European University Institute

ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES

EUDO CITIZENSHIP OBSERVATORY

COUNTRY REPORT: BULGARIA

Daniel Smilov and Elena Jileva

Revised and updated May 2013

THE UNIVERSITY OF EDINBURGH

CITIZENSHIP European Union Democracy Observatory

http://eudo-citizenship.eu

European University Institute, Florence
Robert Schuman Centre for Advanced Studies
EUDO Citizenship Observatory

Report on Bulgaria

Daniel Smilov and Elena Jileva

Revised and updated May 2013

EUDO Citizenship Observatory
Robert Schuman Centre for Advanced Studies
in collaboration with
Edinburgh University Law School
Country Report, RSCAS/EUDO-CIT-CR 2013/22
Badia Fiesolana, San Domenico di Fiesole (FI), Italy

Published in Italy
European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)
Italy
www.eui.eu/RSCAS/Publications/
www.eui.eu
cadmus.eui.eu

Research for the EUDO Citizenship Observatory Country Reports has been jointly supported, at various times,
by the European Commission grant agreements JLS/2007/IP/CA/009 EUCITAC and HOME/2010/EIFX/CA/1774 ACIT
and by the British Academy Research Project CITMODES (both projects co-directed by the EUI
and the University of Edinburgh). The financial support from these projects is gratefully acknowledged.

For information about the project please visit the project website at http://eudo-citizenship.eu

Bulgaria

Daniel Smilov and Elena Jileva[1]

1 Introduction

It is a well-known paradox that a polity cannot define its membership in a democratic way; there must be an already defined membership in order for a democratic procedure to take place. Therefore, even in genuinely democratic polities, the original membership rules are a complex mixture of normative egalitarian principles and historical contingency, which privileges certain groups. With the passage of time, the contingent privileges tend to acquire a self-perpetuating, normative status.

Modern Bulgarian citizenship laws are no exception to this general pattern. Various groups controlling the government and the parliamentary majority in the country have at one point or another attempted to entrench their privileged status in Bulgarian legislation. Such groups were most successful in times when democracy gave way to authoritarian regimes with fascist leanings, and during communist rule. What is surprising in the Bulgarian case, however, is the resilience of social pluralism, which has ultimately prevailed over such attempts. The overall result has been a certain normative incoherence of citizenship regulation in the country, which makes it capable of accommodating different historical narratives and normative visions. We argue that this inclusive incoherence was, and still is, of crucial importance for the Bulgarian polity.

Mediaeval Bulgarian states existed between the late seventh century and the Ottoman invasion in the fourteenth century – an event that left a substantial historical mark. Modern Bulgaria was established in 1878/1879 as a more or less independent principality in the former territories of the Ottoman Empire. Its subsequent turbulent history, which fits within its mere 130 years of existence with some difficulty, has not been conducive to the formation of a natural and self-explanatory sense of belonging to, and membership of, the Bulgarian polity. Ethnic Bulgarians (comprising today more than 80 per cent of the population), Turks, Roma, Greeks, Macedonians, Christians, Muslims and Jews - the main constituents of modern Bulgarian society may differ in their interpretations of the past and their visions for the future of the country. Nevertheless, despite this lack of homogeneity, the Bulgarian polity has proven remarkably stable and, particularly over the last two decades, has made important strides towards the establishment of genuine liberal democracy.

The main goal of this report is to trace the citizenship policies which have played an important role in these developments. As this introduction shows, Bulgarian regulation in this field is rather backward-looking, as it mainly addresses problems characteristic of the twentieth century. The danger is that by preserving this focus, it remains oblivious to the ever more pressing demands of a globalising world.

Finally, we should briefly offer a technical clarification concerning the term ‘citizenship’ in Bulgarian. Since the Second World War, Bulgarian legal texts have used the

[1] The authors thank Rossitza Guentcheva and Ruzha Smilova for their very helpful comments. In April 2013 the report was substantively revised and updated by Vesco Paskalev.

word *гражданство* (*grajdanstvo*), which is a direct linguistic equivalent of 'citizenship'. Before that the word which was used was *поданство* (*podanstvo*), which was normally translated into English as 'nationality'. Yet, *поданство* rather denoted being 'subject to the monarch'; a concept which became obsolete with the abolition of the Bulgarian monarchy.

2 Historical Background

The history of the modern Bulgarian state begins with the liberation of the country in the Russo-Turkish war of 1877–1878. In the spring of 1879, the provisional Russian authorities in the medieval capital of Veliko Turnovo called a Constituent Assembly. It was given a mandate to adopt a constitution for the new Principality, which was practically independent but formally remained in a vassal (tributary) relationship with the Turkish Sultan.[2] The decisions of this Constituent Assembly are very important from the point of view of citizenship policy in Bulgaria, and are thus worth examining in some detail (see Vladikin 1994 and Balamezov 1993).

Firstly, the delegates encountered the paradox outlined in the opening paragraph of this report: they faced the question of who had the right to participate in the Constituent Assembly and whose interests it should represent. As it was, the Russian authorities had invited some of the Bulgarian nobility, and had carried out impromptu elections in parts of the Bulgarian lands under their jurisdiction. However, in addition to these rather haphazardly gathered (though formally legitimate) representatives, there were numerous delegations from other lands inhabited by Bulgarians. These lands were to remain outside the territory of the Bulgarian Principality, according to the treaty concluded at the Berlin Congress of the Great Powers (1879).[3]

Before the formal opening of the Constituent Assembly, all of the delegates—both the formally legitimate ones and the others—met to discuss the question of the 'unity of the nation'. All of them agreed that the great powers had unjustly excluded certain Bulgarian territories from the Principality.[4] There was a disagreement about the proper course of action; some argued that the Constituent Assembly should be boycotted in protest against the decisions of the Berlin Congress. The adoption of a constitution, their argument went, would legitimise the partition of the Bulgarian lands. Others, strongly encouraged by the Russian authorities, insisted that a constitution should be adopted anyway in order to stabilise the new polity. Finally, common sense prevailed and, after numerous passionate patriotic speeches, the formally legitimised delegates began their work on the text of the Constitution. The discussions of the 'national question', however, left an indelible mark on the ensuing proceedings; there was a common understanding that the Constitution should defend the

[2] Bulgaria formally achieved full independence in 1908 and became a Kingdom, see below.

[3] Such delegations mostly came from Eastern Rumelia – an artificially-created, semiautonomous region in the Ottoman Empire and from Macedonia and Eastern Thrace (or the Vilayet of Adrianople), two other Ottoman regions which were to remain within the Empire without any special privileges for the compact localised masses of Bulgarians living there. Similar delegations came from other lands, such as Bessarabia in present-day Ukraine and Moldavia and Dobrudja in present-day Moldova and Romania (see Vladikin 1994: 97).

[4] The delegates considered the Berlin treaty an illegitimate revision of the San Stefano Peace Treaty (March 1878) between Russia and Turkey, which created a greater Bulgaria, including territories in what is today Macedonia, Turkey, Serbia and Greece. The date of this treaty—3 March—is currently the Bulgarian national holiday. San Stefano Bulgaria roughly coincided with the jurisdiction of the Bulgarian Exarchate, the Bulgarian Orthodox Church authority in the Ottoman Empire.

interests of all Bulgarians as much as possible—both those living in the Principality and those left outside it.

Secondly, another main issue, which became the focus of vigorous debate in the Constituent Assembly, was the scope of the (political) rights that were to be granted to citizens of the Principality. There were conservative voices in the Assembly who argued in favour of limited suffrage (based on education, wealth and property), or for special powers of the monarch to appoint members of parliament (MPs). These conservative voices were drowned out by a sea of egalitarian sentiments. The end result was full male suffrage in the elections for parliament, no powers for the monarch to appoint MPs, and a unicameral legislature (without an upper chamber in the mould of the UK House of Lords, for instance). These institutional arrangements—which were decidedly untypical of the period—determined the egalitarian, Rousseauian bias of the Turnovo Constitution. Male citizens[5] were entitled to an impressive set of political rights of participation.

Thus, the concrete citizenship arrangements, which the 1879 Constitution embodied, should be read through the double lens of nationalist and egalitarian-Rousseauian concerns and ideas. On the face of it, egalitarianism prevailed. Article 54 stated that '[a]ll persons born in Bulgaria who have not obtained any other citizenship as well as those born elsewhere of Bulgarian subjects are subjects of the Bulgarian Principality.'

This emphasis on the principle of ius soli revealed the reluctance of the delegates to draw distinctions among the people living in Bulgaria: all were entitled to citizenship status, regardless of their ethnic origin and religion. Moreover, the Constitution prohibited drawing further distinctions among citizens: all males received the same political rights (Article 60), and there were express prohibitions of different estates (castes) of citizens (Article 57) and of any titles of nobility, orders or other signs of distinction (Article 58).[6]

The constitutional defence of national ideals was by no means neglected, however. The main concern of the drafters was to ensure that Bulgaria preserved legitimate claims over lands inhabited by Bulgarians. This was done, somewhat ingeniously, in the provisions on religion (Articles 37–42). It was here stipulated that the dominant religion in the Principality would be Eastern Orthodox Christianity, and (more importantly) that the Principality 'constitute[d] an inseparable part of the Bulgarian Church District' and was 'subject [in religious matters] to the power of the Bulgarian Church, regardless of its seat'. The purpose of these Articles was to constitutionalise the Bulgarian Exarchate—the autonomous Bulgarian Church recognised by the Ottoman Empire in 1870— whose seat was in Istanbul and whose jurisdiction extended well beyond the territory of the Principality; it covered both Eastern Rumelia and Macedonia, as well as some lands ceded to Serbia in 1878. In this way, the Articles regarding religion drew the informal boundaries of the Bulgarian political community, and in a highly symbolic way articulated the territorial claims of the new Bulgarian state.

It is important to stress this 'territorial' meaning of the regulations on religion; the entrenchment of Orthodox Christianity in this specific way was not designed to create religious discrimination against other faiths. The new Bulgarian state was by no means militantly religious. Article 40 of the Constitution explicitly stated that all persons (citizens or

[5] The Turnovo Constitution used 'subject' (*podanik*) and 'citizen' (*grazhdanin*) interchangeably. With the fall of the monarchy and the establishment of communist rule, the term 'subject' was eliminated from legal documents and acquired negative connotations in official public discourse. This is not to say that the citizens of the communist Republic gained any more rights than the subjects of the Kingdom, rather the opposite was the case.
[6] It is not only political rights that reflect the egalitarian bias of the Constitution. Art. 78, for instance, granted the right to free public primary schooling to all subjects (both male and female) of the principality.

not) residing (permanently or temporarily) in Bulgaria were entitled to religious freedom (as long as they did not violate the law). The real purpose of establishing the Orthodox Christian faith was that it provided an opportunity for the Constituent Assembly to settle the 'national question' in a way which was acceptable to all delegates. On the one hand, citizens of the new Principality were granted a broad spectrum of civil and political rights in a rather egalitarian fashion (for its time). On the other hand, ethnic Bulgarians living abroad were given the consolation that their lands were symbolically 'constitutionalised' through references to the Bulgarian Exarchate. These Bulgarians were granted the equivalent of a symbolic citizenship and a promise that the new Principality would take care of their interests as well. This promise actually determined the course of Bulgarian politics for the better part of the following century. Its influence is still evident in current citizenship law.

