high level of territorial autonomy for the local communities in which Serbs constituted the majority of the population and guaranteed the proportional representation in the public and political institutions for those minorities who form more than eight percent of the total population.

However, those provisions were never implemented in practice, considering that in 1991 armed conflicts began as a rebellion of a part of the Serb community against Croatian authorities, declaring their own state. The political regime established by the rebelled Serb authorities was far from liberal or democratic. During their control over these territories, large-scale ethnic cleansing against non-Serb population was conducted and more than 200,000 Croats were expelled to the territories under the control of Croatian authorities.

The conflict ended in 1995 with military operations “Flesh” and “Storm” with which Croatia regained control over most of the rebelled territory. However, the war had tragic consequences for the Serb minority, resulting with hundreds of thousands of Serb people fleeing Croatia. The precise number of people who left Croatia is still a matter of dispute, but it is estimated that more than two hundred thousand people left to seek refuge in Serbia, Bosnia and Herzegovina and other European countries. The outcome of such events is reflected in Croatian demographic reali-

⁴ In the two interviews conducted with the representatives of Serbian minority political elites it was highlighted that the new provisions regarding citizenship were essential for holding up the positions in public administration and state offices. The proof of Croatian citizenship became necessary for all employees in such institutions, hence the lack of citizenship would lead to loss of employment and other social rights previously exercised in the Socialist Republic of Croatia.

ties: according to the 2011 census data, Croatian Serbs today in Croatia constitute only 4.36% of the total population. A number of scholars argue that the Croatian policies enacted after the flight of Serb refugees did not encourage their return, and rather discriminated them from full access to Croatian society (Blitz, 2003; Djuric, 2010; Koska, 2009, 2014).

In 1995 the Croatian government passed a Law on Temporary Suspension of Particular Articles of the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Minorities in Croatia, suspending the right of proportional representation of the Serb population in all levels of government. Furthermore, even though the Serbs that left Croatia were nominally perceived as Croatian citizens by the Croatian government, administrative obstacles were introduced to impede their access to Croatian citizenship (Blitz, 2005: 369). The other law that came into force that year was the Law on Temporary Take Over and Administration of Certain Property (LTTO), followed by The Law on Areas of Special State Concern (LASSC) in 1996. The Croatian government claimed those laws were made in an attempt of protecting the abandoned property of Serbs, calling previous owners to reclaim their ownership in 90 days. However, at the same time, due to numerous administrative measures, including the restrictive citizenship procedures, government established a *de facto* situation in which the return of Serb refugees became almost impossible (Koska, 2009). Confiscated houses and other property of the refugee Serbs were in most cases given to Croat nationals arrived from other parts of Croatia, Bosnia and Herzegovina or Vojvodina (Blitz, 2005: 368). Such measures were followed by strong propaganda in the Croatian media, creating the narrative in which all Serbian refugees were portrayed as collaborators of the aggressor, creating the sentiment in public that Croatia is better off without them, thus preventing the short-term possibilities for their collective return.

The situation somewhat changed after the peaceful integration of Eastern Slavonia in 1998, resulting with easier re-obtaining of citizenship rights. However, it was not until the 2000 elections that the coalition led by left-wing Social Democratic Party formed a new government which made substantial changes towards bettering the position of the Serb population in Croatia (Koska, 2011, 2013). In 2002 the new Constitutional Law on Rights of National Minorities (CLRNM) was passed, increasing the number of seats reserved for minorities in the Croatian parliament and granting the education and official use of minority languages. In 2003 the new governmental coalition led by the HDZ included the minority representatives showing that they could now be perceived as partners. Croatia also began its process of acquiring EU membership, which included a set of recommendations and expectations from the international community, including the key issues of cooperation with the ICTY, return of the refugee Serbs and creating a stable environment for civil

organizations and initiatives. The perception of the Serb minority in Croatia as a threat to the Croatian state or its institutions seemed to be in decline during this period, and the rhetoric of the Croatian and Serbian authorities was directed towards reconciliation and settling the disputes inherited from the 1990s.

The nationalist policies of the 1990s yielded under the changed circumstances in which the CLRN ensured a high standard of minority protection in Croatia. However, the established framework emphasizes mainly the question of cultural rights of national minorities, while some of the main issues such as return of all confiscated property, acquiring proof of Croatian citizenship and others still remain present in the contemporary Croatian politics.

Croatian Veterans of the Homeland War: The Category of “Deserving” Citizens

The story of the Croatian citizenship and debates over its identity cannot be comprehended without analysis of the status of one particular category of Croatian citizens: veteran soldiers of the Homeland War. This category came into being from the reality that Croatian independence was carved out through war. In this section we will demonstrate how, along with the institutionalization of this category with the set of privileges ascribed to their status, the story of the Homeland War is constantly revisited, reconstructed and reinforced as constant topic and the background of social and political life in Croatia.

