

# Albanian Citizenship Configurations in the Balkans

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*This paper examines the Albanian state–nation constellation in the Balkans in the light of the European Union (EU) integration process with a focus on citizenship configurations in Kosovo and Albania. It addresses an important puzzle: why legal norms of citizenship do not follow the emerging practice of stronger trans-border co-operation in the Albanian ethnic and cultural space. The study shows that the process of EU integration is the key to understanding and explaining this puzzle, for it provides an opportunity for ‘constructive ambiguity’ around which both ethnic and statist brands of Albanian nationalism, as well as various elite fractions, can coalesce and coexist. In a wider context, Albanian citizenship configurations are shaped by the ever-evolving complex relationship between nation, state and Europe.*

*Keywords: Albania; Kosovo; citizenship; nation-state; Europe*

## Introduction

This paper examines the Albanian state–nation constellation in the Balkans in the light of the European Union (EU) integration process, focusing on citizenship configurations in Kosovo and Albania. As a multistate nation, Albanians are in the majority in the independent state of Albania and in the contested state of Kosovo, and are minorities in Macedonia, Serbia and Montenegro, all of which aspire to join the EU. The paper focuses on the Albanian communities in the Balkans as an example of those having a ‘structurally ambivalent membership status, belonging by residence and (in most cases) by formal citizenship to one state and by putative ethno-national affinity to another’ (Brubaker 1996: 56). The paper considers Kosovo–Albania citizenship configurations and emerging symbolic citizenship practices among Albanians in the region that are grounded on ethno-national principles of unity and belonging and which transcend state borders; at the same time it addresses an important puzzle – the fact that the legal norms of citizenship do not follow the emerging practice of stronger trans-border co-operation in the Albanian ethnic and cultural space. The paper argues that the process of EU integration is the key to understanding and explaining this puzzle, since it provides an opportunity for ‘constructive ambiguity’ around which both ethnic and statist brands of Albanian nationalism, as well as various elite fractions, can coalesce and coexist.

The paper argues that Albanian citizenship configurations are largely determined and shaped by incongruous legal provisions (largely civic and inclusive laws) on the one hand and (often) ethnically selective practices

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on the other. Based on the criteria of acquisition and loss of citizenship, Albania and Kosovo represent expansive citizenship regimes with strong elements of ethno-cultural and territorial inclusion. In a wider context, Albanian citizenship configurations are shaped by the ever-evolving complex relationship between nation, state and Europe.

As a result of major political and citizenship transformations that followed the fall of communism, state disintegration and subsequent state building, citizenship policies and regimes in the region have been in a constant state of flux and have produced practices both of inclusion and exclusion. In the last quarter of the century the region witnessed not only the breakdown of the old order and violence, but also the creation of new, interdependent states, polities and citizenship regimes, as well as the processes of European integration (Shaw and Štiks 2012). Moreover, the application of citizenship policies that were based on different and specific criteria of membership has led to various manifestations of ‘uneven citizenship’, i.e., exclusionary legal, political and social practices but also other unanticipated or unaccounted for results of citizenship policies (Krasniqi and Stjepanović 2015).

Likewise, the establishment of new states, migration and refugees, as well as policies of ‘ethnic selectivity’ (Žilović 2012), have led to new patterns and practices of ‘external citizenship’ or ‘trans-border citizenship’ and ‘citizenship constellations’. External citizenship refers to the ‘status, rights and duties of all those who are temporarily or permanently outside the territory of a polity that recognises them as members’ (Bauböck 2009). On the other hand, trans-border membership involves ‘political claims, institutionalised practices, and discursive representations oriented to or generated by a population that is durably situated outside the territory of a particular state, yet is represented as belonging in some way to that state or to the nation associated with that state’ (Brubaker and Kim 2011: 22). While the former is usually employed to analyse the relationship between states and actual or former citizens that live abroad (temporarily or permanently), the latter concept is wider and often includes the relationship between the state and its ethnic kin living in the neighbouring countries. Last but not least, a ‘citizenship constellation’ is ‘a structure in which individuals are simultaneously linked to several such political entities, so that their legal rights and duties are determined not only by one political authority, but by several’ (Bauböck 2010: 848). In other words, as a result of the increasing proliferation of dual and multiple citizenship, individuals in the modern world are often legally tied to more than one polity or state. It is against this backdrop of complex transformations and the emergence of new patterns of citizenship definition that this paper sets out to analyse Albanian citizenship configurations in the region of the Balkans.

The first part of the paper discusses the citizenship configuration model as well as methodology. It then proceeds with a detailed analysis of citizenship acquisition and loss provisions in the case of Kosovo and Albania. The third section focuses on citizenship practices and other symbolic citizenship patterns in the region. The last section discusses Albanian citizenship configurations in the context of the EU integration process.

### **Approach and methodology**

Citizenship as a key organising principle of modern political life is, above all, a status that creates a legal bond between individuals and a polity/state and endows these individuals with certain rights and obligations. Citizenship is a multidimensional concept encompassing status (membership in a political entity), rights (individual or group-differentiated rights) and identity (Joppke 2007). Another dimension of citizenship refers to practices of active participation in political life and civic virtues (Bauböck 2001).

