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Global Studies**

Project on Global Migration and Transnational Politics

ISSN 1941-7586

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WEB: cgs.gmu.edu

ISSN 1941-7594

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One of the critical issues that arose as the communist world collapsed in the early 1990s has been the relationship between states in Central, Eastern and Southeastern Europe and the populations of ethnic or linguistic kin in new or existing neighboring states. The liberalization of politics and the end of Soviet domination in the early 1990s again created opportunities for “kin-states”¹ in Eastern Europe to engage their transborder ethnic groups. The post-Cold War decades have seen many of these states reclaiming and constructing ties to their external kin populations in various ways, from Hungary’s “Status Law” and Poland’s “Charter of the Poles”; to Croatia and Romania offering dual citizenship to co-ethnics in Bosnia and Moldova; to Russia granting citizenship to South Ossetians in Georgia. With the troubling history of irredentism and ethnic violence over the distribution of people and borders in the region, many analysts expected such policies to be a recipe for war and conflict. Yet, for the most part, this has not occurred. Engagement with ethnic diasporas in Eastern Europe has not translated into violent attempts to redraw internationally-accepted borders.

Since the fall of communism, we have in fact witnessed a new paradigm in which contemporary state policies concerning populations across the border in Eastern Europe are increasingly framed by the language of rights and citizenship, and the institutionalization of transborder cultural, political, and economic networks rather than active policies to change borders or reclaim populations. As these states seek to define a relationship with their ethnic diasporas, they are developing policies similar to those used by states seeking stronger ties with migrant diaspora populations: specially-tailored forms of cultural, political, and economic membership in the kin-state community; the creation of official bodies as vehicles for diaspora representation, consultation, and policy-formation in the homeland-state government; and transborder cultural subsidies and exchanges. The model of “diaspora politics” now more accurately reflects the ways in which states in Eastern Europe are engaging their ethnic kin in other countries.

The shift to diaspora politics, however, does not mean that these policies are ushering in a world in which peaceful, grassroots transnational networks supplant conflicts over territorial control, identity, and competing state interests (Waldinger and Fitzgerald 2004: 1186.). On the contrary, as has become apparent in the literature on the state-led transnationalism of migrant sending-states as well as that on ethnic kin-states, the homeland state plays a crucial role in constructing diasporas and in shaping the

¹ Kin-states are understood as having a historical and usually ethnically-based affinity with a kin-minority, or people who share the majority ethnicity of one state but are resident in another. Both “kin-state” and “homeland-state” will be used throughout to indicate East European states with transborder diaspora populations.

membership of those abroad in social, economic and political spheres between homeland and host states (Fitzgerald 2005; Sherman 1999). Homeland state elites forge or co-opt cross-border ties in order to gain access to the unique ethno-cultural, economic, and geo-political resources these external populations represent. Elites utilize a combination of “extra-territorial” domestic and foreign policy tools as a way to extend their sovereignty beyond state borders and create or maintain cross-border ties of loyalty and membership (Smith 2003). These extra-territorial policies can destabilize regional relations as nationalist elites use cross-border ties to justify their own agendas, and can have negative effects on inter-ethnic relations in host states as well.

This paper will explore these issues in more depth by first discussing the interests behind the crafting of diaspora policies. I then focus on two policy areas – dual and preferential citizenship, and packages of special benefits targeted specifically to regional diasporas – and finally, explore the implications of these policies for regional stability and the situation of ethnic minorities in Eastern Europe.