Along with the symbolic gains for ethnic Bulgarians, there were some more tangible privileges for them as well. The Constituent Assembly did not accept a strong ius sanguinis principle: no one really wanted all ethnic Bulgarians (or Bulgarians by blood) automatically to acquire citizenship rights in the Principality. This would have created incentives for a mass exodus of Bulgarians from Eastern Rumelia, Macedonia, Eastern Thrace and other regions. Instead, the founding fathers of modern Bulgaria would maintain the compact Bulgarian population in adjacent lands as a way of legitimising future territorial expansion. Yet, these Bulgarians were granted some privileges—mostly in the form of relaxed requirements for naturalisation – a tradition which continues until today.

Based on the explanations given thus far, we will now provide a generalised description of Bulgarian citizenship regulations, since all subsequent laws adopted in the country took into account the principles elaborated in the Turnovo Constitution of 1879. The first such law was adopted as early as 1880 (First Law on Bulgarian Nationality (*Podanstvo*).[7] The second law was adopted by the State Council in 1883. The Third Law on Bulgarian Nationality came into force in 1904. They were all heavily reliant on the principle of ius soli: all persons born in the territory of the Principality became Bulgarian citizens by right. Such was the case with the existing minorities of Turks, Greeks and others: 'Bulgarian subjects are all those individuals who at the time of the establishment of the Bulgarian Principality had residence in or were born on its territory' (1880 Law).[8]

By comparison, the principle of ius sanguinis had more limited application. Persons born in foreign countries of parents who were Bulgarian subjects were granted citizenship by origin. Ethnic Bulgarians born or living abroad, however, did not automatically acquire citizenship, and this affected probably more than half of all Bulgarians living in the Ottoman Empire before the liberation of 1878.

The principle of ius domicilii was also applied in two ways: firstly, as already mentioned, all former Ottoman subjects residing in the territory of the Principality at the time of its creation were granted citizenship; secondly, residence became a ground for acquiring citizenship through naturalisation. The regular residence requirement was three years based

[7] It envisaged four methods of obtaining Bulgarian nationality (by origin, adoption, marriage and naturalisation) and five methods for the loss of Bulgarian nationality (by renunciation, decision of the authorities, absence, adoption and marriage). The main principle embedded in the law again was the principle of ius soli. Art. 1 para. 1 stipulates: 'All individuals born on the territory of the Bulgarian Kingdom who have not obtained foreign nationality count as Bulgarian nationals.'

[8] Art. 2 of the 1883 Law introduced a slightly more restrictive version—not all individuals, but only former Turkish subjects could make use of the principle stating that: 'Bulgarian subjects are all those Turkish subjects who at the time of war for the liberation of Bulgaria had residence or were born on the territory of the Bulgarian Kingdom'. This restriction, which was contrary to the general language of the Constitution (Article 54), was abandoned in the later versions.

on a permit for permanent domicile. In order to become eligible for naturalisation those who did not have a permit for permanent domicile had to prove ten years of continuous residence. The regulations foresaw the facilitated naturalisation of foreigners of Bulgarian extraction. They became entitled to citizenship one year after they obtained a grant for permanent domicile in the Principality. The same applied to men married to Bulgarian women and those who had given meritorious service to the country. (Needless to say, every alien woman who married a Bulgarian became *ipso facto* a Bulgarian.) Naturalisation was granted by the King's decree (*ukaz*) upon a proposal from the Minister of Justice. This means of conferral of citizenship lives on, with the only difference today being that the decree is signed by the President.

Naturalised citizens enjoyed the civil and political rights of Bulgarian subjects with a few important exceptions: they were not eligible for membership in the National Assembly or any other elective public office for fifteen years after naturalisation. The text of this law was actually in conflict with the Turnovo Constitution, which did not provide for such restrictions,[9] but since there was no mechanism for constitutional review of legislation, the issue never arose.

This was the model that lasted until 1940 without any important changes of principle. In 1885, the Bulgarian Principality was united with Eastern Rumelia, which almost doubled its territory and population. In 1908, the Principality gained full formal independence and became a Kingdom—the monarch acquired the medieval Bulgarian title of *tsar*.[10] The defeats in the Balkan wars and the First World War paradoxically led to a certain enlargement of the territory of the Kingdom; parts of Macedonia and Eastern Thrace were among the most important gains. The net result—territorially—was positive, although some lands of the Principality in Dobrudja were lost to Romania. But the real problem was the cost of the territorial gains. The numbers of dead and wounded were staggering, and the economy was in ruins and burdened by war reparations for decades to come. Most importantly, for current purposes, the problem of refugees arose. Significant numbers of people from Macedonia, Eastern and Western Thrace and other neighbouring territories moved to the motherland as a result of the war and of post-war policies of 'population exchange', which were nothing more than an internationally regulated version of ethnic cleansing.

Immediately after the war, leading politicians attempted to abandon the territorial expansion paradigm ('unification of all Bulgarian lands', in the parlance of the time), which was at the root of many political and social disasters. This proved virtually impossible, however. The populist-agrarian Prime Minister Alexander Stambolijski, who tried to mend fences with neighbouring countries and Serbia in particular, was considered a national traitor by many. Eventually he was brutally killed by Bulgarian-Macedonian nationalists, who insisted that the inclusion of Macedonian lands in Bulgaria should always be a top political priority.[11]

Although the desire for territorial expansion remained a key factor of Bulgarian politics after the Balkan wars and the First World War, the symbolic geography of the Bulgarian political community dramatically changed. Firstly, the religious jurisdiction of the Bulgarian Exarchate over Macedonia and other lands was lost. Serbia (or rather the Kingdom

[9] Article 65 stated simply that '[o]nly Bulgarian subjects may occupy positions in the state, public and military service.'

[10] This had implications from the point of view of international law: formally, until 1908, Bulgarians were still considered subjects of the Turkish Sultan (Geshkoff 1927).

[11] This was the second assassination of a Prime Minister by Macedonian nationalists. In 1895, Stefan Stambolov was slain in the centre of Sofia, partly for the same reasons.

of Serbs, Croats and Slovenes), Greece and other countries did not recognise this jurisdiction, and extended the jurisdiction of their own national churches over these lands. Secondly, the mass exodus of Bulgarians from Macedonia and Eastern Thrace led to important demographic changes in these regions. The end result was that the boundaries of the 'Bulgarian lands' were no longer so neatly defined as in the pre-war period.

The changes in the symbolic geography of Bulgarian lands led to the increased importance of the concept of 'Bulgarian origin' or 'Bulgarian extraction'. After the First World War, Bulgarian governments could no longer rely on the Exarchate and the Bulgarian schools to help preserve the Bulgarian national identity of those living in neighbouring countries. In fact, the Greek and Serbian governments both pursued a course of aggressive and often physically repressive replacement of the markers of Bulgarian identity. The Bulgarian government could not do much in this situation; in fact, all it could do was increase the privileges for ethnic Bulgarians within its domestic jurisdiction.

The Fourth Law on Bulgarian Nationality, adopted in 1940, was the primary example of this tendency. Formally, the law reiterated some of the main provisions of previous legislation.[12] However, there were many provisions in which the concept of an ethnically defined 'Bulgarian origin' played a crucial role. Firstly, the law introduced a strongly ethnic definition of 'Bulgarian origin': 'all persons born of Bulgarian parents' (Article 4). Secondly, persons of Bulgarian origin were granted significant privileges *vis-à-vis* other groups. For instance, previous legislation allowed foreigners of non-Bulgarian extraction to be naturalised three years after obtaining a residence permit,[13] while the 1940 law raised the requirement to ten years (Article 9). At the same time, people of Bulgarian origin were entitled to naturalisation within a year (as in previous laws). Furthermore, and very tellingly, Article 15 of the law provided that Bulgarian subjects of non-Bulgarian origin who left the country would thereby lose their citizenship. Moreover, these individuals had to sell their property within three months of departure. These discriminatory provisions bear the mark of the time, and this mark was increasingly fascistic and paranoid. In his commentary on the law (prefaced by the then Minister of Justice Vasil Mitakov), Malinkov (1941: 42) argued that these measures were necessary in view of the agreements with Turkey, Greece and Romania on population exchange.[14] Another reason, cited by the author, was 'the strong Zionist propaganda, which resulted in a great number of Jews, who were Bulgarian subjects, resettling in Palestine.'

Thus, the 1940 law shifted the emphasis of citizenship regulation from ius soli to ius sanguinis. Furthermore, the state became increasingly paranoid about its citizens of non-Bulgarian extraction. During the Second World War, Bulgaria was governed by a pro-German authoritarian regime headed by Tsar Boris III. Although this regime never openly endorsed the Nazi totalitarian ideology as a whole, in some of its policies it came close to it. For instance, under German pressure, laws were introduced restricting the rights of Jews; the

[12] According to Art. 7, a 'Bulgarian national is every person 1) whose father or (if the father does not have a nationality or is of unknown nationality) mother is a Bulgarian subject, regardless of their places of birth; 2) legitimated by a Bulgarian subject, 3) born out of wedlock whose Bulgarian subject's origin is proved while he or she is a minor.' Ius soli was still present in Art. 8: a 'Bulgarian subject by place of birth is every individual 1) born in the Kingdom of unknown parents or parents without nationality and 2) born of foreigners, if he or she had permanent residence in Bulgaria and has not declared foreign nationality one year after coming of lawful age' (Valkanov 1978).

[13] In order to obtain a residence permit, applicants had first to prove that they had lived in the kingdom for a year, and then to provide information about their origin (parents), religion, material standing and other details (Art. 27).

[14] The treaty with Greece was ratified by Bulgaria on 4 October 1920. In September 1940, a similar treaty was signed with Romania.

infamous Law on the Protection of the Nation (1940) was the primary piece of legislation modelled on the Nuremberg laws. Much of the Bulgarian legislation remained loosely enforced, however, and the population at large sympathised with the Jews. These public sentiments, along with the decisive action of the politician Dimiter Peshev and a few other members of the establishment and the Orthodox Church, ultimately led to the saving of 50,000 Bulgarian Jews from deportation to the death camps (see Todorov 2001). This triumph of citizen decency in repressive times was marred, however, by the deportation of 11,000 Jews from the territories occupied by the Bulgarian army in Greece, Macedonia and south-east Serbia to Treblinka and possibly other camps.[15] For our purposes it is important to note that the Jews from the occupied territories were not granted Bulgarian citizenship, while Greeks and Macedonians were.

