

Making Slovenian Citizens: The Problem of the Former Yugoslav Citizens and Asylum Seekers Living in Slovenia.

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ABSTRACT:

Despite the relatively rapid progress made by Slovenia in its post-communist transformation (i.e. statehood building, democratisation, economic reform and Euro-Atlantic integration), several important problems remain regarding the citizenship status and equal treatment of some of its societal groups. Particularly pressing has been the issue of the former Yugoslav citizens and asylum seekers who had resided in the country before its national independence in the early 1990s. It is hypothesised that the current difficulties with providing citizenship to these groups of foreign nationals is due to a certain weakness of the Slovenian state. Moreover, it is assumed that a combination of historical, cultural and transitional, international (global) factors has rendered the state administration unable of dealing with its citizenship problems. Four analytical perspectives towards explaining how the weakness of Slovenian state *vis-à-vis* domestic and international actors impedes the solution of a particular citizenship issue (i.e. of foreign residents in Slovenia aspiring to obtain citizenship) will be presented. These perspectives are the nation-building (historical/cultural), the democratisation (political), the procedural-constitutional (legal) and the European (international) perspectives.

*Introduction*¹

The aim of this paper is to look in depth at the problem of the foreign residents/non-citizens in Slovenia. Several competing research approaches towards identifying the relevant parameters of this problem are adopted. Moreover, a conceptual link between the recent evolution of (national) Slovenian and (supranational) European citizenship is established.

The main assumption of this paper is that the present situation of foreign nationals in Slovenia is due to a *specific weakness of the state*. It is hypothesised that a combination of *historical/cultural* and *transitional/international (globalisation)* factors have rendered the Slovenian

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state incapable of dealing with its citizenship problems. Four analytical perspectives towards explaining how the weakness of Slovenian state *vis-à-vis* domestic and international actors impedes the solution of a particular citizenship issue (i.e. of foreign residents in Slovenia aspiring to obtain citizenship) will be presented. These perspectives are the nation-building (historical/cultural), the democratisation (political), the procedural-constitutional (legal) and the European (international) perspectives.

According to the 1991 population census, the foreign persons (i.e. those without Slovenian citizenship) living in Slovenia were 222,321, or 11.45% of the entire population. Although the majority of them have gradually been granted Slovenian citizenship, the latest figures indicate that there are still 45,756 foreigners (non-citizens) residing in the country, or 2.29% of the entire population.² The number of foreign residents is obviously not too high for Western European standards, but, as many people in Slovenia and abroad fear, this relatively low figure with respect to international immigration criteria hides “unpleasant truths” about the efficiency of the Slovenian administrative system. It also reflects a possible xenophobic reaction towards the former SFRY nationals and current asylum-seekers living on Slovenian soil.

This paper begins with an overview of the notion of citizenship in a domestic and international context. Then, a brief historical account of modern Slovenian citizenship is provided. Simultaneously, the problem of legal residents aspiring to become Slovenian citizens is described. The subsequent parts of this paper analyse this distinct citizenship problem from three different perspectives presented above: the nation-building (historical/cultural), the democratisation (political) and the European (international) perspective. The procedural-constitutional (legal) perspective is thoroughly analysed throughout the paper, which is why it is not the explicit focus of any one section. Next, a special investigative section conceptualises the issue of granting Slovenian citizenship to foreign residents-SFRY nationals as a series of deals between the Slovenian state and society shortly before and after independence. The conclusion tries to summarise the overall findings of this research and look at the most recent developments in EU-Slovenian relations regarding citizenship.

What is Citizenship? What are Its Dimensions?

Citizenship can be defined as a special set of relationships between an individual and a collective authority (which ordinarily is the state). Historically, citizenship as a concept emerged in the late 18th century with the French revolution, which proclaimed the radical removal of class, corporate and political barriers between the state and supposedly ‘free’ individuals and between individuals themselves. A new relationship was created. The main idea behind the establishment of this novel contractual relation was that, unlike previous governments that had relied on traditional/divine methods of legitimacy (i.e. the monarchies and oligarchies), modern governments would

draw direct legitimacy from their own citizens in a new form of political regime called “la république” or popular democracy. On the one hand, the state accorded certain rights and privileges to individuals, and accepted responsibility to support and protect those whom it regarded its citizens. On the other hand, citizens were expected to show loyalty to the state by discharging a number of duties, such as paying taxes, voting, performing public services and, most importantly, obeying the laws. The majority of these obligations were imposed by the state, which is why, in this system of political organisation, the state was referred to as possessing a “monopoly over legitimate violence”.³

With the passage of time, however, this clear relationship between the individual and the state became more complicated. In the last couple of centuries, both the self-perception of citizens and of the state evolved as they acquired or shed some of their previous rights and obligations. Such an evolution was marked by the historic invention of the nation-state, the emergence of new social and organisational phenomena such as the welfare state, of the democratic federation, of civil society and of trade unionism. It is also worth mentioning that from the 19th Industrial Revolution century onwards and with the progress of liberal capitalism, groups of individuals began to acquire additional rights (such as extension of the voting right and the right to stand as candidates) and new means of influencing the state, which were separate and distinct from those associated with citizenship. These new ways of affecting the policy-making process both within the state and civil society were designated as “infrastructural powers”.⁴ After the end of World War II and the increased interdependence between various regions in the world, another particularly important development, was the creation of numerous international organisations which provided rights to individuals on a basis other than citizenship. A leader and innovator in this respect has been the European Community which, for the fulfilment of its aims, generated a direct set of rights to individuals who were citizens of a member state or legal residents in the community. It should be mentioned, however, that European citizenship, as defined by the latest Treaty establishing the European Community, “shall complement and not replace national citizenship”.⁵

The majority of social scientists working on citizenship issues today would agree that the concept of citizenship is one of the most *multidimensional* concepts in the contemporary academic literature. In the late 1980s, Roger Brubaker presented six “membership norms” of an *ideal-typical* notion of citizenship:

1. *Unitary* – all holders of the status should have full rights and obligations;
2. *Sacred* – citizens must be willing to make sacrifices for the state or community that grants them the status;

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3. *National* – membership must be based on a community that is simultaneously political and cultural;

4. *Democratic* – citizens should be entitled to participate significantly in the business of rule, and access to citizenship should be open to all residents so that, in the long run, residence in the community and citizenship in it will coincide;

5. *Unique* – each citizen should belong to one and only one political community;

6. *Consequential* – citizenship must entail important social and political privileges that distinguish its holders from non-citizens.⁶

Philippe C. Schmitter recently proposed an additional seventh criteria, which captures an important dimension of the classical notion of citizenship:

7. *Individual* – citizenship is an attribute that can only be possessed and exercised by individual human beings, although adult parents may be considered to be acting in lieu of their children and hence for the family as a collective unit.⁷