ELITE INTERESTS AND DIASPORA ENGAGEMENT

There are a number of interests that drive homeland state elites to construct policies to engage ethnic diaspora populations, such as the extraction of material resources for economic gain, the creation of domestic and international political legitimacy, and the utilization of those abroad as a culturo-linguistic resource to be used in defining and redefining the boundaries of national identity. Unlike in migrant-sending states, in Eastern Europe there is rarely the expectation that diaspora members will be a source of direct income through remittances, particularly in cases where the homeland state is more economically developed than those beyond the border. However, kin-state policymakers often identify a demographic deficit which can be filled ideally by a diaspora population with the potential to be easily integrated—because of its presumed ethnic and linguistic similarities—into the homeland state society. For example, in Hungary, the ethnic Hungarians in neighboring states have been described as a potential resource for businesses in need of labor as a selling point for government policies towards co-ethnics (Melegh 2003: 120). Similarly, policymakers in Putin’s Russia, which has experienced a significant demographic decline, argued for fast-track citizenship procedures for Russian-speaking “compatriots” in parts of the former Soviet Union in part as a “compensation for natural population decrease” (Nozhenko 2006: 31).

Ethnic diasporas in post-communist Europe also play a large role in the processes of state-building, national identity construction, and the development of domestic political contestation. The desire of kin-states to protect and have some degree of influence over populations of external kin is a form of nationalism, wherein the state is seen as the legitimate guarantor of not just its citizens – the members of the political community – but also of the larger transborder nation represented by those external populations that have maintained their cultural or linguistic ties to the kin-state. The impetus of nation and/or state-building is particularly important in the context of the political and economic transitions of post-communist states, the leaders of which had to

devise new conceptions of the national community during uncertain times or new bases of legitimacy after independence (King & Melvin 1999). Some political actors in post-communist Europe were able to position themselves as “nationalizing elites”: saviors of the nation who could right the wrongs of the past and project the superiority of the national culture (Brubaker 1996: 79-106). Elites used alleged threats to the transborder nation to focus attention outwards and make citizens feel that their security and well-being was intimately connected to the protection of the nation as whole (Gagnon 2004). In addition, emerging elites utilized diaspora populations as potential constituents who could affect domestic political outcomes through transborder media connections or eventually through gaining the right to vote or have special representation within the government.

CITIZENSHIP & VOTING RIGHTS

The interests of homeland state elites have translated into a number of policies designed to shape relations with diaspora populations. The most powerful – and controversial – type of diaspora engagement policy is the expansion of citizenship through dual nationality legislation giving those abroad preferential access to entry and the homeland state’s political community. In migrant sending states, external citizenship is meant to create a relationship of rights and obligations with emigrant non-residents to tie potentially reluctant or increasingly distant (in time and space) populations abroad to the state or origin. Kin-states, however, often prefer “ethnizenship” (Bauböck 2007: 2396), or non-resident dual citizenship, as a form of symbolic membership that can translate into real benefits and mobility, but does not require diaspora members to relocate. Some states may also change laws to allow for multiple citizenship or preferential naturalization for ethnic kin in neighboring states as a form of minority protection, providing an “exit option” for national minorities facing discrimination and assimilation in their host state (Iordachi 2005: 241), or as a way to change the ethnic demography of the homeland state by increasing national homogeneity. In Eastern Europe, ease of naturalization for members of the state’s ethnic diaspora often goes hand-in-hand with attempts to restrict the entry and naturalization of “foreigners”, immigrants who do not fit the state’s ethnic profile (Culic 2009: 5).

One example of citizenship policy as a form of nation-building in the context of post-communist political transition and the breakup of multinational federations was Romania’s move to “restore” citizenship to inhabitants of former Romanian territories in newly-independent Moldova. Soon after Moldova gained its independence from the Soviet Union in 1991, neighboring Romania passed a new citizenship law, which effectively offered citizenship upon request to about two-thirds of Moldovans, regardless of their residency. In doing so, nationalists in the Romanian government were attempting to unify what they argued was a larger Romanian cultural and political community that had been artificially separated by the Soviet annexation of Moldova in the 1940s. As more and more Moldovans acquired Romanian citizenship (around 100,000 by 2005), Romania’s actions became a clear challenge to the Moldovan government’s fragile

process of establishing its own legitimacy and sense of national identity after independence, and relations between the two countries became strained (Culic 2009: 18). Ironically, however, Romania's offer of citizenship eventually weakened any movement towards further Romanian-Moldovan unification, as those Moldovans who identified more with Romania simply used their restored citizenship to relocate to the "mother country" (Iordachi 2005). Romania eventually had to freeze the citizenship restoration program in 2001 and introduce passport requirements for those coming from Moldova in 2002 due to administrative backlog and pressure from the European Union for Romania to better secure its borders as a precondition of its impending membership in the Union.

