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## The Politics of Dual Citizenship in the Post-Soviet States

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The post-WWII era, and especially the post-Cold War era has seen global spread of dual citizenship – not only the number of de-facto dual citizens proliferated, but more and more states, starting with West European democracies, amended their citizenship legislation to explicitly recognize and allow dual and multiple citizenships. Situating post-Soviet states in this global pattern reveals some similarities, but also important differences in the political elite's rationale behind allowing or forbidding dual citizenship. Like elsewhere in the world, acceptance of dual/multiple citizenship is often driven by new demographic and migration realities, in particular labor emigration in the post-Soviet period that created large numbers of defacto dual citizens. International influences are also evident, as some post-Soviet states modeled their dual citizenship rules on the European standards reflected in international instruments such as the 1997 European Convention on Citizenship. At the same time, the politics of dual citizenship in the post-Soviet region exhibits several distinct trends. First, to a greater extent than in western states, concerns for safeguarding state sovereignty and territorial integrity, and associated fears of possibly subversive actions by other states, particular neighboring states, by means of dual citizenship and dual citizens are a key factor behind opposition to dual citizenship. Second, the extension of dual citizenship to co-ethnics is not a uniform reality in the post-Soviet region. Instead, the right of ethnic diasporas to dual citizenship has been a highly contested issue in the post-Soviet states, and fears of diaspora influences on domestic affairs has often stood in the way of allowing dual citizenship for ethnic diasporas. Finally, ruling elites' drive for power maximization can also makes dual citizenship rules a tool for punishing and weakening political opposition. This latest trend is especially worrying as it is moving dual citizenship regimes in countries of the region, including in traditionally more competitive regimes such as Georgia and Ukraine, away from the democratic West and closer to authoritarian models found in African and Asian states.

### **Growing global acceptance of dual citizenship**

Until the post-WWII period, states universally opposed dual or plural citizenship. The opposition to dual citizenship became institutionalized internationally with the 1930 League of Nations' "Convention on Certain Questions Relating to the Conflict of Nationality Laws" which declared it

to be “in the interests of international community” to recognize that “every person should have a nationality and should have one nationality only.” In post-WWII Europe, the rejection of dual citizenship was institutionalized in the Council of Europe’s 1963 “Convention on the Reduction of Cases of Multiple Nationality” with its declared aim “to reduce as far as possible the number of cases of multiple nationality.” When inter-state conflicts were a reality, dual citizenship and dual citizens were viewed with suspicion by states eager to safeguard sovereignty and ensure citizen loyalty in case of interstate wars. As Europe became more peaceful and more interconnected the decades after WWII, dual citizenship became more widespread and also less threatening. The spread of dual citizenship was facilitated by international migration and international marriages which were producing more and more of binational children who acquire citizenship of each of their parents at birth, as well as by increase in women’s equality, in particular the elimination of the patrilineal principle in citizenship acquisition when only the father, but not the mother, could pass on citizenship to their children. Impetus for greater tolerance of plural citizenship also came from within the democratic state, where political parties, ethnic lobbies, and diasporas all could serve as drivers of legal changes allowing plural citizenship. According to the [MACIMIDE Global Dual Citizenship Database](#) which covers 200 states from 1960 to 2020, if in 1960 the majority of the countries (62%) had policies in place whereby the voluntary acquisition of another citizenship led to the loss of original citizenship, in 2020 more than three quarters of states (76%) allowed their citizens who voluntarily acquired the citizenship of another country to keep their original citizenship. Regional variations however remain evident, with Asia and Africa showing the lowest level of tolerance for dual citizenship.

### Dual citizenship in the post-Soviet region through the lens of state sovereignty

Unlike in established nation-states where battles over dual citizenship in post-WWII era commonly center around rights of co-ethnic emigrants or ethnically “other” immigrants, gender equality, and/or perceived economic costs and benefits of dual citizenship, in the post-Soviet region the politics of dual citizenship has been first and foremost about sovereignty. Concerns for safeguarding state sovereignty, territorial integrity, and associated fears of sovereignty-subverting

actions by neighboring states, have been a key factor behind opposition to dual citizenship, while moves towards acceptance of dual citizenship that several states in the region made during the last decade were conditional, and crafted in ways that continued to address sovereignty preservation concerns. Examples from Ukraine, the Baltic States, and Kyrgyzstan illustrate this dynamics at work.

