

Chapter 8

Dual Citizenship and Policies toward Kin minorities in East-Central Europe: A Comparison between Hungary, Romania and the Republic of Moldova

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The adoption of the ‘Act on Hungarians Living in Neighbouring Countries’ (generally referred to as the Status Law) by the Hungarian Parliament on 19 June 2001 generated a veritable ‘war of words’ between Romania and Hungary. For several weeks, diplomatic relations between the two countries entered a deadlock, endangering the hard-won political reconciliation and strategic partnership that had been established between the two countries since 1996.¹ In Romania, the law was perceived as an overt act of aggression against its internal legislation, going beyond universally accepted principles of national sovereignty and the current European standard on minority rights. Most analysts predicted that the law would have a damaging effect on the relationship between the Romanian ethnic majority and the Hungarian national minority, on the one hand, and on the relations between Romania and Hungary, on the other. In Hungary, the law was celebrated as yet another step towards the institutionalisation of the Hungarian ethno-cultural nation across political borders, and as a possible means for the mother-country to share its material well-being with, and provide cultural assistance to, its kin minorities living in the Carpathian basin.

How new and unprecedented are the stipulations of the Status Law? While – in investigating the law – numerous analysts have pointed out its unique, innovative character, this paper argues that the Status Law can in fact be regarded as part of a more general revival of ethno-national policies on the part of post-communist nation states in East-Central Europe. The 1989 dis-

1 For a comprehensive analysis of the main stages, content, and international context of the process of political reconciliation between Romania and Hungary from the perspective of recent theory on security studies, see Constantin Iordachi, ‘The Romanian-Hungarian Reconciliation Process, 1994-2001: from Conflict to Cooperation’, *PolSci. Romanian Journal of Political Science* 1 (2001), 3-4, pp. 88-134. The article pays special attention to the ideological conflict between the two countries, employing the Status Law as a relevant case study.

mantling of the communist system and the collapse of the supranational authority – perceived by many scholars as the victory of national identity against Marxism, ‘the finest hour of East European nationalism’ or the ‘Springtime of Nations’² – has created an unprecedented opportunity for a radical reorganisation of national and minority policies in the former communist block.³ To be sure, post-1989 policies of national integration between mother countries and external kin minorities have been very heterogeneous, varying as a function of the specific demographic and geopolitical context. One can identify a large spectrum of political options available, ranging from limited cultural policies to granting of privileged naturalisation rights, and from preferential economic treatment of immigrants to the most inclusive and innovative form of external minority protection, namely granting rights of dual citizenship to compact kin populations abroad. Notwithstanding their important differences, I treat such policies as part of more generalised attempts at reconstructing the national ‘imagined communities’, against the background of radical post-communist socio-political and territorial reorganisation.

In order to integrate the Status Law into a wider analytical context, the present paper focuses on the post-1989 revival of contrasting and ultimately overlapping definitions of citizenship in Romania, Hungary, and the Republic of Moldova, and the resulting diplomatic tensions over issues of dual citizenship or symbolic national membership granted to kin minorities abroad. The study takes as its case in point Romania, a country which, through its geographical position, bridges developments in citizenship legislation in Central Europe (represented by Hungary) and the former Soviet space (represented by the Republic of Moldova). In exploring the original stipulations of the Status Law, the study employs a double comparative perspective: First, it contrasts the law with Romania’s legislation on dual citizenship and its impact on the relationship between Romania and Moldova; and second, it situates the law within the overall patterns of ideological conflict between Romania and Hungary. Finally, on the basis of this case study, the paper derives more general conclusion about the evolution of – and multiple challenges to – national citizenship in East-Central Europe.

2 See Misha Glenny, *The Rebirth of History: Eastern Europe in the Age of Democracy* (New York, 1990), p. 294; and Zbigniew Brzezinski, ‘Post communist nationalism’, *Foreign Affairs* 68 (1989/90), 5, pp. 2-3.

3 This is not to argue that the Communist system succeeded in totally suppressing ethno-national conflicts. In fact, one can identify a rising tide of nationalism in the late 1980s, the acute Romanian-Hungarian diplomatic conflict being a relevant example. Raymond Pearson identified several stimuli leading to the 1989 nationalist upsurge: ‘the demographic flux’, ‘the media revolution’, ‘the bankruptcy of supra-national authority’, and the ‘environmental threat’. See Raymond Pearson, ‘The Making of ’89: Nationalism and the Dissolution of Communist Eastern Europe’, *Nations and Nationalism* 1 (1995), pp. 69-79, here pp. 69-70.

I. Dual Citizenship: Juridical Anomaly or a Form of Post-national Globalisation?

Assessing the political and ideological legacy of the French Revolution, Rogers W. Brubaker identified six fundamental features of an archetypal model of nation-state citizenship, namely ‘egalitarian, sacred, national, democratic, unique and socially consequential’.⁴ The ‘unique’ character of nation-state citizenship asserts that a person should legally belong to only one national community at any given point in time. The normative view on the unique nature of citizenship has been rooted in the emergence of modern nationalism, with its primordialist worldview which claims that each person has an ‘essential identity’ characterised by one single form of national allegiance and political loyalty, and can be therefore member of only one nation at any given point in time.⁵ The opposition to dual citizenship has also been triggered by pragmatic state interests, such as the desire to avoid international litigation concerning the status of property and children resulting from marriages of dual citizens that would transform the world into a quagmire of juridical disputes. Consequently, legislators and jurists have generally regarded dual citizenship as a legal anomaly, comparing it to the sin of polygamy in a Christian moral order,⁶ which should be at least minimised, if not totally prevented. To this end, national legislation in most European countries has forbidden dual citizenship, while numerous bilateral agreements, international conventions, and mediating international organisations have tried to eliminate cases of dual citizenship on the basis of internationally recognised rules. The most important recent agreement in this respect was the *European Convention on Dual Citizenship* adopted by the Council of Europe in 1963, which stipulated that a citizen of a signatory country who acquired a second citizenship automatically lost his/her original citizenship.⁷ The strict implementation of the modern nationalist ideology advocating ‘sharp boundaries of territory and population’ has resulted, according to Craig Calhoun, in a world

4 Rogers W. Brubaker, ‘Immigration, Citizenship, and the Nation State in France and Germany. A Comparative Historical Analysis’, *International Sociology* 5 (1990), pp. 379-407, here p. 311.

5 This term was coined by Craig Calhoun in *Nationalism* (Buckingham, 1997), p.18.

6 André Liebich, ‘Citizenship in Its International Dimension’ in André Liebich, Daniel Warner and Jasna Dragovic, eds., *Citizenship East and West* (London and New York, 1995), p. 38.

7 Thomas Hammar, ‘State, Nation, and Dual Citizenship’, in Rogers W. Brubaker, ed., *Immigration and the Politics of Citizenship in Europe and North America* (New York and London, 1989), pp. 81-95, here p. 81. For conventions for the prevention of dual citizenship and their legal and political consequences, see Otto Kimminich, ‘The conventions for the prevention of double citizenship and their meaning for Germany and Europe’, *German Yearbook of International Law* 38 (1995), pp. 224-249.

of homogeneous and strictly differentiated Kokoschka-like colour-spots, or in Brubaker's words, in 'a world of bounded and exclusive citizenries'.⁸

Yet, despite traditional stiff opposition to dual citizenship, the last decades have witnessed an unprecedented expansion in the number and geographical distribution of dual citizens. Unfortunately, complete and up-to-date statistics on the issue are not available; most countries do not compile and make available data on dual citizenship. Partial estimates however point to a great expansion of dual citizenship all over the world. Recent years have also witnessed the Council of Europe, as well as countries that have been traditionally strongholds of resistance against dual citizenship, such as the Netherlands, Belgium and even Germany, taking steps toward a more tolerant attitude toward dual citizenship.

The proliferation of dual citizenship has attracted the attention of several scholars, who have added important elements to our general understanding of the theoretical and methodological dimensions of this contested issue.⁹ Most of these studies have nevertheless focused on case studies of Western Europe and Northern America, neglecting the proliferation of dual citizenship in Central and Eastern Europe. The few available studies on dual citizenship in these regions have not linked policies of dual nationality with the ethnic and national policies of post-communist nation states, and have not approached them in a comparative perspective.

I argue that, while in Western Europe and Northern America the expansion of dual citizenship has been motivated by the desire to integrate permanent residents,¹⁰ in Central and Eastern Europe policies of dual citizenship have been related to the revival of national and ethnic policies of post-communist states, and addressed the need for more effective minority protection. These features account for the major difference in the expansion of dual citizenship in the two regions: Dual membership has been primarily granted to internal permanent residents in the West, but to external and compact kin populations in the East.¹¹ As a result, in Western Europe the expan-

8 Calhoun, *Nationalism*, p. 9; Rogers W. Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge MA, 1992), p. ix.

9 See Hammar, 'State, Nation, and Dual Citizenship', pp. 81-95; Lowell Barrington, 'The domestic and international consequences of citizenship in the Soviet successor states', *Europe-Asia Studies* 47 (1995), pp. 731-764; Randall Hansen, *Citizenship and Immigration in Postwar Britain* (Oxford, 2000); Liebich, 'Citizenship in Its International Dimension', pp. 25-39.

10 A relevant example in this respect is the recent legislation on naturalisation and citizenship adopted in the United Kingdom. As part of its post-1945 legal transition from an imperial to a 'national' citizenship, the UK legislation attempted to facilitate the integration of immigrants by allowing them to retain their original citizenship. See Randall Hansen, 'British citizenship after empire: A defense', *Political Quarterly* 71 (2000), pp. 42-50.

