



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

Territoriality and Citizenship

Citation for published version:

Stjepanovic, D 2012 'Territoriality and Citizenship: Membership and Sub-State Politics in Post-Yugoslav Space' CITSEE Working Paper Series, no. 22, vol. 2012, CITSEE.

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Publisher's PDF, also known as Version of record

Publisher Rights Statement:

© Stjepanovic, D. (2012). Territoriality and Citizenship: Membership and Sub-State Politics in Post-Yugoslav Space. (CITSEE Working Paper Series; Vol. 2012, No. 22). CITSEE.

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.





CITSEE WORKING PAPER SERIES



Territoriality and Citizenship: Membership and Sub-State Polities in Post-Yugoslav Space

Dejan Stjepanović

Working Paper 2012/22



European Research Council



University of Edinburgh, School of Law
The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia
(CITSEE)

**Territoriality and Citizenship:
Membership and Sub-State Polities in Post-Yugoslav Space**

Dejan Stjepanović

The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia
(CITSEE)

CITSEE Working Paper Series 2012/22

Edinburgh, Scotland, UK

ISSN 2046-4096

© 2012 Dejan Stjepanović

This text may be downloaded only for personal research purposes.
Additional reproduction for other purposes, whether in hard copies or electronically,
requires the consent of the authors.

Requests should be addressed to citsee@ed.ac.uk

The view expressed in this publication cannot in any circumstances be regarded as
the official position of the European Union.

Published in the United Kingdom
The University of Edinburgh
School of Law
Old College, South Bridge
Edinburgh, EH8 2QL
Scotland, UK

www.law.ed.ac.uk/citsee/workingpapers

This work was supported by funding from the CITSEE project (The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia), based at the University of Edinburgh, UK. CITSEE is funded by the European Research Council under the European Union's Seventh Framework Programme, ERC Grant no. 230239, and the support of the ERC is acknowledged with thanks.

For information about the Project please visit the project website at
<http://law.ed.ac.uk/citsee>

Territoriality and Citizenship: Membership and Sub-State Politics in Post-Yugoslav Space

Dejan Stjepanović, University of Edinburgh¹

Abstract

This paper deals with the issue of sub-state citizenship in the post-Yugoslav countries and focuses on the emergence and definitions of membership in sub-state politics. The paper analyses conceptions of nationhood and territorial compositions of these states, proceeds with the analysis of sub-state entities' governance arrangements as a part of the states' citizenship regimes and compares conceptions of nationhood and membership in state-wide and sub-state politics. The paper identifies four broad categories of sub-state politics and two diverging tendencies in the definition of membership in those. At one end of the spectrum, there are cases in which membership in regional politics is based on territorial, multi-ethnic and civic principles. At the other end, membership is defined in ethno-national terms.

Keywords:

Citizenship, territories, membership, sub-state citizenship, politics, post-Yugoslav

1. Introduction

In recent years, there has been increasing academic interest in issues related to citizenship in the states emerging from the break-up of the socialist Yugoslav federation. However, the relationship between territorial politics and citizenship, especially in terms of membership, identity and governance arrangements has yet to receive significant scholarly attention. Sub-state regions and autonomous municipalities as particular forms of territorialised political communities have been only marginally addressed in the literature on the former Yugoslavia and South East Europe. This paper aims to elucidate the complexity of sub-state politics in the post-Yugoslav macro region, in particular the differences and similarities in the constructions of political membership at state and sub-state levels. It shows why and how definitions of membership differ and what polity specific issues, as regards formal and substantive aspects of citizenship, arise at different spatial levels (e.g. state and sub-state).

By dealing with sub-state politics the paper is not suggesting that further fragmentation of the post-Yugoslav space, such as the dissolution of current states, is likely to take place. Rather, it argues that there are nested politics and memberships

¹ Dejan Stjepanović, CITSEE Research Fellow, School of Law, University of Edinburgh. E-mail: dejan.stjepanovic@ed.ac.uk

at various spatial levels within one formal citizenship regime, not unlike in other European states. Most often sovereign states have primacy in determining legal citizenship,² the legal bond between an individual and a state, but citizenship is meaningful at the sub-state level as well. Sub-state self-governing territories can have separate legal systems or deliver certain public goods that in other contexts would be provided by the central state; thus we can talk about sub-state or regional citizenship.

The aim of this paper is primarily to identify sub-state polities (and some more prominent attempts to build those) in the post-Yugoslav context and show the criteria of membership in each of them. The paper does not attempt to enumerate all the possible differentiated rights and duties the members of these sub-state entities are affected by. These can be subject matter of some future case studies. The current paper makes general references to these rights in regards to membership criteria and the principles on which the polities are established. The paper is conceived as an overview rather than an in-depth analysis of the cases.

Following a theoretical synopsis, the paper is divided into two sections. The first one analyses the emergence of seven states in the post-Yugoslav space as well as conceptions of nationhood including the territorial composition of each individual state. The second section focuses on sub-state polities and their particulars. In the first section, nation and state building processes in the Yugoslav and post-Yugoslav era are briefly contextualised. The territorial arrangements of the current states are explained as well. They are broadly conceived as governance arrangements of a state-wide polity constituting a part of a citizenship regime. Utilising the concept of nationhood, the paper will show if and what type of territory-nationhood correlates exist in each of the cases. The second section looks at examples of sub-state territorial polities (failed or successful) in those states. Due to their large number, the cases are grouped into four broadly conceived categories on the basis of the most dominant features in the process of construction of sub-state polities. These features include not only ethnic versus territorially defined membership criteria but also the actual modes of institutionalisation of self-governing units. In other words, those sub-state polities in which self-governing institutions were established by bottom-up democratic processes are juxtaposed with top-down, imposed self-governance arrangements in the immediate post-conflict setting. Another important feature used is the existence or lack of a historical precedent for the sub-state polity.

The concluding section of this paper offers a comparative analysis between territorially legitimised and ethno-nationally defined political communities. The paper identifies two diverging tendencies in the construction of sub-state polities. At one end of the spectrum, there are cases in which membership in sub-state polities is

² There are some exceptions to this general rule, such as in the cases of Swiss cantons and Bosnia and Herzegovina's entities that do regulate and/or manage citizenship acquisition processes to various degrees.

based on territorial and civic principles. At the other end, in harmony with the logic of the majority of nation-states in the Balkans, membership is defined by references to ethnicity. The paper shows that in the post-Yugoslav space there is a limited toleration of sub-state polities that have civic membership criteria. At the same time, ethnically legitimised sub-state political communities are frowned upon by central states that in most cases themselves use ethnic criteria of membership. In cases where ethnic sub-state polities are institutionally established, they are almost exclusively a result of the peace settlements, and most frequently, international involvement.

2. Territories, Polities, Citizenship and Nationhood

Citizenship, as generally understood today, involves political membership of equal individuals in a territorially bounded state. Historically speaking, polities, their membership criteria and relations to territory differed significantly from what is considered to be the norm today: an internally homogenous nation-state exercising full and unchallenged authority across its territory. The territorial state became the dominant model of political organisation in the eighteenth century. Long-lasting processes of state building testify to the victory of the national self-determination principle, which is especially true for the post-French revolution period during which “the transfer of the locus of sovereignty from crown to nation coincided with the transfer of the locus of citizenship from municipalities to the nation”.³ The historical goal of nation-building was not only to transfer sovereignty to the nation but often to dismantle other competing forms of political loyalties, identities and memberships including regional and local. As much as concepts of nation and state might be dominant, there is ample evidence that sub-state polities are not just messy relics of the pre-national European past but omnipresent expressions of modern democratic citizenship. Polities exist in various spaces including state and sub-state but also at supra-state and local levels. Territories at the same time are not limited to states only but are multiple and can be defined by political, functional or administrative criteria and are partially or fully overlapping.

It has often been considered that territory must be held exclusively. According to this world view, states are compact and contiguous entities whose unchallenged power is legitimised by the principle of sovereignty, “the recognition of the claim by a state to exercise supreme authority over a clearly defined territory”.⁴ These state-centred approaches not only consider territory as something bounded and historically determined, but most commonly, assume that (nation-)

³ Andreas Fahrmeir and H.S. Jones, ‘Space and belonging in modern Europe: citizenship(s) in localities, regions, and states’, *European Review of History—Revue européenne d’histoire* Vol. 15, No. 3, June 2008, p. 244

⁴ Dominik Zaum, *The Sovereignty Paradox: The Norms and Politics of International Statebuilding*, (Oxford: Oxford University Press, 2007), p. 28.

states have exclusive powers across their territories in all domains of political and social life. However, territories, unlike physical spaces, are socially constructed, the results of an open-ended process with multiple parties involved, each with their own criteria for defining territories. Within the totality of territories we can easily discern functional entities from territorial units established for political purposes. A polity, a specific kind of political territorial unit, is “a politically organized society or community with its own institutions for making collectively binding decisions for a specified group of persons and/or within a bounded territory”.⁵ Based on that definition, polities can be smaller, larger or match the state’s spatial outreach.⁶

Nevertheless, not all political territories are polities. Statistical territorial units, electoral units or territorially deconcentrated structures of central government could not be defined as polities. A polity implies a certain degree of autonomy in decision making and implementation of those decisions as well as accountability to the individual members of that community. As regards sub-state polities, federal units of federal state and autonomous regions are prime examples of polities. Stretching the concept further, municipalities enjoying certain reserved competencies can be considered polities, too. A degree of autonomy is essential for defining a territorially based sub-state polity as it allows it to extricate itself from some of the state-level cooperation arrangements without necessarily seceding from the state, something Bartolini calls “partial exit”⁷. Disengagement from state-level arrangements or partial exit can focus on cultural, fiscal, legislative and administrative aspects or can be more encompassing, resulting in various forms of autonomies and decentralised sub-state entities, symmetrically or asymmetrically integrated. For the purposes of this paper (in line with most of the literature on territorial politics⁸), a distinction between bottom-up initiatives and top-down creation of political (self-governing) territories will be made, while understanding that there is significant overlap and interaction between the two. Causes or motivations for the institutionalisation of a specific form of territorial governance arrangement (grass-root or top-down) can vary, but once autonomy and/or special representation have been established for a sub-state polity, “they come to be seen as elements of democratic citizenship”.⁹

⁵ Rainer Bauböck, ‘Multilevel citizenship and territorial borders in the EU polity’, *IWE Working Paper* No. 37, 2003, p.1.

⁶ The primary focus of this paper is on polities with a dominant territorial dimension rather than those defined in another manner, such as diasporas or non-territorial minority autonomies. Polities could be defined with reference to the ‘people’ as well and not strictly by territorial references. The Ottoman *millet* system is a historic example of non-territorial, religiously defined sub-state polities.

⁷ Stefano Bartolini, *Restructuring Europe: centre formation, system building and political structuring between the nation-state and the European Union* (Oxford: Oxford University Press, 2005), pp. 4-12.

⁸ On the relevant debate and the distinction between regionalism usually understood as a bottom-up and regionalisation as a top-down processes see Frans Schrijver, *Regionalism after regionalisation: Spain, France and the United Kingdom* (Amsterdam University Press, 2006).