In Ukraine the issue of dual citizenship has been one of the most if not *the* most contested citizenship regime elements since the summer of 1991, when the first citizenship law came up for debate in the legislature of the then still Ukrainian Soviet Socialist Republic and fell just two votes short of being adopted. Dual citizenship was championed by the Communist party and other leftist parties who saw it as a way to foster closer links, up to a joint state, with Russia in particular. The right opposed dual citizenship for the very same reasons – viewing Russia’s advocacy for dual citizenship with suspicion, and fearing that dual citizenship could “undermine the government’s ability to exercise sovereignty,” as the Head of Citizenship Directorate of the Ukrainian Presidential Administration has argued in a 2001 article.

By the start of the 21<sup>st</sup> century some states in the region moved towards conditional acceptance of dual citizenship, but all the while continuing to guard against perceived sovereignty threats. These concerns have been addressed by way of laws that allow dual citizenship with some countries but not others. In 2007 Kyrgyzstan explicitly recognizing the possibility of dual citizenship, but also explicitly forbade (Article 22 of the 21 May 2007 citizenship law) dual citizenship with bordering states: China, Kazakhstan, Tajikistan, Uzbekistan, where there is a threat, even if hypothetical, that dual citizenship might lead to territorial claims and threaten state sovereignty, while no such hypothetical threat exists from dual citizenship with non-contiguous states. Latvia instituted similar country-based approach in May 2013, when it allowed dual citizenship (both for ethnic Latvians and for immigrants) with western states that Latvia sees as its geopolitical allies (EU and NATO members, and also Australia, New Zealand, and Brazil), but not with Russia or other former Soviet states. Lithuanian legislators voted for similar rules in 2008 and again in 2010, but because of the 2006 Constitutional Court ruling against widespread dual

citizenship, the president vetoed both of these laws. A referendum to change Article 12 of the constitution and to allow Lithuanians who acquired second citizenship in countries that “reflect the criteria of Lithuania’s chosen path of European and Euroatlantic integration” to keep their Lithuanian citizenship was held in May 2019. The referendum [failed](#) because the number of votes was not sufficient to change the constitution, although 74 percent of those who voted supported expanding dual citizenship with a select list of countries. Most recent evidence of the same trend comes from Ukraine, where in January of this year [draft law](#) was submitted to the parliament, following a decision of the National Defense and Security Council, to allow dual citizenship with the EU countries and other “friendly countries” but not with “aggressor-states” (read Russia).

### Dilemmas of dual citizenship for co-ethnics

While it has been argued that post-communist states tend to privilege co-ethnics abroad in both the process of citizenship acquisition and in permitting dual citizenship, reflecting a more “ethnic” rather than “civic” understanding of the nation, this is not in fact a uniform reality. In some cases, large ethnic diaspora has been perceived as threatening to current power holders, and this perception was behind the reluctance to accept dual citizenship in general, and diaspora’s rights to dual citizenship in particular. Azerbaijan, and in the first half of the 1990s also Armenia illustrate this dynamics. With ten times more Azeris living outside Azerbaijan than inside, if the diaspora were to have dual citizenship and political rights associated with citizenship, it could wield powerful influence on domestic political process. In the context of authoritarian regime in Azerbaijan under the stewardship of President Aliyev, the government has opposed dual citizenship to the co-ethnic diaspora while the opposition has supported it.