11 In describing the heterogeneous forms of regional integration and revival of ethno-national

sion of dual citizenship has been mainly achieved by liberalising naturalisation policies.¹² In East-Central Europe, dual citizenship has been mainly meant to restore or grant citizenship to diasporic and kin minorities living abroad, and has not been accompanied by a liberalisation of naturalisation requirements for permanent non-citizen residents.

A comprehensive study of dual citizenship and its link with nationality policies in East-Central Europe poses significant theoretical and methodological challenges. In passing over the formal-legal aspect of citizenship and linking it instead with issues of socio-political transformation, the current article employs Charles Tilly's relational, cultural, historical and contingent definition. In Tilly's view, citizenship is simultaneously (1) *a category* which designates 'a set of actors – citizens – distinguished by their shared privileged position vis-à-vis some particular state'; (2) *a tie*, which designates 'an enforceable mutual relation between an actor and state agents'; (3) *a role* which includes 'all of an actor's relations to others that depend on the actor's relation to a particular state'; and (4) *an identity* which refers 'to the experience and public representation of category, tie or role'.¹³ This instrumental definition of citizenship regards the state as a set of specialised and even divergent agencies, and not as a unitary and indivisible actor, and traces the impact of citizenship on various social categories, roles and identities. The definition thus accounts for a multitude of actors, relations, and domains pertaining to citizenship, and redirects the research focus from the formal-legal aspect of citizenship to issues of 'state practices and state-citizen interactions'.¹⁴ Consequently, instead of a universal and pre-given status, citizenship is viewed as a continuum series of transactions, 'a set of mutual, contested claims between agents of states and members of socially-constructed catego-

policies in Central and Eastern Europe, some authors have proposed the term 'fuzzy statehood'. See Judy Batt's comments on the term, at the URL <http://www.crees.bham.ac.uk/research/statehood/term.htm>. This 'umbrella term' was the overarching concept of a research project on "'Fuzzy Statehood" and European Integration in Central and Eastern Europe' conducted at the University of Birmingham's Centre for Russian and East European Studies. In a comprehensive analysis of kin-state policies in Central and Eastern Europe, with a special emphasis on Hungary, Brigid Fowler employed the term 'fuzzy citizenship'. She defines the Hungarian Status Law as advocating a 'post-modern' form of citizenship, while Romania defended a 'modern' type of citizenship. See her contribution to this volume.

12 For this argument, see Randall Hansen and Patrick Weil, *Towards a European Nationality: Citizenship, Immigration and Nationality Law in the EU* (Houndmills, 2001). The book links conditions for naturalisation stipulated in various European countries to patterns of immigration. On this basis, it differentiates between two clusters of naturalisation laws, in Northern and Southern Europe.

13 Charles Tilly, 'Citizenship, Identity and Social History', in Charles Tilly, ed., *Citizenship, Identity and Social History* (Cambridge, 1996), pp. 1-17, here p. 8.

14 *Ibid.*

ries: genders, races, nationalities and others'.¹⁵ On this basis, one can distinguish between multiple and hierarchical forms of citizenship, as a function of actors' specific social position and the kind of tie to the state they are involved in.

Dual citizenship is one of the possible relationships between states and citizen(s). It results from the interaction between the socio-political interests of a certain individual or ethnic group, on the one hand, and the citizenship or nationality policies of the states with whom he/it comes into contact. One can thus distinguish among multiple stakes entangled in dual citizenship, at three main inter-related levels: the individual economic and political interests of citizens at grass-roots level; the national level, represented by state agencies or political elites; and the inter-state level resulting from the overlapping of or conflicts among the citizenship legislation of various states. In post-1989 Central and Eastern Europe, policies of dual citizenship have been framed by the relationship among three distinct but mutually dependent and interactive actors, highlighted by Rogers W. Brubaker: 'the nationalising state', 'the national minority', and 'the external national homeland'.¹⁶ To these, one should add another factor, deriving from the specific architecture of the international post-Cold War environment in Europe, and from the inter-state aspect of dual citizenship: international organisations, represented by the interrelated security and political policies of the EU, OSCE, and the Council of Europe. Their political standards on citizenship legislation, minority protection and human rights, as well as their framework of inter-state mediation and consultation have contributed to the shaping of nationality and citizenship policies in East-Central Europe. External legal constraints and the tough negotiation of interests among these factors account for the heterogeneous forms of multiple national membership in East-Central Europe, ranging from dual citizenship to partial or symbolic national affiliations.

II. Romanian Citizenship Legislation: Legacy and Post-Communist Innovations

Since the establishment of the Romanian national state in the second half of the nineteenth century through the union between the principalities of Moldova and Wallachia (1859), Romanian legislation emulated the French 'state-national' legal system, based on the *jus sanguinis* principle in ascribing citizenship, and a selective *jus soli* policy of naturalisation.¹⁷ The Romanian

15 *Ibid.*, p. 9.

16 Rogers W. Brubaker, *Nationalism Reframed. Nationhood and the National Question in the New Europe* (Cambridge, 1996).

17 For general overviews of Romanian citizenship legislation see Constantin Iordachi, 'Citizenship and National Identity in Romania. A Historical Overview', *Regio Yearbook* 2003, pp.

state also pursued an active nationality policy, by granting ethnic Romanians living in neighbouring countries privileged access to citizenship, in the form of dispensation from the naturalisation stage required of other foreigners. However, in line with the classical definition of citizenship, Romanian legislation forbade dual nationality. In order to become Romanian citizens, ethnic Romanians from abroad settling in the 'mother country' had to renounce their former citizenship.

These rules for ascribing Romanian citizenship were maintained during the communist period, as well. The 1971 'Law on Romanian Citizenship' reconfirmed the principle of *ius sanguinis* as the foundation of a homogeneous national community.¹⁸ It also forbade dual citizenship. In order to eliminate cases of dual citizenship generated by border changes after World War II, and to resolve pending juridical controversies, Romania signed international citizenship conventions with Hungary (1949), the USSR (1957), and Bulgaria (1959).

Citizenship legislation under communism was an instrument of political repression and control. The regime rigorously controlled internal migration, restricted the right of Romanian citizens to travel abroad, and monitored the movement of foreigners living on Romanian territory.¹⁹ The ideological nature of the citizenship legislation also reshaped the relationship between the Romanian national community and the diaspora. Although under the first communist Constitution (1948) repatriation of ethnic Romanians was possible, in practice it was granted only selectively, according to strict political criteria. In addition, Decree No. 563 of 5 November 1956 stripped numerous politically undesirable persons of Romanian citizenship. The 1971 citizenship law preserved the right to repatriation, provided former citizens obtained the approval of the Council of State, gave up their second citizenship and swore loyalty to socialist Romania.

The democratisation of the political system initiated in December 1989 has had a powerful impact on Romanian citizenship legislation, contributing to the redefinition of the criteria for ascribing citizenship. The 'Law on Romanian Citizenship' of March 1991 stipulated that Romanian citizenship can be acquired in the following ways: a) by birth into a marriage involving a Romanian parent; b) by adoption by a Romanian citizen; c) by repatriation; and d) by naturalisation (Art. 4).²⁰ In regard to repatriation, Article 8 read

2-34; *idem*, 'The Unyielding Boundaries of Citizenship: The Emancipation of 'Non-Citizens' in Romania, 1866-1918', *European Review of History* 8 (2001), pp. 156-187.

18 Iordachi, 'Citizenship and National Identity in România', p. 23.

19 *Buletinul Oficial al Republicii Socialiste România*, Part I, No. 146, 17 December 1969.

20 See 'Legea nr. 21 din 1 martie 1991, legea cetățeniei române' in *Codul Civil Român* (Bucharest, 2001), pp. 34-40.

that '[a] person who has lost Romanian citizenship can re-acquire it through repatriation, if he/she expresses their manifest desire to do so'.²¹

Alongside repatriation, the law introduced a new form of access to Romanian citizenship that can be generically called 'restoration of citizenship'. Article 37 read that '[f]ormer Romanian citizens who, before 22 December 1989, lost their Romanian citizenship for various reasons' can reacquire Romanian citizenship by request '*even if they have another citizenship and they do not settle their domicile in Romania*'.²² It specifically stipulated that this right is also granted to those who 'have been stripped of Romanian citizenship involuntarily' as well as to their descendants.²³ The 1991 law has thus consecrated two major innovations in the Romanian citizenship legislation: First, it allows Romanian citizens to hold dual citizenship; second, it goes beyond the commonly accepted standard on repatriation, enabling individuals who re-acquire Romanian citizenship to retain not only their first citizenship, but also *their domicile abroad*.

According to its main initiators, the motivations behind the new liberal citizenship law were democratic, being meant to allow former Romanian citizens to reacquire, upon request, their lost rights. The main beneficiaries of the law are the inhabitants of the former Soviet Socialist Republic of Moldova, and of the provinces of Northern Bukovina and Southern Bessarabia, in Ukraine. Since, following the Soviet occupation (1940-1942, and 1944-1991), the inhabitants of Bukovina and Bessarabia were stripped of their Romanian citizenship, the 1991 law aimed specifically at enabling them to retrieve that legal quality. But the 'Law on Romanian Citizenship' was also animated by implicit nationalist motivations, being adopted under the impact of the 1991 dismemberment of the USSR, and the proclamation of the independence of the Republic of Moldova. Romania was the first country to recognise the new state, inaugurating a policy of special partnership which aimed at gradual political integration between the two countries.