Vink and Bauböck (2013: 5–6) propose a new typology that distinguishes between purposes, functional components and dimensions of citizenship regimes. According to them, citizenship laws serve five purposes: intergenerational continuity (the purpose of securing population and state continuity through birthright and/or

descent); territorial inclusion (determining inclusion/exclusion criteria through naturalisation policies); singularity (avoiding multiple citizenship); special ties (securing citizenship for groups that are perceived as belonging to the society, polity or nation by virtue of their cultural, political and economic special ties); and genuine link (avoid 'over-inclusion' by providing for a loss of citizenship in cases where individuals are no longer connected to a state). These are all ways in which states use citizenship legislation to define and regulate relations with their respective citizens. Functional components, which serve these key purposes of citizenship laws, mean legal provisions regulating acquisition and loss of citizenship status. Last, citizenship regimes are differentiated along two main dimensions: territorial and ethno-cultural. This implies that laws are shaped by multiple purposes and require a comprehensive analysis, rather than an assumption that they can all be divided according to the underlying principles of civic or ethnic inclusion/exclusion.

Nonetheless, citizenship purposes and functional components are not static. They evolve over time as citizenship policies are clearly influenced by the agendas of domestic political actors that propose different interpretations of state interests, as well as regional dynamics and international constraints. In addition to the resident population, Vink and Bauböck's approach to citizenship regimes takes into account populations of former citizen residents and their descendants, as well as broader ethnoculturally conceived kin populations. The application of such an approach enables us to provide a more detailed picture of the various dimensions of citizenship regime in Albania and Kosovo, and to compare and contrast them, as well as place them in the wider regional context.

As regards discussions on non-legal, cultural and political aspects of the wider Kosovo–Albania relationship in the context of regional and European integration, the paper utilises Ole Wæver's (2002) theoretical framework conceptualising three key ideas about the state, nation and Europe and how these concepts are linked in political discourse in a coherent narrative that underpins a country's foreign policy and policy towards Europe and the EU.

By combining the configurations and constellations approaches, on the one hand, and Wæver's framework on nation–state–Europe, on the other, this study aims at shedding light not only on the specific purposes and functional components of citizenship regimes in Albania and Kosovo, but also on the relationship between state and nation in the case of trans-border Albanian communities in the Balkans. As such, it departs from many existing studies that focus within existing nation-state borders and 'methodological nationalism' (Wimmer and Schiller 2003) in general. As far as methodology is concerned, comparisons are made using Scheppele's (2004) approach of 'constitutional ethnography', which involves the 'study of the central legal elements of polities using methods that are capable of recovering the lived detail of the politico-legal landscape'. This approach embraces nation, culture and the overall politico-legal context.

### **Albania and Kosovo citizenship regimes: past and present<sup>1</sup>**

Albania and Kosovo differ substantially both in terms of history of statehood and citizenship policies. Whereas the Albanian polity and its citizenship regime were mostly shaped by internal developments in the country throughout the twentieth century, Kosovo represents a clear case of external state building and it remains a contested state and territory. Notwithstanding these important differences, the two countries' citizenship regimes are rather similar when it comes to citizenship indicators related to acquisition and loss of citizenship.

Albanian citizenship legislation has changed relatively little over time. Since the country's independence in 1912, Albania has experienced three different citizenship eras, each of them corresponding to the different political regimes in place. Albania's first citizenship legislation dates from the inter-war period (the 1929 Civil Code of the Kingdom of Albania). After the Second World War and the communist takeover, a new law on Albanian citizenship was enacted in 1946 followed by a decree in 1954. This decree was in force for almost

half a century – until 1998 – when the most recent law on Albanian citizenship was adopted. The present citizenship legislation in Albania largely complies with international standards of political and social inclusion.

The present legislation also reflects Albania's attempts to democratise and achieve EU membership. Some of the main principles of the European Convention on Nationality, which it ratified in 2002, including the obligation to reduce and eliminate statelessness, are incorporated into the new citizenship law. In addition, for the first time in its history, the Albanian citizenship legislation allows dual citizenship. Certainly, this reflects the new reality created in Albania and the region after the fall of communism and the increase in migration flows. The 1998 law also lacks ethno-centric formulations and provisions and is gender balanced when it comes to the naturalisation of spouses and children.

Until recently, the Albanian citizenship regime was one of the last remaining regimes in Southeastern Europe that did not apply the post-territorial principle of ethnic selectivity, i.e. policies of diaspora inclusion premised on a de-territorialised, ethnic conception of citizenship (Ragazzi and Balalovska 2011). Despite the fact that the Albanian state is surrounded by more than two million ethnic Albanians living in the neighbouring states of Kosovo, Macedonia, Montenegro, Serbia and Greece, the Albanian citizenship regime has historically been based on the principles of territory and residence and not on ethnicity. The 1998 Albanian Law on Citizenship both allows dual citizenship and contains no ethno-centric formulations and provisions (although the Albanian state has occasionally extended some citizenship rights related to education to its co-ethnics in the region), a fact that has been widely praised by international organisations and seen with suspicion and a certain sense of disappointment by Albania's co-ethnics in the successor states to Yugoslavia.

However, following a 2013 decision by the Albanian government, the country was on course to join other neighbouring states in granting citizenship to co-ethnics living in neighbouring states and to the wider Albanian diaspora, based on ethnic selectivity criteria. Despite the change of government in the June 2013 elections, the outgoing government of Sali Berisha adopted decree no. 554 on 'Procedures for the Recognition and Acquisition of Albanian Citizenship by Persons of Albanian Origin, Excluding Citizens of the Republic of Kosovo' on 3 July 2013, which, if applied, would have enabled more than one million Albanians in the region and diaspora to claim Albanian citizenship (Krasniqi 2013). However, although the decree remains in force, the current socialist government has made it clear that it has no intention of implementing it, insisting that the issue of citizenship is regulated by the 1998 law alone.