⁹ Rainer Bauböck, “Why Stay Together? A Pluralist Approach to Secession and Federation”, in Will

As mentioned, the notion of citizenship has evolved to be understood as membership in a state,¹⁰ but debates in citizenship studies on issues such as immigration in sub-state polities in Europe¹¹ show that citizenship has spatial references not exclusively limited to the state or supra-state level polities. This 'nested citizenship constellation' is characterised by overlapping of political memberships¹² within one broader state (or supra-state as in the case of the EU) citizenship regime.¹³ Thus, the territorial organisation and division of powers as a part of state governance arrangements can help us understand the relations between polities at different spatial levels and definitions of membership in each of them which regulate who has a legitimate claim of belonging to a polity, symbolically, but above all by actively participating in determining its future and enjoying rights in it. For example, Scotland as a part of the United Kingdom does not have separate formal citizenship, but does possess legal and educational systems differentiated from the rest of the UK. Another example is the demilitarised Åland Islands in Finland, whose inhabitants are exempt from military service, while they still carry Finnish passports, because of a particular territorial arrangement within the state. These are obvious examples of differentiated citizenship across non-sovereign territorial entities, parts of larger states which illustrate the fact that citizens of a given state can have varied rights and duties depending on their status and membership in a sub-state polity.

Rogers Smith offers a useable analytical framework focused on identity politics and its role in the construction of political 'peoples' and membership in polities (state, sub-state or supra-state). According to his theory, "political actors and movements advance an account of the community they wish to shape and lead that includes identifiable economic, political power and ethically constitutive stories".¹⁴ Public discourses, political and historical narratives but also the representations of a community's past and future in founding documents, constitutions, statutes among

Kymlicka and Wayne Norman, *Citizenship in Diverse Societies*, (Oxford: Oxford University Press, 2000), p. 374.

¹⁰ Christian Joppke, "Citizenship Between De- and Re- Ethnicization," *European Journal of Sociology / Archives Européennes de Sociologie* 44, no. 3 (2003): 429-458.

¹¹ See Jo Shaw, "Political Rights and Multilevel Citizenship in Europe", in Elspeth Guild et al., eds., *Illiberal Liberal States: Immigration, Citizenship, and Integration in the EU* (Farnham, Surrey: Ashgate, 2009), pp. 29-49.

¹² Rainer Bauböck, "Cold constellations and hot identities: Political theory questions about transnationalism and diaspora", in Rainer Bauböck and Thomas Faist, *Diaspora and Transnationalism: Concepts, Theories and Methods* (Amsterdam: Amsterdam University Press, 2010), p. 302.

¹³ The concept of citizenship regime "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 – in many cases – full socio-economic membership in a particular territory" See Jo Shaw and Igor Štiks, "The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia", *CITSEE Working Paper Series* 2010/01, p 6.

¹⁴ Rogers M. Smith, "The Politics of identities and the task of political Science" in Shapiro et al. *Problems and Methods in the Study of Politics* (Cambridge: Cambridge University Press, 2004), p. 61.

others can be seen as ethically constitutive stories. These ethically constitutive stories are, in other words, definitions, claims and visions of a specific *peoplehood*, its boundaries and membership. Smith's concept of *peoplehood* is comparable to Brubaker's understanding of *nationhood*.¹⁵ Smith's ethically constitutive stories and Brubaker's idioms of nationhood are important legitimising narratives but should not be considered as the only or unmediated variable in explaining the outcomes of particular policies including citizenship regimes and the territorial structuring of states.¹⁶ Political struggles within a given polity and various factors including party politics, socio-economic development and macrohistorical processes of state building play crucial roles in the territorial composition of states. Another advantage of using Smith's approach is that instead of being led astray by the dichotomous civic-ethnic nationalism divide, it might be more pertinent to identify the most common features of ethically constitutive stories which can indeed be dominated by ethnic or civic elements, but can also be multi-ethnic or relate to territorial references or the institutional history of a polity.

3. States, Territories and Membership in the (post)-Yugoslav Context

3.1. Historical background

Undeniably, ethically constitutive stories used for defining membership at the state and sub-state politics in the former Yugoslav space are characterised by their overt references to ethnicity. In the 20th century, with the crystallisation of specific national projects tainted by ethno-religious criteria of membership, historically emerging territories lost some of their earlier allure. The dominance of the principle of self-determination strengthened the arguments in favour of ethno-national independence/autonomy while historic polities could be gerrymandered to create ethnically 'homogenous' territories.

The first common modern South Slavic state, the Kingdom of Serbs, Croats and Slovenes (later renamed the Kingdom of Yugoslavia), formed in 1918, struggled through its short interwar existence to achieve a viable agreement between the advocates of federalism and those promoting a centralised unitary state. The conceptions of political membership to a large degree corresponded to these rival visions of territorial arrangements. Formal legal citizenship and rights were unaffected by the territorial units that were established in 1929 as symmetric provinces (*banovinas*) which lacked both historical precedents and also clear ethnic

¹⁵ Rogers Brubaker, *Ethnicity without Groups* (Cambridge, MA and London: Harvard University Press, 2004), p. 10.

¹⁶ In a recent co-authored article Brubaker downplays the role of the "idioms of nationhood" especially the "straight-line" ethnic nationalist accounts as criticised by Joppke and Rosenhek (2002). See Rogers Brubaker and Jaeeun Kim. "Transborder Membership Politics in Germany and Korea" *Archives européennes de sociologie/European Journal of Sociology* 52.1 (2011): 21-75.

majorities, with the exception of the Drava Banovina which had a Slovene ethnic majority. In terms of ethically constitutive stories and nationhood promoted by the central state, membership was defined as belonging to 'one nation with three names' (Croat, Serb and Slovene). Not only did this conception not recognise other South Slavic ethnicities as distinct elements of the nation but it also excluded large non-Slavic minorities from the equation e.g. Albanians, Germans and Hungarians.¹⁷ As a result of the rising centre-periphery disputes which tended to correspond to ethnic cleavages, the asymmetrically autonomous Croatian Banovina was created in 1939. Other peripheral demands were not met with corresponding autonomous territories. During World War II quasi-independent entities under Nazi and Fascist tutelage were formed while other territories were occupied and annexed by some of the neighbouring states.

The territorial structure of the post WWII Yugoslav federation was to reflect the ethno-national diversity of its constituent South Slavic peoples/nations (*narodi*) and minorities/nationalities (*narodnosti*). It was envisaged that the *narodi* should achieve self-determination within the Yugoslav federation in which units of the federal state served as nation-states for their constitutional peoples.¹⁸ Bosnia and Herzegovina (BiH) was the obvious exception to that rule; its borders conformed largely to their historic contours, it consisted initially of two, from the late 1960s, three, constituent *narodi*.

Apart from BiH, another multi-ethnically and historically defined territory was the Autonomous Province of Vojvodina whose territory nearly matched the former Habsburg lands in Serbia. An additional case that could be interpreted as a departure from the strict mono-national republican principle was Croatia whose constitution(s) made references to Croats as the titular nation in the republic but also to *Croatian* Serbs. Thus, in some ways, Croatia could be considered a constitutionally bi-national republic¹⁹ at that time. Non-South-Slavic nations were not eligible candidates for their own republic neither as the sole bearers of the right to self-determination nor in concord with another South Slavic group. Thus, the vociferous demands of Yugoslavia's ethnic Albanians were not met with a relevant republican territorial framework. Instead, the *oblast* or region of Kosovo and Metohija was formed, later to be upgraded to the status of the autonomous province of Kosovo,

¹⁷ Charles Jelavich, "South Slav Education: Was there Yugoslavism?" in Norman M. Naimark and Holly Case (eds.), *Yugoslavia and its historians: understanding the Balkan wars of the 1990s* (Stanford University Press, 2003), p. 95.

¹⁸ Steven L. Burg, "Republican and Provincial Constitution Making in Yugoslav Politics", *Publius: The Journal of Federalism*, no. 12 (Winter), 1982, pp.131-153.

¹⁹ Dejan Jović suggests that, Croatian Serbs, although numerically significantly smaller, were made 'constitutionally' equal to Croats because of their suffering under the fascist *Ustaša* regime as well as their overrepresentation in the partisan movement and the Communist Party ranks. See Dejan Jović, "Reassessing Socialist Yugoslavia 1945-1990: The Case of Croatia", in Dejan Djokić and James Ker-Lindsay (eds.), *New Perspectives on Yugoslavia: Key Issues and Controversies* (Abingdon: Routledge, 2011) pp. 117-142.

within the Socialist Republic of Serbia. There were some attempts during the initial period of territorial recomposing to establish a distinct territorial entity in the area of the ethnically heterogeneous historic region of Sandžak²⁰ (either as a separate republic within the Yugoslav federation or as an autonomous province/region under BiH, Montenegro or Serbia). Despite this, Sandžak was divided between Montenegro and Serbia. Some also advocated the creation of an autonomous unit in Montenegro within the boundaries of the historic territories of the Bay of Kotor but those initiatives were never successful either.

Overall, the internal borders of Yugoslavia were established by a combination of ethnic and historic principles. Sometimes historic principles trumped ethnic ones, as in the cases of BiH and Vojvodina, at other times, historic and ethnic criteria largely coincided as was the case with the border between Slovenia and Croatia, or were mainly ethnically defined as the border, for example, between Macedonia and Serbia. As a rule, these borders were the product of bargaining and contestation between various communist party elites (local, regional and state-wide).

The 1974 Yugoslav constitution reaffirmed the Yugoslav-developed principle of *self-management* and also upgraded the autonomy of Vojvodina and Kosovo so that it nearly matched the powers of the republics. This included, among other matters, the autonomous provinces' direct representation at the federal level. The Constitution gave republics and autonomous provinces the opportunity to decentralise their competencies further to the 'self-managing' lower level communities²¹, a policy in many ways resembling the EU-promoted principle of subsidiarity. Based on the constitutional provisions for decentralisation, Croatia and Serbia Proper established a meso-level tier of government called *zajednice općina*²² (associations of municipalities) in Croatia and *međupštinske regionalne zajednice* (intermunicipal regional communities) in Serbia. These sub-state regional associations had relatively far-reaching powers and were established primarily through bottom-up initiatives, in line with the ideology of self-management.

The territorial divisions of the Yugoslav federation played a prominent role in the process of its dissolution in the early 1990s. Faced with the challenges of competing claims to self-determination, the international community and EC-appointed Arbitration (Badinter) Commission considered the territories of the six republics as legitimate candidates for independence, based on the principle of the *uti possidetis juris*. The borders of autonomous provinces of Kosovo and Vojvodina, according to the Commission were not to become internationally recognisable

²⁰ Ivo Banac, *With Stalin against Tito: Cominformist splits in Yugoslav Communism*, (Cornell University Press, 1988), pp. 99-107.

²¹ The lowest level of local communities (known as *mjesna/mesna zajednica/zaednica; mestna skupnost*) was a neighbourhood-based association that not only proposed initiatives but managed issues of immediate concerns for local citizens. Similar divisions below the municipal level still exist in all post-Yugoslav countries save Kosovo although with less substance than in Yugoslav times.