After 1991, diplomatic relations between Romania and Moldova seemed framed by the strategy of the 'two Romanian states', put forward by the Mol-

21 *Codul Civil Român*, p. 34. In doing so, the law followed the example of a decree adopted in December 1989, which granted former Romanian citizens who wished to repatriate full economic, political and social rights, including the right to pension, state assistance in acquiring real estate, and tax-exemption for repatriating 'all their goods' acquired abroad (art. 9). See 'Decree-law No. 7 from 31 December 1989 of the Council of the Front for the National Salvation concerning the repatriation of Romanian citizens and of former Romanian citizens', published in *Monitorul Oficial*, No. 9, 31 December 1989.

22 *Codul Civil Român*, p. 39.

23 *Codul Civil Român*, pp. 39-40. Article 35 was in fact a word-for-word reproduction of Article 1 of the Decree-law No. 137, 11 May 1990, of the Council of the Front for the National Salvation, published in *Monitorul Oficial*, 21 May 1990. Article 2 of the decree abrogated the stipulations on repatriation and withdrawal of citizenship enacted by the 1971 Law.

davian Popular Front in 1989.²⁴ According to this scenario, the achievement of Moldova's state independence represented the first and most important step in a gradual and negotiated process of political unification between the two countries. Indeed, in the immediate period following Moldova's independence, it became apparent that decision-makers in the two countries tacitly assumed the ideal of political integration, while recognising at the same time the need for taking only gradual 'small steps' toward the union. To this end, Romania granted Moldovan citizens the right to visa-free and passport-free travel to Romania, set up special educational programs for Moldovan students, and initiated a comprehensive network of inter-ministerial consultations between the two countries. Regarded in this context, the content of the 1991 law suggests that its authors envisioned dual citizenship as a strategy of unifying ethnic Romanians into a single political community, across dividing state-frontiers, as yet another preparatory step toward a closer integration between Romania and Moldova that could lead in the future to a possible reunification.

In the longer term, the Moldovan and Romanian political elites could neither reach a consensus over a prospective union between the two countries, nor did they have a clear strategy on how to achieve such a goal. Moreover, the stipulations of the 1991 law have generated unpredictable domestic and international consequences, affecting Romania's relations with Moldavia, Hungary, and Ukraine, an evolution highlighted in the following section.

III. Moldova: Multiple Citizenries in a Borderland Republic

In his analysis of the 'citizenship struggles' in the successor states of the former USSR, Rogers W. Brubaker differentiated between a 'new state' model of citizenship legislation, and a 'restored-state' model.²⁵ The first one was adopted in countries that lacked a statehood tradition of their own. Without a history of distinctive citizenry, these countries had to create their polities, by conferring citizenship rights to their residents, on an inclusive basis. The second model of citizenship was applied in states relying on their pre-Soviet statehood tradition, such as the Baltic States. In these cases, citizenship legislation restored citizenship rights that had existed prior to the Soviet conquest, thus excluding from citizenship rights all residents who immigrated there in the post-1945 period. Adopted in 1991, the Moldovan citizenship law was at

24 Cf. Gheorghe Cojocaru, *Colapsul URSS și dilema relațiilor româno-române* (Bucharest, 2001). The book offers a useful documentation of the founding dilemmas of the bilateral relations between Romania and Moldova in the period 1989-1992.

25 See Rogers W. Brubaker, 'Citizenship Struggles in Soviet Successor States', *International Migration Review* 26 (1992), pp. 269-291, here pp. 275-276.

the time one of the most liberal laws on citizenship adopted by the successor states of the USSR, conferring full citizenship rights to all permanent residents of the republic. According to the 1989 Soviet census, Moldova had 4,335,360 inhabitants, belonging to several ethnic groups, including Romanian-speakers (64.5% of the total population), Ukrainians (13%), Russians (11%), Gagauz Turks (3.5%), and Bulgarians (2%).²⁶ All these inhabitants have become Moldovan citizens, irrespective of their ethnicity or birthplace.

Moldova's citizenship legislation conflicted with Romania's legislation in two important respects. First, the 1991 Moldovan law granted citizenship to all inhabitants of the republic, thus resembling the 'new state' model of citizenship. The 1991 Romanian law granted potential rights to restoration of citizenship only to Moldovans who had held Romanian citizenship and to their descendants (reportedly making up circa two-thirds of Moldova's current population), and excluded those persons who settled in the province in the Soviet period, an approach resembling the 'restored-state' model. Second, Romania's legislation unconditionally allows its citizens to hold dual citizenship. In contrast, Article 18 of the Constitution of Moldova states that 'the citizens of the Republic of Moldova can be citizens of other states only in cases of international agreements to which Moldova is a party' (Chapter I, Title II). Since no such convention was signed with Romania, holders of Romanian and Moldovan dual citizenship were in violation of Moldova's internal legislation.

The interaction between the citizenship policies of Romania and Moldova has consequently had far reaching consequences on their bilateral relations. First, the adoption of the Romanian citizenship law was followed by a flood of applications for Romanian citizenship. According to unofficial estimates, between 1991 and 2000 alone the Romanian government granted citizenship to 300,000 Moldovan citizens belonging to various ethnic groups.²⁷ These persons have acquired automatic access to full social and political rights in Romania, except for the rights and obligations that are temporarily discontinued for citizens residing abroad, such as the obligation to taxation and military service, and access to elected public, civil or military positions in the state administration, reserved by the 1992 Romanian Constitution to holders of single citizenship resident in Romania (Art. 16, point 3).

This massive influx of new citizens from Moldova raised the question of their socio-political and electoral impact on Romanian society,²⁸ but it did not

26 Charles King, *The Moldovans. Romania, Russia, and the Politics of Culture* (Stanford, 2000), pp. xxvii-xxviii.

27 Estimate by former Moldovan Prime Minister Mircea Druc, *Evenimentul Zilei*, 20 May 2000.

28 'Unde se duce votul basarabenilor', *Evenimentul Zilei*, 20 May 2000.

boost the campaign for a political union between the two countries. Debates over the future of Moldova have remained rather marginal in Romanian post-1989 political discourse. By and large, they were monopolised by nationalist parties, such as the Greater Romania Party, which captured the political support of many Moldovan new citizens, and utilised the ‘Moldovan question’ for transient political interests. At diplomatic level, Romania’s policy toward Moldova has been trapped in the ‘dilemma of the Romanian-Romanian relations’, oscillating between ‘pragmatism’ and ‘sentimentalism’.²⁹ The older formula of the ‘two Romanian states’ put forward by the Popular Front in 1989 was lost on the way, gradually metamorphosing into the softer version of the ‘two brotherly states’ in a first stage, and into the more neutral one of the ‘two neighbouring states’ in a second stage.

Romania’s citizenship policy has also had a strong impact on political life in Moldova. Initially, due to the inclusive citizenship legislation, the national struggle in Moldova concentrated not on citizenship legislation, as was the case in other successor republics of the former USSR, but on the definition of the nation and national identity, on the official language to be adopted, and on Moldova’s relationship to Romania and Russia. Since independence, political life in the province was characterised by fierce debates over Moldovan national identity. The main conflict has been between the proponents of ‘Moldovanism’, a theory manufactured during the Soviet regime which claims that Romanians and Moldovans are two distinct peoples³⁰ and that Romanian and ‘Moldovan’ are two different languages, the latter one being born out of a combination of Latin and Slavic dialects; and ‘Romanianism’, which asserts that Moldovans are in fact ethnic Romanians, sharing with the Romanian nation a common language, ethnic identity, history and (temporary) statehood. The foreign policy options of the two camps have also been radically different; while ‘Moldovanists’ plead for a policy of close co-operation and integration with Russia, ‘Romanianists’ call for a state union between Romania and Moldova.

Dual citizenship undermined, rather than strengthened, the domestic desire for a ‘political union’ with Romania. In fact, dual citizenship offered the Moldovan intelligentsia and politicians an ‘exit option’ for overcoming the acute

29 The most determined advocate of the pragmatic policy toward Moldova was the Romanian Foreign Minister Adrian Severin (1996-1998), who re-launched negotiations toward the signing of a bilateral treaty which had been pending ever since the proclamation of Moldova’s independence. In contrast, his successor, Petre Roman (1998-2000), spoke openly of the Romanians’ ‘desire for union’ with the Republic of Moldova.

30 Angela Sârbu, ‘Protesting “Moldovanism”. A proposal by the communist government to revise history sparks protests in Moldova’, OMRI Analytical Briefs, June 2001, available at <http://www.tol.cz/week.html>, accessed in October 2001.

economic crisis in their republic.³¹ Instead of operating as agents of ‘Romanianess’ in the republic, numerous pro-unionist Moldovan activists preferred generally to emigrate to Romania. Many of them, such as the poets Cristian Vieru and Leonida Lari, achieved a high public profile in Romania. The most spectacular case is that of the pro-unionist Moldavian Prime Minister Mircea Druc, who relocated to Romania and ran in the 1992 presidential elections.