The Kosovan citizenship regime, on the other hand, which has been largely drafted by international organisations and diplomats present in Kosovo at the time of independence, is still in the process of consolidation. It reflects the principles of multi-ethnicity and inclusiveness enshrined in the Ahtisaari Plan (which laid the foundations of Kosovo's Declaration of Independence), the Declaration of Independence and the Kosovan Constitution. The new Kosovan Constitution, by refusing to recognise exclusions, loyalties or claims of ancestral rights, not only defends the universalist values of civic republicanism and individual liberalism, but also speaks out for group (community) rights and defends their exclusivity and group-differentiated rights (Krasniqi 2012c, 2015). Certainly, in the case of Kosovo, on the one hand there is a de-ethnicisation of state institutions, but, on the other, the multi-ethnic composition of society is reflected in its politics.

In terms of the procedures, the basic characteristics of the Kosovan citizenship law are a combination of *ius sanguinis* ('right of the blood'; citizenship based on descent) and *ius soli* principles ('right of the soil'; citizenship based on territory), prevention of statelessness (lack of citizenship), absence of provisions granting ethnic preferences, and gender equality of parents deciding the naturalisation of children, as well as gender equality between spouses. Another crucial characteristic of this law is the unconditional recognition and acceptance of dual and multiple citizenship. An even more particular characteristic of the citizenship law is that Articles 28 and 29 contain some transitional provisions regulating acquisition of citizenship by Federal Republic of Yugoslavia citizens who were Kosovo residents before 1 January 1998 and habitual residents of

Kosovo (1999–2008). Persons belonging to the first category can become citizens of Kosovo by registration whereas those belonging to the second category become Kosovan citizens *ex lege*. Though this law anticipates facilitated naturalisation for people from the diaspora, it does not define or differentiate them on the basis of ethnicity. According to the law, all people (and their descendants within one generation) who are legally resident in foreign countries and who can prove that they were born and/or maintain family ties in Kosovo are considered to be members of the Kosovan diaspora.

The law was, however, amended in 2011, roughly at the same time as the adoption of the new law on foreigners. These amendments introduced two substantial changes in the law on citizenship. The first concerns the residence criterion for naturalisation, which has been increased from five to ten years, making the Kosovo law one of the strictest in the region regarding naturalisation of aliens. The other change is related to the status of stateless people. Several paragraphs were added regarding acquisition of citizenship by stateless people, widening the scope of the law with the aim of reducing statelessness.

In what follows, using Vink and Bauböck's configurations model, the paper looks into the five main purposes of citizenship in Albania and Kosovo: intergenerational continuity, territorial inclusion, singularity, special ties and genuine link.

### *Intergenerational continuity*

Securing the intergenerational continuity of the state through birthright attribution of citizenship *ius sanguinis*, *ius soli* or some combination of both principles is the most basic purpose of all citizenship laws (Vink and Bauböck 2013: 9). Albania and Kosovo are similar in the way they provide intergenerational continuity through a combination of territorial and lineage principles.

In Albania, acquisition by birth is determined in Articles 7 and 8 of the citizenship law. Based on Art. 7, everyone born of at least one parent with Albanian citizenship acquires Albanian citizenship automatically. In this case, both the principles of descent (*ius sanguinis*) and the gender equality of parents are applied. A child born in Albania of unknown parentage or found within the territory of the Republic of Albania would acquire citizenship under the *ius soli* principle; otherwise it would become stateless (Art. 8, para. 1). However, if one of the child's parents becomes known before the child reaches the age of 14, and he or she holds foreign citizenship, Albanian citizenship can be relinquished at the request of his lawful parents, provided that the child does not become stateless as a consequence of this action (Art. 8, para. 2). The *ius soli* principle is also applied in the case of a child born within the territory of the Republic of Albania to parents holding another citizenship who are lawful residents in the territory of the Republic of Albania, provided that both parents give their consent (Art. 8, para. 3).

Based on the principle of descent, a child acquires citizenship automatically when both their parents have Kosovan citizenship (in this case *ius soli* does not apply). However, if on the day of the child's birth only one of the parents is a citizen of Kosovo, the child may acquire Kosovan citizenship under the following conditions: a) the child is born in the territory of Kosovo (here we have a combination of *ius soli* and *ius sanguinis* principles); b) the child is born abroad and one parent is stateless or his or her citizenship is unknown; and c) the child is born abroad and only one parent has Kosovan citizenship but both of them give their consent before the child reaches the age of 14. In cases when the consent of parents is needed, the law has retroactive effect.

The *ius soli* principle applies in cases of unknown or stateless parents of a child born or found in Kosovo. However, if one of his/her parents who does not have Kosovan citizenship is found before the child reaches the age of 7, upon the parent's request, citizenship of the child may be forfeited. The territorial principle is also applied in cases when a child is born in the territory of Kosovo and his or her parents have foreign citizenship

but permanent residence status in Kosovo and, most importantly, give their consent. So, here we have a conditional application of the *ius soli* principle, in that the consent of parents is crucial in this case. Acquisition of citizenship by adoption is based on the principle of descent and a child adopted by parents who have Kosovan citizenship acquires the same rights as a natural child. But the law is not explicit in determining cases of adoption when only one parent is a Kosovan citizen.