²² Ustav Socijalističke Republike Hrvatske, (Zagreb: Narodne novine, 1974).

despite the fact that some of its recommendations were based on the reading of an article of the Yugoslav constitution referring to the inviolability of both republican and provincial borders.²³

3.2. State territorial structures and membership since 1990

There has been an obvious departure from the decentralised self-management of Yugoslav times towards more territorial centralisation in independent states. This is coupled with the strengthening of ethno-national criteria of political membership across states. These are not necessarily competing logics and are common for many unitary nation-states. However, these developments have often caused significant tensions, especially in polities that used to be defined as bi/multi-national in pre-1990 Yugoslavia. In those cases where the tensions resulted in protracted violent interethnic conflict and international mediation such as BiH and Kosovo (and to a lesser degree in Macedonia) there has been a tendency towards ethnic power-sharing at the state level and/or creation of ethnically exclusive sub-state territorial polities. As independent states, Slovenia and Montenegro (including Macedonia especially in the 1990s) were organised as unitary centralised nation-states with no meso-level tier of government. Serbia went from being the most decentralised republic of socialist Yugoslavia to being highly centralised in the 1990s and showed only a limited degree of decentralisation in the 2000s as regards the (asymmetric) autonomous province of Vojvodina. In the 1990s Croatia institutionalised meso-level counties as a centralising response to centrifugal tendencies and not necessarily as an attempt to decentralise the state. A brief account of each case is given below.

3.2.1. Slovenia

When Slovenia declared its independence in 1991, it was the most ethnically homogenous of the Yugoslav republics. The largest portion of the border with its only (former) Yugoslav neighbour, Croatia, was historically permanent, and thus had a low potential for conflict. Tellingly, the border disputes between Slovenia and Croatia persist in the areas where borders were defined recently and/or by ethnic criteria. The

²³ The opinion number 3 is based on the selective reading of the second and fourth paragraphs of Article 5 of the Constitution of SFRY that stipulated that the Republics' territories and boundaries could not be altered without their consent. The same paragraphs reads further that "the territory of an autonomous province [cannot be changed] – without the consent of that autonomous province" and that "a border of an autonomous province [can only be changed] on the basis of its concurrence" (Article 5, paragraphs 2 and 4, Ustav SFRJ [Constitution of the SFRY], 1974). Interestingly, in 2009, the Croatian representative addressing the ICJ in the advisory opinion on Kosovo's declaration of independence, made direct reference to the mentioned paragraphs of the SFRY constitution to argue that Kosovo possessed statehood in SFRY. See the ICJ verbatim record at <http://www.icj-cij.org/docket/files/141/15724.pdf> (last accessed 5 January 2012).

newly independent Slovenia was defined constitutionally as the country of all its citizens, but “based on the permanent and inalienable right of the Slovene nation to self-determination”.²⁴ Idioms of nationhood were based on references to ethnic rather than civic or territorial principles of political membership.²⁵ The new constitution also pledged to protect the rights of the numerically small autochthonous Italian and Hungarian minorities and guaranteed their political representation. In this sense there was no significant *formal* difference in how political membership of Slovenian polity was defined compared to socialist times. In practice, this led to curbing of the rights which the former constitutive *narodi* enjoyed under the Yugoslav constitutions.

The internal territorial composition and regionalisation of Slovenia, echoes the conception of nationhood as unitary and undivided. Apart from the existence of local governments, an insignificant degree of administrative regionalisation is observable. Limited competences regarding the use of language and schooling for Hungarian and Italian minorities are devolved to a few designated municipalities. Although Slovenia is composed of the entirety or parts of the former Austrian crown lands of Carniola, Carinthia, Coastland (*Österreichisches Küstenland*), Styria and the ex-Hungarian region of Prekmurje, these do not possess regional institutions and were not considered as possible administrative or autonomous regions, either by noticeable grass-root regionalist movements²⁶ or by the central government planning²⁷ schemes. Proposals for possible polycentric decentralisation arrangements have focused on functional conurbations,²⁸ but have not been enacted as yet.

3.2.2. Croatia

At the time of independence Croatia was a relatively ethnically heterogeneous polity. A new constitution was adopted soon after the HDZ's (Croatian Democratic Union) victory and transformed the bi-national state into a Croat nation-state, with explicitly ethnic membership criteria. Serbs lost their status as a constituent *narod*, which was ‘downgraded’ to that of a national minority. Initially supported by Milošević, ethnic Serb nationalist leaders in Croatia declared a Serb autonomous region (Krajina), *de facto* seceding from the independent Croatia. Not least because of this case, demands for autonomy became increasingly associated with separatism.

²⁴ Article 3, Ustava Republike Slovenije [Constitution of the Republic of Slovenia], 28 December 1991.

²⁵ Tomaž Deželan, “Citizenship in Slovenia: the regime of a nationalising or a Europeanising state?”, *CITSEE working paper* 2011/16.

²⁶ The IDZ-DDI party in Slovenian Istria attempted to mirror its successful regionalist counterpart in the Croatian Istria, but it found little political support.

²⁷ Drago Perko: “Regionalizacija Slovenije”, *Geografski zbornik*, no. 38, 1998, pp. 12-57

²⁸ Ivo Piry, “Regionalizacija Slovenije - nedokončana simfonija slovenske geografije” in *Dela* no. 24 (2005) pp. 37-48.

In the midst of the war, in 1992 Croatia was divided (and remains so) into 20 (*de jure*) symmetrically organised counties (*županije*) and the city of Zagreb.²⁹ Each of these has a directly elected government. Since 2009, heads of counties (*župani*) are also directly elected. Counties nevertheless have very limited autonomy. At first sight, the establishment of counties under the rule of Franjo Tuđman is surprising considering that idioms of nationhood were based on the conception of a unitary and homogenous nation. But the gerrymandering of the territory into counties without historic, institutional precedents, all of them with ethnic Croat majorities, was an attempt to offset Krajina Serb secessionist drives and also regionalisms in the historic provinces of Istria and Dalmatia. Under the Habsburgs, the crown lands of Croatia, Slavonia, Dalmatia and the March of Istria had distinct historic institutional existences, which were not necessarily based on ethnicity. Thus, endowing these regions with even minimal powers was vehemently opposed by the centralising ethnic nationalists. It was feared that decentralisation based on historic regions would “have [had] negative effects on the still unfinished process of national integration”.³⁰ No less importantly, the system of territorial division into counties was conceived also as one of the safeguards to HDZ’s dominance in the parliament due to the existence of the upper chamber, the House of Counties. That the Tuđman government was not genuinely promoting decentralisation could be seen in the earlier decision to abolish all the associations of municipalities through constitutional amendments.³¹ Apart from the apparent desire to centralise the state and pre-empt the possible creation of a regionally based opposition, Tuđman feared armed resistance to his rule (not unfoundedly as will be shown later) which could be upheld by a particular reading of the constitution on the competences of the associations in the areas of defence and public security.³² In the post-Tuđman era, the territorial structure remained unaltered while the House of Counties was abolished. The only measures towards (limited) decentralisation in that period took place in the Istrian County.

3.2.3. Bosnia and Herzegovina

The 1995 Dayton Peace Accords (DPA), that formally ended the war in BiH, defined the blueprint of the post-war state and sanctioned the territorial reconfigurations and ethnic cleansing caused by the war. The ethno-national division was mirrored by the state’s territorial division into two entities, the Bosniak-and-Croat-dominated Federation of Bosnia and Herzegovina (FBiH) and the Serb-dominated *Republika*

²⁹ See Map 1.

³⁰ Josip Vrbošić, “Povijesni pregled razvitka županijske uprave i samouprave u Hrvatskoj”, *Društvena istraživanja* (No. 1, 1992), p.66.

³¹ *Odluka o proglašenju Ustavnog zakona za provođenje Amandmana LXIV. do LXXIV. na Ustav Socijalističke Republike Hrvatske* (Zagreb: 25 July 1990).

³² Article 184, *Ustav Socijalističke Republike Hrvatske* [Constitution of the Socialist Republic of Croatia], 1974.

Srpska (RS)³³. On the other hand, the DPA upheld the external borders of BiH, which had been relatively stable for over three centuries, albeit as internal borders of the Ottoman and Habsburg empires and of the Yugoslav federation.

The state of BiH was defined as belonging to the three main ethnic groups and a number of political rights currently stem from the membership in one of the three 'constituent peoples', rather than from civic or territorial membership in the state-wide polity. The Dayton Constitution entrenched an (extreme) form of ethnic division within BiH politics. Even legal citizenship is divided between the two entities and the central state. Which of those levels have primacy over the other is uncertain as is the designation of BiH as either federal or confederal state.³⁴ Sociologically and historically, prominent territorial identities, in regions such as Herzegovina, for example, are as a rule overshadowed by ethnic politics in BiH. The loci of ethnic nation-building in post-Dayton BiH were mainly rescaled to sub-state territorial units with clear ethnic majorities, in other words the two entities, ten cantons and, in the cases of the two ethnically mixed cantons, to constituent municipalities where ethnic majorities are established. One of the few exceptions to the ethno-majoritarian territorial divisions is the Brčko District, formally a condominium of the two entities that nevertheless functions entirely autonomously from either of those.

3.2.4. Macedonia

Despite being ethnically heterogeneous (over one third of the population have declared non-Macedonian ethnicity since 1991), the newly independent Macedonia was constituted as a nation-state of the Macedonian *narod*³⁵ with only a few rights (such as language use) formally reserved for municipalities with significant numbers of members of ethnic minorities. In line with the unitary logic of nationhood and statehood, there was a strong tendency towards the centralisation of the state.³⁶ The competences of local authorities were further decreased in the second half of the 1990s. No meso-level governance, elected or appointed was ever established in Macedonia.

The Ohrid Framework Agreement (OFA), a peace settlement signed in 2001 with international involvement, ended hostilities between armed ethnic Albanian insurgents³⁷ and the government. The OFA proposed the establishment of a

³³ See Map 3.

³⁴ Igor Štiks "Being a Citizen the Bosnian Way", in *Transformations of Citizenship and Political Identities in Bosnia-Herzegovina Transitions* (2011) Vol. 51, No 1-2, p.257.

³⁵ Preamble, *Ustav na Republika Makedonija* [Constitution of the Republic of Macedonia], Skopje, 17 November 1991.

³⁶ Ilija Todorovski, "Local Government in the Macedonia", in Emilija Kandeveva (ed.), *Stabilization of local governments* (Budapest: OSI/LGI, 2001), pp. 241-288.

³⁷ The demands of the insurgents were not for outright secession but for an autonomy and equal political representation. Some ethnic Macedonian politicians at the time, including the PM, flirted with the idea of partitioning the country along ethnic lines in order to create an ethnically

consociational form of government with ethnic veto points (though these were less explicit than in BiH). Although it envisioned the change of constitutional preamble, which would, from then on, refer only to the Macedonian citizens with a clear civic logic, the adopted amendments to the constitution in fact mention the Macedonian nation first, as well as the “citizens who live inside its [Macedonia’s] borders who are a *part* of Albanian”³⁸ and parts of other (enumerated) nations. This testifies to the prevalence of (mono)ethnic logic of nationhood in Macedonia and the idea that the state ‘belongs’ to the majority ethnic group. Directly connected to this is the perception of territorial autonomy as the slippery slope to secession visible in founding documents. This potent and commonly (mis)used argument permeated the OFA which states that “[t]here are no territorial solutions to ethnic issues”.³⁹

3.2.5. Montenegro

Unlike other former Yugoslav republics, Montenegro did not seek independence in the 1990s and constituted the Federal Republic of Yugoslavia together with Serbia. Following the split within the ruling Montenegrin party in the late 1990s and the party majority’s decision to distance themselves from Slobodan Milošević and his policies, Montenegro gradually acquired the prerogatives of an independent state.⁴⁰ It held a referendum in 2006 and the results favoured independence and ended the State Union of Serbia and Montenegro. Just as its predecessors, the independent Republic of Montenegro is organised as a unitary state. The only elected administrative subdivisions of the state are local municipalities.