Thus, the regime did succumb to the fascist political fashion of its time, and the 1940 Law was a good example of this. Article 21, for instance, envisaged various grounds for the loss of Bulgarian citizenship, including 'acting against the security of the Bulgarian state'. It is noteworthy that only Bulgarian nationals living abroad and Bulgarian subjects of non-Bulgarian origin could lose their citizenship in this way. The language in the provision for subjects of non-Bulgarian origin was particularly telling: they were to lose their citizenship 'if they ha[d] proven unworthy of it or were considered dangerous for state security and public order.' Needless to say, the vagueness of the provision was a guarantee of administrative abuse.

In September 1944, the monarchical regime came to a crushing end through a communist takeover, which began the establishment of Soviet-sponsored communist rule in Bulgaria. Following a popular referendum, in 1946 Bulgaria become a republic. This led to significant changes to Bulgarian nationality laws. The 1947 Constitution of the People's Republic of Bulgaria did not have provisions pertaining to the acquisition, loss or restoration of nationality, but abandoned the term 'subject' in favour of 'citizen' as was said earlier. In 1948, the Grand National Assembly adopted the Law on Bulgarian Citizenship, which replaced the 1940 Law on Bulgarian Nationality. The reasons set out in the bill sent to the Assembly pointed out that there was a need to overcome an impermissible division of Bulgarian citizens into those of Bulgarian origin and those of non-Bulgarian origin, who were treated less favourably. Therefore, the law reverted to the pre-1940 main principles in this area. Article 1(1) stated that a 'Bulgarian citizen by origin is any person whose parents are Bulgarian citizens'. The reference to 'Bulgarian parents' was eliminated, which turned the definition from an ethnic into a rather more civic one. Article 2 introduced the principle of ius soli by stipulating that a Bulgarian citizen by place of birth is every individual born or found inside the territory of the country, whose parents are unknown, or are of unknown citizenship or are without citizenship.

However, this was a more limited application of ius soli compared to the Law of 1880, according to which practically every individual born in Bulgaria was considered a Bulgarian subject.[16] The restriction of the scope of the place-of-birth principle can be explained by contextual considerations: in 1948, Bulgaria was a country with a growing population that had absorbed significant waves of refugees over the previous two decades. There were practically no reasons for encouraging aliens to settle in Bulgaria. Paradoxically, however, this principle

[15] It is still being debated in Bulgarian scholarly literature whether the Bulgarian authorities were fully responsible for these deportations: some argue that the occupied territories were virtually under German command. Be that as it may, the Bulgarian authorities did nothing, or at least not enough, to prevent these deportations.

[16] Those born in Bulgaria to an alien were entitled to Bulgarian citizenship if at the time of their majority they were domiciled in Bulgaria.

of limited ius soli became a permanent feature of subsequent legislation, even after the demographic context had completely changed.

Moreover, although the communist rulers attempted to abandon the fascist-inspired conceptions of 'Bulgarians by origin', they still preserved some of the most discriminatory practices embedded in the 1940 Law. Thus, immediately after the communist takeover on 9 September 1944, many Bulgarians were deprived of Bulgarian citizenship for political reasons and their properties were confiscated (Aleksandrov 1995: 44–45).

In 1968, a second Law on Bulgarian Citizenship was adopted. Notably, it stipulated that all Bulgarian citizens from non-Bulgarian ethnicity who have permanently left the country are losing their citizenship automatically, by virtue of the fact of the resettlement without any further act of public authorities being necessary (Art. 16).[17] For all other Bulgarian citizens it provided that they can be deprived of citizenship for various offences, including leaving the country illegally, not returning for 6 months after the expiry of the leave permit, or being abroad and performing an act denigrating the state or in any other way proving unworthy of Bulgarian citizenship (Art 20). There was a possibility for restoration of citizenship for persons who resettle back in Bulgaria and "demonstrate a positive attitude towards the state and social system" (Art 21). The latter two clauses were relaxed only in 1989 and Art. 20 stipulated that to be deprived of citizenship the person must have committed a grave crime against the People's Republic (still, according to the criminal code at the time any criticism of the communist regime could qualify as such crime.[18] The 1968 Law, like the 1940 Law, did not tolerate dual citizenship: a number of special bilateral international agreements were signed with a view toward eliminating or preventing dual citizenship (Valkanov 1978: 33–48; Tzankov 2004: 48–51).[19] The 1968 Law explicitly required the aliens who sought naturalisation to renounce their previous citizenship. It did not explicitly require the Bulgarian nationals to renounce their citizenship upon acquiring another citizenship, but provided the possibility of being deprived of Bulgarian citizenship. The general principle was that children born to parents with different citizenship when coming of age should choose which one of the respective two citizenships to hold; this has been implemented in a number of bilateral treaties especially between the socialist countries. Interestingly, the law maintained the privileged status of applicants for Bulgarian citizenship of 'Bulgarian ethnicity' (Art. 10) who still could obtain citizenship without meeting the residence requirement.[20] There wasn't any interest, however, in obtaining Bulgarian citizenship during that period.

The prohibition of dual citizenship played quite a sinister role at the time of the expulsion of the Bulgarian Turks (Liebich 2000: 105). Although crude analogies between fascist and communist rule are always misleading, it seems that in 1984 the Communist Party leadership were infected with an ethnic paranoia that was very similar to that of their fascist predecessors. They decided to forcibly change the names of all Muslims and ethnic Turks with Bulgarian ones (see further Kalyonski & Gruev 2008). This massive administrative operation was accompanied by intense propaganda, asserting that these minorities were actually ethnic Bulgarians forcefully assimilated by the Ottomans, so that the process was

[17] As the regime'softened' in the 1980s this provision was repealed in 1986.
[18] See also Toni Nikolov, 'The Right of Bulgarian Citizenship and the European Norms', *Demokratzija*, 12 May 1998.
[19] Such agreements were concluded between the People's Republic of Bulgaria and the USSR in 1958, the People's Republic of Hungary in 1959, the Socialist Republic of Romania in 1959, and again with the USSR in 1966, the German Democratic Republic in 1971, the People's Republic of Poland in 1972 and the Czechoslovak Socialist Republic in 1975 (*Zakon za bulgarskoto grazhdanstvo* 1968).
[20] They had to renounce their previous citizenship as well.

officially entitled 'Revival Process'. Few ethnic Turks were convinced, which led to a protracted period of tension and repression, culminating in 1989 when the communist regime 'allowed' more than 300,000 Turks to flee to neighbouring Turkey. The regime argued that the process was a 'voluntary' resettlement; the public called it, with some irony, 'the Great Excursion'. Thus, the regime which started with a fierce rejection of fascist laws and policies ended up endorsing similar ones, albeit considerably less sinister (certainly without death camps and a 'final solution', and there were hardly any casualties at all). In the same year, communist rule finally collapsed, as a result of which between one-third and one-half of the 'excursion-goers' eventually returned home safely.[21] On 20 December 1990, the Grand National Assembly passed a law to restore citizenship to the affected persons, after which they could also reclaim any property confiscated during their absence.[22] Subsequent legislation allowed them to reclaim even the property they had hastily sold in the process.

3 The current citizenship regime

The current Bulgarian legal regulations regarding citizenship are based on the provisions of the 1991 Constitution. As was made clear in the previous section, the most repressive parts of the communist legislation were amended even before the adoption of the new basic law. However, the Constitution was meant to embody a complete vision of all questions relating to membership in the Bulgarian polity. Not surprisingly, much of this new philosophy resembles the approach of the Constituent Assembly in Veliko Turnovo in 1879. Firstly, the Constitution grants citizenship to all persons born in the territory of Bulgaria, unless they acquire another citizenship by origin, or are born to at least one parent who is a Bulgarian citizen (Article 25 (1)). Compared to the 1880 Law, for instance, this is a more limited application of ius soli similar to the communist laws. Concessions to ethnic Bulgarians are also constitutionalised: 'A person of Bulgarian origin shall acquire Bulgarian citizenship through a facilitated procedure' (Article 25 (2)). In order to avoid some of the most repressive practices of previous regimes, the Constitution expressly prohibits depriving Bulgarian citizens by birth of their citizenship (Article 25 (3)) and the extradition or expatriation of citizens (Article 25 (4)).[23]

Furthermore, the Constitution practically guarantees the full scope of rights to all Bulgarian citizens without differentiating between citizens by birth or by naturalisation. There are only some minor, but symbolically important, exceptions, like the requirement of Article 93 (2), which states that candidates for the office of President of the Republic should be Bulgarian 'citizens by birth',[24] which, as a non-ethnic category, does not exclude representatives of minorities from running for this office. The inclusion of this provision was

[21] From 3 June to 21 August 1989 (when Turkey closed its borders), 311,862 ethnic Turks managed to leave the country. After the fall of Todor Zhivkov and the communist regime in November 1989, some 125,000 returned to Bulgaria. By the end of 1989, the refugees' back-and forth movements ceased and 245,000 refugees who had fled Bulgaria were granted Turkish citizenship (Özgür-Baklacioglu 2006: 321).

[22] The reversal of policy against the Turkish minority started immediately after the fall of the communist regime in November 1989. There were communist leadership decisions calling for the repeal of the repressive legislation as early as December of that same year.

[23] The last provision was amended in 2005 in compliance with international treaties concluded by Bulgaria regarding international criminal tribunals: 'No Bulgarian citizen may be surrendered to another State or to an international tribunal for the purposes of criminal prosecution, unless the contrary is provided for by international treaty that has been ratified, published and entered into force for the Republic of Bulgaria.'

[24] 'Bulgarian by birth', according to the 1991 Constitution, is not an ethnic category; it refers to those born within the country's borders or to Bulgarian citizen parents and thus includes ethnic Turks and other non-ethnic Bulgarians.

not a reflection of some grand ideology of Bulgarian nationhood, but was the result of a contextual, tactical political game among the major players in the Grand National Assembly, who wanted to block the candidacy for president of the then popular ex-communist leader Andrei Lukanov, who was born in the Soviet Union and originally had a Soviet passport.

