**Concept**

**Kin State Activism**

**Definition**

The concept 'Kin State Activism' refers to the different ways in which a Kin State tries to preserve ties with its 'diaspora' who reside as distinct communities in other states.

This activism lies on a spectrum between promoting social, economic or cultural cross border interaction on the one hand, and providing preferential naturalization to individuals within these communities wishing to move to the Kin State on the other.

**Background**

A Kin state generally refers to states that border or are geographically close to a region inhabited by co-nationals with who they share and maintain ethnic, cultural or religious bonds. The country in which this Kin diaspora live is referred to as a 'Home' or 'Host' state.

There are three main models on which 'Kin State Activism' may be based:

- **Nationality Centered** – The Kin state ultimately aims to unify all the members of the 'Kin nation' by promoting their migration into the Kin state. In other words, the Kin state passes laws facilitating the immigration of the Diaspora into the Kin state (as in the case of Germany and Israel's Law of Return).

- **Territory Centered** - The Kin state ultimately aims to unify all the territories in which part of the Kin diaspora lives. In other words, the diaspora's place of residence serves as a pretext for territorial demands.

- **Identity Centered** - The Kin state acts as a cultural and ethnic center that tries to spread and preserve its identity (as in the case of Hungary and some Israeli government sponsored organizations such as the Jewish Agency).

**Kin State Activism Tools**

The main way Kin states promote ties with their Kin minority is through domestic legislation. The extent of this legislation runs a gamut between 'Benefit Laws', which generally seek to provide educational, cultural and economic benefits to external minorities and 'Citizenship Laws' which aim to facilitate the naturalization of these Kin minorities in the Kin State.

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1. In recent decades Kin states such as Armenia or Greece (as well as Israel) have sought to maintain connections with their diasporas living farther a field.


3. Article 116 of the German Basic Law states that "unless otherwise provided by Statute, a German within the meaning of this Constitution is a person who possesses German citizenship or who has been admitted to the territory of the German Reich within the frontiers of 31 December 1937 as a refugee or expellee of German ethnic origin or as the spouse or descendant of such person."

4. Certain political parties in Serbia and Romania support this agenda. In the Palestinian context, this model would be promoted by the Ethos of Struggle.

5. The Hungarian Constitution deems 'Hungarians beyond the borders' as an integral part of the Hungarian nation. The 2001 Hungarian Status Laws grant benefits to individuals who continue to reside in their Home state.
1. **Benefit Laws** mostly aim to support, protect, and favor members of the Kin state's co-nationals living outside the nation's borders, by providing certain privileges that make access to Kin state and its cultural institutions easier.

These privileges can include anything from free entry into national libraries or museums in the Kin state, free public transport within the Kin State, access to Kin state health care and education or the easing of restrictions for members of the diaspora to obtain work permits or travel visas. Some may also contain provisions on benefits granted to co-nationals living outside the borders in a concrete or general form. In Eastern Europe, several countries have adopted Benefit Laws or 'National Responsibility' clauses in their constitutions.\(^6\)

Benefit Laws do not change the legal-political status of individuals within the Diaspora community.

2. **Citizenship Laws** comprise Kin state domestic legislation that grants preferential naturalization procedures for its diaspora kin abroad. Privileged access to rights of residence and immigration exist in varying ways and through various legal mechanisms in many countries.

In addition to the case of Israel, legislation facilitating preferential citizenship for a Kin state's diaspora takes place in several western and eastern European countries.\(^7\) The most prominent example of an official connection with a national diaspora is the case of Croatia which grants full citizenship and voting rights to ethnic Croatians regardless of whether they have immigrated to the Kin state.

### International Law on Kin State Activism

Kin State Activism seemingly contains provisions that may undermine the idea of *State Sovereignty* — a fundamental concept in international law. However, Kin State Activism derives its legitimacy from the idea that minority rights are part and parcel of human rights.

Moreover, international institutions and mechanisms provide a legitimate instrument for Kin states to protect their minorities living in other states. One such mechanism is the inter-state complaint procedure under the European Convention on Human Rights. This convention protects the rights of "persons with who the applicant state [Kin state] had a special relation." Both Cyprus and Austria have taken advantage of this convention in the past.\(^8\)

Another way to secure specific commitments on sensitive issues regarding minority rights lies in bilateral agreements between the Kin state and Home state. These agreements have the potential to

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\(^6\) Some examples include:

- Slovenia, which in 1996 adopted a law providing state subsidies to foster interactions between the country and the historic diaspora Slovene communities.
- The Macedonian Constitution fosters cultural development and promotes contacts with members of the Macedonian nation living in neighboring countries.
- The 1997 Slovak Law offers educational, employment, and transportation benefits to its diaspora as well as opportunities for residency based on an ethnic Slovak ID card.
- The 2000 Bulgarian Law aimed to improve the educational and cultural conditions of expatriate Bulgarians in the country of their birth.

\(^7\) Some examples include Ireland, Finland, Poland, Armenia, Germany, Greece, Russia, Ukraine, Hungary, Bulgaria, Slovakia, Czech Republic and Slovenia.

\(^8\) Cyprus used this convention to start proceedings against the United Kingdom for the mistreatment of Cypriots of Greek Origin while Austria began procedures against Italy to protect the rights of six persons from South Tyrol.

reduce triangular tensions between the two states and the Home state's minority\(^9\) and become even more relevant in a case the Home state views its minority as unreliable or minorities fear the Home state does not respect their identity.\(^{10}\)

The EU’s position on benefit and citizenship laws is reflected in the Venice Commission which ruled that while Kin States have the right to offer benefits to external kin, the benefits only apply when they relate to the Kin state's territory (and reinforce rather than strain good neighborly relations).

**References**

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\(^9\) Tension between Denmark and its German minority was reduced in 1955 when Germany and Denmark signed the Bonn and Copenhagen Agreement that protected the cultural and language rights of Danes living in northern Germany and Germans living in southern Denmark.

\(^{10}\) Before Germany joined the EU and NATO, ethnic Germans living in Belgium, Denmark, and Italy were considered by their Home state to have primary loyalty to their Kin in Germany. After the countries became allies, these tensions subsided.