The criteria of membership as espoused by the formal documents and proclaimed by the ruling elites are civic. This, however, is questionable as the government and the opposition do engage in conscious ethnic engineering. Ethnic identities expressed in censuses often serve as proxies for support for political parties in Montenegro and the two conflicting visions of the polity’s future. This cleavage was and still is deliberately politicised by the two main camps, ‘pro-Montenegrin’ and ‘pro-Serb’.⁴¹ However, there is no express demand for regional autonomy but rather for the recognition of (28.73% self-declared) Serbs as the constitutive nation alongside (44.98% self-declared) Montenegrins. In the 1990s,

homogenous Macedonian rump state. See Eben Friedman, “The Spectre of Territorial Division and the Ohrid Agreement” ECMI Brief, no. 9 (Flensburg: ECMI, 2003).

³⁸ Amendment IV to the Constitution of the Republic of Macedonia [*Amandman IV na Ustavot na Republika Makedonija*] 07-3795/1, 16 November 2001. (my italics)

³⁹ Article 1.2., Framework Agreement, Ohrid, 13 August 2001.

⁴⁰ Jelena Džankić uses the term ‘creeping independence’ based on Elizabeth Roberts’s work (2002 & 2007) to account for the gradual process of the (re)establishment of Montenegro’s statehood. See Jelena Džankić, *Report on Montenegro*, EUDO, 2010.

⁴¹ On the distinction between ‘pro-Montenegrin’ and ‘pro-Serb’ parties see Jelena Džankić, “Transformations of Citizenship in Montenegro: a context-generated evolution of citizenship policies” *CITSEE Working Paper 2010/03*, p. 11.

there was a regional movement in the Montenegrin part of the Sandžak region, led by Bosniak/Muslim minority politicians that sought self-government together with the remainder of Sandžak in Serbia. Its focus shifted towards achieving more cultural rights for the Bosniaks/Muslims as Montenegro's dissociation from Serbia progressed.

3.2.6. Serbia

Serbia (re)gained its independence as a result of Montenegro's departure from the state union. The particular territorial structure of the state is largely the legacy of Milošević's rule and its overt centralisation in the 1990s. In that period the state polity was formally defined as civic, but a huge discord existed between the official founding documents and the actual ethno-nationalist policies on the ground.⁴² The trope of 'civic-ness' coupled with the purported danger of secessionism was used to legitimate unprecedented centralisation measures. Not only were the Autonomous Provinces of Vojvodina and Kosovo significantly limited or dismantled, but regional associations within Serbia were abolished too. The underlying aim was to limit any possible opposition to the regime, be it territorial, ethnic or any other kind. In a move that further augmented centralisation, in 1995 all the previously socially-owned property that had been used by the municipalities/autonomous provinces became the property of the central state, thus curtailing the already limited capacities of municipalities/autonomous provinces.

Following the change of the regime in 2000, certain moves towards decentralisation of the state took place while the formal political membership definitions were changed to correspond closely to the ethnic policies applied in practice. The 2006 constitution reflected that reality and defined Serbia as a nation-state of the Serb *narod* while enumerating traditional ethnic groups. Nationhood was conceived primarily in ethnic terms; Serbia's role as a kin-state of all ethnic Serbs was confirmed in the constitution. This makes Serbia probably the only obvious case in which the espoused membership criteria were significantly altered in favour of ethnic membership in the post-2000 period.

According to the 2006 constitution, Serbia is organised as a unitary state, nevertheless with two asymmetric autonomous provinces, Kosovo and Metohija, and Vojvodina. However, since 1999, Serbia has no control over Kosovo, which declared independence unilaterally in 2008. Apart from Vojvodina and its elected meso-level government, other units of territorial government in Serbia are municipalities (and cities). In theory, the 2006 constitution allows for the creation of other autonomous provinces but under difficult conditions. As I will subsequently argue, there is a degree of tension between the conception of nationhood as unitary

⁴² Jelena Vasiljević, "Citizenship and belonging in Serbia: in the crossfire of changing national narratives", *CITSEE Working Paper Series* 2011/17, p. 11.

and ethnically defined and the existence of the asymmetric, multi-ethnic autonomous region of Vojvodina⁴³ in the otherwise highly centralised state of Serbia.

3.2.7. Kosovo

Compared to the other countries emerging from the dissolution of the Yugoslav federation, Kosovo is relatively ethnically homogenous. However, the constitutive documents refer also to communities other than the majority ethnic Albanians. This occurrence could be attributed to the international community's involvement in the establishment of Kosovo's institutions through the process of 'supervised independence'. The state is defined as multi-ethnic and civic (with corresponding symbols used) while, at the same time, exhibiting a degree of communitarian unevenness imbedded in the founding documents as well as practices. For example, Albanian and Serbian are official languages in the entire country, whereas the languages of the other constitutionally recognised communities – Turks, Bosniaks, and Roma – are official only in the municipalities in which those communities reach over 5% of population⁴⁴. The unevenness is further illustrated by the constitutional definition of Kosovo as a "multi-ethnic society consisting of Albanian and other Communities"⁴⁵ but also by the existence of autonomy for ethnic Serb municipalities⁴⁶ which at the same time enjoy strong institutional links with Serbia.⁴⁷ The Serb autonomies function in most of Kosovo, save the north where the ethnic Serb majority defies the Kosovo government.

4. Citizenship at the Sub-state Level: Territories and Political Membership in Post-Yugoslav States

This section identifies four general categories of sub-state polities with some overlapping features within and across categories. To put it differently, the cases exhibit a degree of family resemblance on a continuum. It starts with the historic autonomist multi-ethnic polities at the one end of this continuum finishing with the recent secessionist ethnically exclusive polities at the other end. Membership and identities in those polities are conceptualised (in most cases) differently from the

⁴³ See Map 2.

⁴⁴ The only exception is the official status of the Turkish language in the municipality of Prizren which does not depend on the numerical strength of an ethno-linguistic community. See Article 2, Law No. 02/L-37 On the use [of] languages, 2006.

⁴⁵ Article 3, *Constitution of the Republic of Kosovo*, 2008.

⁴⁶ See Map 5.

⁴⁷ The municipality of Mamusha/Mamuşa with an ethnic Turkish majority has a degree of *de facto* local autonomy (especially in terms of education) but does not have explicit formal institutional links with Turkey. More data on Mamusha/Mamuşa municipality can be found at http://www.ecmimap.com/map/index.php?option=com_content&view=category&layout=blog&id=72&Itemid=104&lang=en

overarching (nesting) state-level polity membership. The conceptions of membership in sub-state polities elucidate the territorial differentiation in the state political community classically bounded by single citizenship regime, even in the case where there is no distinct formal citizenship at the sub-state level.

4.1. Non-secessionist multi-ethnic regions

The processes of (re)constructing territorial polities and defining their political membership in the post-1990 Yugoslav context did not always rely on exclusive ethnicity, nor did they necessarily cause violent conflicts within the polity, quite the contrary. Some of the cases of sub-state regional polities illustrate that point. The most obvious examples are Vojvodina in Serbia and Istria in Croatia.⁴⁸ The abortive project of Dalmatian regionalism in Croatia, and Sandžak regionalism in Serbia, shared some similarities with the former cases. Especially in the first three cases, there were grass-root political movements (less or more successful) that strove for the preservation of the multi-ethnic nature of these historic territories and evoked territory-centred criteria of membership as well as demands for territorial self-government. In all four cases secession as an option was excluded.

Dalmatian regionalists in the 1990s attempted to (re)establish a multi-ethnic territorial polity in the borders of the historic crown land that largely corresponded to the territory of the Association of Municipalities of Dalmatia which existed from 1974 until 1990, when it was abolished by the Tuđman government. The movement was unsuccessful, mainly due to the already advanced ethno-nationalist polarisation and repression against the Dalmatian Action, the chief regionalist party (including bombings and show trials⁴⁹). Currently, Dalmatia is divided into four counties and there are no significant grass-root political movements for the (re)establishment of the Dalmatian regional polity, excluding occasional proposals by certain state-wide parties, usually in the election campaign.

In the case of Sandžak, there were (and still exist) political actors who advocated the autonomy of this historic region in Serbia.⁵⁰ Their demands are for an ethnic autonomy of regional majority Bosniaks.⁵¹ In the late 1990s and 2000s there were some attempts within one of the Sandžak-based parties (Sandžak Democratic Party - SDP) to capture the votes of Sandžak Serbs and to present itself as a multi-ethnic regional party. But due to obstacles such as the electoral system disfavouring smaller region-based parties and visible interethnic polarisation, the SDP reverted to

⁴⁸ See Dejan Stjepanović, "Regions and Territorial Autonomy in Southeastern Europe", in Alain-G Gagnon, Michael Keating (eds.) *Political Autonomy and Divided Societies: Imagining Democratic Alternatives in Complex Settings* (Palgrave Macmillan, 2012).

⁴⁹ "Ljudi koje je 90-ih trebalo ukloniti", *Nacional* no. 741, 26 January 2010.

⁵⁰ See Map 2.

⁵¹ See Kenneth Morrison, "Political and Religious Conflict in the Sandžak" *Balkan Series* 13/08 (Shrivenham: Defence Academy of the United Kingdom, 2008).

representing the interests of Sandžak Bosniaks. The demands for territorial autonomy were toned down and direct access to the central state became a preferred strategy. Currently there is no sub-state polity that covers the territorial extent of this historic region. Regional identification is divided amongst the main ethnic groups; Bosniaks predominantly refer to the region as Sandžak, while most Serbs prefer the mediaeval designation Raška.

Regionalists in Vojvodina and Istria, unlike those in Dalmatia and Sandžak, were more successful in (re)establishing regional polities on multi-ethnic principles. The Autonomous Province of Vojvodina was a case in point of Yugoslav uniqueness, especially because the autonomous settlement was established in a multi-ethnic historic territory where Serbs constituted a plurality/majority⁵². In the last 25 years, Vojvodina's autonomous powers have witnessed significant fluctuations. Formally a decentralised autonomous province in the socialist Serbia and a *de facto* federal unit of Yugoslavia, Vojvodina's autonomy was almost entirely annulled during the authoritarian rule of Slobodan Milošević in the 1990s. Following regime change in 2000, this province has gradually regained more autonomous powers but not to the degree enjoyed under communism, when the rights enjoyed by residents of Vojvodina (although formally citizens of the Socialist Republic of Serbia) matched those of the republics of the Yugoslav federation.