Voluntary renunciation of citizenship is permitted in both countries. Both have experienced successive waves of emigrations, which have led to a growing number of citizenship renunciations by emigrants who acquire citizenship of host countries. Between 2009 and 2015, some 32 000 people renounced Kosovan citizenship (Matoshi and Kostanica 2015). However, in the case of Kosovo release may be refused if the applicant is a civil servant, judge, public prosecutor, or a member of the police service or Kosovo Security Forces, or when the release is considered to be against the interests of the state. In Albania, in order to avoid statelessness, the decision on renunciation will be revoked if the person does not acquire another citizenship within a reasonable time.

### *Territorial inclusion*

Both countries have similar conditions when it comes to territorial inclusion of foreigners in the citizenry. The only notable difference concerns residence criteria, which is higher in Kosovo (ten years) than Albania (five years).

In cases of regular naturalisation in Albania, a foreigner who has submitted an application for acquisition of Albanian citizenship by naturalisation may acquire Albanian citizenship if he or she fulfills the following requirements: they have been lawfully resident in Albania for at least five continuous years, possess a dwelling and sufficient income, have not been sentenced in any country for a criminal offence that carries a prison sentence of three years or more (exemption only if the sentence was given for political motives), demonstrate elementary knowledge of the Albanian language, and pose no danger to the security and defence of Albania. There is no condition relating to cultural assimilation.

Similarly, in the case of Kosovo, to qualify for regular naturalisation a foreigner should have been resident in Kosovo for five consecutive years after receiving a permanent residence permit (which in turn takes five years), demonstrate respect for the constitutional and legal order of Kosovo and integration into society, have sufficient means of living without resorting to social assistance schemes, fulfil all financial obligations to the state, and demonstrate an elementary knowledge of one of the official languages of Kosovo (Albanian or Serbian) and of its culture and social order.

### *Singularity*

Vink and Bauböck distinguish stronger and weaker versions of singularity – the unambiguous and unique tie between an individual and the state that precludes multiple citizenship. A stronger version of singularity implies general avoidance of multiple citizenship. A slightly weaker version of singularity allows for sequentially multiple citizenships over the course of an individual's life, but not for simultaneous ones. A third and even weaker version of singularity (present among European states) allows for multiple citizenships acquired by birth, but not by naturalisation. The two functional components of singularity include the condition to renounce former citizenship before naturalisation and loss of citizenship due to voluntary acquisition of another citizenship. Neither Kosovo nor Albania possess such conditions. Both countries allow dual and multiple citizenship, in large part due to the need to maintain links with the large emigrant populations abroad.

*Special ties*

Citizenship laws may also be used to secure citizenship for groups that are perceived as belonging to the society, polity or nation by virtue of their special ties, independently of their legal citizenship status. The two functional components of acquisition of citizenship based on special ties are cultural affinity and reacquisition by former citizens.

Whereas the Kosovan citizenship law does not permit naturalisation based on cultural affinity, the Albanian one does. The 2013 government decree 554 was aimed at securing Albanian citizenship for people of Albanian origin. According to the decree, in order to qualify for Albanian citizenship, an individual should: 1) be a citizen (or documented resident) of an EU member state, the United States of America or another state the citizens of which are not required to hold a visa to travel in the states belonging to the Schengen Area; or 2) possess another citizenship or be stateless and have one parent who is an Albanian citizen; or 3) possess another citizenship or be stateless and born in Albania. Most importantly, this decree excludes Kosovan citizens of Albanian origin, as well as descendants of those who were Albanian citizens during the Second World War (when Albania's borders were extended by the Italian occupier to include most of today's Kosovo and Macedonia). Yet, as mentioned above, there is no evidence to suggest either that the decree is being implemented or that it has been revoked by the current government in Albania.

However, special cultural ties have been combined with special achievement in sports and culture to allow ethnic Albanians from the region to acquire Albanian citizenship. This has become a practice falling within the exceptional naturalisation category, applied in cases when the Republic of Albania has a scientific, economic, cultural or national interest. In this case, it is the President of the Republic who, based on a proposal from a ministry or other state organ for exceptional merits and contribution to the state of Albania, grants citizenship to an alien. So far, based on this clause, many politicians, artists and sportsmen from Kosovo, Macedonia and the diaspora have acquired Albanian citizenship. The most prominent case is that of the Albanian national football team, which is dominated by players of Kosovan origin, fast-tracked through the naturalisation procedure (Ames 2016).

In sum, both the Albanian and Kosovan citizenship laws provide for reacquisition of citizenship by former citizens through facilitated naturalisation, meaning that they do not have to fulfil all the regular criteria for naturalisation.

*Genuine link*

According to Vink and Bauböck, the withdrawal or lapse of citizenship after long-term residence abroad constrains membership by means of a 'genuine-links' criterion. It means that citizenship is lost in cases where individuals are no longer connected to a state in such a way that their individual interests can be seen as linked to those of the state. In other words, long residence abroad can be interpreted by state authorities as lack of a genuine link, leading to the lapse or withdrawal of citizenship.