As often happens with such contingent political calculations, this one also had serious unintended consequences for its drafters from the ex-communist Bulgarian Socialist Party (BSP). In 1996, Georgi Pirinski, the official BSP candidate for presidency was practically disqualified from the race by the Constitutional Court (CCt), which ruled that, for the purposes of the presidential election, citizenship by birth was to be established according to the law in force at the time of birth of the candidate.[25] Thus, Pirinski was denied 'citizenship by birth' due to the vagaries of the communist citizenship laws in force at the time of his birth (Pirinski was born in New York, and according to the then-valid law was not a citizen by birth). The dubious constitutional reasoning of the justices—which gave priority to the communist legislation over the Constitution — can be explained by the politicisation of the Court during that period; most of the judges 'just happened' to be opponents of the BSP. This example vividly shows that citizenship policy is never solely a reflection of coherent ideologies and grand principles, because key decisions can often be explained by contextual factors of temporary importance. Another example was the constitutional provision requiring five years of residence in the country for presidential candidates. In the mind of the drafters, this requirement was designed to prevent Tsar Simeon II from running for the presidency in 1991. In fact, it did prevent him from doing so, but only ten years later (in 2001), when many of the drafters of this amendment would have been perhaps more supportive of his candidacy.

Leaving these unintended consequences aside, the Constitution had to solve one very serious problem indeed: the ongoing tension between the Bulgarian majority and the Turkish minority after the events of 1989. As mentioned above, the citizenship rights and property of Bulgarian Turks were restored, but many of them had already acquired Turkish citizenship and some had actually decided to resettle in Turkey permanently.[26] The question about the status of these persons with double citizenship would require a major revision of citizenship policies, as both the 1940 and the communist regulations had expressly prohibited dual citizenship. The 1991 Constitution altered this practice, mostly by remaining silent on the possibility of double citizenship.[27] Thus, in order to remedy the former injustices against the Bulgarian Turks, Bulgaria became one of the few countries in Eastern Europe to recognise dual citizenship (Liebich 2000: 105).

Despite these concessions to the Turkish minority, the 1991 Constitution remains fundamentally sceptical about minority rights. It espouses an attitude that closely resembles the German constitutional doctrine of 'militant democracy', especially in its application to minorities in contemporary Turkish constitutionalism.[28] The Constitution is specifically concerned with ethnic and religious politics and in a number of provisions it expressly prohibits the establishment of political parties on an 'ethnic, racial or religious basis' (Article

[25] See Decision No. 12, 23 July 1996.
[26] There are no reliable data for the number of permanent settlers, but estimates suggest that it was about 100,000.
[27] The Constitution mentioned the possibility of dual citizenship in its prohibition on dual citizens running for parliament and the presidency.
[28] The term 'militant democracy', which was first coined by Karl Loewenstein in the 1930s, refers to a constitutional legal doctrine according to which the democratic state should actively protect itself and its values against internal enemies and should prevent them from coming to power by using the democratic process. The doctrine requires instruments such as bans on extremist organisations and anti-system parties, loyalty requirements for civil servants, etc. The doctrine was first systematically implemented within the German Basic Law after the Second World War. See also Saja 2004.

11(4)), or parties whose activities are directed against the integrity of the country, the unity of the nation, or the inciting of racial, national, ethnic, and religious hatred (Article 44(2)).

These provisions threatened to bring the Bulgarian polity to a crisis immediately after the first parliamentary elections under the new Constitution in 1991. The reason was the controversy over the Movement for Rights and Freedoms (MRF), a political party organised mostly by members of the Turkish ethnic minority, which successfully ran in the parliamentary election and formed a coalition government with the Union of Democratic Forces (UDF), the anti-communist opposition. BSP deputies attacked the constitutionality of the party before the Constitutional Court.[29] In a well-reasoned decision, the Court effectively relaxed the prohibition of ethnic parties in Article 11 of the Constitution by arguing that only parties that are ethnically exclusive and threaten the constitutional order are to be banned. This decision legitimised the MRF, which gradually emerged as one of the major political parties in Bulgarian politics. The MRF is currently probably one of the few ethnic parties in Europe that officially belong to the European family of liberal parties. The MRF has been part of the ruling coalitions in Bulgaria since 2001. The rationale of the 1991 Constitution was reflected in Bulgaria's citizenship legislation. The 1968 Law went through a series of amendments. The most recent Law on Bulgarian Citizenship was enacted in 1998. It took into consideration the new social developments of the transition period, as well as the prospect of EU membership. All of the remaining discriminatory positions included in the earlier Bulgarian citizenship laws, which affected those citizens who had left the country, were ultimately revoked by the 1998 Law.[30] The 1998 Law restored the citizenship of Bulgarians whose citizenship had been withdrawn by decrees during the period 1944 to 1947.[31]

3.1 Main modes of acquisition and loss

In principle the current law still requires applicants for naturalisation to renounce (or be in a process of renunciation) any other citizenship but, as stated, it accommodates multiple citizenship when already existing. Dual citizens are treated as Bulgarian citizens when they enter Bulgarian territory and acquire the rights and duties of Bulgarian citizens. According to Article 3 in the Law, 'any Bulgarian citizen who is also a citizen of another state shall be considered as only a Bulgarian citizen in the application of the Bulgarian legislation unless otherwise provided for by law.' There are very few cases when the law provides 'otherwise' to the disadvantage for people with dual citizenship. According to the Constitution among the conditions for the election of members of the national parliament is the requirement that the 'person must be a Bulgarian citizen who does not have another citizenship'; the same is true for presidential candidates.

As Todorov points out, the 1991 Constitution defines two notions: 'a person of Bulgarian origin' (a Bulgarian) and 'a Bulgarian citizen'. A Bulgarian is a person who by his or her origin is of Bulgarian 'blood'. Article 2 (1) of the 1998 Law specifies that 'a person of

[29] Decision No 4, 21 April 1992.

[30] This process was ultimately finalised in 1998 because it was only then that the Union of Democratic Forces succeeded in the formation of a stable government. Until then, the country was run mainly by the ex-communist BSP, whose assessment of the communist period was rather ambivalent; in general, the party was unwilling to radically revise the policies of the communist regime.

[31] Among those, for instance, were 43 former ambassadors of the Bulgarian Kingdom who had lost their Bulgarian citizenship by a decree issued by the erstwhile President Vassil Kolarov in 1947. They had refused to acknowledge the 'people's power' of the communist regime (see Rossitza Milanova, 'The Citizenship of Those Bulgarians Whose Citizenship Was Denounced between 1944 and 1947 Is Restored', *Democrazija*, 12 May 1998).

Bulgarian origin is one whose ascendants (or at least one of these) are Bulgarian'. A Bulgarian is not necessarily a Bulgarian citizen. He or she could, for instance, be a Moldovan, a Macedonian or a Hungarian citizen. The notion 'Bulgarian' refers to an ethnic identity, not a legal status. The only privilege that the Constitution provides for ethnic Bulgarians is the ability to obtain Bulgarian citizenship through a facilitated naturalisation procedure. By contrast, the notion of the 'Bulgarian citizen' is legal and civic in its content. Bulgarian citizens, including those by birth, can be ethnic Bulgarians but also individuals from other ethnic groups such as Turks, Armenians, Chinese, etc. (Todorov 1996: 7).

Therefore, the ethnic definition of 'Bulgarian' plays a role only in the rules for naturalisation. There are two methods for the acquisition of Bulgarian citizenship by naturalisation: a general regime and a preferential regime for certain categories of persons, including ethnic Bulgarians. The great majority of those who have acquired Bulgarian citizenship through naturalisation over the past few years have done so using the preferential regime (Tzankov 2005).

Article 12 of the 1998 Law establishes the general regime for naturalisation. The requirements are that the applicant:

1. is of lawful age;

2. was granted permission for permanent residence[32] in the Republic of Bulgaria not less than five years before application;

3. has not been sentenced by a Bulgarian court for an intentional crime of a general nature and has not been the subject of criminal proceedings for such a crime unless the person concerned has been rehabilitated;

4. has an income or occupation enabling him or her to support himself or herself in the Republic of Bulgaria;

5. has a command of the Bulgarian language subject to verification in accordance with a procedure established by an order of the Minister of Education and Culture;

6. was released from his or her previous citizenship or will be released from his or her citizenship at the moment of acquiring Bulgarian citizenship.[33]

It is clear from these provisions that the general regime for obtaining citizenship by naturalisation is quite restrictive. 'Ordinary' applicants are normally required to have legally resided in the country for ten years (five years to obtain a permit, and another five to be eligible for citizenship). The waiting period for the permanent residence permit can be waived for those who have invested more than US$500,000 in the Bulgarian economy. Furthermore, the 1998 Law introduces for the first time the requirement of a clean criminal record, and, more importantly, knowledge of the Bulgarian language,[34] employment and income or income

[32] There are different procedures for obtaining this permission. In most cases, the applicants have to show that they have legally resided in the country for the previous five years or that they have invested more than US$500,000 in the Bulgarian economy. Ethnic Bulgarians and foreigners born in Bulgaria are exempt from these conditions. Those who have given meritorious service to the country are also exempted from the requirements. For more details, see the information at the site of the Ministry of Foreign Affairs: www.mfa.bg.

[33] This requirement was added in 2000 and significantly mitigated in 2012.

[34] Ordinance No. 5 of 1999 of the Minister of Education and Science defines the procedure for the establishment of knowledge of Bulgarian language. The applicants either have to show documents proving that they have studied in Bulgarian schools or have valid certificates for language proficiency, or they have to take a written exam before a special commission. They need to demonstrate that they have sufficient knowledge of the Bulgarian language to enable them to communicate at 'an elementary level' (Art. 6(2)), however the sample tests provided on the website of the Ministry of Education appear to be quite demanding.

guarantees. It is not surprising, then, that between 2000 and 2006, there were only a total of 2,395 applications for Bulgarian citizenship through general naturalisation, of which only 865 were granted, all in all, statistically insignificant numbers.

In contrast to the general regime, the 1998 Law is much less restrictive with regard to privileged groups. These can be divided into three categories. The first one is entitled to privileged naturalisation, which requires a minimum of three rather than five years of residency after the acquisition of a permit for permanent residence in the territory of the Republic of Bulgaria. It includes persons married for at least three years to Bulgarian citizens, persons born in Bulgaria or having acquired permanent residence before the age of majority (Article 13) and refugees (Article 13a). Similar access is granted to stateless persons (Article 14).

The second category of persons who can benefit from the regime of privileged naturalisation includes those who have made special contributions and performed meritorious service to the Republic of Bulgaria. They are granted achievement-based nationality. Most often, this criterion is used to facilitate the acquisition of Bulgarian citizenship for athletes.[35]

The most important privileged group is that of persons of Bulgarian origin. According to Article 15 of the law, applicants of Bulgarian origin are exempted from all but two requirements: the minimum age and a clean criminal record. It is important to note that the exemption from language tests and residence requirements was adopted in 2001, which led to a significant increase in naturalisation proceedings. The privileges for ethnic Bulgarian applicants also have financial implications; for instance, they pay a fee of only 10 BGN, whereas other foreigners pay 100 BGN. The same privileges are conferred to persons who have been adopted by a Bulgarian citizen on the terms of full adoption and who have one parent who is a Bulgarian citizen (Art. 15, sec 2 and 3 respectively).