Croatia has also used citizenship policies as a way to extend its sovereignty and influence into neighboring regions, without technically violating the principle of territorial inviolability of internationally recognized borders. The 1991 constitution of the newly-independent state gave citizenship to all former citizens, but also to ethnic Croats living outside of Croatia, particularly targeting ethnic Croats in Bosnia-Herzegovina. At the same time, the government made it harder for non-ethnic Croats to get citizenship, essentially disenfranchising ethnic Serbs and others who did not fit the narrow definition of membership. External voting rights were also given to all citizens, regardless of residency, significantly impacting the balance of political power in Croatia. Not surprisingly, the governing party, led by the nationalist leader Franjo Tudjman, was the primary beneficiary of the diaspora vote, giving the party a larger majority in both the 1995 and 2000 elections (Ragazzi 2009).

There are also East European states with significant ethnic diasporas that have been reluctant to offer dual citizenship or preferential citizenship for diaspora members. States which have had histories of occupation or only recently acquired territorial independence fear further undermining their perceived demographic or territorial fragility by permitting dual loyalties among their citizens. They tend, therefore, to be less favorably disposed to dual citizenship (Culic 2009: 9). Dual and non-resident citizenship has failed in other kin-states because of popular resistance to increased migration, the potential economic costs of expanding the state's obligation to new citizens, and possible shifts in the domestic political balance if diaspora members acquire voting rights along with their citizenship.

The debates over dual and non-resident citizenship in Hungary and Poland illustrate these tensions. Poland is a classic case of a state with a history of territorial fragility that has resisted expanding access to citizenship beyond repatriating a small number of Poles who had been exiled to the Soviet Union. However, in 1999 a right-wing coalition came into power and began to draw upon themes of nationalism and moral values. The new government introduced a host of measures designed to reframe immigration and citizenship policy in a way that would reach out to ethnic Poles across the border in Lithuania and Ukraine as essential parts of the Polish nation. These new policies included an Act on Citizenship, which would have allowed for *de jure* multiple citizenship. Although dual citizenship was framed as a way to reinforce the diaspora's relationship with Poland in order to foster investments, tourism, and global visibility, fears surfaced of dual loyalties and uneven tiers of citizenship that would give those in

the diaspora more flexibility than native Poles (Górny, Grzymała-Kazłowska, Koryś & Weinar 2007: 158-163). Not even appeals to the moral rightness of correcting past injustices suffered by the regional diaspora could sway those who did not want to extend the boundaries of the political community, and the law failed to pass.

In Hungary, ambiguity over fully incorporating regional diaspora members into the homeland state political community was reflected in the failed December 2004 referendum on whether Hungary should provide non-resident dual citizenship for the ethnic Hungarians in neighboring countries. In the months leading up to the referendum, supporters of the initiative backed by the main right-wing political parties and the global diaspora organization, World Congress of Hungarians, ran a dynamic public relations campaign designed to play on voters' feelings of ethnic affinity, historical obligation, and pride in the nation. Yet only 37 per cent of eligible voters turned out for the referendum, and of those, support for the dual citizenship agenda was only slightly more than 51 per cent. The low turnout invalidated the results, which require by law that 25 per cent of eligible voters support or reject the initiative. Many expressed surprise that so many Hungarians would vote against the measure, but the results indicated that voters were anxious about the potential effect of 'ethnizenship' on Hungary's economic and political stability. They were swayed by the fear of ethnic Hungarian migration, and concerns about tax dollars going to the pensions of ethnic Hungarians living in Serbia or Ukraine. In 2005, the left-wing social democratic government, which had rejected the ethnizenship model, simplified naturalization requirements for ethnic Hungarians, creating a stronger framework of preferential naturalization based on individual application, not a collective right to ethnic citizenship. In January 2006, the government also introduced a type of national visa, which allows ethnic Hungarians in neighboring states (who possess a letter of invitation and proof of residence and financial support in Hungary) to apply for a visa with which they can spend unlimited time in Hungary within a 5-year period.²