Neither Kosovo nor Albania apply the genuine-links criterion: its application would have serious consequences for both countries due to the large numbers of their citizens living and working abroad. However, despite being emigrant countries, Albania and Kosovo have very weak legal ties with their respective diasporas and, unlike many countries in the region, do not allow voting in their embassies abroad (although Kosovo allows voting by mail) or representation of the diaspora in the parliament. Yet both countries have recently taken steps to strengthen links with their respective diasporas. Kosovo established a Ministry for the Diaspora in 2011 and is currently organising a census to collect data relating to Kosovans who live abroad. Similarly, in 2016 the Albanian government organised the first Albanian Diaspora Summit and pledged to strengthen its

ties with the diaspora through the establishment of the National Council of the Albanian Diaspora and to organise a census that would, among other things, pave the way for remote voting for Albanians abroad (Vata 2016). Moreover, the two governments are cooperating in support of supplementary Albanian language education for diaspora children as well as by opening joint consular services in a number of European cities, including Munich and Milan.

In summary, the functional components of citizenship laws in Kosovo and Albania have similar basic purposes, combining ethno-cultural and territorial elements. In the context of Vink and Bauböck's typology, Albania and Kosovo represent expansive citizenship regimes with strong ethno-cultural and territorial inclusion elements. Yet, as we will discuss in the following section, existing civic provisions do not always follow the emerging practice of stronger trans-border co-operation and symbolic citizenship based on ideas of ethno-national belonging and unity.

### **Citizenship practices, trans-border co-operation and symbolic citizenship**

The incongruence of political and ethno-cultural borders in the Western Balkans, together with conflicting nationalist projects and understanding of nationhood and statehood, has caused many ethnic groups to have, to paraphrase Brubaker, a 'structurally ambivalent membership status', often belonging by formal citizenship to one state and by putative ethno-national affinity to another. This is above all the case for minority groups, who often identify with a neighbouring (kin)state, which provides them with partial or full citizenship rights.

As discussed above, neither Albania nor Kosovo, as states with an overwhelming Albanian majority, has extended citizenship rights to ethnic Albanian minority populations in the region. Nevertheless, since the removal of the Yugoslav/Serbian control in Kosovo in 1999 and Kosovo's Declaration of Independence in 2008, both states have undertaken a number of symbolic formal and informal steps to facilitate closer integration of the people on the both sides of the border, while maintaining their separate legal and political identity. Despite the fact that Albanians in the Balkans are legally tied to separate state institutions, the majority perceive themselves to both at one and the same time belong to an indivisible part of the Albanian nation in the Balkans and be citizens of their respective state. Thus as a result of state and non-state forms of co-operation in various fields, a new political and cultural reality has emerged in the region in the form of a distinct politico-cultural sphere or neighbourhood. The 'Albanian neighbourhood' in the Western Balkans is bound together by 'interest solidarity' in the fields of the economy, infrastructure, education and culture, and media and communications (Philips 2012).

As with many countries in transit or unconsolidated democracies, there is a discrepancy between the legal framework and political practice. For instance, Albania has regularly extended partial citizenship rights to its ethnic kin in the region, mostly in the form of quotas for students from Kosovo, Macedonia and Montenegro studying in Albania. The Albanian government quota for Albanian students from the region for the 2015/2016 academic year was 600 (Ministria e Arsimit dhe Sportit 2016). Likewise, when a visa regime was in place between Albania and the Federal Republic of Yugoslavia (which also included Kosovo), Yugoslav passport holders of Albanian ethnicity were exempt from the regime. More recently, the Albanian government adopted a decision to exempt from work permit 'citizens of the Republic of Kosovo and Republic of Serbia of *Albanian ethnic belonging*' (Government of Albania 2014, my emphasis). Although the decision does not establish explicit criteria for determining Albanian ethnicity, in practice, it is done on the bases of self-declaration and ethnic markers such as name and language competence.

The governments of Kosovo and Albania have undertaken a number of initiatives to facilitate communication across the borders. These include investment in infrastructure and the building of a highway that cut the distance between the two capital cities significantly, a plan to create a single labour market by removing tax

barriers and work permits, the creation of a single energy area, establishment of an integrated border system to ease movement of people and goods, as well as standardisation and integration of educational (standardisation of pre-university curricula and textbooks; harmonisation of academic degree standards) and cultural institutions (co-sponsoring of a joint cultural events calendar). Integrated institutions like schools are expected to instil a society's goals, values, and traditions into their students, and to teach a common language. Equally, freedom of movement has improved between Albania, Kosovo, Macedonia, Serbia and Montenegro with all the countries enabling border crossing with ID cards.

In addition to state-led co-operation initiatives, many private initiatives in the field of media, culture, music and business have emerged, seeking to profit from the presence of a substantial Albanian-speaking group in the region to establish trans-border/regional festivals, digital media platforms and businesses. Yet, the most symbolic pan-Albanian institution of all is the Albanian national football team, which includes players originating from Albania, Kosovo, Macedonia, Serbia and the diaspora and is supported by fan clubs from across the region. The first ever qualification of the Albanian national football team for a major international tournament (European Championship 2016) turned the team into a symbol of national unity for Albanians worldwide.

Notwithstanding these intra-Albanian (cultural) integration trends, citizenship regimes of states where Albanians live do not overlap significantly, with dual citizenship an exception and not a norm. Likewise, proliferation of political centres, vested political, economic and criminal interests, and religious identification (Blumi and Krasniqi 2014) all act as centrifugal factors, often countering various political initiatives. Moreover, this new sphere, the emergence of which has alarmed some neighbouring states and raised the prospect of 'Greater Albania' (Austin 2004; *The Economist* 2007), is not self-sufficient and insulated. Rather, it is firmly embedded in and overlaps with other national cultural spheres such as the Serb cultural sphere, regional cultural spheres such as 'Yugosphere' (Judah 2009) and the wider European sphere.