As Fisher argues, the close connection between the representatives of the veteran soldiers' organizations and Croatian Democratic Union date from the very beginning of the Homeland War (Fisher, 2003: 70), since many of the soldiers were also members of the party. Throughout the 1990s, there was a strong discourse on triadic unity between the state, the nation and the party. Veteran soldiers hence found a niche in support of the HDZ as the exemplifier of the state for which they fought.

The sacrifice, experienced individual traumas, and the gratitude for the deeds of defenders during the war was firstly recognized by the state in 1994 when the Law on rights of Croatian defenders from the Homeland War and the members of their families was enacted. The law defined a wide set of rights granted to this category, and remained in power with gradual expansion until today. Over the last two decades the well-organized veterans developed into a social actor who has a great influence on the official politics. It is especially prominent related to two political issues: firstly, to the debates on the scope of rights to be recognized to this category, and secondly, to any topic which directly or indirectly relates to the war and/or puts under the scrutiny the dominant narrative of the nature of the war. The latter is often marked by massive protests organized by the veterans' organization.

In 2000, following the constitution of the first center-left government in Croatia, the bond between the HDZ and veteran soldiers' organizations established in the 1990s was transformed in the massive attempts for restructuring and replacing the government and bringing the HDZ back to power (Fisher, 2003: 71-72). Such a bond, depending on the political circumstances in the country, to a greater or lesser extent remains present until today. A sort of double standard for the evaluation of the role of political actors during the war is established by the veteran soldiers' organizations: the HDZ, perceived as the pillar of Croatian independence, became almost immune to any serious criticism from the Croatian veteran soldiers' organizations. Nevertheless, these organizations seem to be less capable to formulate their standpoints into clear policy-oriented goals in comparison with their capability to raise the media and public attention on any Croatian-identity-related issues. Within their realms lies a strong political power to influence any decision regarding the "dignity of the Homeland War", which includes justification of the minority policies and content of Croatian symbolic policies.

If the differentiation of statuses and categories that develop within the particular citizenship regime, in Brubaker's terms (2015), can be utilized as the instrument of accomplishing a political closure, it goes without question that setting the specific legal category for Homeland War veterans plays a very powerful role in such an endeavor. The image of the veteran soldier becomes a symbol of heroic deed conducted by the willing individuals fighting for the highest possible goal: independent and free Croatian state. The symbolic value of such a role is barely contested in the Croatian public, especially in terms of committed war crimes.

However, the close connection of the dominant veteran soldiers' associations with the conservative and right-wing political elites and their willingness to actively get involved in massive, often threatening protests with the aim of unconditional influence on the political and/or electoral outcomes in Croatia led to the situation where there are competing understandings of what the role of the veterans should be in post-war Croatia. One of the issues that is the highest source of the controversies regarding this category of citizens are the rights associated to this status, which by scholars is often perceived in terms of specific clientelistic nexus (Stubbs and Zrinščak, 2015) which is the legacy of HDZ's rule of the 1990s (Kasapović, 2001) and/or transfer of the wartime rules to the subsequent years (Dolenec, 2013: 142).

Croatian Citizenship Regime and EU Accession: Return of Identity

In July 2013 Croatian negotiations for EU membership were successfully brought to an end with Croatia becoming the 28th member state. Scholars of citizenship studies were long predicting what would be the consequences for the Croatian citizenship in the new realities that included the introduction of EU citizenship as a new

layer to the existing regime. The external requirements imposed by the EU during the accession process led Croatia to enact more inclusive minority policies. Practices of exclusion of the 1990s were gradually replaced with more inclusive discourse, while the public became more open for alternative interpretations of the role of the Croatian state during the turbulent 1990s.

However, several events before and after the Croatian accession showed that instead of further liberalization, the revival of nationalist and anti-liberal discourse of the 1990s has taken place. We provide the analysis of the three main such events that we believe shape the context for understanding the new sets of disputes in the Croatian citizenship regime, that emerged with the EU accession. These are: a) the final verdict of the ICTY, b) violent protests regarding the implementation of the CLNMR in the town of Vukovar followed by the rise of anti-Serbian rhetoric in public, and c) protest of the Croatian veteran soldiers against the Government which was portrayed as “anti-Croat and communist”.

*The Verdicts of the International Tribunal of Former Yugoslavia:
Instrument of Justice or Justification of Constitutive Stories?*

One of the largest obstacles that Croatia was facing during its EU accession campaign was cooperation with the ICTY. The prevalent perception in the Croatian public was that by pressing charges against the high ranked Croatian army and political officials, the ICTY aimed to equalize guilt and responsibility for the war between the Serbian aggressor and Croatia who was a victim. The debate over the role of the international justice system goes beyond the scope of this paper; however, it is important to reflect on the discourses that followed the ICTY verdicts made regarding the case of general Ante Gotovina, the highest Croatian army official prosecuted by the ICTY. On the symbolic level, his trial was perceived as a final battle for the dignity of the Homeland War.