In addition, some authors have pointed out that the concept of citizenship has different meaning in the internal and external functioning of states.⁸ Internally, two sets of relations are important to understanding the notion of citizenship: (a) between individuals (*horizontally*) and (b) between individuals and the state (*vertically*). Externally, citizenship is generally known as nationality, despite the fact that, while often closely related, the two concepts do not always mean the same thing. Because states are considered the main political actors in international relations, and the state is seen as the principal subject of international law, normally individuals acquire certain political rights and civil freedoms, as well as specific legal treatment under foreign or international law only through their state nationality. ‘Nationals’ or citizens of single states can also benefit from some general entitlements under international law such as freedom from torture, freedom of expression and so on. Since its increased prominence in international political and economic affairs in the last half a century, the EC/EU has demonstrated a growing potential for dealing with traditionally internal-to-the-state issues such as monetary policy, social affairs, defence, security, and citizenship. By gradually “pooling sovereignty” from the state, European leaders have eventually managed to create a minimalist version of a supranational citizenship called “European citizenship”.⁹

Finally, it should always be borne in mind, that despite its *multidimensionality* and *versatility*, depending on the specific context (domestic or international), the concept of citizenship delineates certain

choices about inclusion and exclusion. This sets limits to the human composition of the political entity, which usually is the state or a supranational grouping of states as the EU. It should be signalled, however, that the notion of citizenship can be malleable and used with different meanings according to the circumstances:

“Citizenship can be manipulated in various ways as an instrument of State policy for defining simultaneously whom one considers to belong to the group and who does not belong. It could be argued that it is this need for a sense of belonging to the European Union that has been appealed to in the most recent Treaty in order to engender widespread support and indeed loyalty.”¹⁰

Moreover, as already mentioned, it is very difficult to decouple the notions of ‘citizenship’ and ‘nation’, or ‘membership in a community’ and ‘national belonging’. Since historically the concepts of modern ‘citizenship’ and ‘national statehood’ emerged almost simultaneously a couple of centuries ago, it is virtually impossible to distinguish between the processes of citizenship-creation, state-building and nation-building in practice. Another possible extension to the traditional meaning of citizenship should include an analysis of “transnational”, “postnational” and “global” developments. The inclusion of elements of supranational citizenship in various European documents and in the Treaties might be considered as a first step towards creating a wider European citizenship that the present candidate countries from Central and Eastern Europe will be part of in the near future.

A Historical Overview of the Current Slovenian Citizenship

The Republic of Slovenia declared its independence on 25 June 1991. This act was preceded by a Plebiscite on the Sovereignty and Independence of the Republic of Slovenia on 23 December 1990, when around 88 % of the adult population, including all permanent residents, expressed their joint will to live in an independent and internationally recognised state. Simultaneously with the promulgation of the Constitutional Law for Implementing the Charter on the Sovereignty and Independence of the Republic of Slovenia four of the so-called state-forming laws came into force:

- Citizenship Act of the Republic of Slovenia;
- Law on Foreigners;
- Law on Travel Documents;
- Border Control Act.

All four laws are closely interrelated; for the purpose of this research I will focus mainly on the first two. Below I will analyse the Citizenship Act and its implications for the Slovenian democratic regime and society. In the next section, the Law on Foreigners will also be given serious consideration

in analysing the problem of Slovenian permanent residents and refugees who are nationals of another SFRY republic.

Primarily, it should be mentioned that the notion of national citizenship in Slovenia did not evolve in the last years of the old Yugoslavia merely culminating in the republic's independence. In fact, this notion had preceded the proclamation of sovereign statehood by decades and had virtually coincided with the creation of a separate Slovenian nation within the former SFRY. Having existed for substantial period of time both as a legal/political concept and a societal ideal, modern Slovenian citizenship is based on a number of political regulations (treaties) and legal procedures developed by those states that had had jurisdiction over present-day Slovenian territory. Specialists dealing with issues of citizenship would indicate that during the establishment of the new citizenship status in Slovenia its creators have followed a *triple* logic by focusing on: (a) the *history* of the Slovenian people and nation during the past 200 years, (b) the *legal continuity* of the state entities that Slovenia was previously part of, and (c) the *citizenship status* of individuals who had lived permanently in Slovenia before 25 June 1991 and who continue to reside on Slovenian territory.¹¹

Historically, Slovenia is one of the youngest states in the world – it has only existed officially since the beginning of the last decade. It is also one of the smallest states both in terms of its of its territory and population.¹² From the point of view of its ethnic composition, Slovenia virtually represents a *nation-state*: around 90 % of its population is of Slovenian ethnic origin.¹³ Tiny communities of Slovenian origin have also been living in the neighbouring countries (Austria, Croatia and Italy), in the republics of former SFRY and further abroad (e.g. in Argentina, Canada and the United States). All of these factors have been taken into account while drafting the constitution and state-forming laws with respect to citizenship. In the provisions of these laws, Slovenian citizenship has mainly been defined in terms of blood relationship (*ius sanguinis*). Notable exceptions have also been made to recognise the existence of certain 'historical nationalities' living on Slovenian territory like the Italians and Hungarians as well as the Romany community (*ius solis*).¹⁴ However, no special provisions have been made to recognise the sizeable community of citizens of other of SFRY republics and war refugees that have resided permanently in Slovenia.

Both from a legal and historical point of view, the Citizenship Act of the Republic of Slovenia shows strong continuity with laws regarding republican citizenship in the former SFRY as well as with previous legal documents regulating the political and legal status of individuals in the Austrian Empire, the Austro-Hungarian Monarchy, the Kingdom of Serbs, Croats and Slovenes, the Kingdom of Yugoslavia, the Democratic Federal Yugoslavia and the Federal People's Republic of Yugoslavia. These legal acts have usually been complemented by a large body of international treaties

regarding citizenship and human rights in general. These include the citizenship provisions provided by the peace treaties following World Wars I and II, as well as numerous UN, Council of Europe, and EC/EU official documents regarding these issues. Concretely, the Citizenship Act is based on the following legal principles:

- The Principle of Voluntary Acquisition and Cessation of Citizenship;
- The Principle of the Prevention of Statelessness;
- The Principle of Effectiveness of Slovenian Citizenship;
- The Principle of Equality of Legitimate and Illegitimate Children;
- The Principle of Equality of Men and Women;
- The Principle of Continuity.¹⁵