The remainder of this paper focuses on the role of the EU integration process in the transformation of the relationship between citizenship, borders and identity. In addition to the legal framework analysed above, in order to understand these countries' policies towards the EU as well as domestic perceptions of state and nation and where they fit into the regional and international political scene, we should examine various discursive dynamics present in these countries, how concepts of statehood and nation relate to ideas about Europe and how they are transformed in concrete policies towards ethnic kin in the region, regional states and the EU.

### **State–nation–Europe constellation**

The relationship between nation and state has been re-conceptualised and reconfigured both normatively and practically as a result of the impact of the European integration process, in particular following the fall of the Berlin Wall. Ole Waever (2002) has come up with a theoretical framework that conceptualises three key ideas about the state, nation and Europe in an attempt to explain how these concepts are linked in political discourse in a coherent narrative that underpins a country's foreign policy and policy towards Europe in the shape of the EU. According to Waever's framework, at the most fundamental level are discourses about the nation and the state – concepts that set the basic parameters of political discourse and policy in the country. At the next level these concepts are linked to each other and to Europe, creating the discursive space for making and debating specific policies towards Europe and the EU, which comprise the last, third layer of analysis. In what follows we consider the state–nation–Europe constellation in the case of Albanians in the Balkans using Waever's framework.

*'One state – one nation' versus 'one nation – two states' debate*

The relationship between state and nation among Albanians is a complex one and cannot be fully comprehended without understanding the origins of Albanian nationalism in general and that in Yugoslavia in particular, as well as the internal power struggles within it. Lacking any longstanding state-tradition or political centre, Albanian nationalism in the Ottoman Empire emphasised the distinctive common origin as well as culture and language of the Albanian population in the Balkans. Thus, the Albanian concept of nation is based on the ethno-cultural understanding (*Kulturnation*) and due to the historical incongruence between nation and state, it sees them as separate entities. The fact that after the Balkan Wars the Albanian state was deprived of areas with large Albanian majorities, most significantly the Kosovo region (Jelavich 1983: 101), resulting in a situation when roughly half of the Albanian population was left outside of the borders of the new Albanian state (Puto 2009: 81), was essential in the creation of the political and nationalist narrative of 'an artificially and unjustly divided nation'.

Following the creation of an independent Albania, which included only about half of the Albanians living in the region, two distinct and opposing nationalist threads emerged: a state-centred one and a nation-centred one (Rama 2004: 522). Whereas both threads had an ethnic understanding of the nation, they differed on whether consolidation of the state or nation had priority. The nation-centred vision was championed mainly by Albanian leaders in the territories left outside the Albanian state. As a result, many Albanian nationalist groups and movements, especially the underground ones, aimed throughout the existence of the Yugoslav state at unification of all Albanian-inhabited lands with the state of Albania. Despite the fact that the demand for equality in the form of a Kosovo Republic within socialist Yugoslavia was the predominant slogan in the 1968 and 1981 protests in Kosovo, a Republic of Kosovo was perceived by underground nationalist organisations as only the first step towards unification with Albania, thus making the Kosovan Albanian nationalist movement a 'secessionist-merger movement' (Heraclides 1991: 2).

However, with the creation of the Kosovan 'parallel state' in the 1990s, which was a reaction by Kosovo Albanians to the forceful abolition of Kosovo's autonomous status in 1989, the Kosovan nationalist movement was split into two opposing camps. On one side was the Democratic League of Kosovo (LDK) and other parties around it, which had a more state-centred and civic political vision of the future of Kosovo. While LDK's political vocabulary was dominated by the concept of popular self-determination with a constant reference to Kosovo's autonomous status in former Yugoslavia, various underground organisations, operating mainly from the diaspora, and later on the Kosovo Liberation Army (KLA), campaigned for unification of all the Albanian-inhabited regions with the state of Albania. Yet, although the initial aim of the KLA was to liberate all the Albanian-inhabited lands in the former Yugoslavia and unite them with Albania,<sup>2</sup> due to the need to gain international support, by mid-1998 they joined the LDK in demanding a Kosovan state instead.

Similarly, in the post-war period, Kosovo was characterised by a power struggle between the two nationalistic Albanian discourses that relied on traditions of peaceful and armed resistance respectively. Nonetheless, although, as Ingimundarson (2007: 118) has observed, there was an open tension 'between a modernist civic Albanian nationalist discourse based on state building and Western integration, on the one hand, and the anti-Serbian ethno-nationalistic discourse symbolised by the armed resistance, on the other', EU and NATO integration took pride of place in the list of political goals of the Kosovan Albanian parties. Moreover, during the period of international administration, Kosovan politicians worked closely with the UN, EU and NATO missions in Kosovo to build structures of governance that seemed to mirror those of other European democracies (King 2010: 128). The perception that state and nation are divided did not change after Kosovo's Declaration of Independence either. In large part this is due to the fact that, based on its legislation, Kosovo is

a ‘post-national state’ where state membership and identity are, using Joppke’s (2007: 44) terminology, ‘structurally decoupled’, with the state being unable to impose a particular identity on its citizens. Today, Kosovan Albanians are divided between a minority who promote the idea of a separate Kosovan nation and those who think that Kosovan Albanians are at the same time both an indivisible part of the Albanian nation in the Balkans and Kosovan citizens.