In July 2001, the ICTY pressed charges against general Ante Gotovina for crimes against humanity and violations of the laws or customs of war committed during and in the aftermath of the military Operation Storm. The key elements of indictment stated that *Ante Gotovina acting individually and/or in concert with others, including President Franjo Tuđman, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of persecutions of the Krajina Serb population.*⁵

Following the ICTY indictment, the ruling left-center coalition was faced with a double political pressure; on the one hand, the unconditional cooperation with

⁵ See the full text of the indictment at: http://www.icty.org/x/cases/gotovina_old/ind/en/got-ii010608e.htm [accessed on 20 March 2017].

the ICTY was one of the key requirements of Croatian accession to the EU, while on the other, the Croatian public perceived the content of the indictment as an attack on the very foundations of Croatian independence and sovereignty.⁶ Government was stigmatized with qualifications which ranged from incompetency to national treason. Such allegations were delivered from the conservative sections of society including the Catholic Church in Croatia, right-wing intellectuals and a number of veteran soldiers' organizations.

However, general Gotovina was not arrested. Instead, he evaded the authorities and clandestinely left the country remaining outside the reach of Croatian and international authorities for four years. His arrest took place only on 7 December 2005 after which he was immediately transferred to ICTY custody. Ironically, his arrest was executed by the HDZ coalition government which regained power after the 2003 elections, where accusations against the previous government's cooperation with the ICTY and its betrayal of generals and values of the Homeland War were topics on which major support of the public was gained. The trial began in March 2008.

The ICTY delivered its first degree verdict on the case in April 2011. The first degree sentence claimed that the generals were guilty, sentencing general Ante Gotovina to 24 and general Mladen Markač to 18 years in prison. Such a verdict resulted in a sense of deep national frustration. The support for the EU accession dramatically fell to only 23% and according to the national pools there was almost unanimous agreement (95.4%) among the Croats that the verdict was unfair.⁷ However, certain segments of society were aiming to calm the situation by highlighting the fact that even though the atrocities committed by the Croatian side during the war happened, Croatian authorities did not do much to prosecute the perpetrators in almost two decades following the end of the war.⁸ The verdict was perceived as a unique opportunity for setting the framework for deliberation on the Croatian role during the war.

Nevertheless, such a standpoint was silenced by the overwhelming perception that the international community wanted to discipline and punish Croatian independence. Even though the Croatian president Ivo Josipović and prime minister of the ruling HDZ government, Jadranka Kosor, repeatedly stated that this verdict was not a verdict against the state, and emphasized that there was still a right to appeal,

⁶ See *To international actors even the Croatian independence and sovereignty are questionable* ("Međunarodnim faktorima upitni čak i samostalnost i suverenost Hrvatske", *Jutarnji list*, 24. 7. 2001).

⁷ See *Only 23% of Croats support Croatian accession to the EU* ("Samo 23 % Hrvata za ulazak u EU", *Nedjeljni jutarnji*, 17. 4. 2011).

⁸ See, for example, *If Gotovina gets convicted, it will not be a verdict against Croatia* ("Ako Gotovina i bude osuđen, to neće biti presuda Hrvatskoj", *Jutarnji list*, 13. 4. 2011).

nothing could appease the majority of the population deeply disappointed by the decision. This would only change in the following year when, after the appeal, the ICTY made its final verdict.

In November 2012, the ICTY made its final decision according to which generals Gotovina and Markač have been exempted of all charges of the indictment. This time national euphoria replaced national melancholy. The photos of generals portrayed as heroes marked the front pages of the daily newspapers. Just as with the first verdict, the public interpretations of the decision went beyond the mere judicial case, and were utilized to justify the dominant narrative on the nature of the Homeland War. In sum, three major conclusions in Croatian public were derived from the ICTY acquittal decision: firstly, political elites in power sent the message that with the verdict Homeland War is finally over.⁹ Secondly, the verdict was interpreted as proof that the Serb population did not forcefully (at least not due to the actions of Croatian authorities) leave Croatia. Finally, the right-wing intelligentsia and conservative segments of society used the verdict in order to portray human rights organizations and liberal sections of civil society, which were raising the public awareness on the crimes committed by the Croatian side during the war, as professional enemies of the Croatian state.¹⁰

The last two conclusions had particular impact on the developments within the Croatian citizenship regime. The perception that Serbs voluntarily left the country in the aftermath of the military operation Storm further consolidated the public stigma associated to this category of Croatian citizens; namely, in the national imaginary the verdict represents judicial confirmation of the constitutive story according to which the Serb minority, especially the sections that fled the country in 1995, is conceived as a threat to the Croatian state.