Establishment of Bulgarian origin is ethnic; the applicant has to show that at least one of his or her ancestors (antecedents—parents and grandparents) was an ethnic Bulgarian. The birth certificates of the parents and grandparents, their mother tongue, membership in Bulgarian institutions such as the Bulgarian Orthodox Church, schools, former Bulgarian citizenship of the parents, etc., are relevant criteria.

The conditions for proving Bulgarian origin are specified in the 2000 Law on Bulgarians Living outside the Republic of Bulgaria. This is done by documents issued by a Bulgarian or foreign state institution, the Bulgarian Orthodox Church, or by an organisation of Bulgarians living outside the Republic of Bulgaria approved by the authorised state institution. However, even with these clarifications, the problem of definitional indeterminacy and administrative discretion remains, which leaves a significant degree of discretion to the administrative authorities in the resolution of individual cases.

While initially the Law envisioned a deadline of three months for completion of the naturalisation of foreigners from Bulgarian origin, the procedure used to take two to three years due to the numerous inspections at various Bulgarian institutions. In recent years the whole naturalisation procedure has been streamlined and currently takes about a year. Now the only institution which is formally responsible to decide on the issue of origin is the State Agency for the Bulgarians Abroad (SABA). Within one month after the application, it must issue a certificate for Bulgarian origin, which the applicant submits with all of the other documents to the Ministry of Justice.

[35] Currently the Law stipulates that the proposal is made by the relevant minister.

Following the Constitution's rationale of avoiding the excesses of the communist regime, the 1998 Law declares that Bulgarian citizens by birth can lose their citizenship only if they explicitly wish that and if they acquire another citizenship. Generally, there are three ways to lose one's Bulgarian citizenship: release from Bulgarian citizenship, revocation of naturalisation, and deprivation of citizenship. According to Article 20:

[A]ny Bulgarian citizen who is permanently residing abroad may request to be released from Bulgarian citizenship, if he or she has acquired foreign citizenship or if there is information showing that a procedure for acquisition of foreign citizenship has been initiated.

Naturalisation can be withheld in a limited number of cases, for instance if the person has obtained it through the provision of false information or through the withholding of relevant information from the authorities (Article 22). Deprivation of citizenship of a naturalised person can take place if the person has committed grave crimes against Bulgaria (Article 24). Bulgarian citizens by birth cannot be deprived of citizenship under any circumstances (Article 25 (3) of the Constitution).

Revoked Bulgarian citizenship can be restored under certain conditions. The most important of these conditions is residence: three years lawful permanent residence after the submission of the application for the restoration of one's citizenship (Article 26 (3)).[36]

Current statistical trends

As we have already mentioned, we can observe a marked increase both in the number of applications for Bulgarian citizenship and the number of those granted citizenship since 2001. The number of applications rapidly rose each year until 2004 when it reached a peak of 29,493. Afterwards it declined to five to six thousand per year in 2009-2010. Then it jumped again to 11,458 in 2011 and about 20,000 in 2012. Interestingly, the number of actual naturalisations in this period did *not* follow this dynamic: the number of persons who were granted citizenship steadily rose from about three thousand in 2002 to five to six thousand in 2006-7 and continued to rise in 2009 when the number of applications was at its lowest. According to the observers the temporary decline of the applications did not necessarily mean a decline of interest but rather was due to some regulatory factors (Tchorbadjiyska 2007: 100–101). Moreover, at this time there was a significant backlog of applications: about five months before Bulgaria joined the EU, the number of applicants awaiting decision exceeded 50,000 and rose even more during 2007. After the legislative amendments of 2009-2010 the process was streamlined and the administration managed to reduce the duration of the process to about a year. The number on naturalisations jumped to 14,979 in 2010 and 18,473 in 2011.[37] The refusals were rare in 2002 (only 98) but also grew to three to five thousands by the end of the period. For 2012 the number of persons granted citizenship was 18,081 while 1597 applications were denied. Among those naturalised 13,737 were from Bulgarian origin and another 4,130 either had one parent who is a Bulgarian citizen or were adopted by such.

Tchorbadjiyska (2007) also points at two substantive changes of the law which contributed to this increase. These were two changes of the law made in 2001. Until then the applicants of Bulgarian ethnic origin needed to demonstrate proficiency in the Bulgarian language and, most importantly, had to either renounce their present citizenship or commit

[36] Some usual provisos apply, such as the absence of a criminal record and the requirement of good, moral behaviour.

[37] For a while the number of naturalisations granted during a year exceeded the number of applications made in this year due to the huge backlog from the previous years.

themselves to doing so. As discussed, these two conditions were dropped after 2001. Thus, those Bulgarian minorities living abroad who might not have applied earlier because they did not want to lose their existing citizenship could acquire Bulgarian citizenship while retaining it. The language requirement might have been a problem in particular for some applicants from the expelled Turkish minority or their descendants, or for Macedonians (even though most Bulgarians consider Macedonian to be just a dialect of Bulgarian, the differences are sufficient for an unprepared applicant to fail the exam). The other factor for the increased interest in Bulgarian citizenship is, of course, the changes in the visa regime. While Bulgarian citizens could travel without visas in the EU since 2001, most of the Bulgarian minorities abroad are from countries which remain on the EU visa blacklists. In this situation, the acquisition of Bulgarian citizenship, especially under the simplified procedure for those who can claim Bulgarian origin, became an obvious solution. Since recently the Macedonian citizens can also travel without visa, but from 2014 Bulgarians would be able also to work in any member state, so the allure of the Bulgarian passport can be expected to remain.

3.2 Special rules

At first sight, the contemporary naturalisation policy of Bulgaria has been a success—the numbers of applicants and naturalised citizens continue to rise. In a situation of negative demographic trends,[38] this is undoubtedly good news. However, the problem is that this policy is not designed to help solve the demographic problem, or to provide the necessary workforce, but mostly to win some symbolic battles over the past with neighbouring countries, as well as to mobilise domestic voters. Thus, in 2011 the net migration in Bulgaria remained negative. Further, according to the Ministry of the Interior, about 40% of the persons who were naturalised in 2012 have not settled permanently in the country.

The largest share of applications for citizenship concerns those based on origin and were filed by citizens of Macedonia, Moldova, Russia, Ukraine and Serbia. Of the 18,081 naturalisations for 2012, 8185 were granted to citizens from Macedonia, 881 from Russia and 604 from Serbia. The overwhelming majority of the applications were through the simplified procedure for applicants from Bulgarian origin. In 2010 there were 14,828 naturalised citizens of Bulgarian origin, and only 151 from non-Bulgarian origin; in 2011 they were 18,319 against 154 in 2011. According to a report of the vice-president's council for citizenship,[39] for the period 2002-2011 44,211 citizens of Macedonia were naturalised. The second largest group is from Moldova – 20,668 followed by Serbia - 4009,[40] Ukraine – 3079[41], Israel – 2638, etc.

All this is due to the privileged and facilitated naturalisation procedure for members of Bulgarian minorities applying for Bulgarian citizenship in neighbouring countries.[42] Once

[38] The country is losing between 30,000–50,000 citizens per year, although the most recent statistics show that the decrease in population is slowing down.
[39] See http://president.bg/docs/1351453309.pdf.
[40] Serbians have also become interested in obtaining Bulgarian citizenship since Bulgaria joined the EU. The numbers peaked about 2007, when nearly 1,200 Serbian citizens obtained Bulgarian citizenship, but then declined to 604 in 2012. There is a small minority of Serbian citizens who identify themselves as Bulgarians, and it may be assumed that most of these applicants were from them.
[41] Although there is a relatively large community of some 235,000 Bulgarians in the Ukraine, not many applications for Bulgarian citizenship are filed from this country, as according to Ukrainian law, they have to renounce their Ukrainian citizenship in the process.
[42] In contrast to Hungary, the privileges for 'external citizens' neither created heated public debates in Bulgaria, nor caused significant problems with the EU or the neighbouring countries. There are several reasons for this. Firstly, the Bulgarian diaspora in neighbouring countries is smaller than the Hungarian one, and much less

it is granted to them, they enjoy all the rights to which Bulgarians are entitled, without being obliged to give up their other nationality or live in Bulgaria.

But here lies the problem: it remains unclear what the actual contribution of these people to contemporary Bulgarian society is going to be. They are applying with the explicit expectation of the travel opportunities that a Bulgarian passport affords, without having to live in the country. The fear is that the ultimate result of this policy might be the further extension of the 'symbolic Bulgarian citizenship' without addressing the actual pressing social problems. There is also a European dimension to this issue: this type of external Union citizenship generates immigration rights and rights to political participation at the EU level, which may conflict with the developing EU immigration regime. This problem, however, has not even been raised in Bulgarian public debates.

As to the symbolic 'gains' that the policy offers, they come mostly in the form of settling historical scores with neighbouring countries. Macedonia is the primary target here,[43] and thus it is no surprise that current Bulgarian naturalisation policy is most negatively received there, especially among the nostalgic pro-Yugoslav local political establishment. The concept of 'Bulgarian by origin' contradicts the 'official' interpretation of Macedonian identity because the concept assumes that there are ethnic Bulgarians living within Macedonian borders. The official reaction of the Macedonian government to the Bulgarian policy has been ambivalent, however, if we leave aside the ongoing anti-Bulgarian bias in the local media. Unlike the Ukraine, Macedonia has not chosen to penalise its citizens who hold dual citizenship.

Nevertheless, Macedonia has intensified its claims that Bulgaria is violating the rights of Macedonians in Bulgaria and, in particular, their rights to association and assembly. Symbolic politics here has indeed led Bulgaria to violate the European Convention on Human Rights (ECHR). In 2000, the Bulgarian Constitutional Court banned the tiny nationalist Macedonian party OMO-Ilinden because it was seen as a threat to the integrity of the state and the unity of the nation. The Court's decision[44] strayed from its previous reasoned judgments concerning the MRF, ruling that certain speeches, letters and maps produced by the party were a substantial threat to the Bulgarian state. This paranoid reasoning was judged to be in violation of ECHR Article 11 (in conjunction with Article 10) by the European Court of Human Rights in 2006.[45] Since then, Bulgarian authorities have denied registration to OMO on various formal and procedural grounds. These decisions have been criticised by the Committee of Ministers of the Council of Europe.[46]

---

organised. In most cases, the policy provides for individual exit strategies of Bulgarians abroad. Secondly, Bulgaria has complied with all of the formal requirements of the EU visa regulations, and has imposed visa restrictions on neighbouring countries in which Bulgarians live. Finally, the issue is not internally divisive, as is the case in Hungary; no major party, including the MRF, opposes the current policies.