These debates surface occasionally, sometimes but not always provoked by internal political events. Most recently, journalists, politicians and sportspeople were engaged in a heated debate on national *versus* state identity sparked by a sporting event. The establishment of a Kosovan football team following Kosovo’s membership in UEFA and FIFA in 2016, as well as the decision of a number of players to switch from Albania (as well as other European teams) to Kosovo, sparked debates on identity, belonging, statehood and sports (Montague 2016). On the one hand, proponents of the idea of a united national football team denounced the idea of a Kosovan national team on both sports grounds (weakening of the ‘national’ football prowess and potential) and political/identitarian grounds (rejection of the idea of a separate Kosovan national and/or political identity). Some went so far as to label those players who switched sides ‘traitors’. On the other hand, proponents of Kosovan statehood defend the idea of a Kosovan national team and see it as a great achievement for the country and its struggle to establish political legitimacy at home and abroad.

In general, mainly due to international intervention and administration, the main political parties in Kosovo have moved<sup>3</sup> from the concept of ‘one nation – one state’, to that of ‘one nation – two states’. An eventually independent Kosovo was seen as a positive development for the whole ‘Albanian nation’ in the Balkans. Moreover, the Kosovan self-concept came to be closely linked to the concept of ‘Euro-Atlantic’ integration and values.

#### *United in Europe: the EU as the promised land of a divided nation*

Modern Albanian nationalism in the Balkans is closely connected to the concept of Euro-Atlantic integration and values, not least because it needs the European Union and NATO for economic and military security respectively. The fall of communism and the emergence of a post-Cold War order, dominated by the European integration processes, was a key factor in the re-articulation and redefinition of the state–nation–Europe relationship among Albanians. In the case of Albania, which experienced 50 years of isolation and oppression by the communist regime, the EU became both a political goal and a popular destination for migration of some one million Albanians (mostly to Greece and Italy) who left after the fall of the regime (Chiodi 2005; Mai 2008).

On the other hand, the EU and its project of enlargement provided new opportunities for Yugoslav Albanians to project themselves politically without becoming a fully-fledged nation-state. This happened also due to Europe’s potential of providing minority nationalist movements with the opportunity to rearticulate the nation internally by projecting it externally as part of the European family (Keating 2009: 24). The main Kosovo Albanian leader of the 1990s, Ibrahim Rugova, made constant references to the idea of European integration in articulating his peaceful democratic cause: ‘Our idea for a peaceful and democratic solution for Kosovo, in fact, is a universal and European idea that pleases us, because through this idea, Albanians joined the contemporary integrative European philosophy...’ (Reka 1991). Therefore, he dismissed the idea of national unification with Albania on the grounds that it contradicts European values and norms.

Even now, Kosovo’s leaders perceive adherence to European values and eventual EU membership as of added value to the state itself. In fact, Article 6 of Kosovo’s Declaration of Independence contains the following formulation: ‘For reasons of culture, geography and history, we believe our future lies with the European

family. We therefore declare our intention to take all steps necessary to facilitate full membership in the European Union as soon as feasible and implement the reforms required for European and Euro-Atlantic integration'. This unambiguous formulation reveals not only that the Kosovan Albanian people regard the Kosovan state and Europe as complementary but also their concrete plans to achieve EU membership. In fact, the absolute majority of Albanian political parties in the region, both in countries where Albanians form a majority and where they are in the minority, are pro-European and committed to EU integration (Stratulat 2014). Similarly, Albanian people in the region demonstrate very high levels of support, up to 90 per cent, for the process of EU integration of the states where they live (Toshkov, Kortenska, Dimitrova and Fagan 2014).

As regards the definition of Europe among Albanians in the region, the former is perceived both as an intergovernmental body that would certainly benefit their states, and as a system of values, where Albanian people belong. Support for EU integration is strong even in the face of the overall economic and political crisis that the EU is undergoing, especially in the aftermath of the Brexit vote in 2016. Albania is knocking at the door of the European Union – eagerly waiting to start accession negotiations – despite the shadow of Brexit. According to Albania's Prime Minister, Edi Rama, his country's relationship with the EU is akin to a love affair: 'We're in a kind of affair. (...) We hope to start negotiations for the marriage, and we hope that the EU is there when we're ready to be the bride' (Farago 2016).

With respect to the relationship between Europe and the state–nation constellation in Kosovo and Albania, the former is not perceived as a threat to the state–nation bond, but rather as an opportunity, both in the sense of protection of the national culture and of the state's pursuit of power. Irrespective of the fact that references to a pan-Albanian nation were quintessential elements of the independence movement in Kosovo, in the aftermath of Kosovo's independence Pristina is emerging as a major centre of power and reference in what is loosely defined as the 'new Albanian space' (Vickers 2008: 14) in the Balkans. As a result of this, as well as Kosovo's constitutional constraints and due to the overall international and regional political context, the idea of unification of all Albanians in one state has been gradually modified into an idea of 'unification in Europe'. Thus, 'unification in Europe' has become the new mantra of Albanian institutional and political leaders in the region.