The second conclusion opened the venue for larger stigmatization of civil society actors who critically evaluate the events of the 1990s. As the subsequent political events revealed, such qualifications gradually traced the terrain for re-emergence of the right-wing exclusionary discourse regarding the identity dimension of the Croatian citizenship regime from the margins to the mainstream of Croatian society.

⁹ See the interview with the Croatian President Ivo Josipović: *With this verdict the Homeland War is fully stopped* ("Ovom presudom na Domovinski rat napokon je stavljena točka", *Jutarnji list*, 17. 11. 2012).

¹⁰ See, for example, *Ivo Josipović should be ashamed for the award given to Vesna Teršelič* ("Ivo Josipović bi se trebao crvenjeti zbog nagrade Vesni Teršelič", *Večernji list*, 26. 11. 2012).

The Implementation of the Constitutional Law on the Rights of National Minorities and Serb Minority Rights after the EU Accession

Croatian Constitutional Law on the Rights of National Minorities since its enactment was celebrated as an example of the highest possible standards a state can reach in the legal protection of minorities. For instance Milan Mesić (2003) argued that even though in Croatia there is no clear strategic policy for development of durable minority and social justice, for which the minorities have their share of responsibility as much as the Croat majority, the legal standards for minority protection meet all requirements set by the international declarations and norms. Tatalović (2001) argued that the key criteria for evaluation of the consolidation of Croatian democracy and its adjustments for economic and social integration to Europe is the level to which the protection of minorities is granted. The accomplishment of these tasks was perceived as going in the right direction, as with the Constitutional Law and following policy measures Croatia made crucial preconditions for the strengthening of its international reputation and status (*ibid.*: 172).

However, once the external pressure of the EU was removed following the Croatian full membership, several events revealed that it was easier to make constitutional promises than to ensure their implementation once the demographic realities prescribed by the law for their implementation were met. The exemplifier of this case can be found in the political incidents and anti-Serb sentiments in the sections of Croatian public following the attempts to implement the provisions regarding the equal treatment of the minority script and language in public spaces in the town of Vukovar.

The Constitutional Law on the Rights of National Minorities in its Article 12, paragraph 1, defined that the right for equal official exercise of minority language at the level of local self-government should be granted to those minorities who, according to the census, constitute at least one third of the total population at the level of the particular unit of local self-government. Furthermore, paragraph 2 of the same article foresaw that these provisions should be exercised in accordance with the statute of the unit of local self-government which is to implement such rights.

The implementation of these provisions did not face any resistance in the local communities who had a long experience of multi-national cooperation with the old minorities, such as in the case of the Italian minority in Istria. However, even though already at the moment of its enactment it was clear that, sooner or later, this right would have to be introduced for the Serb minority in one of the post-conflict towns where Serbs form a large section of the local population, for more than a decade neither of the governments did anything to prepare the public for the implementation of these provisions. Ironically, it was in the town of Vukovar that, fol-

lowing the 2011 census, the official use of the Serbian language and the Cyrillic alphabet was to be introduced.¹¹

In 2009, at the peak of the Croatian EU negotiations, Vukovar's local government led by the coalition between the HDZ and the Serb minority elected changes to the town's statute which foresaw the introduction of the Serbian language as the second official language in this town. However, the formal preconditions for triggering both the provisions of the statute and the Constitutional Law were fulfilled only after the 2011 census data was made public. According to the census, Serbs formed 34.8% of Vukovar's population. The possibility of introducing the Cyrillic alphabet in Vukovar was received with large animosity by the wider public, but mostly by the organizations of Croatian war veterans. In April 2013, a protest of more than 20,000 people was held at the main square in Zagreb. The protest was organized by the coordination of veteran soldiers' organizations "The Headquarter for the Defense of the Croatian Vukovar" (The Headquarter), who sent the message to the Government: the Cyrillic alphabet is not welcomed in Vukovar and any attempt for its implementation will be resisted.

In September 2013, less than two months following the Croatian accession, the local government of Vukovar introduced public posts in both Latin and Cyrillic scripts. The next day, the protest escalated into a minor conflict between the local police and the protesters who aimed to forcefully remove the bilingual posts. In the following months, The Headquarter attempted to initiate the referendum according to which the constitutional rights on national minorities should be altered in such a manner that the rights for equal exercise of minority language at the level of local self-government should be granted to those minorities who form more than 50% of the local population. In other words, such provisions would allow minorities to exercise their language rights only in circumstances when they form the majority in the local community. The petition for referendum has collected more than 500,000 signatures. However, the Constitutional Court made a decision that the proposed question being decided on the referendum was in collision with the Croatian Constitution.