For the sake of space, it will be impossible to discuss all of these principles and their implications for national citizenship. However, two principles will be considered separately, because they have special significance for the discussion of legal residents from the republics of the former SFRY developed below. These are the principle of the prevention of statelessness and the principle of the effectiveness of Slovenian citizenship. According to the first principle, for a person who was released from the citizenship of a country, because the country ceased to exist or because the person was born on an internationally disputed territory and from parents without citizenship, statelessness should be prevented by all possible means. Although the Republic of Slovenia is not a signatory of the 1961 UN Convention on the Reduction of Statelessness, its relatively liberal Citizenship Act and naturalisation procedure leaves little doubt that the country has been firmly committed to solving this problem (at least “de iure”) from the beginning of its independent existence. Regarding the principle of the effectiveness of Slovenian citizenship, the practical results are more mixed depending on the subject matter and to whom it is applied. A critical test for the effectiveness of any national citizenship is for instance its permissiveness regarding the acquisition of dual citizenship. Under Article 5 of the Slovenian constitution, Slovenians who do not hold Slovenian citizenship but who cannot automatically renounce their previous citizenship after naturalisation, have been granted special advantages.¹⁶ Conversely, dual citizens from another former SFRY republic have unduly suffered discrimination in the hands of the Slovenian authorities, because Slovenia had not concluded bilateral agreements with these new countries regarding the citizenship status of their nationals.¹⁷

Regarding the regularisation of the citizenship status of those individuals having permanently lived in Slovenia before 25 June 1991 (the day of independence) and having decided to remain there, several important

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measures have been taken by Slovenian legislators to recognise their contribution to the nation and societal life. First and foremost, these have been the provisions of Article 40 of the Citizenship Act, which intended to allow persons who had been registered as permanent residents and actually residing in the country at the day of the Plebiscite on the Independence and Sovereignty of the Republic of Slovenia on 23 December 1990 to acquire Slovenian citizenship. Secondly, a special Law Regulating the Status of Citizens of Other Successor States of the Former SFRY was passed by Parliament on 8 July 1999, permitting 8-10,000 people to apply for Slovenian citizenship. Thirdly, in August 2002, the Law on Temporary protection was amended to allow persons who had the status of temporary protection (i.e. refugees of wars) on the day of the entry of the law to apply for permanent residence and, if they fulfilled the necessary requirements, to apply for citizenship. All of these procedures were extremely simplified and free of fee.

The question arises then whether there were substantial reasons for some civil society organisations and the international community to mobilise strongly in defence of these displaced persons claiming citizenship rights. Most specialists agree that there were some serious reasons to do this, because all of the normative regulations regarding citizenship described above have worked to some extent, but their implementation has largely remained a matter of discretion on the part of the relevant state authorities. The government and the Ministry of the Interior in particular committed a grave administrative mistake in the beginning of 1992 vis-à-vis a group of Slovenian residents by removing them from the residents' register (see the section below). Moreover, the legal-constitutional basis concerning citizenship was not sufficiently developed at that time to prevent abuses by individual public officers. Possible conflicts between the statutory laws were also to be expected.¹⁸ It should be pointed out that following the influx of a large number of foreign refugees as a result of the wars in the former SFRY, Slovenian authorities adopted a more cautious attitude towards admitting foreign immigrants in the country to satisfy domestic public opinion. Finally, the opinion of the majority of my interviewees has been that successive amendments to the Civil Act failed to serve as a substitute for a well-developed asylum and immigration policy which Slovenia is still elaborating today.¹⁹

Presenting the 'Contours' of a Citizenship Problem

Nowadays, there are two main groups of minority residents, or 'denizens', in Slovenia. The first group comprises the classical national minorities described in the Constitution – Hungarians, Italians and the Roma community. Their number is a mere 13,860 persons or 0.7% of the entire Slovenian population. They enjoy almost complete legal recognition and protection. The second, much larger, group consists of members of the nations formerly belonging to the 'common state' – the SFRY. According to

the 1991 census, 222,321 such persons live in Slovenia, and they represent almost 12% of the country's population. Because of their relatively large number and the potentially important political role they can play as voters and citizens, this latter minority group has been perceived by Slovenian governing elites and society either as an asset or as a liability. Despite the pronounced desire by the majority of the members of this diverse community to become citizens of the new Slovenian state, the normative regulations put in place to protect them both as individuals and as representatives of various ethnic and cultural minorities have largely failed because of the "rudimental realisation of the legislation in practice".²⁰ Moreover, the sporadic attempts to better integrate these people in Slovenian society have frequently been unsuccessful because of the virtually total lack of understanding (and consideration) by the state authorities for the special of interests and problems of this group of persons.

The main argument of this paper is that, since its creation, the Slovenian state has been rather weak, hence, it needed the support of the entire domestic population to conduct painful systemic reforms and gain external legitimacy. The attitude towards its national minorities represented a 'critical test' for the maturity of the newly-constituted administration to convince its neighbours and the international community about its democratic intentions and the ability to protect the different categories of individuals residing on its territory. That is why, the *Statement of Good Intents* approved by the Slovenian National Assembly on 6 December 1990,²¹ just two and a half weeks before the Plebiscite for Independence (23 December 1990), could be perceived as a deliberate step seeking the support of the entire Slovenian population to secede from SFRY, including the permanent residents who were nationals of other Yugoslav republics. The promise made in this political declaration was reiterated in the famous Article 40 of the new Slovenian Constitution, giving the possibility to persons having resided permanently in the country before the day of the Plebiscite to apply and obtain citizenship.

Thus, the leadership of the Republic of Slovenia solved a double problem: on the one hand, it generally recognised the principle of legal continuity of international agreements signed by the SFRY by preventing (at least *de jure*) the occurrence of statelessness of the Yugoslav citizens who were nationals of other republics of the collapsing federation, while, on the other hand, it secured the vote of around 12 % of the resident population by bravely deciding to integrate this group of persons into the predominantly mono-ethnic and mono-religious Slovenian society.

In the opinion of most legal experts the Citizenship Act of the Republic of Slovenia has been quite liberal. According to the provisions of Article 40, in order to obtain a Slovenian citizenship one had to fill in a simple declaration/demand and show proof of one's permanent stay and residency in the country at the time of the referendum for independence. No additional requirements such as taking a language test, showing one's means

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of economic subsistence by having a permanent job, taking an oath of allegiance to the state symbols and institutions, or passing a probation period of several years before obtaining citizenship were made. This virtually automatic formula of granting nationality to the permanent residents of the republic corresponded to the general spirit of freedom prevailing in the early days of democracy and the strong sense of community that the majority of Slovenian society shared. The period stipulated by Article 40 was six months after the official enactment of the law on citizenship. The deadline for applying for Slovenian citizenship under this legal procedure was the 26 February 1992. After this date, however, there was an additional possibility (which still exists today) for those who failed to apply on time: they could acquire citizenship under the provisions on naturalisation.