At grass-roots level, the majority of Moldovan citizens who applied for Romanian citizenship were actuated by material interests. Unlike the Moldovan passport, a Romanian passport granted its holder visa-free travel in Central Europe. It is thus very telling that most of the requests for Romanian citizenship were filed starting in 1998, after Romania was invited to enter negotiations toward accession to the European Union. In addition, upon their acceptance as Romanian citizens, Moldovans were also issued a certificate of ‘repatriation’ which entitled them to a tax-free transfer of their goods over the border, including two private cars. The repatriation certificate consequently became a much sought-after commodity on the Moldovan market; advertisements in local newspapers, such as *Makler*, offered them at prices that varied between USD 1,000 and 2,000 each.³²

IV. Dual Citizenship and Geo-political Embroilment in Moldova: The Case of Ilie Ilaşcu

The political conflict between the proponents of ‘Moldovanism’ and ‘Romanianism’ in Moldova was further aggravated by the claims to administrative autonomy voiced by the Gagauz population in the southern part of the republic, and by the separatist tendencies manifested by the Russophile and anti-reformist elites in Transnistria, the region situated beyond the Dniester river, along the border with Ukraine. In 1992, following the political offensive of ‘Romanianism’ and the adoption of the Latin script, Transnistria declared its territorial secession from Moldova. In 1993, benefiting from the tacit diplomatic and military support of Russia, local Transnistrian elites led by Igor Smirnov resisted military attempts of the Moldovan authorities to restore control over the region. They have refused to enact the legislation adopted by the Moldovan Parliament, and have built a clientelist independent-state infrastructure unanimously regarded by political analysts as a kind of Stalinist relic.³³

31 For an authoritative treatment of political strategies of ‘exit’, ‘voice’ or ‘loyalty’, see Albert Hirschman, *Exit, Voice, and Loyalty* (Cambridge, 1970).

32 *Infotag*, 14 February 2000.

33 See King, *The Moldovans*, pp. 178-208. See also Michael Bruchis, *The Republic of Moldova: From the Collapse of the Soviet Empire to the Restoration of the Russian Empire* (Boulder, 1996).

The case of Ilie Ilașcu is emblematic for the political complications surrounding Moldova's post-1991 status. A member of the nationalist Moldovan Popular Front emerging at the end of the *Perestroika* reforms, Ilașcu was a leading promoter of 'Romanianism' in Moldova. He was active in the local organisation of the Popular Front in Transnistria, vehemently opposing the separatist tendency of local Russophile leaders. Upon the consolidation of the separatist leadership led by Smirnov, Ilașcu was arrested together with five other colleagues and charged with terrorist activities against the authorities of the would-be republic. The 'Ilașcu Group' was subject to a Stalinist show-trial, amply publicised by the local propaganda machinery. At the end of the trial, Ilașcu was sentenced to death, while his collaborators got long sentences in prison. The death penalty was never carried out, but Ilașcu remained imprisoned in Tiraspol, the capital of the separatist region.

While little known on the international stage, the case of Ilașcu was widely reported in the Moldovan and Romanian media. In Moldova, Ilașcu embodied the struggle for the unity and independence of the republic, while in Romania he was hailed as a national hero, a fighter against Russian imperialism and a symbol of the unity between Romania and Moldova. In both countries, strong public campaigns were waged in support of the 'Ilașcu Group'. Due to an increasing popular sympathy for his cause, in 1998 Ilașcu was elected a deputy in the Moldovan Parliament on the list of the Christian Democrat Popular Front. This did little to improve his situation: he remained a political prisoner and was not able to exercise his mandate. In August 2000, on the eve of the Romanian parliamentary elections, Ilașcu enrolled in the Greater Romania Party led by the ultra-nationalist leader Corneliu Vadim Tudor. Shortly after that, Ilie Ilașcu and his wife Nina Ilașcu were granted Romanian citizenship. Reportedly, his wife Nina Ilașcu filed the requests in Bucharest, and the legal procedure took only twelve days. After that, Ilașcu agreed to stand *in absentia* for a seat in the Romanian Parliament, and in November 2000 was elected a Senator for Bacău county as a Greater Romania Party candidate. Prior to his candidacy, Ilașcu had filed to renounce his Moldovan citizenship, but President Luchinski rejected his demand as 'premature'. Therefore, at the time of his election to the Romanian Parliament, Ilașcu was a dual citizen of Romania and Moldova. This was an overt violation of the Romanian legislation, which expressly forbade dual citizens to stand in national elections.³⁴ The Romanian Parliament nevertheless validated Ilașcu's mandate, invoking his exceptional situation and the fact that no official complaints were received against his candidacy. The case of Ilașcu is thus unique in European parliamentary history: While a political

34 During the electoral campaign, several candidates were disqualified from the electoral campaign for the very same reason.

prisoner in the separatist Transnistrian region, he was simultaneously an elected deputy in the Moldovan Parliament, an elected deputy in the Romanian Parliament, and – shortly after his election in the Romanian Parliament – has become a member of the Parliamentary Assembly of the Council of Europe!

After Ilaşcu's election in the Parliament, Romania intensified its diplomatic campaign for his release. In December 2000, the Senate of Romania issued a 'Declaration of Support' for the 'Ilaşcu Group', claiming that 'Ilaşcu cannot attend Senate sessions because of his detention resulting from an unfair trial'. It urged the Romanian authorities to start legal actions for a fair retrial of Ilaşcu in an OSCE member country, 'taking into account his Romanian citizenship, and his membership in the Senate and in the Euro-Parliament'.³⁵ Due to this strong diplomatic pressure, on 5 May 2001 Ilaşcu was finally set free, after ten years in prison.

Ilaşcu's case is thus paradigmatic for the problems created by Romanian-Moldovan dual citizenship. He started as a Moldovan member of the Popular Front, but has now become a Romanian citizen, and a Senator in the Romanian Parliament. As a prominent member of the ultra-nationalist Greater Romania Party and a member of the Romanian Parliament, Ilaşcu contested the legitimate existence of the Republic of Moldova, pleading for its immediate and unconditional union with Romania. To this end, he declared his intention to initiate a bill in the Romanian Parliament that would automatically grant Romanian citizenship *en masse* to all Moldovan citizens. The debates over Ilaşcu's citizenship status thus reinforced the disagreements between Moldova and Romania over the nature of their political relationship.

The destabilising effects of the Romanian citizenship law on Moldova's state sovereignty have been further aggravated by the interaction with Russia's ethnic and citizenship policy.³⁶ Taking advantage of Russia's inclusive citizenship policy and its acceptance of dual citizenship, around 60,000 Moldovans have acquired Russian citizenship. This phenomenon was particularly intense in the eve of 2000, the deadline set by the Russian citizenship law for former Soviet citizens to obtain Russian citizenship through a simplified procedure. Holders of Russian citizenship were concentrated mostly in the separatist Transnistrian region, where reportedly the entire political leadership – including the local leader Igor Smirnov himself – has acquired Russian citizenship. In addition, Transnistria has started to build its own citizenry: on May 24, 2001, it introduced its own passports, which replaced the

35 *Ziua*, 12 December 2000, p.1.

36 On Russia's post-1991 citizenship policy, see Barrington, 'The domestic and international consequences of citizenship', pp. 731-764.

old USSR passports.³⁷ This process is facilitated by the fact that, after 1991, not all inhabitants of the province confirmed their Moldovan citizenship by having their Soviet passports stamped and thus registering with the central authorities. According to official statistics, in 2000 there were only 180,000 registered Moldovan citizens in Transnistria, out of a total population of circa 742,000 persons.³⁸

Moldova thus exhibits the image of a split republic, divided by radical debates over its national identity, political orientation, and citizenship affiliation. In 2000, there were about 500,000 Moldovan citizens holding dual citizenship, or about one quarter of the total population of 4.32 million inhabitants.³⁹ Among them, 300,000 Moldovan citizens held Romanian passports, followed also by Russian, Ukrainian, Israeli, and Bulgarian dual citizens. Reportedly, the Romanian, Russian, and Ukrainian Embassies in Chişinău were ‘besieged’ daily by 100 to 150 people requesting citizenship.⁴⁰ Dual citizenship also contributed to a large-scale emigration. According to Valeriu Pasat, the Director of the Information and Security Service of Moldova, in the period 1990-1999, more than 80,000 Moldovan citizens officially emigrated.⁴¹ A majority of them went to Romania, 11,240 to Israel, and 2,300 to the United States and Canada. In addition, more than 600,000 Moldovan citizens are now living and working outside the country.⁴²

V. Dual Citizenship and the Evolution of the Romanian and Moldovan Citizenship Policy

The overlap between the Romanian and Moldovan citizenries caused genuine concern among Moldovan policy-makers, who feared that Romania was using dual citizenship as a strategy for increasing its control over Moldova. In February 2000, the Moldovan President Petru Lucinschi had to admit that ‘more and more’ Moldovan citizens were applying for Romanian citizenship. He requested the Foreign and Interior Ministries to ‘study why an increasing number of Moldovan citizens are applying for Romanian na-

37 ‘Transnistria Introduces Own Passports’, *Infotag*, 24 May 2001.

38 ‘Doar 24 la sută din locuitorii Transnistriei vor putea participa la alegerile de la 25 februarie’, *Basa Press*, 6 February 2001, available on the website of the agency, at <http://www.basa.md>.

39 This proportion looks even more significant if one subtracts from the population of Moldova the inhabitants of Transnistria who have not confirmed their Moldovan citizenship, estimated at 560,000 persons.

40 *Infotag*, 14 February 2000.

41 Valeriu Pasat, ‘Exodus’ in *Nezavissimaya Moldova*, 15 July 2000, quoted by *Basa Press*, at <http://www.basa.md>, accessed in October 2002.