The (failure of) implementation of the language rights was an example of radical deterioration of the minority protection standards accomplished during the EU negotiations stage. However, the demise of the minority protection and return of radicalized Croat identity debates in the social mainstream, according to the interviews with the Serb political and social elites, were not limited only to the aspect

¹¹ Croatian and Serbian languages both belong to the group of Slavic languages. The similarities between the two languages are very high, and authors such as Kordić (2010) argue that they represent the same language with different dialects. The biggest differences between Croatian and Serbian language are reflected in their official scripts; Croatian language uses Latin, while Serbian considers the Cyrillic alphabet to be its official script.

related to the cultural rights within the framework on the Constitutional Law on the Rights of National Minorities. As one of the representatives stated: “During the negotiation stage, with the cooperation between the Serbian representatives and the Croatian Government, the situation was getting better. ... After the accession Croatia witnessed a rise of the anti-minority and anti-liberal discourse in practice.”

The progress achieved during the accession negotiations was mainly focused on the dimension of cultural rights recognized by the Constitutional Law. However, the integration obstacles that members of the Serb community face today are more related to the lack of access to “civic” rather than “ethnic” or “cultural” rights. The dominant issues that this population faces are related to the lack of equal access to public jobs, infrastructure, goods and services, repossession of property and issues related to tenancy rights. In such a context, the support for cultural rights is not crucial for economic integration, but has a high symbolic meaning. It is a benchmark against which the readiness of society to openly redefine the role of the Serb minority in contemporary Croatia can be evaluated. Without such changes, the obstacles that stem from the dominant narrative of Croatian statehood will continue to produce impediments for the development of successful integration and minority policies, both for the Croatian citizens of Serb nationality abroad and members of the Serb minority who are still residents of Croatia.

Croatian Veterans of Homeland War Protest:

“In 1991 against Yugoslavia, in 2014 against Yugoslavs”

The additional move towards the reintroduction of the debates on the identity dimension of the Croatian citizenship regime was demonstrated by the protest of the veteran soldiers in front of the Ministry of War Veterans. While the literature on veterans in Croatia (Kasapović, 2001; Fisher, 2003; Stubbs and Zrinščak, 2015) highlights the close connection between the veteran organizations and the HDZ, it would be misleading to conclude that such protests are a mere reflection of the political games regarding the possible clientelistic cooperation between the veteran soldiers and the HDZ. The trigger for the protest was assistant minister Bojan Glavašević’s claim that even the civil victims of the war, including the Serb victims, should be treated as war victims.¹² Such an intervention, however marginal, was perceived as blasphemy which inflicts damage to the very fiber of the Croatian society.¹³ The pro-

¹² See, for example, *The tape was misinterpreted, I was not trying to say that the victims and aggressors are the same* (“Glavašević: Snimka je izvučena iz konteksta, nisam izjednačavao žrtvu i agresora!”), *Dnevnik.hr*, 2. 11. 2014) [accessed on 20 March 2017].

¹³ See, for example, *Glavašević, who are you working for and who’s paying you?* (“Bojane Glavaševiću, odgovori za koga radiš i tko te plaća”, *Braniteljski portal*, 5. 8. 2015) [accessed on 20 March 2017].

test demonstrated that any attempt to redefine identities and categories established following the war will be faced with high opposition from the veteran soldiers and conservative sections of society.

The protest started early in October 2014 when a tent was set overnight in front of the Ministry of War Veterans. The veterans were blocking the traffic, gathering in front of and inside the tent where they organized press conferences, live reports and held speeches on a daily basis. They were also sleeping, eating and socializing in the tent and were called “šatoraši” (tent men) by the media and part of the public. In the beginning of the protest the veterans only gave vague statements about how the protest was envisioned “to help preserve the dignity of the victims, veterans and families of the victims of the Homeland War”. They also demanded the resignation of Minister of War Veterans Predrag Matić along with his assistant Bojan Glavašević and deputy minister Vesna Nađ, and repeated those demands throughout the protest.¹⁴

The Croatian Democratic Union (HDZ), which was an opposition party at the time, was first to offer support to the veterans in protest, calling the current Croatian government led by the Social Democratic Party (SDP) accountable for the position many veterans were in, facing issues from poverty to various psychological problems, even though the Law on the Rights of Croatian Defenders from Homeland War and the Members of Their Families (LRCDHWMTF) provided pensions, disability compensation, tax subsidies and various other forms of help to the veterans; among other means of help, they were able to apply for non-returnable grants the state provided, and were encouraged to enter small business ventures together.

Croatian Prime Minister Zoran Milanović on several occasions offered to meet the protesters, expressing his willingness to open a dialogue, but emphasized that under no circumstances was he going to release Minister Matić from duty.¹⁵ Soon the veterans increased their demands, rooting for implementation of the LRCDHWMTF in the Croatian Constitution, where all their benefits would remain intact.