It is probably interesting to note here that a controversial Housing Act was adopted parallel to the Citizenship Act. According to the Housing Act only Slovene citizens could benefit from and eventually purchase the relatively cheap public flats that they had been occupying for years. This put additional pressure on those permanent residents who were nationals of other Yugo-republics to file their applications for citizenship on time, before they became ineligible to stay in their own homes.²² Hence, from a practical and human point of view, the choice of whether or not to become a citizen of the Slovenian state was not completely free.

The great majority of those entitled to obtain citizenship by the Constitution made a claim and received a Slovenian passport, while a small (albeit significant) minority of the country's residents either failed to meet the permanent stay criteria, missed the deadline to apply, or refused to file a citizenship application. This group of persons numbered between 20,000 and 80,000, depending on the various counts and predictions made throughout the 1990s.²³ Following the closure of the application procedure on 26 February 1992, all of these people, as well as the refugees of war that had begun to come to Slovenia during that period of time, began to be treated as foreigners and their legal status was no longer regulated by the Citizenship Act but by the Aliens Act. Notably, Article 81, Paragraph 2 of this latter law defined the situation of those citizens of other SFRY republics who failed to take advantage of the possibility to become citizens under the provisions of Article 40 of the Citizenship Act.

It is difficult to describe in few lines why so many people did not avail themselves of the opportunity given by the Slovenian government to become citizens. First, one should probably consider the identity problems that some persons had to overcome in order to become Slovenian nationals. Being both citizens of another Yugoslav republic and of the large federal state at the same time did not make it easy for certain individuals to embrace the common values of the majority Slovene population living in a small nation-state. Secondly, during the initially uncertain period of the planned split from the SFRY, some people did not believe seriously that either Slovenia could survive as an independent state or that the former Yugoslavia

would collapse so soon. Thirdly, certain minority group leaders and commanders of the Yugoslav National Army forces stationed in the republic actively encouraged the members of their national communities and colleagues to boycott the proposal of the Slovenian government to grant citizenship to all permanent residents who wished to do so. What eventually happened was that most of these active opponents of independent statehood obtained Slovenian citizenship, preventing others from settling their legal status. Fourthly, it could have been imagined that some citizens of the other SFRY republics would not renounce their Yugoslav nationality simply because they had property, business or families in the other republics of the federation. Fifthly, a small group of Slovenian male residents feared to return to their former countries of origin to issue documents, because of the increased possibility of getting apprehended by the Yugoslav federal authorities and be conscripted for military service. Similarly, sixthly, it was either too difficult or impossible for some other persons to return to their home places to resolve their citizenship status because of the initiation of military and civil conflicts in parts of SFRY. Finally, seventhly, a large number of permanent residents in the country (particularly of the nomadic Romany communities and the elderly persons) were not well-informed about the severe consequences of not acquiring Slovenian citizenship within the legal period of six months.

Still, 171,000 people managed to apply and acquired citizenship under the provisions of Article 40 of the Citizenship Act. This number was much higher than expected by the state authorities, since many people had moved to the republic in the last couple of years before the end of the Yugoslav federation.²⁴ Without taking into account the specific problems of various categories of former SFRY nationals living in Slovenia, the officials responsible for implementing the provisions of Article 40 of the Citizenship Act and, subsequently of Article 81, paragraph 2 of the Aliens Act increasingly assumed a position of “take it or leave it” with respect to the citizenship rights of those who were not able to apply within the necessary time limits. It can also be argued that the state authorities, and the Ministry of the Interior in particular, were taken by surprise by the large number of applications for Slovenian citizenship under Article 40.²⁵ Furthermore, they were quite uneasy about the large influx of refugees, the permeability of national borders and the free movement of citizens of other SFRY republics who used their federal passport and personal connections to settle in Slovenia. State security reasons were frequently mentioned with regard to the importation of crime from South and East, while the Citizenship Act had to be changed twice at the end of 1991 in order to accommodate the increased demands by members of both civil society and the political parties to ban some former Yugoslav National Army officers who actively combated against the young Slovenian state’s independence and convicted criminals who were nationals of other SFRY republics from obtaining citizenship.²⁶

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After 26 February 1992, tens of thousands of people actually living in Slovenia were removed from the registry of permanent residents and their personal data was transferred to the Aliens registry. Some NGO activists immediately accused the Ministry of Interior of ‘deleting’ the names of these individuals and *de facto* committing a serious administrative offence by forging the information in the state registries about the real size and ethnic composition of the country’s population. The Minister of Interior, Mr. Igor Bavcar, was additionally blamed for conducting this operation under conditions of complete secrecy and within a limited circle of officers from his ministry.²⁷ Several years later, during a Parliamentary hearing, the Minister of Interior attempted to come up with rough figures about those who were removed from the former People’s Republic of Slovenia citizen’s registry. More precise information was provided, however, to the public in the mid-1990s after the Ombudsman and the Constitutional Court asked for it in order to resolve the case of two nationals of another former SFRY republic who had brought charges against the Slovenian state for not granting them permanent residence status.²⁸

Eventually, on 29 September 1999, after having previously been heavily pressured by a number of NGOs, the media, some intellectuals and, of course, the Constitutional Court and the Ombudsman, the Parliament adopted the Act Regulating the Status of the Citizens of Other Successor States to the Former SFRY in the Republic of Slovenia. This special law gave the opportunity to more than 10,000 people to apply for citizenship, while those actually residing in Slovenia were granted temporary or permanent residence permits much more easily.²⁹ The only group of persons whose residence status was not completely solved by the time of the writing of this article were former SFRY citizens who resided in Slovenia under the provisions of the Law on Temporary Protection. An important amendment to this law in August 2002, however, granted an estimated couple of thousands of persons the opportunity to acquire permanent residency following a simplified procedure.³⁰

What remains problematic both from a legal and a human point of view regarding the implementation of the above normative regulations, however, are basically two things: (a) the Slovenian state has liberally granted residence and citizenship rights to former Yugoslav nationals, but has obliged them to make proof of their previous legal stay in the country after having destroyed most of the evidence about this by removing them from the permanent residents register and informing the local communes of their foreigner’s status after 26 February 1992; and (b) there has been ample evidence that a “sense of guilt” has prevailed among Slovenian politicians, decision-makers and society in general about having treated unjustly a minority group of permanent residents and refugees from the other former SFRY republics, and that is why these laws were adopted so swiftly and without active public discussion after the 1999 decision of the Constitutional

Court (see endnote 31). There has not been an admission of *mea culpa* by individuals in power or any initiation of a society-wide debate about who should be eligible to obtain Slovenian citizenship and residence in general. The current almost complete silence surrounding this set of issues has left the Slovenian population divided between a vast majority that fails to recognise its partly multiethnic and multicultural character and a small minority that constantly misses the opportunity to integrate in Slovenian society despite the legal assurances and material help provided by the state.