Yet, irrespective of the fact that the idea of Albanian national unification has been replaced with the vision of unification in a larger and borderless economic and political union (EU) in mainstream politics, the prospect of 'Greater Albania' has been occasionally invoked by Albanian leaders in response to the EU's increasing reluctance to accelerate the process of EU accession of the Western Balkan states. In 2015, in a joint interview with the then Foreign Minister of Kosovo and current President, Hashim Thaçi, Albania's Prime Minister Edi Rama did not rule out 'classical unification' if the EU continued to keep its doors shut for Kosovo and Albania. 'The unification of the Albanians of Albania and Kosovo... is inevitable and unquestionable. (...) The question is how it will happen. Will it happen in the context of the EU as a natural process and understood by all, or will it happen as a reaction to EU blindness or laziness' (Bytyçi and Robinson 2015). Although these words caused concern in the region and in Brussels, their significance was quickly downplayed by Hashim Thaçi, according to whom, 'We are not talking about changing borders at all, but rather about reducing their visibility, according to the European model, so that people can move freely. We will all belong to that European space one day' (Poznatov 2015).

In addition to the normative impact of the European idea, the EU has also played a major role as an anchor for economic and political reforms in Albania and Kosovo, including assistance in drafting the key pieces of legislation that regulate citizenship. In the case of Kosovo particularly, the EU together with the US have been actively involved in state building, democratisation and putting in place a modern system of citizenship, thus shaping the nature of the polity. In many ways, EU conditionality has become the main driving force for reforms in these countries.

Although the prospect of integration of the Western Balkans in the EU is remote, the idea of unification in Europe also implies political unification under the institutional umbrella of the Union, as well as unification within a single European citizenship. This, the politicians argue, would render existing political borders and the obstacles they pose, practically irrelevant. Yet, due to the current political climate within the EU and regional developments, the process of EU integration remains complex, uneven and unpredictable. Already there exist different degrees of rapprochement with the EU, with Montenegro and Serbia negotiating their actual membership, Macedonia and Albania having gained the status of candidate countries but unable to open negotiations and Kosovo, at the end of the queue, having just concluded the Stabilisation and Association Agreement (SAA) with the EU. So, were the Western Balkans countries to continue with the same pace of integration into the EU, the first autochthonous Albanian citizens to join the EU could be the ones from the peripheries, i.e., those from Montenegro and Serbia.

In sum, the EU has played a major role in reconfiguring Albanian nationalism(s) and understandings of statehood, nationhood and sovereignty in the region. The European integration process has been influential both in terms of the idea of European identity and citizenship and in serving as an anchor of political and legal reforms in Kosovo and Albania.

## **Conclusion**

This paper has addressed an important puzzle when it comes to the Albanian citizenship configurations, where legal norms of citizenship do not follow the emerging practice of stronger trans-border co-operation in the Albanian ethnic and cultural space. The analysis of the incongruous legal provisions (largely civic and inclusive laws) on the one hand and (often) ethnically selective practices on the other, has demonstrated that the process of EU integration is the key to understanding and explaining this puzzle. Crucially, the EU integration process provides an opportunity for ‘constructive ambiguity’ around which both ethnic and statist brands of Albanian nationalism, as well as various elite fractions, can coalesce and coexist. While EU conditionality has been instrumental in the emergence of civic legal norms regulating citizenship, the promise of EU integration and the idea of unification within a larger European political, cultural and economic sphere and citizenship has been used by elites in Kosovo and Albania to foster trans-border co-operation grounded on principles of shared ethnolinguistic belonging and identity.

The paper argued that closer institutional and cultural co-operation among the states with Albanian populations in the region, and above all between Kosovo and Albania, as well as commitment to the EU integration process, has played a significant role in the transformation of the relationship between state, nation, borders and citizenship, decreasing the significance of state borders and once mutually exclusive citizenship regimes. In particular, the idea of European integration, which remains a strategic goal of almost all the Albanian parties and political actors in the region, and its practice of borderless co-operation, integration and European citizenship, has been instrumental in this direction.

Regarding the legal aspects of citizenship, in both Kosovo and Albania citizenship laws have similar basic purposes and indicators of functional components, which combine ethno-cultural and territorial elements. Kosovo’s citizenship regime is territorially inclusive and ethnically less selective, something that is largely due to its history of state building and strong international presence. In the context of Vink and Bauböck’s typology, despite different histories of state building, Albania and Kosovo are very similar, representing expansive citizenship regimes with strong ethno-cultural and territorial inclusion elements.

More widely, the paper has shown that citizenship laws and regimes can be best analysed and understood not just by looking into specific provisions regarding acquisition and loss of citizenship, but also by investigating the existing configurations (by focusing on purposes and indicators of functional components), as well

as political practices, state–nation constellations, and wider regional and European dynamics. Moreover, the paper shows that citizenship configurations are not set in stone. Rather, they are dynamic and ever changing in accordance with internal political changes, trans-national co-operation and European integration processes.

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### Notes

<sup>1</sup> This section relies extensively on EUDO country reports on Albania (Krasniqi 2012a) and Kosovo (Krasniqi 2012b), as well as the EUDO Citizenship (2015) database.

<sup>2</sup> KLA's oath began with these words: 'As a member of the KLA, I vow that I will fight for the liberation of Albania's occupied lands and their unification...' Likewise, the first point of KLA's political programme, published in April 1998, states: 'KLA comprises the unity of the Armed Forces of Kosovo and its occupied regions and it aims to liberate and unite Albania's occupied lands' (Pettifer 2012: 188).

<sup>3</sup> A major exception to this stance is a political organisation called the Self-Determination Movement, represented in the Kosovan Parliament since 2011 (becoming the third biggest party), whose campaign was based on an anti-international supervision and unification with Albania platform. This party promotes a pan-Albanian platform (one nation – one state) and dismisses Kosovo's new state symbols as 'non-Albanian' ([www.vetevendosje.org](http://www.vetevendosje.org)).

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