Continued public support for further decentralisation across ethnic groups⁵³ indicates that autonomy is a deeply entrenched element of democratic citizenship in Vojvodina. A number of political parties, both regionally based as well as state-wide, have responded to this actuality and promoted broadening of Vojvodina's autonomy especially in the post-2000 period. Asymmetric autonomy within Serbia is the most frequently evoked political claim.⁵⁴ Secession was never a significant option, neither in public opinion polls nor in political party agendas. Thus, various forms of partial exit dominate over total exit. After the change of regime in October 2000, the so-called 'Omnibus' law⁵⁵ was adopted as a stop-gap measure until the 2006 Serbian constitution formally enabled the transfer of powers to Vojvodina's regional institutions.

⁵² Hungarians are the second largest ethnic community, historically and currently, forming over 14% of Vojvodina's population in the 2002 census. Serbs are a historic majority although they became an absolute majority after WWII when a large proportion of ethnic Germans was expelled or left the country. Other, numerically significant autochthonous groups include Slovaks, Croats, Romanians, Ruthenians, and Roma.

⁵³ Scientia, Novi Sad, 1995; GEOTAKT project, Novi Sad, 2001; Dragomir Jankov, *Vojvodina, Propadanje jednog regiona: podaci i činjenice* (Novi Sad: Graphica Academica, 2004); Scan, Novi Sad, 2010.

⁵⁴ The League of Social Democrats of Vojvodina (LSV), a prominent regionally-based regionalist party, in 1999, on the eve of the Kosovo war, advocated restructuring Serbia as a federal state in which Vojvodina (and Kosovo) would be a federal republic with its own legal citizenship. This position was abandoned soon after. See LSV, *Vojvodina Republika: Put mira, razvoja i stabilnosti*, (Novi Sad, 1999).

⁵⁵ Zakon o utvrđivanju određenih nadležnosti autonomne pokrajine, (Službeni list RS, 6/2002).

The constitution offered more substance to Vojvodina's government according to which it should have extensive executive, limited legislative and very few judicial powers, further defined in the 2008 Statute of the Autonomous Province of Vojvodina, the region's founding document. However, the ratification of the statute in the state parliament in 2009 was not smooth and was challenged by nationalists/centralists. Apart from enumerating autonomous powers, the adopted statute also refers to the criteria of membership in the polity. While it makes references to the equality of all ethnic communities (no majority-minority language is used) and the use of the six official languages, it also defines Vojvodina as a region of its citizens/denizens. The actual term used is the Serbo-Croat *građani/građanke* (in masculine and feminine form) which has added residential and civic notions⁵⁶ to that of *državljan*/*državljanke* which is primarily about the legal status of a citizen. References to *građani/građanke* as the members of the polity is also different from the references to membership in the Serbian constitution, which considers first of all Serb people, in the ethno-national sense, as the bearers of sovereignty. The ethically constitutive stories, unlike in the definition of Serbian polity, centred mainly on Vojvodina's multi-ethnic character but also on its institutional history distinct from Serbia Proper.

The politics of regionalism in the Croatian region of Istria resemble those in Vojvodina to a large extent. The historic Habsburg Istrian March excluding the municipality of Muggia (that remained in Italy) was formally incorporated into Yugoslavia in 1954. Out of this territory, the largest part was included in the Socialist Republic of Croatia. Despite the process of ethnic homogenisation, minority rights were guaranteed by international and bilateral agreements, while the Italian language was officially used in the municipalities with significant ethnic Italian minorities. At the same time Istria was not constituted as a distinguishable sub-republican territory in Yugoslav times.

While Croatia descended into ethnic war in the 1990s, Istrian regionalist politicians chose another path and a different legitimising narrative, that of European regionalism. This narrative was chiefly promoted by the Istrian Democratic Assembly (IDS-DDI) party. The party's platform was based on the protection of Istria's economic interests, as well as the civic, territorial, multicultural and plurinational character of the Istrian polity. A political interpretation of history and the use of historiography idealising Istria's tolerant past and the principle of *convivenza* (living together) became important features of the regionalist project. The party has won all county and state elections in Istria since 1992. After the change of Tuđman's regime in 2000, the IDS

⁵⁶ The difference between *građani* and *državljan* is not clearly defined in the legislation of countries where it is used. Only in the case of Montenegro, does the 2005 law on residency registry make an explicit distinction between a *građanin*, a citizen of Montenegro (or Serbia as at that time the state union of Serbia and Montenegro) residing in Montenegro. The term *državljanin* would then by analogy relate only to legal citizens of Montenegro, irrespective of their residency. On the case of Montenegro see Džankić (2010), p.13, on the disambiguation between the terms <http://eudo-citizenship.eu/citizenship-glossary/terminology>

supported the then Social Democrats-led government and managed to push through the Statute of the Istrian County. The Statute contains safeguards for Istria's cultural and linguistic specificities and enabled the institutionalisation of bilingualism in the entire county. In this way a quasi-autonomous status for the county was secured based on which Istrian County residents enjoy differentiated rights from those in the rest of Croatia, especially when it comes to language and education.

Just as in the case of Vojvodina, the Statute of the Istrian County defines membership by references to *građani/građanke* rather than the region's majority Croats.⁵⁷ The fact that the statute defined Istria as the territorial unit of its *građani/građanke* was one of the formal reasons given by the Constitutional Court of Croatia for striking down the statute in 1995.⁵⁸ Paradoxically, at first sight, the almost unchanged statute was approved in 2002 under a different government. Very similar issues have prompted the nationalist parties in Serbia to submit the statute of Vojvodina and the Law on Establishing Jurisdiction of Vojvodina to review by the Constitutional Court of Serbia. Most recently, on 10 July 2012, the Constitutional Court has disputed around 20 regulations of the law, a move that problematizes the substance of constitutionally guaranteed autonomy of Vojvodina.

Based on the (cursory) references to the cases of multi-ethnic sub-state polities one can observe that under the ethnocratic/authoritarian regimes of the 1990s, the attempt to institutionalise sub-state polities on multi-ethnic and civic principles was strongly opposed by centralising nationalists. In the 2000s, the establishment and broadening of powers of those sub-state polities where there was a strong political demand for self-government but also where the state-wide ethnic majority was also a regional majority (as is the case in Vojvodina and Istria) were tolerated. What is interesting about both cases is the fact that some of the differentiated rights enjoyed by the citizens/residents of these regional polities do not depend on numerical strength of a particular ethnic or linguistic group (as they do in most other cases of sub-state polities).

4.2. 'Imposed' multi-ethnic polities

Apart from the multi-ethnic polities resulting from bottom-up political demands, there are a few polities in the former Yugoslav space, which are defined by reference to two or more ethnic groups, existing at the sub-sub state level. Unlike the former, these were created in the aftermath of peace settlements and were imposed from above either as a negotiated agreement of two states and international sponsorship or by international arbitration. Unlike the previous cases of historic multi-ethnic regions, these polities have none or very weak and recent territorial precedents. Both of these

⁵⁷ Article 5 of the Statute of the Istrian County defines the county as the "unit of regional self-government of its citizens".

⁵⁸ Odluka za ocjenu suglasnosti Statuta Županije Istarske sa Ustavom RH, 2 February 1995. http://narodne-novine.nn.hr/clanci/sluzbeni/1995_02_9_146.html

cases come from Bosnia and Herzegovina (BiH). They are primarily the Federation of Bosnia and Herzegovina (FBiH) and the Brčko District of BiH.

The aims and logic behind the establishment of these polities were not secession but rather (re-) integration into the state of BiH. The FBiH was created in 1994 when the US government sponsored an agreement between the central BiH government (dominated by Bosniaks) and the government of the Republic of Croatia that had been until then supporting the demands of BiH Croats for secession from BiH. Following the Dayton Peace Accords (DPA), the FBiH was recognised as one of the constitutive 'entities' (thus avoiding calling them federal or confederal units) alongside Republika Srpska (RS).

In the initial years of its existence, the FBiH was defined as a "territory with majority Bosniak and Croat population"⁵⁹ in BiH. Consequently, Bosniaks and Croats were considered as the bearers of the right to self-determination that would be exercised in the federal entity consisting of ten cantons. Serbs were not only symbolically excluded from the founding documents but also from actual governance until 2000 when the Constitutional Court of BiH ruled that all three ethnic groups (based on the BiH Constitution) are to be equal and 'constitutive' in the entire BiH (both in the FBiH and RS)⁶⁰. Non-ethnics or members of smaller minorities still face hurdles in exercising their full political rights.

In reality, despite elaborate prescription of ethnic power-sharing at the FBiH level, most powers are exercised by cantons which, apart from the two special status mixed Bosniak-Croat cantons (where powers are further devolved to municipalities), had clear ethnic majorities at the time when they were established. The logic was to descale and decentralise powers so as to reach the territorial level at which a strong ethnic majority would be exhibited. In this sense territories were simply used as proxies for ethnicity and ethnic representation rather than as an expression of genuine democratic demands and cross-cutting interests with spatial boundaries. Most of the cantons (i.e. subunits of the FBiH) are also currently formally defined as multi-ethnic and bear some resemblance to the polity of the FBiH.

The case of Brčko District had a somewhat different establishment trajectory from the FBiH. During the 1995 Dayton peace talks which ended the war, the parties could not reach an agreement on whether the strategically located city belonged to RS or the FBiH. The issue was resolved by international arbitration a few years after the end of hostilities. The arbitration tribunal decided that the city of Brčko and its surroundings, matching the pre-war Brčko municipal boundaries, would formally belong to both entities simultaneously, thus creating a sort of quasi-condominium. With the benefits of hindsight of how heavily prescribed power-sharing in FBiH and at the state level caused frequent deadlocks, the international supervisors of the District restrained from institutionalising formal ethnic power-sharing. Instead,

⁵⁹ Article 1, Ustav Federacije Bosne i Hercegovine [Constitution of FBiH], 1994.

⁶⁰ Dželimićna odluka Ustavnog suda Bosne i Hercegovine, 30 June and 1 July 2000

ancillary instruments were introduced, such as the three fifths of the District assembly majority necessary for the election of the District mayor (head of the District government). Such measures necessitate cooperation between ethnic elites,⁶¹ assure representation of major ethnic groups but also the inclusion of political representation and engagement of non-dominant ethnicities. Formally, there is no reference to membership as ethnically defined but only to the Bosnian, Croatian and Serbian languages being official in the District. The statute allows for all citizens of BiH to hold public office without discrimination based on their ethnicity. As to differentiated rights, apart from having its own, unique for BiH, ethnically integrated educational system, all other competences of the District are equal to those of the entities. Until 2005 when obligatory military conscription was abolished in BiH, BiH citizens, residents of the Brčko District were not required to serve in the army.

However, as there is no formal Brčko level citizenship (Brčko residents can choose either of the entity citizenships) some of the political rights including voting rights are still tied to formal entity citizenship. Thus, Brčko residents who did not chose an entity citizenship⁶² cannot vote in the state-wide election⁶³. In order to exercise that right they have to identify with one of the two entities (RS or FBiH) either by formally taking one of the entity citizenships or requesting to be enrolled in the electoral rolls of the entities.