Three Perspectives Towards Post-Independence Slovenian Statehood

In this section, three alternative perspectives towards understanding the current problems of the Slovenian state will be presented. The main focus of this narrative will be the impact of the state transformation on the recently-established citizenship norms and practices in Slovenia. Special attention will also be paid to the unresolved residency issue of those SFRY nationals whose families originally came from other parts of the former federation.

5.1. The Nation-Building Perspective

As already mentioned, Slovenia has never been completely ethnically homogeneous, either before or after its founding as an independent state in the beginning of the 1990s. Moreover, during their entire national history Slovenians have been a state minority and many Slovenians have immigrated to far-away countries like Argentina, Australia, Canada and the United States with predominantly multicultural and multiethnic populations to come back after the independence of their home country from Yugoslavia. Although a relatively strong ethnic majority on their national territory both within the Austro-Hungarian Empire and the former SFRY, Slovenians have always lived alongside other ethnic minorities such as Germans, Hungarians, Italians and the Romany community. The rights of some of these indigenous minorities have been explicitly recognised by the previous and the current Slovenian constitutions.

The Slovenian independentist movement has always been struggling against a dominant state authority, be it the Austro-Hungarian Empire or the Yugoslav federation. In spite of having lived for centuries in multicultural, multiethnic and quasi-federal polities, the majority of Slovenians decided at the end of the 20th century to complete their delayed state-building process by organising themselves as a small but almost ethnically pure nation. The reasons for perceiving their newly-created state more as a nation-state than as a multicultural political entity were both historical and practical. Within the former SFRY, Slovenes were the only ones among the big constituent nations to speak a distinctly different Slavic language. Because of this, until the late 1970s, they experienced little intra-federal movement of workers and even less intermarrying between Slovenes and other nationalities. Situated at the North-western rim of the Balkans, and being among the smallest republics of the Yugoslav federation (both territorially and population-wise), Slovenia managed to maintain its traditional contacts with its capitalist Western neighbours without having always to get the approval of the federal

authorities in Belgrade. Finally, having had the highest standard of living among all the former SFRY republics and concentrating most of the foreign direct investments on their territory, Slovenes considered themselves able to maintain the inefficient but egalitarian 'social model' of the old Yugoslavia for the majority of its population within a newly-constituted Slovenian nation-state.

What was created after independence from the SFRY in terms of both Slovenian nationhood and statehood was, as Miran Komac described it, a "parent nation"³¹ which pretended to solve most of the socio-economic problems of the former state entity by using the same or a slightly modified social and economic model but at the same time virtually ignored its diverse cultural and ethnic heritage after having replaced the federal with a nation-state model of Slovenian society. This has been an approach to building a new nation and state, which is rather conservative and at the same time unifying. It has opened up deep gaps between various groups of people living in the country: between national minorities and the Slovenian majority, between permanent residents and temporary residents and refugees, between emigrants from Slovenian origin and emigrants from other former SFRY republics, between persons having a place to live and those not having one, between people speaking Slovenian and those speaking a foreign language. Despite the numerous guarantees given to ethnic minorities living in Slovenia about the preservation of their cultural traditions and institutions by the Constitution and other normative documents, what eventually turned out to be the case in practice was the building of a mono-ethnic, mono-cultural and mono-religious nation. One can even argue that in spite of all the democratic gains made by Slovenians since national independence, gender equality has not improved substantially, because of the unintentional uniformisation of society and the slow integration of women and other minorities into the state administration and political life.³²

Regarding the future coexistence between the dominant national majority and ethnic minorities, Miran Komac contends that concepts such as "homeland, parent nation, so on" could be very useful in explaining the role of the state as "the exclusive guarantor of a nation's ethnic specificity". He elaborates his vision further:

"The romantic perception of the relation between the parent nation and its minorities, a mixture of charity and protection, often conceals a distorted perception of national issues. The use of the phrase "parent nation" recalls a bee-like organisation of a nation, within which everything is in one way or another subject to the preservation of the parent – the queen bee".³³

5.2. The Democratisation Perspective

Throughout its post-Yugoslav period Slovenia has been described as a consolidated democratic regime. Inclusive elections have been regularly held at all levels of governance, and they have been free and fair. Politicians have not contested the results of these elections and they have not tried to offer systemic alternatives to democracy. A new constitution has been adopted guaranteeing both political and civil rights to the entire population. The press and other media outlets have been mostly free from state control, and they have provided the population with alternative sources of information. Political parties and civic associations have been allowed to organise and conduct their activities without state intervention. Finally, the political regime seems to have met the general expectations of society by being political legitimate and accountable; that is why the voter turnout has increased and the electoral volatility has diminished in Slovenia unlike in most other post-communist countries in Eastern Europe during the past decade.

Despite this very positive situation regarding democracy in the country, Slovenia still experiences serious problems integrating politically its national minorities and the citizens of the other former SFRY republics living on its territory. The dual question of providing guarantees to 5-10% of its population about their equal treatment by the Slovenian state authorities at the same time as preventing populist politicians using the issue of ethnic minorities as a “trump card” to win elections needs further consideration and a rapid solution.

As two of the leading democratisation scholars, Juan Linz and Alfred Stepan, assert, democracy cannot be consolidated unless there is behavioural and attitudinal support by the majority of the population and political organisations for the political system.³⁴ Regarding behavioural support on the part of various minorities in Slovenia, it can be argued that there has been no open protests against certain governmental policies, but it is also true that most of the minorities have virtually been ‘bought out’ by being granted citizenship or silenced via different complicated legal and administrative procedures. As regards the attitudinal support for different post-independence governments in Slovenia and for the political regime as a whole, the picture has not been so clear – various opinion polls suggest that both ethnic Slovenes and national minorities do not trust each other and think that the state should do more to improve the situation of minorities.³⁵

The behaviour of some Slovenian politicians has not been conducive to solving the minority problems either. For instance, in the autumn of 1994, a number of nationalistically-minded MPs managed to organise the collection of 40,000 signatures to call a referendum for the abolition of Article 40 of the Citizenship Act. While the collection of signatures was stopped by a decision of Parliament, other deputies from opposition parties suggested that the

provisions of this article allowed citizens of other former SFRY republics to hold a dual citizenship: a Slovenian and of another Yugo-state. Altogether six times either the parliamentary majority or the Constitutional Court had to intervene to prevent the proposals of extremist politicians to amend the Citizenship Act from passing in the legislature. The uncertainty surrounding the legal status of hundreds of thousands of Slovenian citizens has not contributed to reassuring the various minority groups in the country and consolidating democracy.³⁶

5.3. The European Perspective

Although the EC/EU has elaborated clear criteria for accession of the new candidate countries and although the political part of the so-called Copenhagen Criteria explicitly mentions the protection of minority rights,³⁷ very little has been done in practice to protect some of the minority groups in Slovenia throughout the period of established bilateral relations. Many European officials and international observers have visited Slovenia during the past decade, but relatively few attempts have been made to seriously pressure the Slovenian government to resolve the residency or citizenship problems of the Romany community and the nationals of other former SFRY republics living in the country. Moreover, the rising xenophobia and nationalism among certain members of Slovenian political elite have laid open the question of whether Europe can contribute significantly to building a democratic and multiethnic Slovenian society.