As the protest continued and grew bigger in scale, it started to obtain a more violent discourse in the form of marches, presenting symbols and marks on the veteran uniforms, with threatening rhetoric used by leaders of the protest in their public announcements and when addressing the government. The same threats were used towards the part of the public they claimed to be “anti-Croat” and communist,

¹⁴ See, for example, *War veterans demand Glavašević and Matić to resign* (“Prosvjed ratnih invalida: Tražimo ostavke Matića i Glavaševića!”, *Slobodna Dalmacija*, 20. 10. 2014) [accessed on 20 March 2017].

¹⁵ See, for example, *Veterans are important to us, but we will not abandon Matić* (“Milanović: Branitelji su nam važni, ali nećemo se odreći Matića”, tportal, 8. 6. 2015) [accessed on 20 March 2017].

especially Serb minority representatives in the Croatian Parliament, humanitarian and human-rights-oriented non-governmental organizations, parts of academia and left-oriented public figures in Croatian society. Such was the reference used by one of the protest leaders, when he reminded of so-called Bloody Easter, which was an event that took place during the Homeland War, with a non-subtle notion that it was possible to reenact those events if the protest should get “out of hand”.¹⁶ Slogans such as: “In 1991 against Yugoslavia, in 2014 against Yugoslavs” were used in order to remind the public that, in a manner of speaking, the Homeland War was not over, but was simply led by other means, and that the so-called enemy of Croatian sovereignty and independence was still present in the legislative and governmental institutions, but also in the media, influenced and supported from abroad.

In Lieu of a Conclusion

The literature on Europeanization has demonstrated the limitations of the EU system of conditionality to impose or direct the policies of the candidate countries after they become full EU member states (Vachudova, 2008; Epstein and Sedelmeier, 2008). While, during the accession, candidate countries do seek to achieve a national unity in order to adopt and adjust to the political and economic requirements set by EC, and hence push the radical nationalist and anti-democratic discourses to the edge of the official public debates, the situation may alter after the country becomes a member state.

As Stubbs and Zrinščak (2015: 403) argue, EU disciplinaries focus mostly on economic conditionalities, while the tendencies present in many Central European countries, such as a slow down of democratization processes, remain outside the EU’s political influence. In such a context, as the Croatian case reveals, the developments achieved during the negotiation stage fully depend on the states’ and societies’ internal capacities to build on the political accomplishment during the negotiation and internalize such changes into the social and political fabric of society.

The legacy of the constitutive stage of Croatian statehood has produced a number of contentious categories of Croatian citizens, such as the Serb minority and Croatian defenders of the Homeland War. The political foundations of the war as the constitutive story of the modern Croatian statehood did attribute a symbolical role to each of these categories in the construction of the Croatian national narrative. We may argue that these positions have not been refuted, but instead reinforced after the Croatian accession. The experiences of the first three years of Croatian EU membership go in line with somewhat pessimistic characterizations, which de-

¹⁶ See, for example, *We want Milanović’s and Matić’s apology* (“Klemm: Tražimo da se Milanović i Matić ispričaju hrvatskim braniteljima”, *Vijesti RTL*, 5. 12. 2014) [accessed on 20 March 2017].

fine Croatia as ethnic democracy (Štiks, 2010b). Ethnic democracy, according to Smootha (2002) is a regime which, among its features, promotes ethnic ascendancy and nurtures the perception of particular ethnic minorities as threats to statehood.

If, as Štiks argues, these features were present in Croatia during the pre-accession period where the media perpetuated the Serbian threat even though large sections of the Serb population had left the country, such discourse has exponentially spread in Croatian mainstream following the accession. However, the (re)introduction of the identity debates within the Croatian citizenship regime after the accession did not focus solely on the Serb minority; the actors within the debate (re)invent the threat even in the sections of civil society and Croatian citizenry who critically engage with the unidimensional narrative of the nature of Croatian statehood and democracy.

Such discourse was particularly dominant during the (failed) government formed by the HDZ and the coordination of independent lists MOST elected in the 2015 elections, which lasted only until the early elections in September 2016. However, during this period, the symbolic policies of the 1990s were reintroduced in the dominant HDZ discourse and the rule of this government was marked with the reduction of state funding for non-profit media and civil society, heated anti-minority rhetoric and even revisionist attempts regarding the nature of the Croatian quisling state during WWII.

The existing literature that targets the specific nature of Croatian politics related to the citizen categories that emerged during the constitutive stage of Croatian statehood and from the Homeland War, often analyzes these constellations through the lens of the client-patron nexus established during the 1990s (Stubbs and Zrinščak, 2015; Dolenc, 2013; Kasapović, 2001). These approaches fruitfully address important aspects of the issues, and certainly allow better understanding of Croatian party politics and obstacles in reforming the welfare system.