TARGETED DIASPORA LEGISLATION

Those states that have rejected dual citizenship and preferential naturalization as too problematic or controversial have instead crafted legislation giving special status and benefits to members of the ethnic diaspora who travel to the homeland state, and, in some cases, providing extra-territorial benefits to diaspora members outside the borders. The most common benefits in these "kin-state laws" include financial and logistical support for diaspora cultural, educational, and economic organizations; support for parents sending their children to mother-tongue schools; preferential access to homeland state educational institutions; and subsidies on travel to the homeland and entrance to cultural institutions there. Some legislation extends these benefits to temporary work permits and includes a type of "ethnic identity card" entitling the bearer to this special status based on usually self-identified ethnic kinship.

² This visa, however, has also been referred to as the "Grandmother Visa", because it is perceived as mostly useful for older members of the HTM communities who want to visit their families in Hungary.

For example, in 2001, Hungary passed the infamous “Status Law”, a framework law designed to make members of the regional diaspora “more than tourists, less than citizens”. As Hungary prepared to join the European Union, the realization grew that the country would soon be the eastern border of the Schengen visa regime. This meant that many ethnic Hungarians would be left on the wrong side of a new “Iron Curtain”, as the Schengen chapter of the accession treaty would have prevented Romanian, Ukrainian, and Serbian citizens from crossing the border into Hungary without a visa. This prompted a search for new ways for Hungary to maintain cross-border ties, culminating in the controversial decision to give members of the regional diaspora ethnic identity cards and special benefits, including privileged access to the Hungarian labor market and social welfare system. The Status Law was also a highly politicized piece of legislation, driven by the nationalist rhetoric of the governing right-wing party, the Federation of Young Democrats (Fidesz). Fidesz had earlier become the vanguard of the main right-wing political bloc in part by utilizing the issue of ethnic Hungarians in neighboring countries as an important ideological and organizational resource. Once in power after 1998, Fidesz courted the diaspora as an important source of legitimacy, pride, and cultural survival for Hungary. Fidesz used the “Status Law” as a way to control the political agenda in Hungary and maintain the loyalty of the diaspora leadership (Waterbury 2008).

In Poland, the right-wing government put forward a bill intended to create a “Charter of the Poles,” as known as the Procedure of Recognition of the Membership in the Polish Nation or of Polish Origin Bill. Similar to the Hungarian Status Law, the Polish Charter would have given ethnic Poles legal recognition of belonging to the Polish nation, in addition to a wide range of social rights within Poland, such as unrestricted stay, and access to education and social services. This “semi-citizenship” included a Polish identity card to be issued by Consulates, which would function like a lifetime nationality visa. The debate over the Polish Charter clearly followed party and coalitional lines. Those opposed cited the prohibitive cost of providing special benefits, the fears of worsening regional relations, and a discomfort with crafting legislation based on ethnic favoritism as their reasons for objection (Górny, Grzymała-Kazłowska, Koryś & Weiner 2007: 165). Those in favor invoked the idea of moral obligation based on ethnic kinship, as well as the complications of the impending Schengen borders, which, as in Hungary, would make it harder for ethnic Poles in the East to get visas. After many years of debate and opposition, the Law on the Polish Charter was finally passed in September 2007 and came into effect in 2008.

These citizenship and national membership policies created new cross-border networks. Yet, even before formal packages of legislation were passed, states like Hungary had multiple layers of ties to the regional diaspora communities. Cross-border ties and patronage networks in Eastern Europe have also been developed through interpersonal connections, public foundations for cultural and economic support to the diaspora communities, public-policy and advocacy organizations staffed by diaspora members, and institutions designed for regular consultation by government elites with diaspora leaders.