42 *Ibid.* As a result, the total population of Moldova decreased from 4.33 million in 1989 to 4.32 million in 1997. See King, *The Moldovans*, pp. xxvii-xxviii.

tionality',⁴³ and to devise mechanisms for preventing the proliferation of dual citizenship. But the Moldovan efforts appeared to be frustrated by the Romanian side. On 6 March 2000, the Romanian government took additional measures meant to speed up the procedure for the restoration of citizenship, which took on average three and a half months.⁴⁴ The decision was criticised by the Moldovan Ministry of Foreign Affairs, Iurie Viton, who accused Romania of consciously encouraging violation of the internal legislation of the Republic by Moldovan citizens.⁴⁵

It thus became imperative that the two countries negotiate a bilateral solution to the issue of dual citizenship. To this end, the Presidency of Moldova issued a draft agreement stipulating the specific rights and duties of holders of dual citizenship on key issues such as taxation, military service, and the right to buy real estate, and expressed Moldova's intention to sign treaties regulating dual citizenship issues with Romania, Russia, and Israel.⁴⁶ Following bilateral talks in Bucharest, on 28 March 2000 the Romanian Foreign Minister Petre Roman and his Moldovan counterpart, Nicolae Tăbăcaru, agreed to negotiate a bilateral accord on dual citizenship.⁴⁷ The Moldovan side however made this agreement conditional on Bucharest providing data on dual citizens to Chişinău, in order to achieve a greater transparency between the two countries, and to eliminate every 'suspicion', a request rejected by the Romanian side.

At the same time, President Lucinski started a political campaign for the amendment of Moldova's citizenship legislation, allegedly necessitated by Moldova's 1999 adherence to the *European Convention on Nationality* (1997) which recommended that signatory states take a more permissive attitude toward cases of dual citizenship.⁴⁸ The amendment of the citizenship law occasioned extensive political debates, closely related to the internal and foreign policy dilemmas of Moldova. Passed by the Moldovan Parliament on 25 May 2000, the new law strengthens the requirements for acquiring Moldovan citizenship, requiring that the applicants have resided ten years in the republic prior to naturalisation and be able to prove their knowledge of Moldova's laws, history, and language. In line with the *European Convention on Nationality*,

43 Spokesmen of the President Anatol Golea, quoted in 'President Orders Ministers to Study Why Moldovans Rush for Romanian Citizenship', *Infotag*, 7 February 2000.

44 *Infotag*, 6 March 2000.

45 'Romania Indirectly Stimulates Legislation Violation by Moldovans', *Infotag*, 7 March 2000.

46 'Preşedenţia a elaborat un proiect de acord cu privire la dubla cetăţenie', *Basa Press*, 13 March 2000.

47 'Bucureştiul va oferi Chişinăului date despre cetăţenii moldoveni care deţin şi cetăţenia română', *Basa Press*, 28 March 2000.

48 'Chişinăul a recunoscut dreptul la dublă cetăţenie în anumite cazuri', *Basa Press*, 14 October 1999.

the new law accepts dual citizenship for persons engaged in mixed marriages, and for children adopted from a foreign country or born into mixed families. At the same time, it stipulates an obligation for the Ministry of Foreign Affairs to identify holders of dual citizenship and to request their denaturalisation.⁴⁹ Although no cases of application of this stipulation were reported by the media, it nevertheless had a strong political impact. Adopted on the eve of general elections in Romania and Moldova, the new citizenship law created panic among holders of dual citizenship, weakening the political resistance of the opposition. It thus became obvious that, on the eve of the Moldovan national elections scheduled in February 2001, President Lucinschi was using the citizenship law as a political tool against the pro-Romanian political opposition.

In February 2001, pro-Romanian political forces in the province suffered a heavy electoral defeat at the hands of the Communist Party. Upon his election, the new Moldovan President Vladimir Voronin launched an aggressive campaign meant to reactivate the Soviet variant of national identity in the republic, that of 'Moldovanism'. As part of the new cultural policies of his regime, Voronin defined the official language used in the Republic as a separate 'Moldovan' language, inspired the re-naming of the history textbook from the *History of Romanians* to the *History of Moldova*, and declared Romanians to be an ethnic minority group in the republic. The marginalisation of the pan-Romanianist political forces in the republic and cultural policies aiming at 'de-Romanianisation' brought relations between Romania and Moldova to a complete deadlock.

Romania's policy on the restoration of citizenship generated diplomatic conflicts with the Ukraine, as well. On 7 November 2000, the newspaper *Kievskie vedomosti* reported that a growing number of Ukrainian citizens were applying for Romanian citizenship, in addition to their Ukrainian one.⁵⁰ This situation was an overt breach of the Ukrainian citizenship law, which prohibited dual citizenship. As a result, the Romanian law attracted a great deal of criticism in Ukraine, including allegations that, through its inclusive citizenship policy, Romania was conducting a policy of 'creeping expansion' with the final aim of 'reacquiring Northern Bukovina and Southern Bessarabia' (which had belonged to Romania before World War Two). In the Ukrainian view, the Romanian citizenship policy could serve those objectives, particularly since the Helsinki Conference Final Act does not rule out separate regions within countries holding referendums on joining one or another state: 'If

49 'O comisie parlamentară recomandă președenției să renunțe la un articol din proiectul legii cetățeniei', *Basa Press*, 22 March 2000.

50 See 'Creeping Romanianization', in *Kievskie vedomosti*, cited by RFE/RL, 'Poland, Belarus, and Ukraine Report', Vol. 2, No. 42, 14 November 2000.

Chernivtsi Oblast acquires a critical mass of Ukrainian-Romanian citizens, might they not decide one fine day – let's say, on the day of Romania's accession to the EU – to become full-fledged participants in that holiday?'⁵¹ According to the newspaper, Ukrainians apply for Romanian passports primarily for economic reasons, since by holding such a passport '[i]t is possible to obtain preferences for small businesses. Besides, Romania has a chance of entering the EU sooner than Ukraine, and then the Romanian passport will become priceless, since it will open for its holder the way to all of Europe'.⁵²

The number of applications for Romanian citizenship from Moldova and Ukraine reached a record level in January 2001, when Romanian citizens were granted visa-free travel in the Schengen space. Confronting a huge number of citizenship requests, on 15 January the Romanian government decided to suspend for a period of six months the restoration of citizenship to former citizens living abroad under Article 35 of the 1991 law.⁵³ This decision triggered a street demonstration of Moldovan citizens applying for Romanian citizenship in Bucharest, and attracted criticism in the press from pro-Moldavian politicians and journalists.⁵⁴ In response, in 2002 the Romanian Government issued its Ordinance No. 68, which re-instituted and further simplified the procedure for the restoration of citizenship.⁵⁵ The ordinance abolished the mandatory interview for granting citizenship, the decision being taken solely on the basis of a dossier that could be delivered by intermediaries to the Citizenship Office (*Biroul pentru cetățenie*) operating within the Ministry of Justice in Bucharest. According to media reports, this procedure led to the creation of *mafia* networks in Moldova for collecting citizenship dossiers and transporting them in huge packages to Bucharest, in exchange for a sum of USD 50 to 400 per person. The Citizenship Office received around 300 requests for citizenship per day, or a total of 13,000 requests in five months (August-November 2002), and 19,000 in six months (August-December).⁵⁶

This massive demand for Romanian citizenship alerted the government, which issued another Ordinance No. 160/2002 suspending the stipulation on repatriation introduced by the earlier regulation. While approving the governmental ordinance, the Romanian Parliament pointed to the 'explosive growth in the number of requests' motivated by 'the removal of the tour-

51 *Kievskie vedomosti*, 14 November 2000.

52 *Ibid.*

53 See Ordonanța de urgență nr. 167/15 January 2001. The legislation on Romanian citizenship quoted below is available on the website of the Romanian Parliament, at <http://www.cdep.ro>, accessed on 15 October 2003.

54 See, for example 'O ordonanță de urgență creează confuzii', *Viața Liberă*, January 2002.

55 The Ordinance was confirmed by Law No. 542/2002.

56 See 'Expunere de motive pentru aprobarea Ordonanței de urgență a Guvernului nr. 160/2002', p. 1.

ist-visas for Romanian citizens traveling to the Schengen space, as well as by Romania's prospects of European and North-Atlantic integration'.⁵⁷ The parliamentary report on the law stated that, according to the data provided by the Ministry of the Interior, the compensatory aspect of the restoration of citizenship 'originally considered by the Citizenship Law is present in fewer and fewer cases', a majority of applicants demanding citizenship for 'interests foreign to the original goal of the law'. The Parliament thus recommended that the government put forward proposals for a new policy on the restoration of citizenship which would help to exclude opportunists, but did not ask for the cancellation of that policy.

At the end of the six-month period, the government issued a new Ordinance No. 43/2003 stipulating the conditions for the restoration of citizenship, confirmed by the Parliament as Law No. 43/2003. Former citizens were entitled to file their citizenship requests at Romania's embassies and consulates abroad. If deemed necessary, the Ministry of Justice had the right to invite the candidate for an interview in Bucharest, and could reject the application if the candidate missed two official appointments.⁵⁸ Further amendments to the citizenship law adopted in 2003 retained these conditions, while coordinating the procedure for the restoration of citizenship with that on repatriation.⁵⁹

Most importantly, changes in the procedure for the restoration of citizenship have been accompanied by changes in the legal status of dual citizens in Romania and Moldova. In October 2003, as part of the numerous amendments introduced to the Romanian Constitution through a popular referendum, dual citizens have gained the right to be elected to public, civil and military positions. In Moldova, following failed attempts to prevent the proliferation of dual citizenship, on 8 July 2003 President Voronin initiated the 'Law on Dual Citizenship', allowing Moldovans to legally possess dual citizenship. The law unleashed a demand for Romanian citizenship among Moldovans. It is estimated that in August 2003 circa 40% of Moldovan citizens also held the citizenship of Romania, Israel or Russia.