However, citizenship-related disputes go beyond mere instrumental and material goals. As the preliminary findings from interviews with veteran soldiers revealed, the main issues of those who are on the margins of society do not lie in the lack of social rights, but in their inability to contribute to society. If left on the margins, such segments of the population do end up in the client-patron nexus, but not by their own choice. Dependence on state subsidies is the only outcome for those who do not have any choice. Justification for such a position cannot be conceived by any other mean than the reintroduction of the issues regarding the dignity of the Homeland War in everyday politics. The reiteration of such narrative ultimately leads to a stronger institutional embeddedness of the differences of the citizenship categories, rather than provide a venue for the establishment of a more inclusive citizenship regime. How these realities of the Croatian citizenship regime will respond to the emerging migration crisis and consequences of the Brexit, remains to be seen.

REFERENCES

- Anderson, B. 1983. *Imagined Communities*. London: Verso.
- Baričević, V. and Hoffman, D. 2014. *Principles of eligibility to welfare, state territory and citizenship – Croatia country report* prepared for bEUcitizen WP10, unpublished.
- Bauböck, R. 2010. Studying Citizenship Constellations. *Journal of Ethnic and Migration Studies*, 36 (5): 847-859.
- Bellamy, R. 2004. Introduction: the making of modern citizenship, in: R. Bellamy et al. (eds): *Lineages of European citizenship: rights, belonging and participation in eleven nation-states*. London: Palgrave: 1-21.
- Blitz, B.K. 2003. Refugee returns in Croatia: contradictions and reform. *Politics*, 23 (3): 181-191.
- Blitz, B.K. 2005. Refugee Returns, Civic Differentiation, and Minority Rights in Croatia 1991–2004. *Journal of Refugee Studies*, 3 (18): 362-386.
- Brubaker, R. 1992. *Citizenship and nationhood in France and Germany*. Cambridge, MA: Harvard University Press.
- Brubaker, R. 1996. *Nationalism reframed, nationhood and the national question in the New Europe*. Cambridge: Cambridge University Press.
- Brubaker, R. 2015. *Grounds for difference*. London: Harvard University Press.
- Djuric, I. 2010. The post-war repatriation of Serb minority internally displaced persons and refugees in Croatia – between discrimination and political settlement. *Europe-Asia Studies*, 62 (10): 1639-1660.
- Dolenec, D. 2013. *Democratic institutions and authoritarian rule in Southeast Europe*. Colchester: ECPR.
- Epstein, R. A. and Sedelmeier, U. 2008. Beyond conditionality: international institutions in postcommunist Europe after Enlargement. *Journal of European Public Policy*, 15 (6): 795-805.
- Fisher, S. 2003. Contentious politics in Croatia: the war veterans' movement, in: Petr Kopecky and Cas Mudde (eds): *Uncivil Society? Contentious Politics in Post-Communist Europe*. London: Routledge: 87-92.
- Glenny, M. 1992. *The fall of Yugoslavia*. London: Penguin Books.
- Goldstein, I. 2001. *Croatia – A history*. London: McGill-Queen's University Press.
- Goldstein, I. 2006. Bosanskohercegovački Hrvati za vrijeme Drugog svjetskog rata (kao dio hrvatskog nacionalnog korpusa), in: Kamberović, H. (ed): *60 godina od završetka Drugog svjetskog rata – Kako se sjećati 1945*. Sarajevo: Institut za istoriju: 111-130.

- Grdešić, I. 1992. Izbori u Hrvatskoj: birači, vrijednovanja i preferencije, in: Ivan Grdešić et al, *Hrvatska u izborima 1990*. Zagreb: Naprijed: 49-97.
- Hayden, R. M. 1992. Constitutional nationalism in the formerly Yugoslav Republics. *Slavic Review*, 51: 654-673.
- Hayden, R. M. 1996. Imagined Communities and Real Victims: Self-Determination and Ethnic Cleansing in Yugoslavia. *American Ethnologist*, 23 (4): 783-801.
- HHO (Hrvatski Helsinški odbor za ljudska prava). 2001. *Vojna operacija "Oluja" i poslije*. Zagreb: HHO.
- HRW (Human Rights Watch). 1999. *Croatia: second class citizens: the Serbs of Croatia*, 11 (3).
- Hudelist, D. 2014. *Tuđman: biografija*. Zagreb: Profil.
- Joppke, C. 2007. Transformation of citizenship: status, rights, identity. *Citizenship studies*, 11 (1): 37-48.
- Jović, D. 2002. Strah od postajanja manjinom i sukob u prethodnoj Jugoslaviji. *Reč*, 65 (11): 113-130.
- Jović, D. and Lamont, C.K. 2010. Introduction. Croatia after Tuđman: Encounters with the Consequences of Conflict and Authoritarianism. *Europe-Asia Studies*, 62 (10): 1609-1620.
- Kasapović, M. 1996. Demokratska tranzicija i političke institucije u Hrvatskoj. *Politička misao*, 33 (2-3): 84-99.
- Kasapović, M. 2001. Demokratska konsolidacija i izborna politika u Hrvatskoj, in: M. Kasapović (ed): *Hrvatska politika 1990-2000*. Zagreb: Biblioteka Politička misao: 15-41.
- Koska, V. 2009. Return and Reintegration of Minority Refugees: The Complexity of the Serbian Returnees Experiences in the town of Glina. *Politička misao*, 45 (5): 191-217.
- Koska, V. 2011. The evolution of the Croatian citizenship regime: from independence to EU integration. *CITSEE Working Paper 2011/15*. Edinburgh: School of Law, University of Edinburgh.
- Koska, V. 2012. Framing the citizenship regime within the complex triadic nexuses: the case study of Croatia. *Citizenship Studies*, 16 (3-4): 397-411.
- Koska, V. 2013. The development of kin-state policies and the Croatian citizenship regime. *Minority Studies*, 16: 214-230.
- Kordić, S. 2010. *Jezik i nacionalizam*. Zagreb: Durieux.
- Medvedović, D. 1998. Federal and republican citizenship in the former SFR Yugoslavia at the time of its dissolution. *Croatian Critical Law Review*, 3 (1-2): 21-56.
- Mesić, M. 2003. Europski standardi manjinske zaštite i položaj manjina u Hrvatskoj. *Revija za sociologiju*, 34 (3-4): 161-177.

