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## **Kin-state Policies in Europe**

Kin-state policies (kin-minority laws, dual citizenship, out of country vote) have been forming an integral part of the political agenda since the democratic transition of the post-communist countries in Europe. The salience of the nations and the issue of national minorities – contrary to the expectations of the European decision-makers and scholars of transitology – became a major focus of the politics of these countries and inevitably caused tensions, particularly in those areas where the boundaries of the state and the nation are not congruent.

After the breakdown of dictatorial regimes in East Central Europe it became again legitimate to organize society on a national basis and to define the state in national terms. This definition of the nation state is reflected in both legal and political practice, though perhaps most importantly through (the revised) constitutions.

The internationalization of kin-state policy dates back to 2001 when Hungary introduced its so-called Status Law, against which Romania raised several objections and thus provoked the statement of the Venice Commission on the matter. The Status Law not only offered preferential treatment (benefits in education, health care and transportation) to non-citizen ethnic Hungarians, but it also institutionalized the relationship of the Hungarian state and transborder Hungarians by issuing the so-called Hungarian Card.

Objections of neighboring states, the Venice Commission, the standpoint of the High Commissioner on National Minorities of OSCE, the letter of the enlargement commissioner of the European Commission and the Council of Europe Parliamentary Assembly all indicate that the Hungarian status law posed questions that are not welcome within the European Union and other organizations. Besides debates in Hungary and in neighboring countries, the issue of minorities living outside the borders of the kin-state and their group rights as well as the rights of individuals composing the group has grown to be a European one. The Venice Commission mainly dealt with theoretical questions, yet after its report it became obvious that supporting nationals living outside the borders is an existing practice of nation-states. From a stability perspective, the High Commissioner for National Minorities on the OSCE considered the support for such co-nationals threatening and saw a potential for conflict in it. PACE (Parliamentary Assembly of the Council of Europe) approached the question from the standpoint of national self-determination, seeing a

linkage between the definition of the nation, stability and minority protection. Those dealing with the question saw clearly that the definition of the nation has political consequences, even though they may be impossible to predict. International reaction also indicated that in the view of many, an ethnocultural definition of the nation might lead to political instability.

Bearing responsibility for and taking care of ethnic kins abroad by the homeland may take various manifestations (state subsidies for education programs, offering social benefits, supporting cultural programs etc.), however, the most evident and “visible” form of kin-state policy is the possibility of dual citizenship, that is, offering preferential naturalization for non-resident ethnic co-nationals, which is very often followed by the extension of voting rights as well. Dual citizenship might be a debated issue and may sometimes even cause bilateral conflicts, however, it is undoubted that this form of kin-state policy practices do exist in the case of almost all countries, therefore, it is necessary to constantly follow the developments in the field and to maintain academic dialogue about the issue as well. The colleagues of the Research Institute for Hungarian Communities Abroad and the European Studies Center of the University of Szeged had exactly the same motivation in mind when they jointly organized the international conference entitled “Kin-state policies in Europe and Across the Globe” in September 2012. This conference hosted lecturers from countries which have (longer or shorter) traditions in allowing dual citizenship and external voting rights for ethnic kins abroad. The present review publishes the papers of this conference.

The other apropos of the conference were the post-2010 developments of Hungary’s kin-state policy. Hungary has one of the largest kin-minorities in Europe. There are about 2.2 million Hungarians living outside the borders of Hungary in the neighboring states, and there are probably millions living all over the world. That’s why Hungary remains one of the most proactive kin-states in the region. Hungary amended its law on citizenship in 2010, making it possible for former Hungarian citizens and their descendants to acquire Hungarian citizenship without having to live in Hungary. Before the amendment, dual citizenship was only possible if the applicant had residence in Hungary. The amendment now allows those who speak the Hungarian language and are either prior citizens or descendants of Hungarian citizens to apply for citizenship. All those who obtain Hungarian citizenship are eligible to vote in the national elections (regardless of their place of residence).

There are many reasons states made it possible for citizens to vote while living abroad, but the basic reason is that citizens have a right to have a voice in legislation. Kin-minorities and diasporas who have ties to their homeland through citizenship should have the ability to vote regardless of where they reside, be it in the neighboring states or somewhere further abroad. There is no legitimate reason to prohibit citizens from voting because they live in other states, and this has been the European tendency over the last several years. This is especially the case when we consider increased economic migration throughout Europe. The increasing number of citizens who live and work in countries other than their homeland should not have to lose ties with the home state.

This review aims to give a snapshot of current kin-state policies in Europe, more specifically of citizenship and non-resident voting rights regimes, as well as an overview of international norms concerning these policies. While the first part of the issue shows reviews on international norms and practices of dual citizenship regimes and external voting, the second and third sections are dedicated to case studies of Western and Eastern European countries. A thorough discussion of existing practices of external voting around the world is offered by Hajnalka Juhász, while Marcel Szabó and László Trócsányi present the international and European legal aspects of external voting and dual citizenship. Since we wanted to illustrate that offering dual citizenship to non-resident ethnic kins is typical not exclusively in East Central Europe, the case studies of Germany (by Karl Cordell), Austria (by Ferdinand Mayrhofer-Grünbühel) and France (by Joëlle Garriaud-Maylam) are provided in the present volume. In the third section the citizenship policy and the practice of out of country vote of Romania (by Irina Culic), Serbia (by Dusko Radosavljevic), Croatia (by Viktor Koska), and Slovenia (by Felicita Medved), and the constitutional aspects of kin-state policy in Hungary (by Márton Sulyok) are presented, since kin-state policy is more relevant in the context of East Central Europe. The organizers of the conference intended to analyze the major issues in the framework of the international conference in order to see similar policies (from a comparative perspective).

All the papers included in this review are based on the presentations delivered at the joint international conference of the Research Institute for Hungarian Communities Abroad and the European Studies Center of the University of Szeged held in September 2012 in Budapest.