It should be mentioned, however, that in the last couple of years the EU has engaged more actively with some of the minority problems in Slovenia, but the impact of European institutions on settling minority issues has been more indirect than direct. For instance, the 2002 Annual Progress Report of the European Commission mentions in detail the recent cases of violation of human rights in Slovenia.³⁸ It draws special attention to the unequal social and political conditions of the Romany minority. The problems of the legal uncertainty facing some of the nationals of other Yugo-republics and the refugees living under temporary protection in Slovenia with respect to their still unresolved residency and citizenship statuses are also indicated in this report.

Despite a set of critical points, however, Slovenia's democratic credentials have never been questioned at the European level. This has been mainly because (a) Slovenia's performance regarding the protection of ethnic minorities has been better-than-average compared to that of the other candidate states from post-communist Europe, and (b) some of the current EU member states experience similar problems with their own minorities and would not welcome international solutions for issues that are perceived as an exclusively domestic affair.

European influence to recognise minority rights has worked in a number of cases, particularly regarding the election of local representatives. For example, the 1993 Law on Local Elections was modified in May 2002 to prescribe direct representation of the Romany community in the municipal councils. Following this important decision, this minority group³⁹ has had its representatives sitting on 20 municipal assemblies, while the Cabinet has proposed that the 2003 budget include additional funds for these 20 municipalities to implement policies benefiting the Romany population.⁴⁰ The latest amendments of the State Administration Act adopted in May 2002 have complemented the already existing legal basis granting special rights and protection to the Hungarian and Italian minorities by additionally allowing the use of the national languages of these 'constitutionally-defined' minority groups in public offices and during certain administrative procedures.

Finally, it is worth mentioning that Slovenia has been the first among all the EU candidate states to permit foreign nationals residing permanently in Slovenia to vote in the local elections as of 2002. This mainly symbolic gesture shows the willingness of the country's political elite to follow the most advanced European practice in this field – i.e. to grant a specific political right that is otherwise guaranteed to only EU nationals who can vote in the local elections of another member state. The peculiar difference with the European law however is that Article 8b of the Maastricht Treaty stipulates that "*every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State*". The new Slovenian Law on Local Self-Administration (last amended on 11 June 2002) allows foreigners residing permanently in Slovenia to vote but not to stand as local candidates.

Granting Citizenship to Nationals of Other Yugoslav Republics: A Societal Deal?

As already indicated in the previous section, the Slovenian government experienced various pressures as to whether to grant citizenship to and treat equally all of its minorities. This paper argues that one of the crucial incentives (or disincentives) for different groups of political leaders to pay greater attention to minority problems in Slovenia has been the weakness of the state. Although it is impossible to define state weakness in a few lines, it is probably necessary to mention that it could manifest itself in the relation to its *internal* and/or *external* environment. Then, since weaknesses can both be *temporary* and *structural*, it is worth analysing how the Slovenian state constituted itself since independence.

One of the principal hypotheses regarding the structural weakness of the Slovenian state is that historically it has almost always been vulnerable in its relations with an external hegemonic power – be it the Austro-Hungarian

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Empire in the distant past, or the former SFRY at the end of the 20th century. In both cases the Slovenian leadership needed the support of the international community and its domestic population to assert its legitimate authority over the national territory. Since both the Austro-Hungarian Empire and the SFRY possessed the exclusive means and international legitimacy to represent Slovenia in its external relations, it was very difficult for an unrecognised state entity to seek support unilaterally in the international arena. However, in the early 1990s the desire of the Slovenian leadership to move the country away from the rump Yugoslav federation was quite strong, so it had to look for additional support from its entire domestic constituency.⁴¹ By promising to grant citizenship to all permanent residents shortly before the Plebiscite on the Sovereignty and Independence of the Republic of Slovenia (23 December 1990), the ruling elite aimed at achieving two things:

- a) Obtaining greater support for the country's independence;
- b) Convincing the international community, but also the federal authorities in Belgrade, that even nationals of other Yugo-republics residing in Slovenia supported a democratic and free Slovenia.

Depending on the trustworthiness of these suppositions, it can be claimed that the then Slovenian leadership concluded a more or less explicit deal with all segments of society to treat them equally before the law. The proposal to grant citizenship to all permanent residents made for the first time in the *Statement of Good Intentions* and enshrined in the new Citizenship Act of the Republic of Slovenia after independence has been one of the most far-reaching and comprehensive in post-communist Eastern Europe.

During the early 1990s, this deal has been almost completely tolerated by the Slovenian governing authorities. However, because of the unexpectedly high number of applicants from within Slovenia, the influx of refugees following the initiation of military and civil conflicts on the territory of the other Yugo-republics and the rising nationalism and xenophobia among parts of the Slovenian population instigated by extremist politicians, the state has proved incapable of following the liberal policies of granting citizenship and residence to foreign nationals at the same pace and intensity as in the beginning of the independence period. On the contrary, some of the state institutions and ministries began to work against the provisions of Article 40 and related laws. This led to a reaction by members of civil society and the more moderate politicians in the Slovenian parliament, who opposed changes to the existing Citizenship Act but fell short of supporting proactive liberal governmental policies towards minorities and immigrants. Left on their own, former nationals of other republics of the SFRY tried to either convert into 'good Slovenes' by speaking the language and following the local customs, or sunk into anonymity by continuing to practice their largely marginalised ethnic cultures.⁴²

The role of the EU in the second half of the 1990s has been paramount in promoting the rights of various minority groups. Far from being a hegemonic power, the EU has exerted considerable pressure on the Slovenian authorities in a number of areas, the most important of which have been the border regime, competition policy, the free movement of persons and minority rights. One of the critical issues in the EU-Slovene relations has been the possibility given to foreign nationals to buy land in Slovenia. Being a very sensitive issue for the young Slovenian state, this problem has been counteracted by the issue of the free movement of workers from Slovenia into the current member states after enlargement. Transitional periods have been asked on both sides regarding these issues.⁴³ Thus, it could be concluded the Slovenian state has experienced a temporary structural weakness vis-à-vis the EU with respect to fulfilling some of the membership criteria.