Unlike in Brčko, formal membership definitions in FBiH correspond to those at the state level and refer to Bosniaks, Croats, Serbs and Others. Internally, though, Brčko is closer to a genuinely multi-ethnic polity than the ethnically ghettoised FBiH is. However, in both cases there are problems with substantial (non-ethnic) political representation in vertically higher polities. In some respects both of the cases exhibit elements of democratic deficiency, to which the case of Brčko's citizens inability to directly influence decision-making processes at the state level testifies. Non-entity citizens in Brčko or non-ethnically identified citizens in FBiH have restricted opportunities for making claims on the institutions of the nesting polities, thus undermining principles of democratic citizenship.

4.3. Post-conflict ethnic municipalities

In the immediate post-conflict setting, and in all the cases as part of comprehensive peace agreements in Croatia, Kosovo and Macedonia, particular types of ethnic micro-level territorial polities were created in order to accommodate ethnonationalist demands. In all of these cases, there were weak, if any, historical territorial precedents of polities and the spatial boundaries were created (or upheld) to serve the purposes

⁶¹ Statut Brčko Distrikta Bosne i Hercegovine, 2010.

⁶² According to some accounts there are over 30,000 Brčko residents without entity citizenship. See Centralna izborna komisija BiH, <http://www.izbori.ba/default.asp?col=Saopstenja&Datum=2010-07-02>

⁶³ See "Bosnia's third citizens: a story of Brčko's exception", CITSEE 2012.

<http://www.citsee.eu/citsee-story/bosnia's-third-citizens-story-brčko's-exception>

of ethnic demographic representation (either as a majority or a minority over a legally-defined threshold).

The first two cases are the municipalities created through the post-conflict decentralisation processes as basic units of local self-government with limited option for their mutual association or the creation of meso-level bodies. These are the cases of Macedonia's municipalities with significant ethnic Albanian population and Kosovo Serb municipalities (south of the River Ibar). In both cases they are embedded in unitary state structures and the ethnic self-government is complementary to the power-sharing mechanisms at the central level (more limited in the case of Kosovo).

The peace agreement that ended the interethnic conflict in Macedonia in 2001 clearly favoured the municipal framework for addressing the demands of ethnic Albanians. It was feared that creating a meso-level polity with several majority Albanian municipalities⁶⁴ might be used for potential future secessionist claims⁶⁵. Hence, the OFA's reference to no territorial solutions to ethnic conflicts, mentioned earlier. However, very specific rights are devolved to municipalities, so that the more than 20% of the population who are non-ethnic Macedonians can use their language and display the community flag among other enumerated rights, short of territorial autonomy (as municipalities cannot adopt their own legislation). Despite the fact that OFA refers to the possibility of inter-municipal cooperation, the adopted legislation has strong safeguards against anything that might resemble territorially-defined meso-level polity⁶⁶.

The decentralisation of powers to municipalities and the strict definition of demographic criteria have a number of consequences for substantial citizenship and political rights. First of all, decentralisation is considered as a zero-sum game of ethnic control over municipalities.⁶⁷ Any changes of municipal boundaries that might be driven by functional concerns cause suspicion of possible status reversal.⁶⁸ Despite the fact that these municipalities can form committees on inter-community relations, smaller minorities (under 20%), most often Turks or Roma, are largely excluded from decision making. Also, as the status of minorities depends solely on their

⁶⁴ See Map 4.

⁶⁵ This potentiality would not be unprecedented, as in 1993 ethnic Albanian political leaders declared the 'Republic of Ilirida' in the west of the Republic of Macedonia predominantly inhabited by ethnic Albanians. See Kevin Adamson and Dejan Jović, "The Macedonian-Albanian political frontier: the rearticulation of post-Yugoslav political identities", *Nations and Nationalism* 10(3), 2004, p. 296.

⁶⁶ Articles 14 of the Law on Local Self-government [*Zakon za lokalnata samouprava*], (Sl. vesnik na RM, 29 January 2002) says municipalities can cooperate and form common services but Article 81 of the same law requires 2/3 of all the municipalities in Macedonia to join the association. This effectively prevents the formation of an association of Albanian dominated municipalities.

⁶⁷ ICG Report, *Macedonia: No Room for Complacency*, 2003, p. 20.

⁶⁸ The most recent example is the opposition of the majority ethnic Macedonian village municipality of Drugovo to being absorbed by the larger town municipality of Kichevo that has an ethnic Albanian population of over 20%. See "Makedonsko Drugovo nekje vo Albansko Kichevo", *Dnevnik* 18 March 2012, <http://www.dnevnik.com.mk/default.asp?ItemID=3F525DB462E9554794814C3B8D536396>

demography, censuses are politically sensitive and often misused as the boycotting and subsequent failure of the 2011 Macedonian census shows.

The case of Kosovo Serb municipalities is sometimes described as ethnic enclavisation or the constitution of “*de facto* sovereign territorialities that correspond to ethnopolitical movements”.⁶⁹ Thus, ethnic boundaries of these municipal polities were often imposed over a particular physical space. This is especially visible in the case of Gračanica/Gračanicë municipality whose borders⁷⁰ were carved out of three pre-war municipalities in 2008 so as to form a single majority ethnic Serb municipality.⁷¹ Some other municipalities, such as Štrpce/Shtërpçë had a Serb majority earlier, so its pre-1999 borders remained intact. The Ahtisaari plan as a comprehensive blueprint for the functioning of independent Kosovo government envisaged substantial municipal ethnic Serb autonomy with its own legislation and strong links with Serbia, especially when it comes to education and health care. They possess significantly more powers than the Macedonian municipalities mentioned above and include, for example, choosing the chief of the local police station. For a long while these municipalities were integrated into both Kosovan and Serbian system of self-government simultaneously, leading to paradoxes of having two elected municipal bodies exercising powers over the same territory. These Serb municipalities served in all matters as *de facto* exclaves of Serbia. Serbian institutions have been gradually losing ground to Kosovan in the last few years, not only because of that fact that Serbia Proper has no contiguous boundary with these municipalities and that they function within Kosovan economic space. Despite the relatively successful integration of ethnic Serb municipalities into the Kosovo system of governance it remains to be seen what type of issues regarding substantial citizenship will emerge in ethnically-segregated political spaces which exhibit elements of illiberalism and ghettoisation.

In 1998, parts of Eastern Slavonia, Baranja and Western Srymia (commonly referred to as Eastern Slavonia⁷² and held by rebel Croatian Serb forces during the 1990s war) were peacefully (re)integrated into Croatia’s political system based on the Erdut agreement⁷³. No formal regional autonomy was envisaged by the agreement save the establishment of a joint council of municipalities.⁷⁴ The purposes of the council were to coordinate cultural autonomy, primarily language and script use, education, cultural activities⁷⁵ (municipalities with at least one-third of Serbs enjoy

⁶⁹ Carl T. Dahlman and Trent Williams, “Ethnic Enclavisation and State Formation in Kosovo,” *Geopolitics*, Volume 15, Issue 2, (2010), p.414.

⁷⁰ See Map 6.

⁷¹ ECMI, The Ethnopolitical map of Kosovo, Gračanica/Gračanicë. http://www.ecmi-map.com/map/index.php?option=com_content&view=category&layout=blog&id=70&Itemid=105&lang=en (last accessed 29 June 2012)

⁷² See Map 7.

⁷³ Tekst temeljnog sporazuma o Istočnoj Slavoniji, Baranji i Zapadnom Srijemu (Erdutski sporazum), 12 November 1995. http://www.snv.hr/pdf/erdutski_sporazum.pdf

⁷⁴ Article 12, *ibid*.

⁷⁵ Statut Zajedničkog vijeća općina, Vukovar, 2001.

these based on the constitutional law on the rights of national minorities⁷⁶) as well as the proportional representation of Serbs in public offices in Eastern Slavonia. In 2010, a constitutional law on national minorities that was supposed to give legal clout to the joint council was rejected under charges that this would imply territorial reconfiguration of the state; while for many it bore resemblances to self-proclaimed Serb ethnic autonomy in Krajina and seemed a possible threat to the state's territorial integrity⁷⁷.

Thus, just as in the case of ethnic Albanian municipalities in Macedonia, this case shows that establishing coordinating or joint municipal bodies with regional ethnic majorities raises concerns, which can lead to these initiatives being blackballed, despite the fact that their establishment was envisaged by the respective peace settlement documents. Membership in all of these municipal polities, as well as citizen's rights in them, are primarily based on ethnic affiliation and demography, which puts into question their sustainability and in many ways promotes ethnic entrepreneurs as arbiters between the state and these municipal polities.

4.4. Separatist sub-state polities

This group of cases would refer to sub-state polities that were formed with the aim of separating from the newly independent post-Yugoslav states, forming an independent state or seceding to its ethnic kin-state. Two subsets can be further distinguished, those with historic precedents and recent territories. Kosovo in the 1990s and, to a lesser extent, the self-proclaimed Krajina region in Croatia would belong to the first group.⁷⁸ Recent cases include Republika Srpska, Herzeg-Bosnia in BiH, and in many ways, North Kosovo.

Kosovo was a historic territory that possessed its own territorial personality under the Ottoman Empire and in socialist times. Two simultaneous processes, the demands of ethnic Albanian elites in Kosovo for equal representation and centralist Serbian nationalists' decision to abolish Kosovo's autonomy nudged Kosovo Albanians towards seeking full independence. This was largely to be achieved by peaceful means and by the establishment of the new 'parallel system'. It consisted of a separate Albanian language-only education system as well as a network of health centres that functioned independently from the Serbian state.⁷⁹ In other words, the large majority of ethnic Albanians in Kosovo throughout 1990s used non-territorial exit options, i.e. not consuming the public goods of the Serbian polity, being excluded from that polity and self-excluding at the same time. The membership in the 'parallel' polity was based almost entirely on ethnic principles. Following the armed rebellion

⁷⁶ Article 12, Ustavni zakon o pravima nacionalnih manjina, N/N 01-081-02-3955/2, 19 December 2002.

⁷⁷ "Ne srpskoj autonomiji", Jutarnji list 17 June 2010.

⁷⁸ The case of Krajina could potentially fit either of the categories.

⁷⁹ Gezim Krasniqi, "The challenge of building an independent citizenship regime in a partially recognised state: the case of Kosovo", CITSEE Working Paper Series, 2010/04, p.9.

and Milošević's attempts at ethnic cleansing in 1999 that prompted international military involvement, the situation was reversed and the Kosovo Albanian majority (with the support of the US and the majority of the EU members) was able to exercise a total *territorial* exit option.