VI. Dual Citizenship and the Inter-state Relation between Romania and Hungary

The stipulation in the 1991 Romanian citizenship law on dual citizenship has also had an impact on the status of ethnic Hungarians in Transylvania. In

⁵⁷ *Ibid.*

⁵⁸ 'Expunere de motive pentru aprobarea Ordonanței de urgență a Guvernului nr. 43/2003' available on the site of the Romanian Parliament, at <http://www.cdep.ro>, accessed on 20 October 2003.

⁵⁹ See Law No. 248, 10 June 2003.

order to understand this relationship, I will first briefly present a short overview of the Romanian-Hungarian ideological conflict over overlapping and ultimately conflicting definitions of the nation. The controversy started soon after the signing of the 1920 Treaty of Trianon, under which Hungary's former provinces of Transylvania, the Banat, and Partium joined Romania. The legal separation between the citizenries of Romania and Hungary necessitated by these territorial changes generated extended international litigation over the status of the landed property of Transylvanian Hungarians who opted for Hungarian citizenship and were expropriated under the 1921 Romanian land reform.⁶⁰ During the Second World War, Hungary reacquired northwestern Transylvania from Romania (1940-1944), a territorial change that set in motion other demographic changes, with lasting legal implications.

The Romanian-Hungarian diplomatic conflict continued and even amplified during the communist period, when the growing concern for Hungarian minorities abroad that developed in Hungary starting in the 1970s coincided with the nationalising policies conducted by the Romanian communist regime led by Nicolae Ceaușescu, putting the official and public political discourses in the two countries on a collision course. The peak of this controversy occurred in the late 1980s, when the Romanian-Hungarian legal and political debates over the status of the Hungarian minority in Romania dominated the agenda of numerous international organisations, such as the CSCE meetings. During these debates, the Romanian side employed a *statist* definition of the nation, seen as a territorial-political unit. Since ethnic consciousness was regarded as a cultural and not a political phenomenon, the Hungarians in Transylvania were defined as an 'ethnic minority', sharing only a common culture with Hungarians in Hungary proper. Consequently, the leader of the communist regime in Romania, Nicolae Ceaușescu, did not recognise ethnic minorities as belonging to other nations; in his view, since a nation is created by centuries of 'living together', the Hungarians, Germans, Serbs and other ethnic groups living in Romania are all part of the Romanian nation.⁶¹

On the other side, the Hungarians employed an *ethnicist* definition of the nation, defined by a common culture and descent.⁶² Regarded from this different perspective, national consciousness is a political and not just a cultural

60 Their option for Hungarian citizenship was based on the stipulation of Article 10 of the Treaty of Trianon, which gave ethnic minorities living in the annexed territories the opportunity to choose their citizenship among the successor states of the former Austro-Hungarian Empire.

61 Nicolae Ceaușescu on 23 February 1987, in Open Society Archives (OSA), Budapest, Fonds 300: Records of Radio Free Europe/Radio Liberty Research, Subfonds 60: Romanian Unit, Romanian SR/3, *Radio Free Europe Background Report*, 22 April 1987, p. 12.

62 On the distinction between *statist* and *ethnicist* definitions of the nation, see Anthony Smith, *Theories of Nationalism* (London, 1971), p. 176.

phenomenon, which is expressed in a symbolic political identification with a common government. Therefore, ethnic Hungarians in Romania should be regarded as a 'national minority'. In 1985, Mátyás Szűrös, the leading figure of Hungarian diplomacy in the late 1980s, eloquently expressed this view by arguing that 'the Hungarians living outside our borders, but mainly within the Carpathian Basin, constitute a part of the Hungarian nation. They have every right to expect Hungary to feel responsibility for their fate and to speak up for them when they are objects of discrimination'.⁶³

The link between Hungary and the Hungarian minority in Romania remained a very sensitive issue for Romanian politicians and public opinion in the post-communist period, as well. The controversy reached a new stage in 1990, when the obligation of the Hungarian state to protect the interests of ethnic Hungarians abroad was embodied in an amendment to Article 6 of the Constitution, which read: 'The Republic of Hungary bears a sense of responsibility for what happens to Hungarians living outside of its borders and promotes the fostering of their relations with Hungary'. In addition, Hungarian diplomacy tried to reinforce the international juridical relevance of this principle, by emphasising the importance of national minorities' ties with the 'mother country', and claiming that the nationality question was not exclusively an internal affair, since it encompassed human rights and inter-state aspects as well. This position led to a further escalation of the Romanian-Hungarian diplomatic dispute.

The controversy acquired new domestic connotations with the creation, in December 1989, of the Democratic Alliance of Hungarians in Romania (the DAHR), as the main political representative of the interests of ethnic Hungarians. On the one hand, the DAHR regards Romania's ethnic Hungarians as an integral part of the Hungarian nation, and defines them as a 'co-nation', or a 'state building nation' in Romania.⁶⁴ On the other hand, at the international level, the DAHR demands to be considered as the official representative of the Hungarian community in Romania, and to be part of every bilateral agreement between Romania and Hungary over the status of the Hungarian minority. This request has been considered legitimate by the Hungarian side. In order to provide an institutionalised framework for permanent political consultations with representatives of the Hungarian national minorities in neighbouring countries, the Hungarian Government set up a special monitoring commission called the Secretariat for Hungarians Abroad in the Office of

63 Mátyás Szűrös, Secretary of the Central Committee of the Hungarian Socialist Workers Party in charge of international relations, quoted in OSA, Romanian SR/3, *Radio Free Europe Background Report*, 22 April 1985, p. 3.

64 See the Programme of the DAHR, available on-line on its official web-site at the address <http://www.rmdsz.ro>.

the Prime Minister, reorganised in 1992 as the Government Office for Hungarian Minorities Abroad (*Határon Túli Magyarok Hivalata*), and functioning under the supervision of the Minister for Foreign Affairs.⁶⁵

During the diplomatic negotiations between Romania and Hungary toward the completion of a bilateral friendship treaty (1994-1996), the Hungarian government also advocated the right of the DAHR to be consulted on the agreement reached: ‘The Hungarian government cannot formally represent the citizens of other countries who belong to a Hungarian national minority, but it considers as an essential requirement that the representatives of the minorities concerned should be able to present their views during the process [of Romanian-Hungarian negotiations] and on the agreements reached’.⁶⁶ The Romanian side rejected this claim, arguing that the DAHR is a political party, while the issues between Hungary and Romania should be resolved between the two governments: ‘The bilateral treaty is a treaty between Romania and Hungary, and it is about the relationship between the two countries. Individuals belonging to the Hungarian minority are citizens of Romania and their relationship with the Romanian state is handled in the same way as the relationship of all other citizens with the Romanian state. The rights of the Hungarian minority in Romania are not guaranteed by the Romanian-Hungarian Treaty, but by the Constitution of Romania, the laws of the country and the international agreements signed by Romania’.⁶⁷

Ultimately, after arduous negotiations, on 16 September 1996 Romania and Hungary signed the ‘Treaty of Understanding, Co-operation and Good Neighbourliness’. The treaty included the provision that both countries will support each other’s efforts for integration into NATO and the European Union ‘on a non-discriminatory basis’.⁶⁸ In addition, the two countries have set up a mechanism for permanent dialogue inspired by the French-German model of political reconciliation, by instituting permanent consultations between Romania and Hungary. The agreement did not mean that there would be no conflicts in the years to come, but it was probable that they would take the form of legal disagreements, and be resolved through a process of political negotiation.

65 See Government Decree No. 90/1992, ‘On the Government Office for Hungarian Minorities Abroad’, available at <http://www.mfa.gov.hu/NR/rdonlyres/CD0972C6-5D3D-40C7-97B6-98DCD09FE037/0/HTMHa.htm>, retrieved on 15 September 2003. For the website of the Government Office for Hungarian Minorities Abroad, see <http://www.htmh.hu>.

66 *Concluding Document of the Inaugural Conference for a Pact on Stability in Europe*, Paris, May 27, 1994, Interpretative Statement, point 1.5.

67 Traian Chebeleu, the Spokesman of the Romanian President, *Evenimentul Zilei*, 27 May 1997.

68 *Romania and Minorities. Collection of Documents* (Târgu Mureş, 1997), p. 162.

VII. Dual Citizenship: A Solution to the Visa Regime?

Despite the achievement of Romanian-Hungarian diplomatic reconciliation, the status of ethnic Hungarians in Romania has continued to generate sharp political debates between the two countries. Starting in 1997, these debates concentrated on the issue of dual citizenship, fuelled by the prospect of introducing mandatory travel visas between Romania and Hungary, and by Hungary's better prospects of joining the European Union. The beginning of the controversy over dual citizenship was marked by the request of Karl Schlogl, the Austrian Foreign Minister, of April 1997, that the Czech and Hungarian authorities introduce mandatory visas for Romanian tourists. Mandatory travel visas for Romanian citizens would have unavoidably limited the free and active contacts between Hungary and ethnic Hungarians in Romania, regarded as vital. The proposal therefore provoked a vigorous response from the Hungarian minority, which requested concrete guarantees that its relations with the 'mother country' would not be severed. In this context, on 26 August 1997 Ádám Katona, the president of the 'Hungarian Initiative from Transylvania', asked the DAHR's leadership to introduce among its objectives the granting of Hungarian citizenship to Romanian citizens of Hungarian ethnic origin, as a way of guaranteeing their free movement.⁶⁹ Soon, other leaders of the DAHR, including its Honorary President László Tőkés, and DAHR organs such as the Council of Representatives in Cluj, a major county of Transylvania, spoke in favour of the proposal.