[43] As Özgür-Baklacioglu argues, the Law on Bulgarians Abroad established kin minority protection and turned dual citizenship into an engine of intensive nation-building. Dual citizenship status for the migrant community in Turkey remains a subject of political debate, while it does not create problems in cases involving Macedonian applications. In other words, the accommodation of Macedonians as Bulgarian citizens has a special historical element concerning building the Bulgarian nation. In nationalist circles, it is perceived as the historical importance of return by the Macedonians to their 'first' origin, i.e. the Bulgarian one. As understood from the application procedure, Macedonian applications are handled under the provision for applicants with Bulgarian origin. Macedonians do not need a permanent resident status and do not have to show a certificate proving knowledge of the Bulgarian language. Among the initial set of application documents is a declaration that verifies Bulgarian cultural consciousness (Özgür -Baklacioglu 2006: 336).

[44] Decision 1, 29 February 2000.

[45] *United Macedonian Organisation Ilinden and others v Bulgaria*, 19 January 2006.

[46] See Svetoslav Terziev, 'Strasbourg Harasses Bulgaria about OMO', *Sega*, 27 March 2008, www.segabg.com.

It is difficult to say who has the upper hand in these friendly skirmishes in the symbolic warfare between Bulgaria and Macedonia. Naturalisation numbers and some famous 'casualties', such as the former Prime Minister of Macedonia, Ljubcho Georgievski, tilt the scales towards Bulgaria. But the OMO-Ilinden story and the general sympathy for the underdog seem to level the score. It is quite clear, however, that the target audience of the symbolic warfare is domestic; it is used for mobilisation purposes by particular actors, and at least in the Bulgarian case, it correlates to the rise of populism and the reactions to it. Not surprisingly, the major actors in this symbolic warfare in Sofia are the leaders of the nationalistic-populist parties (Ataka, Internal Macedonian Revolutionary Organisation (VMRO), among others) but this is increasingly taken up by the mainstream political parties and leaders. A notable example of this was the former President of the Republic, who apart from being a key figure in the administration of naturalisation policies, regularly expresses the official Bulgarian position on the symbolic front. While the current President himself seems to prefer technocratic to symbolic actions, in December 2012 the government adopted a fundamental change of the Bulgarian long-established policy to support, albeit patronisingly, Macedonia in its reforms and Europeanisation. Instead, it joined Greece in preventing the opening of EU accession talks. This is very unfortunate, because in terms of more tangible international relations, Macedonia and Bulgaria do not have any serious unresolved questions.

4 Current political debates

The discussion thus far has demonstrated that, at the level of the Constitution, Bulgarian legislation provides for a fairly egalitarian framework, which could be interpreted as an acceptable basis for a civic community. However, this framework remains incomplete, and it allows for alternative interpretations through legislation; the main culprit in this regard is the provision for privileged naturalisation of Bulgarians by origin. The same is true of the provisions for multiple citizenship, which could also be interpreted as bestowing specific privileges on particular groups of citizens. Thus, ultimately, the Constitution leaves it to the political process to determine the precise make-up of the Bulgarian political community, and the exact scope of the privileges for specific groups. In this section we therefore examine the dynamics of the political processes, which have a bearing on the questions discussed.

The most important recent development in this regard is the rise of populist politics in the country. Bulgarian populism is marked by a crisis in the representative system, and the 'mainstream parties' in particular, and the constant emergence of new players—such as the ex-Tsar Simeon's NDSV movement (National Movement Simeon the Second)[47] in 2001, Boyko Borissov's GERB (Citizens for European Development of Bulgaria) in 2006, and even something like a radical nationalist party—Ataka—in 2005. These populist players are largely indifferent to traditional left-wing or right-wing political ideologies. They use other means for the mobilisation of their people, which often include anti-corruption campaigns and various milder or stronger versions of nationalism. The rise of populism in Bulgaria coincided with the transformation of the MRF—the Turkish minority party—into a mainstream player, who often holds the swing vote and consistently takes part in the government of the country.[48] Thus, the anti-elite, anti-establishment rhetoric of the newcomers also acquired some ethnic overtones; they started to ethnicise corruption and to portray the MRF as the most problematic

[47] The NDSV could only be seen as a populist party in its first two years of its existence; it gradually transformed into a 'normal' party, albeit at the cost of its popularity.

[48] The reasons for this development are numerous, but one is that MRF can rely on the relatively stable ethnic support of Bulgarian Turks. In circumstances of declining turnout, the stability of the electorate of the MRF increases its relative influence.

element in the party system. However, evidence shows that the MRF, although prone to patronage and clientelist practices, is hardly more corrupt than the other parties.

In the face of populist attacks from these newcomers, the representatives of the 'mainstream parties', such as the BSP, had to revise their campaign strategies and react to the challenge. The former President of the Republic Georgi Parvanov—previously leader of the BSP and a historian by training—played a primary role in the design of the new political course, which could be described as the 'mainstreaming' of some mild forms of nationalism in order to reduce the appeal of the populists. As the head of state, Parvanov started taking public positions on issues of 'historical importance', such as the significance of the struggles for the liberation of Macedonia in Bulgarian history, the 'misinterpretations' by domestic and foreign experts of specific events, such as the Batak massacre in 1876, and so on.[49] Formal official rituals also underwent significant redevelopment in order to stress the historical continuity of the Bulgarian nation and the grandeur of the sacrifice made by its ancestors.

Of course, President Parvanov played an important role in the formation of citizenship policy as well, though in this area, the 'mainstreaming' of nationalism began even before the start of his mandate. Gradually, however, citizenship policy was included in the symbolic manifestations of mild nationalism, especially with regard to international relations with Macedonia.

The July 2009 parliamentary elections brought some new developments in Bulgarian politics that are relevant for citizenship policies. The trend of successful populist newcomers continued: the political party GERB, which was extra-parliamentary in the period 2006–2009, took 116 of the 240 seats in the Bulgarian National Assembly. Nominally, GERB is a centre-right party but it could be described as populist insofar as its appeal to the voters is mainly due to the charisma of its leader Boyko Borissov and his employment of vocal anti-corruption and mildly nationalist rhetoric.

Below we demonstrate how the rise of populism and the reactive 'mainstreaming' of mild nationalism affected three specific policy areas: the voting rights of Bulgarian Turks residing in Turkey, naturalisation policies, and policies which address demographic problems and the need for foreign labour.

4.1 The voting rights of Bulgarian Turks domiciled in Turkey

As already discussed, in the 1980s, the then-communist regime of Bulgaria adopted a policy towards the Turkish minority in Bulgaria, according to which Bulgarians of Turkish origin were forced to adopt Slavic names. This led to a great wave of emigration back to Turkey in 1989. After the one-party system collapsed in 1989, many reclaimed their Bulgarian citizenship, but only some of them resettled in Bulgaria, while others who regained Bulgarian passports preferred to remain in Turkey (see Kadirbeyoglu, 2009). Among this group, there are many children and retirees who nowadays spend their summers in Bulgaria; some come

[49] In a curious development, in 2007, the Bulgarian President involved himself in a public debate with a junior art historian, who was supported in her research by a young German scholar. The art historian had written a paper interpreting the 'myth of the Batak massacre'. Apparently, she had traced the reconstruction of specific events in the public memory from the Bulgarian uprising against the Ottomans in 1876, exploring the role that works of art played in this construction. The President interpreted the whole project as an attempt to deny that the massacre ever happened (an indisputable fact), and to misinterpret Bulgarian history. He even hosted an 'open history class' in the town of Batak, the main purpose of which was to discredit the art historian's project. Leaving aside the historical substance of the debate, it is highly unusual for a head of state to take on the role of a guardian of national history, especially when his opponents are academics.

back to pursue higher education.[50]. In general, relations between Bulgaria and Turkey have begun to flourish and have reached an unprecedented level of civility, especially when, in 1997, the then-newly elected Bulgarian President Peter Stoyanov delivered a speech to the Turkish National Assembly, asking for forgiveness for what had been done to the Turkish minority in his country (Petkova 2002: 52–54).

According to official migration statistics, Turkish migrants with dual Bulgarian and Turkish citizenship form a community of around 380,000 people. Under the 1998 citizenship law, these migrants have the right to regain their Bulgarian citizenship while keeping their Turkish citizenship. As dual citizens, they develop and share dual loyalty, rights and obligations (Özgür-Baklacioglu 2006: 322).

The rise of populism in Bulgaria meant that the voting rights of Bulgarian citizens of Turkish origin who are resident in Turkey came increasingly under attack. These rights are the same as those of other citizens; that is, they can participate in parliamentary, presidential, local and European elections in Bulgaria. Debates about these voting rights arose first in the 1990s. Thus, on the eve of parliamentary elections in December 1994, the possibility of significant support for the MRF by Bulgarian Turkish voters in Turkey was strongly debated in the Bulgarian media. MRF supporters were estimated at 150,000 eligible voters. The main question was whether citizens with dual citizenship who were not resident in Bulgaria had the right to influence Bulgarian internal politics. However, this debate was not revived in the 1997 parliamentary elections when Bulgarians had much more serious crises to deal with, such as trying to recover from the financial and economic crisis of 1996 (Ivanov 1997). Since then the issue has been constantly rehearsed around election time. Protests against voting rights for expatriates have been expressed by political parties, public opinion as well as some scholars (e.g. Boyadjiev 1996).[51] In 2007, however, these protests escalated into a campaign by all of the opposition parties, in which individual members of the ruling majority also took part (including the BSP chairman of parliament who, in a crucial vote on some of the debated residence requirements, sided with the opposition).

The conflict over the voting rights for dual citizens emerged in relation to the first European Parliament elections in Bulgaria in May 2007. The question was whether the National Assembly should introduce specific residence requirements for voters in European Parliamentary elections, which would disqualify the Bulgarian Turks living in Turkey. The opposition parties proposed these requirements, which soon gained widespread public support. According to a study by the Alpha Research Agency, public opinion in Bulgaria was clear with some 78.7 per cent of all Bulgarians supporting residency requirements in these elections. Such a high rate of popular approval is comparatively rare in Bulgarian politics. The sole opponents of the new regulation were supporters of the MRF.[52]

In the ensuing heated parliamentary debates some members of the opposition even argued that MEPs elected with the help of Bulgarian voters in Turkey would in fact represent Turkey rather than Bulgaria. After four hours of debate over the controversial text, 80

[50] Some used to come to perform military service in Bulgaria, taking advantage of the bilateral agreement on mutual recognition of one another's military service. However this became moot since the Bulgarian army was professionalised in 2007.

[51] In 2006, the radical nationalist party Ataka proposed amendments to the 1998 Law on Bulgarian Citizenship. These amendments were meant to eliminate dual citizenship. The party proposed that a Bulgarian citizen cannot be a citizen of another country, with the exception of citizens of Bulgarian ethnic origin and Bulgarian culture. These privileges would be confined to persons living permanently in neighbouring regions in Greece, Macedonia, Serbia and Romania, and also including Bessarabian Bulgarians. The Bulgarian Parliament rejected the proposal with nineteen votes 'for', 78 'against' and 26 abstentions (*Telegraph*, 8 June 2007).