Unlike Kosovo, Krajina did not have an immediate institutional predecessor and the name referred to the Habsburg Military Frontier (*Vojna Krajina*), a multi-ethnic territory with a distinct legal and administrative personality existing from the mid-16th century to the late 19th century. In 1990, the nationalist leaders and heads of a few municipalities in the Dalmatian Association of Municipalities formed a new association with a Serb ethnic majority.⁸⁰ Even if in its initial phases the Krajina project was not secessionist *per se*, and sought territorial autonomy within the then existing legal framework, it was exclusively oriented towards one ethnicity, Serbs. The statute of the self-proclaimed Krajina did not formally define membership exclusively on ethnic principles, but a combination of residential rights of all resident *građani* while formally catering for national equality and preservation of cultural and historic specifics of ethnic Serbs in Croatia.⁸¹ The statute made explicit references to the Croatian constitution and the self-declared autonomous region being part of the Republic of Croatia. Despite this, some of Tuđman's fears materialised and the Statute defined judiciary and policing as part of the autonomous region's competences.⁸² On the ground, ethnically motivated violence was tolerated and encouraged by Krajina institutions that had been supported militarily by the Yugoslav Federal Army and Serbia itself. The assembly of the Serbian Autonomous Region of Krajina declared the Republic of Serb Krajina on 19 December 1991, following the Croatian parliament's decision on independence, while the Statute was renamed the Constitution and made explicit references to ethnic membership.⁸³ In February 1992, the Krajina authorities declared independence from Croatia although it was never recognised by any international subject. The self-declared republic also introduced its own formal citizenship. The criteria were (at least formally) residential and all SFRY citizens could have become Krajina citizens based on their residence and written application within six months from the adoption of the law.⁸⁴ The self-proclaimed statelet's existence was ended by the Croatian military action in 1995 that also ethnically cleansed the area.⁸⁵

⁸⁰ It must be noted that Northern Dalmatia and the earlier mentioned Eastern Slavonia that were part of the self-proclaimed Republic of Srpska Krajina never constituted an integral part of the historic *Vojna Krajina* (See Map 7). At the same time, the Krajina Serb political leaders did not claim areas that used to belong to the historic Krajina but had a strong Croat majority, being primarily driven by the exclusive ethnic logic of political territory formation.

⁸¹ Articles 1 and 3, *Statut Srpske autonomne oblasti Krajine*, 21 December 1990.

⁸² *Ibid.*, Article 9.

⁸³ *Ustav Republike Srpske Krajine* [Constitution of the Republic of Serbian Krajina], defines it as a "nation-state of the Serb people and all citizens" (Article 1).

⁸⁴ Article 24, *Zakon o državljanstvu Republike Srpske Krajine*, 21 March 1992.

⁸⁵ ICTY Judgement, Case: IT-06-90-T, 15 April 2011.

The Republic of the Serb People of Bosnia and Herzegovina was founded in early 1992, (following the refusal of ethnic Serb politicians in BiH to endorse the referendum on the independence of BiH) later to be renamed *Republika Srpska* (RS). Its first constitution adopted in February 1992 defines it as the state of Serb *narod*⁸⁶ without any reference to other ethnic groups or *građani*. Its territory was defined as the areas of Serb ethnic units including the areas where genocide was committed against Serb *narod*⁸⁷ (alluding to the WWII victims). By using these references, the polity was not only to be constructed in an ethno-territorial way but was also projected into the past. This was a rather extreme formulation that corresponded to a great extent with the political aims of separation from BiH and ethnic exclusiveness of membership in that polity. The constitution also claimed that the RS was a part of the federal Yugoslav state and that citizens of RS were also citizens of Yugoslavia (neither of these were ever implemented). BiH and its citizenship were not mentioned, only that the RS can enter unions with state formations of other constitutive *narodi* of BiH. Membership and ethically-constitutive stories revolved around ethnic Serbs and Yugoslavia while the BiH polity was consciously ignored and does not feature there. The post-Dayton RS constitution acknowledged the existence of the BiH state and its constitution. It also included references to all of its citizens and Serbs primarily being defined as the state of Serb *narod* and all its citizens. In 2000 the BiH constitutional court issued a ruling that made all sub-state entities formally belong to all three main ethnic groups. Thus, in some respects, the post-1995 and especially post-2000 RS could fit into the category of imposed multi-ethnic polities. The powers the RS enjoys are significant; internally it is organised as a unitary polity with municipalities as the only lower level territorial institution. Its territorial structure reflects the ethnic composition of RS which was significantly homogenised as a result of ethnic cleansing and resettlement. Also, there is significant support among the residents of this entity for separation or secession, and a general lack of political identification with BiH expressed in opinion polls,⁸⁸ frequently invigorated by the ethnic entrepreneurs/political elites.

Another similar wartime exclusive ethnic project in BiH was the creation of the municipalities with a dominant ethnic Croat population. The establishment of the Croat Community of Herzeg-Bosnia (*Herceg-Bosna*) in November 1991, and supported by the Republic of Croatia, had the clear intention of seceding from BiH and eventually joining Croatia.⁸⁹ Unlike RS, Herzeg-Bosnia did not enact its constitution or introduce its fiscal system. Rather, Croatian currency was used while the majority of Herzeg-Bosnia residents became formally Croatian citizens. Just as in the RS, the aim was to separate what was perceived to constitute ethnically Croat territories from the

⁸⁶ Article 1., Ustav Republike Srpske (February 1992).

http://ezakonodavstvo.vladars.net/Pravni_akti/Ustav%20precisceni%20tekst%2021_92%2021-92.pdf

⁸⁷ Article 2, *ibid*.

⁸⁸ See for example UNDP Early Warning Systems Reports (2001) and Early Warning System (2010).

⁸⁹ ICTY, Case No. IT-98-34-T, 31 March 2003.

state of BiH. Herzeg-Bosnia formally ceased to exist with the establishment of the FBiH in 1994, but symbolically, and in some ways practically, its legacy is still present. Specifically, two of the cantons, West Herzegovina and Canton 10 (Livno), still use the flags of Herzeg-Bosnia with clear ethnic markers. The cantonal executives self-proclaim to be *županije* instead of cantons (with clear allusions to Croatian counties) and do not include references to Serbs and Others in their constitutions despite the fact that this clashes with the BiH and FBiH founding documents, and is thus unconstitutional. Recurring demands for the establishment of the third, ethnic Croat entity are complementary to this logic.

The last case of a separatist meso-level polity similar to the above includes the four Serb dominated North Kosovo⁹⁰ municipalities that form a particular regional unit. The Kosovan government does not exercise sovereignty (in the Weberian sense) over that part of the territory and instead many of the institutions of the Republic of Serbia exists in its place. These institutions are not only limited to education and health care but also include judiciary and some elements of state security. Individual citizens otherwise enjoy the same rights as Serbian resident citizens, save for visa-free travel to Schengen agreement countries⁹¹. Some have suggested North Kosovo is or could be established as a type of (quasi)-condominium⁹² but in many ways it is a no-man's land, as for example neither Kosovan nor Serbian taxes are collected in the area. It has been proposed that the North Kosovo municipalities might be given regional territorial autonomy within Kosovo⁹³, but agreement among the relevant parties might not be so easily reached.

In all of the cases there were prominent ethnic cleansing and/or denial of substantial citizenship to members of other ethnic groups. By definition (being secessionist) not only is the legitimacy of the state put into question, but also the principle of accommodation of contesting ethnic interests by nested citizenship.

⁹⁰ It is worth noting that most of North Kosovo including the city of Mitrovica/Mitrovicë, during most of the Ottoman era belonged to the Sanjak of Novi Pazar administrative unit. Today's borders of Kosovo (in the North) with Serbia Proper were established in 1959 when some of the territories previously belonging to the Raška municipality in Serbia Proper were transferred to Kosovo and Metohija. However, historic distinctness is rarely used as political argument in favour of exit options, instead, ethnicity based arguments dominate.

⁹¹ See Simonida Kacarska, "Visa liberalisation as a tool of Europeanisation in the Western Balkans What role for citizens' rights?" *CITSEE Working Paper Series*, 2012/21.

⁹² Hans Binnendijk (et al.), *Solutions for Northern Kosovo: Lessons Learnt in Mostar, Eastern Slavonia and Brčko* (Washington, DC: Center for Technology and National Security Policy, 2006).

⁹³ Stefan Lehne, "Kosovo and Serbia: Toward a Normal Relationship." (Carnegie Endowment for International Peace, 2012).

Table 1. Sub-state polities

<i>Dominant characteristics</i>	<i>Cases</i>	Multiethnic=1 Ethnic=0	Historical precedent=1 Recent=0	Partial exit=1 Total exit=0	<i>Outcome*</i>
Multiethnic (plurinational) historic, autonomist, bottom-up	Vojvodina	1	1	1	3
	Istria				2
	Dalmatia				0
Subtype	Sandžak	0/1	1	1	y
Multiethnic (formally), recent, peace settlement, imposed integrationist	Federation BiH	1/0	0	1	4
	Brčko				x
	Republika Srpska (from 1995/2000)				4
Peace settlement, integrationist, municipalities	Macedonia Albanian municipalities	0	0	1	1
	Kosovo Serb municipalities				1
	Eastern Slavonia Serb municipalities				1?
Ethnic, historic, separatist	Kosovo	0	1	0	5
	Krajina		1/0		0
Ethnic, recent, separatist	Republika Srpska (until 1995/2000)	0	0	0	4
	Herzeg-Bosnia				0/(3)
	North Kosovo				z

*5 – (partially recognised) state; 4- constitutive entity of the state; 3- (limited) regional autonomy; 2- *de facto* regional autonomy (statute); 1- local autonomy (self-government); 0- no territory-specific political institutions; x- (quasi)condominium; y – cultural (non-territorial) autonomy, co-optation; z – undefined status, overlapping and parallel jurisdiction

5. Conclusion

Although this paper provides a general overview and mapping of citizenship regimes as regards membership in state and sub-state polities, many issues and possibly some cases were neglected. However, one can observe certain tendencies in defining membership and establishing polities in the two decades following the initial break-up of the Yugoslav federation.

First of all, ethnic principles of membership in territorial polities were dominant at both state and sub-state levels. The logic of territory owned by a particular ethnic group was omnipresent. This contributed to a zero-sum logic that inevitably produced the same majority-minority problem it was supposed to alleviate in the first place, just with reversed roles. We can see in the cases of BiH, Kosovo and Krajina that outcomes of this zero-sum ethnic logic are highly unpredictable and can have disastrous effects. Creation of sub-state polities was often considered a necessity in the post-conflict period and served to segregate ethnic groups rather than being a genuine tool for territorial management of diverse territories. Post-Yugoslav ethnically legitimised nation-states also shied away from institutionalising minority meso-level polities in both the 1990s and 2000s.

The main problem of equating polities with ethno-majoritarian territories is their unidimensionality. This is especially true for those polities without historical precedents or a strong functional logic that would underpin the territorial boundaries. This, as some of the cases illustrate, can cause numerous problems for the viability of these polities and cement ethnicity as the only criterion defining political membership as well as rights in the long run.

There are cases in which the logic of civic rather than ethnic membership was imposed. The case of Brčko's multi-ethnic polity shows that the political rights of its citizens in the state-wide polity are still tied to ethnic membership which exhibits elements of democratic deficit and underscores the problems that highly ethnicised complex states such as Bosnia and Herzegovina continue to face.

Nevertheless, there are cases of bottom-up territorial projects that defined membership on territorial (and civic) principles and in which constitutive stories are multi-ethnic. Some, like the Dalmatian regionalist political project were fiercely suppressed, especially in the 1990s. The more successful cases of Vojvodina and Istria in the 2000s demonstrate that the impetus for the (re)construction of a sub-state polity need not be based solely on the demands of a single ethnic group in a given space, but can instead be derived from overlapping interests (historic, functional and inter-ethnic) in various constellations. This point lends some support to Weller's claim that territorial "self-governance settlements will only take root if independence has been firmly precluded as a potential option"⁹⁴, while being challenged by centralist nationalists. The last two cases also challenge the zero-sum logic of exclusive ethno-territorial polities. They also illustrate that nested citizenship regimes are possible in post-Yugoslav space, even if memberships in nesting and nested polities are differently conceptualised.