Despite these concerted signals from major political components of the DAHR, the leadership of the organisation was reluctant to include the proposal on its political agenda. On several occasions, DAHR President Béla Markó explicitly refused to give it his official endorsement. This indicated that the proposal was also linked to the political competition between opposing factions within the DAHR, an umbrella organisation which comprised a multitude of territorial associations, political factions, and cultural organisations. The major political cleavage within the DAHR is between 'moderates' and 'radicals', and is centred on defining and implementing key programmatic issues, such as the internal autonomy and self-determination of the Hungarian community, and on the attitude to be adopted towards the Romanian political power. The debate between 'moderates' and 'radicals' expresses in fact a deeper socio-economic and territorial cleavage within the Hungarian community, between the mountainous and predominantly rural Hungarian-dominated territories in the eastern extremity of Transylvania (the *Székelyföld*, or Szeklerland, comprising Covasna and Harghita counties, where Hungarians make up 73.81% and respectively 84.61% of the total local population, and repre-

69 *Evenimentul Zilei*, 27 August 1997.

senting together approximately one quarter of Romania's total Hungarian population, or 439,896 persons out of a total of 1,624,959) and the more urbanised but unevenly distributed Hungarian population in other parts of Transylvania. Using Albert Hirschman's triadic typology on available institutional strategic options (exit, voice, or loyalty) one can appreciate that Hungarian political elites from the *Székelyföld* favour 'exit' political solutions (i.e. territorial autonomy and the right to dual citizenship) designed to extract political benefits from their mother-country (Hungary), while minimising their legal dependence on the Romanian state and their participation in central institutions; in contrast, Hungarian elites from more ethnically heterogeneous areas of Transylvania favour a combination of 'voice' and 'loyalty' political solutions (i.e. participation of the DAHR in Romania's political institutions, such as parliament or central government), meant to express their discontent with the existing legislative framework on minority rights, and to foster more favourable forms of minority institutional representation through hard-nosed negotiations with Romanian politicians.⁷⁰

Accordingly, the demand for Hungarian citizenship was launched by the radical political wing of the DAHR, being championed by the Honorary President of the DAHR, László Tőkés, and debated during the regularly organised 'Forums of the Székely population'. Moreover, during meetings in November 1998 and January 1999, the issue was coupled with a maximalist political agenda, which included requests for territorial autonomy of the *Székelyföld*, the establishment of a Hungarian university in Romania, and the retrocession *in integrum* of the property of Hungarian communities and churches confiscated under the former communist regime. László Tőkés also launched a political offensive against the current leadership of the DAHR, by calling for its radical renewal.⁷¹ The demand for dual citizenship for ethnic Hungarians in Romania was thus being utilised by oppositional factions in the DAHR as an effective way of pressuring the DAHR leadership, and this fact explains, at least partially, the systematic refusal of the DAHR's leadership to adopt the proposal. Finally, given the inability of DAHR to reach a consensus on the issue, Péter Eckstein-Kovács, a DAHR senator from Cluj, recommended that the issue should be solved through diplomatic negotiations between Romania and Hungary. The proposal was soon addressed by the foreign relations authorities of both countries, and the debate thus entered a new stage of political polemics.

Hungarian diplomacy reacted very cautiously to the proposal. Both Ferenc Szócs, the Hungarian ambassador to Romania, and László Kovács, the Hungarian Foreign Minister, acknowledged the massively complex juridical

70 Cf. Hirschman, *Exit, Voice, and Loyalty*.

71 *Evenimentul Zilei*, 6 January 1999.

and socio-political implications of the issue, and denied that the Hungarian government was preparing a bill on granting dual citizenship to ethnic Hungarians in Romania. Like the 1991 Romanian citizenship law, the 1993 Hungarian citizenship law grants rights to privileged naturalisation in Hungary to ‘a non-Hungarian citizen claiming to be a Hungarian national ... at least one of whose relatives in the ascendant line was a Hungarian citizen’ (Section 4, Article 3). This stipulation applies to almost all ethnic Hungarians in Transylvania, who are either descendants of former citizens of pre-1918 Hungary or were themselves citizens during the Second World War. However, the right to repatriation is granted individually and not collectively. Moreover, unlike in Romania, this right is a function of several preconditions, such as domicile in Hungary for at least one year, and proofs of means of support. Therefore, while acknowledging that in Hungary there were at the time several thousand people with dual (Romanian and Hungarian) citizenship, Ferenc Szócs pointed out that this was possible only because those people were living in Hungarian territory.⁷²

The prudent position adopted by Hungarian diplomacy was an acknowledgement of the overwhelming juridical and socio-political complexity of the issue. Granting dual citizenship to Hungarians in Romania would go far beyond guaranteeing their legitimate right to travel freely to Hungary and to preserve their cultural ties with the Hungarian nation. It would also intrinsically confer on them the full social and political rights to which the Hungarian citizens are entitled by the laws of the country, including the right to settle in Hungary for an unlimited period of time, to acquire movable or immovable property, and to work and benefit from a standard level of education, medical assistance and social security. Needless to say, the impact of such prospective immigration into Hungary would be tremendous. Such a decision would also run contrary to Hungary’s traditional migration policy in the region. The historical experience points out that, unlike in the case of the Germans and Jews – the other ‘high status’ minorities in East-Central Europe – emigration was never considered a desirable option for the Hungarian communities living outside Hungary. This is because Hungary has one of the highest population densities in East-Central Europe, and a relatively limited economic potential. It would thus be extremely difficult for it to absorb overnight millions of potential new citizens. It is also important to note that the program of DAHR defines Transylvania as the historical homeland of the Hungarian community in Romania, and explicitly disapproves of emigration.

With the political change that occurred in Hungary in May 1998, there were nevertheless several signals that the new Hungarian government led by Viktor Orbán might reconsider the option of granting Hungarian citizenship to

72 *Evenimentul Zilei*, 17 September 1998.

ethnic Hungarians in Romania. During his first official visit to Romania, in July 1998, Prime Minister Orbán indicated that Hungarian diplomacy was seeking alternative solutions to granting Hungarian citizenship to Romania's ethnic Hungarians. However, Orbán did not openly reject the possibility of dual citizenship, promising unequivocally that 'if asked [by the DAHR], Hungary will grant dual citizenship.'⁷³ This unambiguous commitment encouraged the proponents of dual citizenship within the DAHR. Under pressure from them, President Béla Markó, who had never spoken in favour of the proposal, nuanced his position by stating that 'the DAHR neither opposes nor proposes such a measure. It analyses. However, the optimal solution is the lack of visa requirement'.⁷⁴

Prime Minister Orbán's statement triggered a prompt reaction from the Romanian authorities. A main counsellor of Romania's President, Emil Constantinescu, portrayed granting dual citizenship to Romania's ethnic Hungarians as a 'desperate solution', which 'would create two categories of citizens in a single country', and would consequently 'cause the relationship between the ethnic majority and national minorities in Romania to deteriorate'.⁷⁵ Opposition parties were also prompt in rejecting the solution of dual citizenship for ethnic Hungarians in Romania. The Romanian Party of Social Democracy (PSDR) argued that the proposal was designed to 'subvert the authority of the Romanian state towards its citizens and to compromise the concept of nation state' and warned that Romanian citizens who 'yearn for another citizenship will lose their Romanian one'. Moreover, PSDR rejected any alternative solution meant to guarantee the free circulation of ethnic Hungarians in Romania, cautioning that the very idea of Hungary's special visa treatment toward Romania's Hungarians would provoke 'grave national tensions'. The demand for dual citizenship thus stirred passionate reactions among the Romanian and Hungarian politicians, generating a new diplomatic controversy and threatening to endanger the political reconciliation between the two countries.

VIII. The Status Law: A 'Veiled' Form of Dual Citizenship?

The adoption of the Status Law in June 2001 can be regarded as the peak of the Romanian-Hungarian controversy over the legal status of ethnic Hungarians in Romania. At first glance, the law is a continuation of Hungary's existing nationality policy. In keeping with Article 6 of the Constitution of

73 *Evenimentul Zilei*, 21 July 1998.

74 *Evenimentul Zilei*, 27 July 1998.

75 *Ibid.*

Hungary, its declared aim is ‘to ensure that Hungarians living in neighbouring countries form part of the Hungarian nation as a whole and to promote and preserve their well-being and awareness of national identity within their home country’.

The Status Law has nevertheless introduced several innovations to Hungary’s national policy. First, its stipulations apply to ‘persons of Hungarian nationality who are not Hungarian citizens and who have their residence in the Republic of Croatia, the Federal Republic of Yugoslavia, Romania, the Republic of Slovenia, the Slovak Republic or the Ukraine’, and ‘have lost their Hungarian citizenship for reasons other than voluntary renunciation’, as well as to the spouses of ethnic Hungarians abroad, and their ‘children of minor age being raised in their common household even if these persons are not of Hungarian nationality’. The scope of the law thus combines an ethnic principle (persons of Hungarian origin) with a statist principle (former Hungarian citizens who have involuntarily lost their citizenship), and with a territorial principle (regards only ethnic Hungarians in the neighbouring countries, and not the Hungarian diaspora all over the world). This combination of territorial and statist elements, as well as the historical reference to the involuntary loss of citizenship, occasioned allegations of a hidden Hungarian irredentist agenda directed at symbolically reconstructing Greater Hungary. In addition, the territorial applicability of the Status Law was also perceived as controversial. It is stipulated that the recipients will benefit from the facilities granted by the law ‘on the territory of the Republic of Hungary, as well as in their permanent place of residence in their home countries’. This extraterritorial character of the law conflicted with the prevailing concepts of state and territorial sovereignty that characterise national legislation in the neighbouring countries. Another controversial aspect is the introduction of an identity card with photo, which certifies that ‘the applicant is of Hungarian nationality’. This document, functions as an official ID card, since it has to be periodically renewed, and can be withdrawn in case the bearer commits legal offences or changes his relation to the Hungarian state. In regard to the assistance given to ethnic Hungarians abroad, the beneficiary of the law receives ‘certain preferences and certain kinds of assistance’ that fall under the following main headings: education and culture, science, social security and health provisions, traveling benefits, and employment.