[52] Rumjana Bachvarova, 'The Reticence of Power', *Capital*, 23 February 2007, www.capital.bg.

opposition MPs walked out of the plenary hall. Ultimately, the ruling coalition allowed all citizens to be enfranchised regardless of where they resided. In the subsequent election, the MRF did exceptionally well and came in third with 20.26 per cent, just behind GERB (a centre-right populist party) with 21.68 per cent and the BSP with 21.41 per cent. The MRF received a total of 392,650 votes.

In the following local elections of 2007, attempts to introduce residency requirements succeeded initially, but were then dramatically watered-down through various legal technicalities, which made it possible to claim residency only on the basis of a permanent address registered on one's identity card, which virtually all people have, even if they live abroad. Thus, the practice of 'electoral tourism' continued unabated. What is striking in the emerging dominant public opinion is the lack of a principled vision of citizenship. Some who support the restriction of voting rights argue that this measure will eliminate possibilities for vote-buying and electoral fraud; others see it as a punishment for the 'corrupt' MRF; while still others try to argue that only taxpayers should have political rights; and last, but not least, are the Ataka supporters, who believe that ethnic Bulgarians should be privileged in terms of political rights. This cacophony of angry voices is the mark of populist mobilisation.

The angry voices received a new chance for expression during the 2009 electoral cycle. Two elections took place in the country in June and July: the first one for the European Parliament, and the second one for the national parliament. As mentioned above, the newcomer GERB emerged as the biggest Bulgarian party after these two elections, while the triumvirate of BSP, MRF and NDSV lost most of its supporters. NDSV failed to even enter the parliament, BSP's representation was reduced by more than 50%, and only the MRF preserved and even slightly increased its representation. For our purposes, it is important to mention that residency requirements—effectively preventing from voting citizens residing outside Bulgaria in countries not members of the EU—were introduced for the European Parliament elections, but not for the national ones. Thus, Bulgarians living abroad could vote only for the National Assembly, and they did so massively. There were long queues in front of Bulgarian embassies in all major world capitals on July 5. By far most of the votes from abroad came from Turkey. According to the official data of the Ministry of Foreign Affairs, some 89,071 Bulgarian citizens living in Turkey took part in the parliamentary elections, as more than 95% of them voted for the Movement for Rights and Freedoms. Against a background of 153,154 foreign votes altogether, this result showed that the MRF was the major beneficiary of the possibility for voting abroad. In comparison, in the European Parliament Elections in June 2009 only around 12,000 votes were cast abroad, due to residency requirements limiting voting only to Bulgarians residing in the EU countries: the biggest beneficiary was GERB.

These results reignited the campaign against voting abroad. As a matter of fact, these elections were marred by numerous irregularities and they were not necessarily related to ethnicity or citizenship. The practice of literally buying votes became endemic; the media was put under severe pressure[53] and independent observers estimated that about 15% of the vote was 'controlled'. On account of such irregularities the observers from the Parliamentary Assembly of the Council of Europe (PACE) proposed that Bulgaria should be subject to special monitoring which has not happened since the 1990s and thus far was unprecedented

[53] In the period 2006-2009 Bulgaria's rank on the World Press Freedom index of Reporters Without Borders fell sharply by more than 30 positions to 68th place, lowest in the EU and well behind many third world countries. (Since then it fell further 10 positions, to 87 in 2013, see http://en.rsf.org/press-freedom-index-2013,1054.html.

for an EU member state.[54] Although the irregularities were not restricted to the polling stations in Turkey, there were widespread concerns that the turnout there was unrealistically high. The outgoing government (where MRF was a coalition partner) was accused that it boosted the voting in Turkey while creating obstacles elsewhere abroad. The fact that there were 36 polling stations in Istanbul while only a couple in cities like London or Chicago (where the expats count tens of thousands) did not help either. Thus, the leaders of the VMRO and another populist newcomer – the party 'Order, Lawfulness, Justice', which had campaigned against corruption and against the MRF as its epitome – made the Bulgarian electorate in Turkey their primary target. Apart from the rhetoric, they challenged the validity of the elections in the polling stations in Turkey before the Constitutional Court and asked for annulment of the election of most of the MRF deputies.[55] Their allegations were that too many people had voted in some of the polling stations (in some cases close to 2,000 people in a single station which in their view was physically impossible (although in some other stations abroad, e.g. in London, the results were similar). Further, they claimed that in many cases voters were registered to vote both in their home polling stations in Bulgaria and also in Turkey so that they could vote twice. The Constitutional Court found itself in a quite extraordinary position to gather and evaluate evidence, which is more appropriate for a trial court. In a very controversial decision[56] it found that many of the allegations were true – for example it found that it is next to impossible for more than 936 to vote in a section for a day, that some of the lists of voters registered ad hoc, were compiled in a quite regular and relaxed handwriting, which is unlikely to happen in the haste of an actual election day, etc.[57] Yet it dismissed most of the claims with the dubious reasoning that even if there were 'phantom' voters in some polling stations, they do not vitiate the elections there as it is uncertain how many they were and how they affected the overall results. However the Court found that in 23 stations[58] the lists of the electors registered *ad hoc* on the election day were not signed by the chair of the polling station, which is even more dubious legal reasoning, and on this ground it annulled the results from these sections. It held that the votes counted in these sections – 18,358 in total from which 18,140 for MRF, 58 for GERB and 33 for BSP should be subtracted from the overall results. After the Central Electoral Commission redistributed the seats accordingly, MRF lost one of its seats, and so did, ironically, one of the MPs of 'Order, Lawfulness and Justice' itself. The MRF tried to appeal this decision, but there is no constitutional mechanism for appeal against the decisions of the Constitutional Court. Following that, they filed a complaint with the European Court of Human Rights which is still pending.[59]

All in all the campaign illustrates the growing mobilisation power of moderate nationalism in Bulgarian politics. It is true that all parties are careful to distinguish between

[54] See www.europe.bg/en/htmls/page.php?category=5&id=22816 and www.dnevnik.bg/bulgaria/2009/07/06/751073_pase_shte_reshava_za_nov_monitoring_vurhu_bulgariia/

[55] Formally, the challenge was brought by the Chief Public Prosecutor, who is among the authorities privileged to bring a case to the Court (Under the Constitution ordinary citizens have no standing in the Court). He was under no obligation to act upon the initiative of the challengers (who could not enlist sufficient number of MPs in their support), but took a hands off approach and submitted the application without taking a view of its own.

[56] Constitutional Court Decision No 2 from 16 February 2010 on Case No. 10 of 11 August 2009.

[57] The public prosecution duly started an investigation of these irregularities but there were no conclusive results (which is usual for many such investigations in Bulgaria).

[58] The applicants claimed irregularities in all 123 polling stations in Turkey.

[59] The appeal is based on two sets of arguments – that the partial annulment of the election results was groundless as no actual violations were proven, and that the CCt violated the requirement of the due process. At least the second is very likely to succeed as the proceedings in the CCt do not provide the usual guarantees for the defendant that the trial courts do. Further, as the legislation makes the CCt a court of first instance, MRF could not have any opportunity for appeal.

campaigning against MRF and campaigning against the Bulgarian Turks. Yet there is a thin line between political correctness and political hypocrisy, which is not always visible for the public at large. In any event, all parts of the spectrum would rather limit the voting of the diaspora in Turkey, but so far they all have shown restraint in taking actual steps in that direction.

Another consequence of this decision was that a precedent for challenging the elections through the courts was established. Thus, the presidential and municipal elections held in October 2011 were followed by half a dozen appeals (though the citizenship and residence did not feature prominently in them).

4.2 National dreams and the imperatives of a globalised world

In this section, we further pursue the theme of an obsession with the past in the development of Bulgarian naturalisation policy, and raise the issue of its adequacy *vis-à-vis* more contemporary challenges. Many of the Bulgarian government's organisational efforts in this area can be understood as an attempt symbolically to restore the Bulgarian Exarchate through some modern surrogate, which would institutionalise links with the ethnic Bulgarians abroad.

A primary recent example of these efforts is the aforementioned Law on Bulgarians Living outside the Republic of Bulgaria (2000). This law is based on a specific ethnic definition of Bulgarians abroad, which is less inclusive than the definition of 'Bulgarian by origin'(Özguür-Baklacioglu 2006: 335). 'Bulgarians by origin', to remind the reader, are those persons who have a Bulgarian parent (mother or father). 'A Bulgarian living outside the Republic of Bulgaria' is a person permanently residing abroad who has at least one parent of Bulgarian origin and has Bulgarian 'national consciousness'. The law in question is designed to:

> [e]ncourage the creation of favourable conditions for the free development of Bulgarians living outside […] Bulgaria, according to the principles of international law and the legislation of the respective state with the aim of protecting their rights and lawful interests.

The Bulgarian state commits itself to supporting the organisation of Bulgarians outside Bulgaria whose activities are directed at the conservation and development of the Bulgarian language, as well as cultural and religious traditions. Furthermore, the law provides certain entitlements for Bulgarians living abroad; for instance, free elementary and secondary education in the state and municipal schools of the Republic of Bulgaria, according to current conditions and regulations for Bulgarian citizens. Significantly, with regard to the pursuit of higher education, the law grants Bulgarians living abroad the right to apply for public financial assistance (Article 10).

Apart from dealing with students, the law also regulates state support for 'the preservation and manifestation of the Eastern Orthodox faith as the traditional religious affiliation of Bulgarians and as a factor in preserving the Bulgarian national identity'. Moreover, it makes special provisions for Bulgarians living abroad who wish to settle in Bulgaria. It creates favourable conditions for their return by offering them state-owned lands or municipal agricultural lands for use during the early years after settlement. It is unknown if any of the latter provisions are implemented in practice.

The state body responsible for relations with Bulgarians abroad is the State Agency for Bulgarians Abroad (SABA). The main function of this agency is networking – it establishes and maintains contact with and supports the activities of societies, associations,

church communities, media and schools of the Bulgarian diasopra in many countries around the world. In addition, SABA is an important element in the processes of acquiring Bulgarian citizenship, in obtaining permission for long-term residence in Bulgaria and for certifying the Bulgarian origin of persons who apply for Bulgarian citizenship. SABA, in essence, serves as a functional substitute for the now defunct Exarchate.