⁹⁴ Marc Weller and Stefan Wolff (eds.), *Autonomy, Self-governance and Conflict Resolution*. (London and New York: Routledge, 2005), p.72.

ADDENDUM

Map 1.

Counties of Croatia including Istria and Dalmatia



Map 2.

AP Vojvodina and Sandžak in Serbia

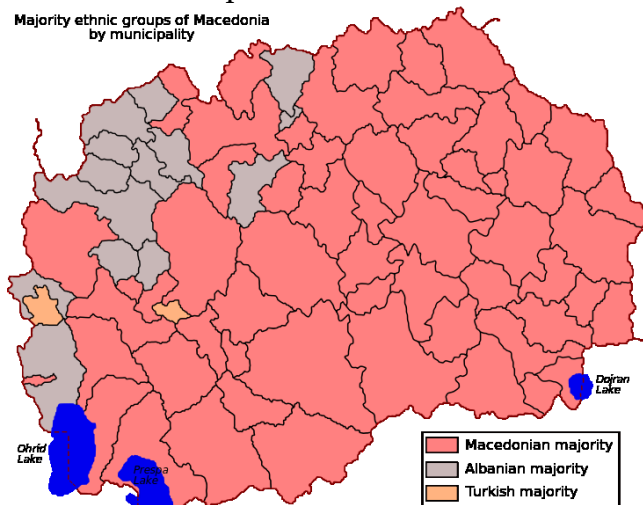


Map 3.

Territorial division of Bosnia and Herzegovina (entities and Brčko District)

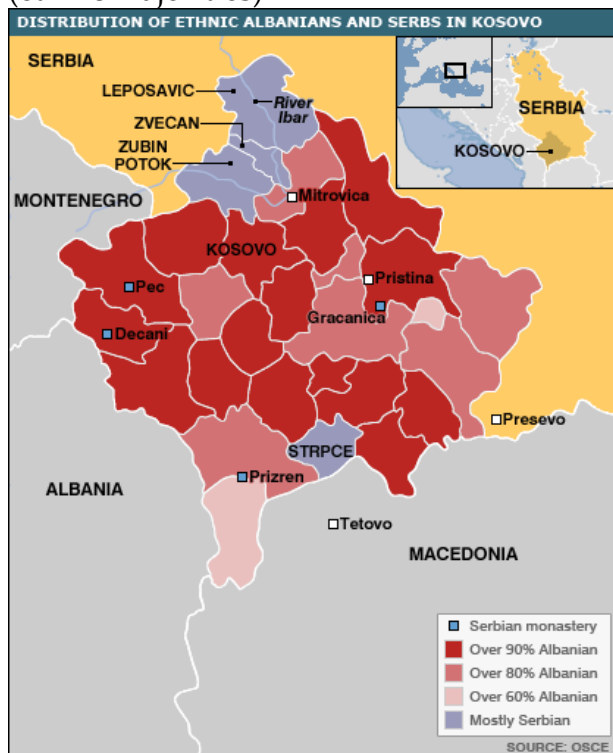


Map 4.
Municipalities of Macedonia



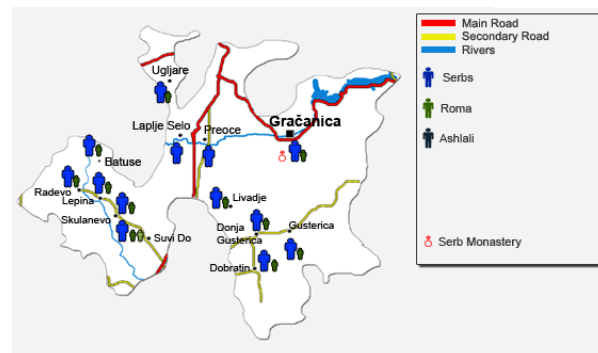
(Source: Wikipedia)

Map 5. Municipalities in Kosovo
(ethnic majorities)



(Source:OSCE)

Map 6. Newly formed Gračanica/
Graçanicë municipality (in Kosovo)
with ethnic Serb majority



(Source:ECMI)

Map 7. "Republic of Serbian Krajina"
in 1992 and historic Krajina (right)

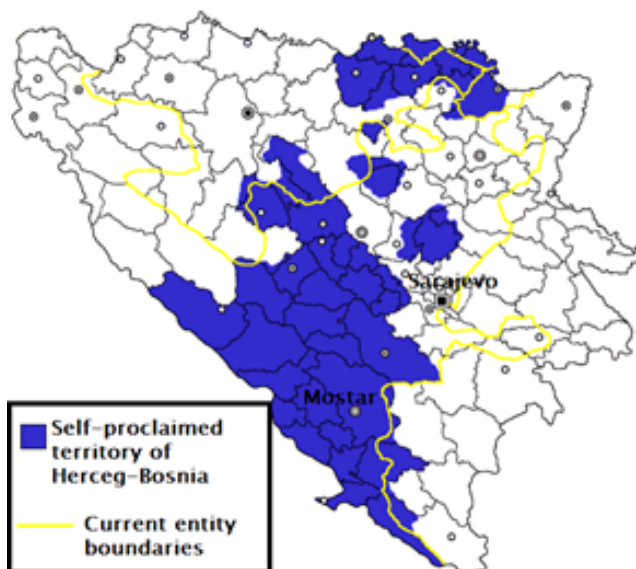


(Source: UNEP)



(Source: Wikipedia)

Map 8. Herceg-Bosnia in 1992



Bibliography

- Adamson, Kevin and Dejan Jović. "The Macedonian-Albanian political frontier: the rearticulation of post-Yugoslav political identities". *Nations and Nationalism* 10(3), 2004.
- Banac, Ivo. *With Stalin against Tito: Cominformist splits in Yugoslav Communism*. Cornell University Press, 1988.
- Bartolini, Stefano. *Restructuring Europe: centre formation, system building and political structuring between the nation-state and the European Union* (Oxford: OUP, 2005).
- Bauböck, Rainer. "Why Stay Together? A Pluralist Approach to Secession and Federation". In Will Kymlicka and Wayne Norman. *Citizenship in Diverse Societies* (Oxford: OUP, 2000).
- _____. 'Multilevel citizenship and territorial borders in the EU polity'. IWE Working Paper No. 37, 2003.
- _____. "Cold constellations and hot identities: Political theory questions about transnationalism and diaspora". In Rainer Bauböck and Thomas Faist. *Diaspora and Transnationalism: Concepts, Theories and Methods*. Amsterdam: Amsterdam University Press, 2010.
- Binnendijk Hans (et al.). *Solutions for Northern Kosovo: Lessons Learnt in Mostar, Eastern Slavonia and Brčko*. Washington, DC: Center for Technology and National Security Policy, 2006.
- Brubaker, Rogers. *Ethnicity without Groups*. London: Harvard University Press, 2004.
- Brubaker, Rogers and Jaeeun Kim. "Transborder Membership Politics in Germany and Korea". *European Journal of Sociology*, 2011.
- Burg, Steven L. "Republican and Provincial Constitution Making in Yugoslav Politics". *Publius: The Journal of Federalism*. no. 12 (Winter), 1982.
- Dahlman, Carl T. and Trent Williams, "Ethnic Enclavisation and State Formation in Kosovo," *Geopolitics*, Volume 15, Issue 2, (2010).
- Džankić, Jelena. "Transformations of Citizenship in Montenegro: a context-generated evolution of citizenship policies" *CITSEE Working Paper* 2010/03.

- Fahrmeir Andreas and H.S. Jones, 'Space and belonging in modern Europe: citizenship(s) in localities, regions, and states'. *European Review of History — Revue européenne d'histoire* Vol. 15, No. 3, June 2008.
- Jankov, Dragomir. *Vojvodina, Propadanje jednog regiona: podaci i činjenice*. Novi Sad: Graphica Academica, 2004.
- Jelavich, Charles. "South Slav Education: Was there Yugoslavism?". In Norman M. Naimark and Holly Case (eds.), *Yugoslavia and its historians: understanding the Balkan wars of the 1990s*. Stanford University Press, 2003.
- Joppke, Christian "Citizenship Between De- and Re- Ethnicization," *European Journal of Sociology / Archives Européennes de Sociologie* 44, no. 3, 2003.
- Jović, Dejan. "Reassessing Socialist Yugoslavia 1945-1990: The Case of Croatia". In Dejan Djokić and James Ker-Lindsay (eds.). *New Perspectives on Yugoslavia: Key Issues and Controversies*. Abingdon: Routledge, 2011.
- Krasniqi, Gezim. "The challenge of building an independent citizenship regime in a partially recognised state: the case of Kosovo", *CITSEE Working Paper*, 2010/04.
- Lehne, Stefan. "Kosovo and Serbia: Toward a Normal Relationship." Carnegie Endowment for International Peace, 2012.
- Morrison, Kenneth. "Political and Religious Conflict in the Sandžak". *Balkan Series* 13/08 Shrivenham: Defence Academy of the United Kingdom, 2008.
- Perko, Drago. "Regionalizacija Slovenije", *Geografski zbornik*, no. 38, 1998.
- Piry, Ivo. "Regionalizacija Slovenije - nedokončana simfonija slovenske geografije". *Dela* no. 24 2005.
- Schrijver, Frans. *Regionalism after regionalisation: Spain, France and the United Kingdom*. Amsterdam: AUP, 2006.
- Shaw, Jo. "Political Rights and Multilevel Citizenship in Europe" In Elspeth Guild et al., eds. *Illiberal Liberal States: Immigration, Citizenship, and Integration in the EU*. Farnham: Ashgate, 2009.
- Shaw, Jo and Igor Štikš. "The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia". *CITSEE Working Paper* 2010/01.

- Smith, Rogers M. "The Politics of identities and the task of political Science". In Shapiro et al. *Problems and Methods in the Study of Politics*. Cambridge: CUP, 2004.
- Štiks, Igor. "Being a Citizen the Bosnian Way". In *Transformations of Citizenship and Political Identities in Bosnia-Herzegovina Transitions* (2011) Vol. 51, No 1-2.
- Stjepanović, Dejan. "Regions and Territorial Autonomy in Southeastern Europe". In Alain-G Gagnon, Michael Keating (eds.) *Political Autonomy and Divided Societies: Imagining Democratic Alternatives in Complex Settings (Comparative Territorial Politics)*. Palgrave Macmillan, 2012.
- Todorovski, Ilija. "Local Government in the Macedonia". In Emilija Kandeveva (ed.), *Stabilization of local governments*. Budapest: OSI/LGI, 2001.
- Vasiljević, Jelena. "Citizenship and belonging in Serbia: in the crossfire of changing national narratives", *CITSEE Working Paper* 2011/17.
- Vrbošić, Josip. "Povijesni pregled razvitka županijske uprave i samouprave u Hrvatskoj". *Društvena Istraživanja*, No. 1, 1992.
- Zaum, Dominik. *The Sovereignty Paradox: The Norms and Politics of International Statebuilding*. Oxford: OUP, 2007.



ISSN 2046-4096