- Omejec, J. 1998. Initial citizenry of the Republic of Croatia at the time of the dissolution of legal ties with the SFRY, and acquisition and termination of Croatian citizenship. *Croatian Critical Law Review*, 3 (1-2): 99-128.
- Petričušić, A. 2004. Wind of change: the Croatian government's turn towards a policy of ethnic reconciliation. *European Diversity and Autonomy Papers, EDAP*, 6: 1-23.
- Ragazzi, F. 2009a. The Croatian 'diaspora politics' of the 1990s: nationalism unbound?, in: U. Brunnbauer (ed): *Transnational societies, transterritorial politics, migrations in the (post)Yugoslav area, 19th–21st centuries*. Munich: Oldenbourg Verlag, 145-168.
- Ragazzi, F. 2009b. The invention of the Croatian diaspora: unpacking the politics of "diaspora" during the war in Yugoslavia. *Global Migration and Transnational Politics, Working Paper* no. 10. George Mason University: 1-10.
- Ragazzi, F. and Štiks, I. 2009. Croatian citizenship: from ethnic engineering to inclusiveness, in: R. Bauböck, B. Perchinig and W. Sievers (eds): *Citizenship policies in the New Europe*. 2nd ed. Amsterdam: Amsterdam University Press: 339-363.
- Ragazzi, F., Štiks, I. and Koska, V. 2013. *Country Report: Croatia*. EUDO Citizenship Observatory. Robert Schuman Centre for Advanced Studies. European University Institute.
- Shaw, J. and Štiks, I. 2010. The Europeanization of citizenship in the successor states of the Former Yugoslavia: an introduction. *CITSEE Working Paper 2010/09*. Edinburgh: School of Law, University of Edinburgh.
- Smith, R.M. 2001. Citizenship and the Politics of People-Building. *Citizenship Studies*, 5 (1): 73-96.
- Smooha, S. 2002. The model of ethnic democracy: Israel as a Jewish and democratic state. *Nations and Nationalism*, 8 (4): 475-503.
- Stubbs, P. and Zrinščak, S. 2015. Citizenship and Social Welfare in Croatia: Clientelism and the Limits of Europeanisation. *European Politics and Society*, 168 (3): 395-410.
- Štiks, I. 2010a. A laboratory of citizenship: shifting conceptions of citizenship in Yugoslavia and its successor states. *CITSEE Working Paper 2010/02*. Edinburgh: School of Law, University of Edinburgh.
- Štiks, I. 2010b. The citizenship conundrum in post-communist Europe: The instructive case of Croatia. *Europe-Asia Studies*, 62 (10): 1639-1660.
- Štiks, Igor. 2016. *Državljanin, građanin, stranac, neprijatelj*. Zaprešić: Fraktura.
- Tatalović, S. 1996. Military and political aspects of the Croato-Serbian conflict. *Politička misao*, 33 (5): 166-190.
- Tatalović, S. 2001. Nacionalne manjine u Republici Hrvatskoj. *Politička misao*, 38 (3): 95-105.
- Tatalović, S. and Lacović, T. 2011. Dvadeset godina zaštite nacionalnih manjina u Republici Hrvatskoj. *Migracijske i etničke teme*, 27 (3): 375-391.

- Vachudova, M.A. 2008. Tempered by the EU? Political party system before and after accession. *Journal of European Public Policy*, 15 (6): 861-879.
- Žunec, O. 1998. *Rat i društvo: Oglеди iz sociologije vojske i rata*. Zagreb: Jesenski i Turk.

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