The problem here is that because of the excessive focus on historical Bulgarian minorities in adjacent lands,[60] the state has virtually neglected the diaspora of about a million people who have left the country since 1989, emigrating for economic reasons to Western Europe, North America and elsewhere. There is hardly any coherent policy concerning these people, who in most cases remain Bulgarian citizens. There are many outstanding issues concerning their status—such as their health insurance contributions, for instance — which are resolved *ad hoc*, if at all. The Council of Ministers discussed a special report on *Bulgarians Abroad and State Policy Towards Them* on 20 December 2007 in an effort to respond to some of these problems but there were no discernible results thereafter. Although ministers from various governments have called the emigrants to return, there were few actual measures to motivate them. The report estimates that at present more than three million Bulgarians live abroad, of which one million are Bulgarian citizens. About 800,000 of these have emigrated to Western European or North American countries. Nevertheless, it contains several interesting findings, such as the lack of a new migration of people to EU countries since accession. The policy measures envisaged by the report mainly involve preserving Bulgarian national identity abroad, while the obstacles to actual return remain. For example academic degrees and professional qualifications gained abroad still need to go through a complex procedure of domestic recognition. EU accession partially resolved this problem for degrees and qualifications acquired in other EU countries, although, at the practical level, numerous problems persist.

During the post-EU accession pre-crisis economic boom, there were discernible shortages of skilled labour within the country, and in some sectors of the economy this continues to be the case even today.[61] The state response to this was to reinvigorate its traditional policy of attracting persons of Bulgarian origin, mainly by speeding up the procedure for their naturalisation. No government has ever bothered to make an analysis of whether the skills of the people from the historic Bulgarian communities who enjoy the privileged naturalisation procedure meet the needs of the business community. Bulgaria may therefore have to look for alternative solutions to labour shortages such as non-ethnic immigration, which, in turn, would require dramatic immigration and citizenship policy revisions. This is a debate that has yet to take place, however.

The 2009 parliamentary elections added a new twist to the debates on immigration. As reported above, the winner of the elections was the political party GERB, which formed a minority government and appointed Professor Bozhidar Dimitrov as Minister without portfolio responsible for the Bulgarians living abroad and thus overseeing the SABA. Professor Dimitrov is a well-known Bulgarian nationalist, the most prominent participant in the symbolic warfare between Bulgaria and Macedonia. His publicly-expressed position (in books, TV programmes, etc.) is that the Macedonian nation and language are artificial and therefore non-viable products, whose main rationale was to separate Bulgaria into two parts. As a historian of prominence, Dimitrov has a significant following in Bulgaria, and his statements are often commented on by the media in Sofia and Skopje. His appointment as a

[60] One of the main target groups of the SABA is the community of Bessarabian Bulgarians and Bulgarian minorities in Serbia, Moldova and Romania.

[61] The labour shortage was recognised both by the aforementioned report and in continuous calls from the Bulgarian business community.

minister was a move which was greeted by many in Bulgaria with enthusiasm, but scandalised the liberal establishment in the country. He occupied that position until February 2011 without any tangible difference in the Bulgarian policy towards the neighbouring countries. However, Dimitrov has often expressed views that ethnic Bulgarians living in neighbouring countries should become Bulgarian citizens quickly and in large numbers and very successfully used his time in office to boost this process. The procedural changes and the increased numbers of naturalisations described in section 3 above were largely due to his efforts. Yet, after he was forced to resign amidst an unrelated scandal,[62] his position was abolished. This indicates that his hyper-activism in the area of citizenship was more a personal cause than a consistent policy of the government. On the other hand, this can be interpreted as a 'mission accomplished' sign; indeed both the government and the vice-president, who is the person actually responsible for granting citizenship, portray the continuously high numbers of naturalisations as a success. As such sentiments are shared by large parts of the population, this trend can be expected to continue.

5 Conclusions

The normative frame of Bulgarian citizenship discussed in this report is characterised by a degree of substantial incoherence. At the most basic level, the Bulgarian polity combines two different competing and sometimes conflicting principles. On the one hand, it commenced as, and remains, a predominantly Bulgarian project. On the other hand, there has been a genuine attempt to create an egalitarian political community, which does not differentiate between its members, be they of Bulgarian origin or not. This constitutive incoherence has resulted in a complex web of general equality norms, with some privileges and exceptions. There were also some low points in the development of the Bulgarian polity, when various discriminatory and repressive practices were introduced —first in the period of 1940-1944, and then, for different reasons, in 1940–1989. However, in times when democracy prevailed, the normative framework, albeit incoherent, proved sufficiently inclusive. This inclusive incoherence characterises the contemporary regulation of citizenship as well.

Normative incoherence has one significant drawback: it does not lend itself easily to constitutionalisation and judicial interpretation. Even Dworkin's super-judge Hercules (Dworkin 1986) would find it difficult to construct a theory that eliminates the tension between egalitarian and identity-based considerations in the Bulgarian case. In the absence of a judicially administrable citizenship rulebook, much has been left to the political process. It is an encouraging fact that at present this political process has provided for a robust representation of the main minorities in the country and the basic democratic framework survives the increasing populist pressures in the recent years. However, during the most recent protests in February-March 2013 the liberal establishment witnessed a significant surge of grass-roots populism and nationalism which is a reason to stay alert. This is particularly worrying as populism is on the raise everywhere in Europe, and we are already witnessing the crumbling of the democratic institutions in Hungary, and to a lesser extent, in Romania. In Bulgaria, populism may turn the inclusive incoherence of our Bulgarian normative model into a cacophony of angry voices, in which some nasty overtones from authoritarian and totalitarian times are already discernible. While the dense web of European norms, practices and unwritten conventions in which the domestic institutions function is a source of optimism,

[62] The reason was his membership of the security services of the communist regime. Although this fact was well known even at the time of his appointment, in the winter of 2010/11 when the government tried to fire a number of diplomats on the grounds of their membership, his position become unsustainable.

continuous oversight by the Council of Europe and other organisations, and most importantly, pressure from the European Union, remains crucial to avert a possible collapse.[63]

Overall, although the record of the Bulgarian polity in its modern history has been, at certain points, mixed, it still provides reasons for confidence. In the absence of thoroughly principled solutions to tensions and conflicts, the achievement of *modus vivendi* compromises has been the norm. For students of coherent normative theories, this political *modus vivendi* response perhaps seems unsatisfactory. This is not such a great problem, however, because the very idea that civilised relationships among members of a pluralistic polity depend on the existence of a coherent theory embodied in a citizenship rulebook strikes us as utterly bizarre.

[63] Already some academics called the EU to create an institution which systematically oversees democracy and the rule of law in the member states (Jan-Werner Mueller, 2013). While the author has Hungary in mind, no country is immune to populist challenges, and certainly Bulgaria is not either.

Bibliography

Aleksandrov, E. (1995), *Pravo na zadrganichnite bulgari*. [Law of Bulgarians Abroad] Sofia: Agency for Bulgarians Abroad.

Balamezov, S. (1993), *Konstitutsionno pravo: chast purva*. [Constitutional Law: Part One] Sofia: Sofi-R.

Boyadziev, M. (1996), 'Dvojnoto grazhdanstvo i Bulgaria: zagubvane i pridobivane', [Dual Citizenship and Bulgaria] *Mezhdunarodni otnosheniya* [International Relations] 2: 69–76.

Dworkin, R. (1986), *Law's Empire*. Cambridge, MA: Harvard University Press.

Ely, J. H. (1980), *Democracy and Distrust*. Cambridge, MA: Harvard University Press.

Geshkoff, T. (1927), 'An analysis of the Bulgarian Nationality Law', *American Journal of International Law* 21 (3): 534–537.

Ivanov, A. (2007), *Minority Nationalism in the Balkans: the Bulgarian Case*. www.ime-bg.org.

Kalyonski, A. & M. Gruev (2008), *Vuzroditelnijat process* [The Rebirth Process]. Sofia: Institute for the Study of Recent Past.

Kadirbeyoglu, Z. (2009), 'Changing conceptions of citizenship in Turkey', in R. Bauböck, B. Perchinig, and W. Sievers (Eds.) *Citizenship Policies in the New Europe. 2nd updated and enlarged edition.* Amsterdam, Amsterdam University Press.

Liebich, A. (2000), 'Plural Citizenship in Post-Communist States', *International Journal of Refugee Law* 12 (1): 97–107.

Malinkov, A. (1941) *Komentar na Zakona za bulgarskoto podanstvo*. [Commentary of the Law on Bulgarian Nationality] Sofia.

Mueller, Jan-Werner (2013), 'Hungary's power-grab should make the EU rethink its role', *The Guardian*, 11 March 2013, available at www.guardian.co.uk/commentisfree/2013/mar/11/hungary-power-grab-eu-role

Özgür-Baklacioglu, N. (2006), 'Dual Citizenship, Extraterritorial Elections and National Policies: Turkish Dual Citizens in the Bulgarian-Turkish Political Sphere', in O. Ieda (ed.), *Beyond Sovereignty: From Status Law to Transnational Citizenship?*, 319–358. Sapporo: Slavic Research Center.

Petkova, L. (2002), 'The Ethnic Turks in Bulgaria: Social Integration and Impact on Bulgarian-Turkish Relations, 1947-2000', *The Global Review of Ethnopolitics* 1 (4): 42–59.

Sajo, A. (ed.) (2004), *Militant Democracy*. Utrecht: Eleven International Publishing.

Todorov, T. (1996), 'Grazhdanstvo po rozhdenie po chl. 93, al. 2 ot Konstitutzijata', *Pravna misul* [Legal Thought] (4): 7–14.

Todorov, T. (2001), *The Fragility of Goodness: Why Bulgarian Jews Survived the Holocaust*. Princeton, NJ: Princeton University Press.

Tzankov, V. (2004), *Bulgarsko grazhdanstvo*. [Bulgarian citizenship] Sofia: Bulgarian Academy of Sciences.

Tzankov, V. (2005), *Az, grazhdaninut na Republika Bulgaria i na Evropejskija suyuz*. [I, citizen of Bulgaria and the EU] Sofia: Ministry of Justice.

Tchorbadjiyska, A. (2007), 'Bulgarian experiences with visa policy in the accession process: A story of visa lists, citizenship and limitation of citizenship rights', *Regio, Minorities, Politics, Society* 10: 87–107.

Vladikin, L. (1994), *Istoriya na Turnovskata constitutsia*. [The History of the Bulgarian Constitution] Sofia: Narodna kultura.

Vulkanov, V. (1978), *Bulgarskoto grazhdanstvo*. [Bulgarian Citizenship] Sofia: Bulgarian Academy of Sciences.

Vulkanov, V. (1982) *Zakon za bulgarskoto grazhdanstvo from 1968* [Bulgarian citizenship law of 1968],in Dogovori za pravna pomosht, konventzii za urezhdane na dvojnoto grazhdanstvoi grugi aktove. [Treaties on Legal Aid, Conventions Regulating Dual Citizenship and Other Acts] Sofia: State Publishing House 'Science and Art'.

EUDO Citizenship Observatory | Robert Schuman Centre for Advanced Studies | European University Institute
Via dei Roccettini, 9 • 50014 San Domenico di Fiesole • Italy

http://eudo-citizenship.eu