IMPLICATIONS

States in Eastern Europe have, for the most part, left behind the irredentist politics of the past in dealing with their ethnic diasporas in neighboring states, instead adopting a diaspora politics model of engagement, in which they forge multiple layers of membership and connections across the border based on common cultural kinship. This has meant less violence and conflict within and between states in post-communist Europe than some analysts had predicted. However, as the cases described above reveal, there is a dark side to state-led transnationalism. The extension of the national community beyond the borders through extraterritorial membership and other tools is often a form of “transborder nationalism”, whereby the homeland government promotes a specific definition of the national community for its own purposes (Fitzgerald 2006: 1999).

In both the kin-state and migrant sending-state literature, institutionalized engagement with populations abroad is recognized as a tool of co-option and a way of building clientelistic relationships that go beyond the borders of the state. In the case of Hungary, the attempt by Hungarian state elites to co-opt diaspora leaders and their organizations has been a continuous feature of the post-communist political scene, as elites vie to control the discourse of the transborder nation create clientelistic relationships that extend across the border. Fidesz in particular used the tools of patronage and clientelism and co-opted existing political and administrative bodies to develop its power base and establish a structure of alliances and institutions. Similarly, many analysts have written extensively about the Fox administration’s (and earlier government’s as well) bids to co-opt and shape the message and the loyalties of organized Mexican migrant communities in the United States (Martinez-Saldana 2003; Goldring 2003). Middle Eastern states, such as Tunisia and Morocco, also utilized counsels and expatriate affairs office as instruments of coercion and control in order to satisfy their own security objectives (Brand 2006: 33-34).

Cross-border networks of interdependence and patronage between homeland states and diaspora elites have the potential to create or exacerbate inter-ethnic tensions. Kin-state elites may forge ties with radicals across the border, emboldening secessionist and autonomist movements in neighboring states, as occurred when Albanian state elites tried to bolster their domestic political legitimacy through alliances with Albanian separatist leaders in Kosovo and Macedonia (Koinova 2008: 375-378). Strong political ties between kin-state and diaspora elites can also radicalize demands for accommodation made by the minority diaspora on its host-state government, or radicalize anti-minority sentiment in the host state if diaspora members are viewed with suspicion because of their assumed loyalties to the neighboring kin-state (Jenne 2007: 2-10). Either scenario can make it more difficult for diaspora communities to become fully integrated politically, socially, and economically into their host state, and may perpetuate patterns of dependence on the kin-state. Strengthening the hand of more radical diaspora members makes reaching political compromises with other political forces in their own states and maintaining political unity more difficult for diaspora political leaders. For example, territorial and political autonomy for the ethnic Hungarian communities was pushed as a

priority by some elites in Hungary, even as it constrained the room for maneuver of the party elites in the ethnic Hungarian communities. Representatives of the ethnic Hungarian political parties in Romania and Slovakia eventually had to trade territorial autonomy for a place in the coalition governments of those states - a pragmatic political move which led to further splits within the parties (Waterbury 2009: 21).

Diaspora politics in Eastern Europe also has positive implications. Ties between kin-states and their ethnic diaspora can lead to improved conditions for external minority groups in their host states, particularly when coupled with pressure from European organizations. As the case of Romania and Moldova demonstrates, extra-territorial citizenship can increase diaspora mobility and provide an exit option for radicals that may defuse tensions. In addition, the goal of preserving and protecting minority cultures and languages is better served when “transfrontier” ties are promoted between ethnic kin separated by borders. This idea has recently been legitimized by the OSCE’s office of the High Commissioner on National Minorities, which stated in June 2008; “persons belonging to national minorities should be able to establish and maintain free and peaceful contacts across State borders to develop cultural and economic links.”³ The regularization of diaspora policies through European institutions can establish norms to further decrease any potential tensions. And, finally, we see that voters in homeland states often reject more controversial extensions of the political community to those in the diaspora, thwarting nationalist forces that seek to invoke the symbolic politics of ethnic kinship for their own purposes.

³ OSCE (Organization for Security and Co-Operation in Europe) High Commissioner on National Minorities 2008.

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