To compensate for this weakness the Slovenian authorities actively sought to resolve its 'residue' problems with the traditional ethnic minorities like Hungarian, Italians and the Romany, offering at the same time the possibility for foreign nationals to vote in local elections. The other, more sizeable, minorities, including the refugees coming from the rest of Yugoslavia, were also given legal certainty about the solution of their residency status, although as indicated by certain NGOs, the application period had been deliberately made too short. All in all, the Slovenian state looked for the support of its entire population anew, in order to obtain external legitimacy for its position over a number of policies vis-à-vis a much more influential regional power like the European Union.

Conclusion

Although during most of its post-independence period the Slovenian authorities have treated some of its minorities (i.e. Hungarians, Italians and (partly) the Romany community) more favourably, while ignoring the rights of a large number of nationals from the other Yugo-republics living in Slovenia who have not been granted citizenship or permanent residence, the country has been demonstrating a steadily positive trend in protecting and integrating its minorities. This paper argues that this process has been significantly influenced by the specific weaknesses of the Slovenian state both internationally and domestically. When pressurised externally in various policy areas either by the former SFRY or by the EU, Slovenia invariably sought the support of its whole population regardless of its diverse ethnic origins. This has been a laudable act of inclusion from a democratic point of view and an evidence of the political maturity of Slovenian society. However, during the mid-1990s, certain Slovenian politicians and administrators tried to disregard their obligations towards some of the minority groups who did not embrace the Slovenian language and culture readily. The rising nationalism and xenophobia in small segments of Slovenian society have received partial (although not explicit) welcome in the governing circles who did not want to conduct additional reforms to integrate certain categories of

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ethnic minorities and refugees. The acceleration of the accession process to the EU in the late 1990s created a new impetus both for the Slovenian state and society to introspect and define their priority policy areas vis-à-vis their minorities. Compared to some of the Baltic States where widespread discrimination against the Russian minority prevails still today, Slovenia has moved quickly, especially in 2001 and 2002, to adopt legislation addressing some of the still unresolved minority problems in the country. Only the future can tell how far these legal provisions will be implemented in practice and what their effect will be on individual minority groups.

Endnotes

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² Data from the National census held in the Spring of 2002. Statistical Office of the Republic of Slovenia (2002).

³ Max Webber describes the state as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory”. Webber (1946: 77-78).

⁴ Mann (1988).

⁵ Article 17 of the Treaty establishing the European Community (TEC).

⁶ Brubaker (1989: 4-8).

⁷ Schmitter (2000, especially the chapter on “Citizenship”: 23-52).

⁸ Hylan, Loftus, and Whelan (1995: 9).

⁹ In its Articles 8, 8a, 8b, 8c, 8d and 8e, the early version of the Treaty of European Union (TEU), popularly known as the Maastricht Treaty (1992), formally describes the initial set of rights of its citizens. This document clearly stipulates that all nationals of the member states are now citizens of the EU.

¹⁰ Hylan, Loftus, and Whelan (1995: 17-18).

¹¹ Mesojedec-Pervinsek (1997). Ms. Mesojedec-Pervinsek is a State Under-Secretary at the Slovenian Ministry of the Interior, responsible for citizenship and immigration.

¹² On a territory of less than 20,000 square kilometres approximately 2 million persons live. According to the most recent census results, the country’s population is 1,995,718 people, of whom 1,949,419 are citizens of the Republic of Slovenia (excluding citizens temporarily residing abroad), 15,285 have permanent residence in Slovenia, 28,682 have temporary residence, while 2,332 persons are under temporary protection. Slovenians

often joke that they always miss around 50,000 persons to reach 2,000,000 citizens. This ‘missing group’ may in fact be the last three categories of inhabitants, the majority of whom demand Slovenian citizenship.

¹³ At the time of national independence, 87,84% of the country’s inhabitants were of Slovenian ethnic origin, while small Croatian, Muslim, Italian and Hungarian communities (each below 1,5%) also existed. (Population census of the Social Republic of Slovenia, 1991).

¹⁴ Article 64 of the Slovenian Constitution grants extensive rights and privileges to the “autochthonous Italian and Hungarian ethnic communities in Slovenia”, while Article 65 vaguely mentions the need for protecting the “Romany ethnic community”.

¹⁵ Mesojedec-Pervinsek (1997: 45-55).

¹⁶ This is, for instance, a large group of Slovenians having lived in Argentina, where the release of national citizenship is impossible.

¹⁷ Discussions for solving this entangled issue have been going on between Slovenia and the Republic of Macedonia. See Mesojedec-Pervinsek (1997: 62).

¹⁸ As one of my interviewees has bluntly put it: “It was not the Citizenship Act but the Law on Foreigners that created a mess in the beginning of 1992.”

¹⁹ The latest amendment of the Citizenship Act adopted by Parliament on 25 October 2002 tries to solve some of the citizenship problems discussed during the previous decade. These ‘new’ provisions deal with a broad range of issues such as short-term refugees, stateless persons, persons born on the national territory, ‘recovery’ of citizenship for persons of Slovenian origin and naturalisation of persons who resided in Slovenia on the day of the Plebiscite for Independence (23 December 1990).

²⁰ Komac (2001: 284).

²¹ *Izjava o Dobrih Namenih* or “Statement of Good Intentions” was adopted at the joint session of the Parliamentary Parties and was published in the Official Gazette of the Republic of Slovenia under No. 44/90/I. The paragraph that is of particular interest to this research is the following: “The Slovenian State guarantees its Italian and Hungarian minorities that within the independent republic of Slovenia they shall enjoy all the rights that are laid down by its Constitution and laws, as well as international agreements signed and recognised by the SFRY. Likewise, it guarantees the members of all other nations and nationalities their right to overall cultural and linguistic development, and to *all those who have their permanent residence in Slovenia the opportunity that they can obtain Slovene citizenship, if they so desire.*”

²² The adoption of the Housing Act on 3 October 1991 coincided with the start of the six-month period to apply for Slovenian citizenship under Article 40. Obviously, the interest of some permanent residents/citizens of other SFRY republics to obtain Slovenian citizenship was predominantly economic. (See Articles 91, 100 and 101 of the Housing Act, clarifying who is eligible to get these apartments at lower than the market rates).

²³ According to the official statistics of the Ministry of Interior, more than 171,000 persons with citizenship of other republics of the former SFRY who had permanent residence and actually lived in Slovenia on the day of the

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Plebiscite applied and obtained citizenship. Another 30,000 either did not apply, renounced their permanent residence in Slovenia, or simply failed to clear their legal status with the state authorities.

The Helsinki Monitor of Slovenia, a human rights NGO, however, indicated a much higher number of persons residing in Slovenia virtually stateless. The specialist of this organisation presumed that these were between 80-130,000 people, including the refugees and economic immigrants that came to the country after 1992.