In evaluating the Status Law, a communiqué of the Romanian Government characterised it as ‘a substitute for the second citizenship’ of ethnic Hungarians in Romania.⁷⁶ The main complaints put forward were the dis-

76 Cabinetul consilierului de stat pe probleme de politică externă a Guvernului României, ‘In contadiție cu normele internaționale de drept’, *Revista 22 Plus*, XII, 5-11 June 2001, 130, p. 6.

criminary character of the law, which differentiated among Romanian citizens on an ethnic basis, a feature contrary to both the spirit and the legislative standards on minority rights set by the Council of Europe, the European Convention on Human Rights, and by the bilateral treaty between Romania and Hungary; and its extraterritorial applicability, which was potentially a breach of state sovereignty as Romania understood it. In reaction, the Romanian government expressed its determination to block the application of the law on its own territory, by restricting the legislation on dual citizenship and introducing a special tax obligation for the recipients of material subventions from abroad.

Can the Status Law indeed be regarded as a law on dual citizenship? As previously shown, the law stems directly from the debates over granting dual citizenship to ethnic Hungarians in Romania. Moreover, its stipulations go beyond the accepted European standard on minority rights, by institutionalising ethnicity, granting ethnic Hungarians a preferential status in their relation to the Hungarian state, and allowing them to share in the cultural life and material well-being of the mother-country. But the law falls short of granting full social and political rights to ethnic Hungarians from neighbouring countries. In addition, the economic entitlements of ethnic Hungarians abroad are kept to a minimum, consisting only of seasonal working permits, limited travel-cost reductions, and access to cultural and educational facilities. More substantive forms of social assistance – such as medical care – are granted only to temporary residents on a conditional basis. Most importantly, except for these socio-economic entitlements, the law does not confer on ethnic Hungarians any political entitlements to Hungarian citizenship, such as the right to vote in national or local elections, to own land, or to become eligible for jobs in the state apparatus of the country. Thus in certain respects, the Status Law seems to be tailored more to the economic needs of the metropolis than to those of ethnic Hungarians in neighbouring countries, offering to its beneficiaries a symbolic form of membership but denying them real membership in the collective of citizens.

Conclusions

This article focuses on the ‘uses and abuses’ of dual citizenship and nationality policies toward kin minorities in East-Central Europe. It singles out several motivations behind the proliferation of these policies in the region, such as the desire to institutionalise politically the cultural ties between national minorities and their external national homelands, to guarantee the freedom of travel between mother-countries and national minorities, to discourage the mass immigration of minorities, or to absorb a qualified workforce from abroad. As a function of these interests, the degree of civic integration between national minorities and external national homelands can vary consid-

erably, ranging from cultural policies to granting of privileged naturalisation rights, and from preferential legal status to the most inclusive form of external minority protection: rights to dual citizenship for compact kin populations. The article argues that the proliferation of dual citizenship and nationality policies directed at kin minorities in East-Central Europe is a reaction to novel socio-political stimuli in the post-Cold War and post-Maastricht era. It represents an attempt to overcome the new economic cleavages and political divisions generated by the gradual and selective process of European integration in the region.

The analysis does not proceed exclusively at inter-state level, but identifies multiple actors involved in policies of dual citizenship, placed at different levels of the political process. At individual level, in a world dominated by gross regional economic and political divisions, getting a second passport serves as an 'exit option', offering means of social mobility and free travel, or access to material resources, such as jobs, education, and social security. For national minorities, dual citizenship serves as a way of preserving their ties to the mother country, sharing in its material well-being and participating in its political life. The same 'exit option' is available to the political elites of national minorities, who may wish to become part of the political establishment of the mother country, or to ensure their personal well-being in cases of economic or political crisis. At the level of 'nationalising states', the denial of dual citizenship serves as a way of limiting or even severing ties between ethnic minorities and their mother country. For 'external national homelands' dual citizenship is one of the most effective means of institutionalising their relationship with kin populations abroad.

In order to illustrate the wide range of political options available to East-Central European nation states in the post-communist political environment, the article focuses in detail on the interaction between policies of dual citizenship and symbolic national membership of Romania, Moldova and Hungary. How far can one go in comparing the Hungarian Status Law and Romania's policy on dual citizenship in the Republic of Moldova? At a first glance, the two laws belong to different legislative categories. The stipulations of the Romanian citizenship law refer to the right to restoration of citizenship, while the Hungarian Status Law regulates the range of rights and privileges granted by the Hungarian state to ethnic Hungarians living abroad. However, both laws go beyond their respective 'categories' in significant ways. First, unlike classical repatriation laws, the Romanian citizenship law does not require former citizens to relocate into the country. In its turn, the Hungarian Status Law goes beyond a law on minority protection. It does not simply put forward cultural policies or a purely symbolic form of national membership, but grants ethnic Hungarians abroad access to labour market and certain welfare facilities usually restricted to state citizens.

In doing so, the two laws exhibit several similarities. First, both employ a ‘statist’ perspective, by targeting *former citizens* who lost their state citizenship as a result of border changes. However, while the Romanian law grants rights to restoration of citizenship to all former citizens, regardless of their ethnicity, the Hungarian law combines the statist principle with an ethnic one, granting a privileged status only to ethnic Hungarians from abroad (and their family). Second, both laws allude to the ‘involuntary’ loss of citizenship by kin population abroad, thus implying the illegality of border changes, and occasioning allegations of irredentism. In the case of Hungary’s Status Law, such allegations are reinforced by the fact that the law applies only to the Hungarians in the neighbouring countries who lived under Hungarian rule in the past, excluding Hungarians from the diaspora. In its turn, the Romanian citizenship law refers to former citizens living in all territories that were at a certain point in time under Romanian jurisdiction. In practice, however, its stipulations have mainly concerned the inhabitants of Bessarabia and Bukovina, with no claims originating from other former territories of Greater Romania, such as Southern Dobrudja (1913-1940), currently part of Bulgaria. Most importantly, the stipulations of both laws clashed with the internal legislation of the neighbouring countries, namely of Romania and Slovakia, and respectively of Moldova and Ukraine, evidence that they were perceived as challenging the political *status quo* in the region.

The two laws exhibit substantive differences in regard to the type of legal rights and privileges they grant. After intense political debates, Hungarian political leaders rejected the solution of granting dual citizenship to ethnic Hungarians living abroad, opting instead for a more symbolic form of national membership. In contrast, the highly permissive stipulations on citizenship restoration of the Romanian citizenship law resulted in a massive access to Romanian citizenship of Moldavian citizens, conferring on them full citizenship rights. Moreover, the debates over dual citizenship in Romania highlighted an underlying inconsistency of the Romanian decision-makers: They adamantly refused the solution of dual citizenship for ethnic Hungarians, but promoted it in the case of the Moldavian citizens. This attitude arises from the fact that Romania was acting simultaneously in a dual political role, as a ‘nationalising state’ in its relation to ethnic Hungarians in Romania, and as an ‘external national homeland’ in its relation to Moldavian citizens.

In view of recent political developments, one can also safely argue that both laws have failed to serve the political purpose of the legislators. The introduction of mandatory visa requirements for the citizens of Ukraine and of Serbia and Montenegro traveling to Hungary in late 2003 has brought the issue of dual citizenship back onto the regional political agenda. Since the Status Law cannot facilitate the free travel of ethnic Hungarians to their ‘mother country’, Hungarian parties in *Vojvodina* (Serbia) and Sub-Carpathian

Ukraine have demanded collective access to Hungarian citizenship, a request that is currently hotly debated by the political elites in Hungary.

In Romania, the heavy political connotations of the policy on granting dual citizenship to former citizens living abroad has generated a disturbing legal instability, with Romanian citizenship legislation being modified every half year either by the Parliament or by governmental decrees.⁷⁷ Moldovan citizenship legislation in turn constitutes a special case among the successor states of the former USSR. At the time of the proclamation of independence, citizenship was not an area of political confrontation. In ten years, the proliferation of dual nationality arrangements placed citizenship legislation at the very heart of the political struggles in the republic, transforming it into an arena for intense debates over national identity and the path of development to be followed. Unable to forge a stable national identity after more than ten years of sterile nationalist debates, Moldovan political elites turned yet again to the Soviet variant of national identity.

At the inter-state level, Romania's policy on dual citizenship has made relations with Moldova more tense, instead of improving them. Although in 2003 the Moldovan government finally decided to allow Moldovans to legally hold dual citizenship, this late development has not improved relations between the two countries. Decision-makers in Romania and the Republic of Moldova have proved unable to reach agreement over the content of the much-belated bilateral treaty.

77 Most of these modifications concerned the stipulations on the restoration of citizenship of former citizens, which became increasingly difficult to follow, even for state bureaucrats and jurists. See Legea nr. 192/1999; Ordonanța de urgență nr. 167/2001; Ordonanța de urgență nr. 68/2002; Ordonanța de urgență nr. 160/2002; Legea nr. 542/2002; Legea nr. 165/2003; Ordonanța de urgență nr. 43/2003; Legea nr. 248/2003; and Legea nr. 405/2003.