Taking into account the fact that at the beginning of Slovenia's independence (1990/91) the number of permanent residents from other SFRY republics was approximately 220,000 people, then, it could be assumed that the above-mentioned 'problematic' category of people amounted to between 40-50,000 people. (Two of my interviewees mentioned a figure close to 45,000 people).

²⁴ In fact, the People's Republic of Slovenia kept a detailed record of its citizens and residents unlike the remaining republics of the former SFRY. However, many people moved in the 1970s and 1980s from other Yugoslav republics to Slovenia to perform low-skilled or seasonal jobs, that is why some of them had failed to register with the state authorities as residents.

²⁵ Initially it had been estimated that around 70,000 permanent residents would apply, but, when more than 170,000 persons did, then Slovenian politicians realised the full effect of their previous decision to grant citizenship according to the provisions of Article 40.

²⁶ See the new paragraphs 2 and 3 of Article 40 of the Citizenship Act of the Republic of Slovenia enacted on 11 December 1991.

²⁷ See for instance the International Helsinki Federation for Human Rights *Annual Report* on Slovenia. International Helsinki Federation for Human Rights (1998).

²⁸ Following a landmark decision of the Constitutional Court of the Republic of Slovenia in March 1999, Article 81 of the Aliens Act had to be revised to meet certain human rights provisions of the Constitution. According to the Court's verdict, the legislator was also instructed to adopt a regulation within six months, which would stipulate more lenient conditions for citizens of other republics of the former SFRY than those that were applicable to other foreign nationals, so that the former could obtain permanent residence permits more easily.

²⁹ After 171,000 persons had acquired citizenship under Article 40 in the beginning of 1992, 16,108 were granted Slovene nationality, out of which 15,439 already had citizenship of another republic of the former SFRY (official state statistics as of 16 June 2002).

³⁰ As already mentioned in endnote 19, the most recent amendments of the Citizenship Act (25 October 2002) will allegedly facilitate the naturalisation procedure for those having resided in Slovenia before and on the day of the Plebiscite (23 December 1990). However, it puts more stringent conditions to future refugees and immigrants.

³¹ Komac (2001: 276).

³² See Jalušič (2001): 297-315).

³³ Komac (2001: *ibid*).

³⁴ Linz and Stepan (1996: 3).

³⁵ See the results of the Slovene Public Opinion (SPO) surveys since national independence or the conclusions of the research project on “Interethnic Relations in the Slovene Ethnic Territory” of the Institute for Ethnic Studies in Ljubljana, both in Komac (2001: *ibid*).

³⁶ It is interesting to note that it took the Constitutional Court more than five years and two terms in office between 1994-1999 to decide on the citizenship case of two Slovenian permanent residents who were national of another former SFRY republic.

³⁷ The 1993 European Council in Copenhagen decided that the Eastern European applicants should meet three essential criteria for membership: 1) *stable institutions guaranteeing democracy, rule of law, human rights and the protection of minorities*, 2) the existence of a functional market economy as well as the capacity to cope with competitive pressures and market forces within the Union, and 3) the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union. European Council in Copenhagen (1993: 13).

³⁸ European Commission (2002: section 2.1).

³⁹ This law, as many other minority-related regulations, is only applicable to the ‘autochthonous’ Romany population and excludes the ‘non-autochthonous’ Romany even if they are citizens.

⁴⁰ European Commission (2002: 27-28).

⁴¹ In April 1990 Slovenia held its first democratic elections and on the 2 July 1990 a Declaration on the Sovereignty of the Republic of Slovenia was passed by the republican parliament.

⁴² Komac (2001: 284-91).

⁴³ See Bucar and Brinar (2001); Lozar (2002); and Šabič (2002).

References:

- Brubaker, Roger. “Traditions of Nationhood and Politics of Citizenship”, Social Science Research Council (New York), *States and Social Structures Newsletter* 9 (Winter 1989): 4-8.
- Bucar, Bojko and Brinar, Irena. “Lessons from Transition and Accession Periods of Slovenia”. *Central European Political Science Review*, Vol. 2, No. 6 (Winter 2001).
- European Commission. 2002 *Regular Report on Slovenia’s Progress Towards Accession*, COM (2002) 700, Brussels, 2002.
- European Council in Copenhagen. *Conclusions of the Presidency*, SN 180/93, Brussels, 21-22 June, 1993.
- Hyland, Niamh, Loftus, Claire and Whelan, Antony. *Citizenship of the European Union*. Dublin: Brunswick Press, 1995.
- International Helsinki Federation for Human Rights. *Annual Report on Slovenia*, 1998. Available at <http://www.ihf-hr.org/reports/ar98/ar98slv.htm> [Accessed on 20 March 2003].
- Jalušič, Vlasta. “Freedom Versus Equality? Some Thoughts About Attitudes Toward Gender Equality Politics in Eastern and Central Europe”, in

Making Slovenian Citizens

- Stuart S. Nagel and Amy Robb (eds.) *Handbook of Global Social Policy*. NY: Marcel Dekker, 2001: 297-315.
- Komac, Miran. "Forming a New Nation-State and the Repression or Protection of Ethnic Minorities: The Case of Slovenia", in Stuart S. Nagel and Amy Robb (eds.) *Handbook of Global Social Policy*. NY: Marcel Dekker, 2001: 267-92.
- Linz, Juan and Stepan, Alfred. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*. Baltimore, MD: The Johns Hopkins University Press, 1996.
- Lozar, Mattei. Scenarios for Institutional Reform in the EU: Before and After the Nice Summit. EU Monitor 3. Ljubljana: Peace Institute, 2002.
- Mann, Michael. "The Autonomous Power of the State: Its Origins, Mechanism and Results", in Michael Mann (ed.) *States, War and History*. Oxford: Blackwell Publishers, 1988.
- Mesojedec-Pervinsek, Alenka. "The Body of Citizens at the Independence of the Republic of Slovenia and Legal Continuity in the Sphere of Citizenship", unpublished manuscript, Ljubljana, 1997.
- Šabič, Zlatko. "Slovenia and the European Union: A Different Kind of Two-Level Game", presented at the 3d Joint Convention of CEEISA/NISA/RISA in Moscow, Russia, 20-22 June, 2002.
- Schmitter, Philippe C.. *How to Democratize the European Union ... and Why Bother?* Lanham, MA: Rowman & Littlefield Publishers, 2000.
- Statistical Office of the Republic of Slovenia. "Population and citizens of the Republic of Slovenia by Sex, 30 June 2002", first release, 28 October 2002.
- Webber, Max. Essays in Sociology in Gerth, H. H. and C. Wright Mills, *From Max Weber: Essays in Sociology*. New York: Oxford University Press, 1946.