In Armenia, even though 1990 declaration of independence gave “Armenians of the diaspora” the right to citizenship in Armenia, the 1995 citizenship law did not exempt ethnic Armenians abroad from the requirement to submit a document proving that they have been released from prior citizenship as a pre-condition to acquiring citizenship of Armenia. Both the 1995 citizenship law and the 1995 constitution established that a citizen of Armenia cannot simultaneously be a citizen

of other state, thus excluding dual citizenship for the diaspora Armenians. Political antagonism between President Ter-Petrosian and the Armenian Revolutionary Federation (ARF), political party popular among ethnic Armenians in the diaspora, shaped this policy. Once Ter-Petrosian lost office in 1998, dual citizenship policies changed under President Kocharian. In 2005 dual citizenship was recognized in the constitution, and in 2007 an ARF legislative proposal on dual citizenship for persons of Armenian descent was approved. Fears that Armenian diaspora abroad could influence Armenian politics through dual citizenship did not dissipate, and the legal changes were a compromise: ethnic diaspora was made eligible for dual citizenship, but participation in elections was limited only to those citizens who permanently and uninterrupted resided in Armenia. Ukraine

Ukraine is another example where, despite a diaspora of several million ethnic Ukrainians, dual citizenship for co-ethnics did not become state policy. Political actors on the right and center-right have long advocated for dual citizenship for co-ethnics, but this was only one set of interests in the overall debate over dual citizenship. With a lack of consensus within Ukraine over the type of the nation (more ethnic or more civic) state policies should be fostering, and security concerns about formally permitting dual citizenship, given a large Russian ethnic minority in Ukraine, dual citizenship for co-ethnics didn't materialize although the issue remains on the political agenda.

Russia is another example of a much greater complexity of dual citizenship politics in region that simply privileging co-ethnics. The Russian case further illustrates broader impact dual citizenship rules can have on issues such as inter-state relations, conflict potential and conflict resolution. Russia under Putin instituted a series of policy measures favoring not strictly coethnics (i.e. ethnic Russians) for citizenship acquisition but a broader category of vaguely defined "compatriots." These compatriots (who are generally defined by Russian language fluency and "spiritual ties" with Russia) can gain Russian citizenship under simplified rules, but Russian authorities have discretion in deciding whether someone is a "compatriot" and apply this discretion instrumentally. As a result, Russia has extended citizenship to residents of disputed territories such as Abkhazia and South Ossetia in Georgia and Donbas in Ukraine. Residents of these regions for the most part

cannot easily resettle to Russia and exercise their citizenship rights on Russian territory, but the presence of Russian passport holders serves to legitimate Russian claims that it has special interests in and over these disputed territories, as well as an obligation to protect its citizens there, including militarily. Presence of a large numbers of Russian citizens in these disputed territories also complicates conflict resolution. In Donbas, for example, Russia [confirmed](#) to have issued some 530,000 Russian passports to local residents. The terms of the Minks peace agreements which outline a blueprint for Donbas conflict settlement provide for broadly autonomous local government, police, and judiciary, but having these authorities ran by Russian citizens is unacceptable to all but the most pro-Russian political forces in Ukraine, thus adding an additional complication to the conflict that's already highly difficult to solve.

### **Dual citizenship and authoritarian power consolidation**

Dual citizenship can be a sensitive issue when it comes to exercising political power in any context, including in established democracies. It is not uncommon, for example, for democratic states to require that dual or plural citizens relinquish their other citizenship(s) as a precondition for running for political office; and officials who conceal their foreign citizenship may be sanctioned, as was the case in Australia in 2017 when two senators resigned after their dual citizenship came to light. A number of post-Soviet states have similar restrictions. In Kyrgyzstan, both the 2007 law and the 2010 constitution contain clauses forbidding dual citizens from holding “political state positions and positions of judges.” Similar restriction is contained in Article 19 of the Ukrainian law on public service that states that only Ukrainian citizens who do not possess foreign citizenship can hold public service position although there are no mechanisms in the law to enforce this. The above mentioned draft law currently pending in the Ukrainian parliament adds reporting requirements to identify foreign passport holders and bars them from holding a broad swath of government jobs. In Moldova, where hundreds of thousands of citizens also hold Romanian citizenship, communist majority in the parliament spearheaded changes to the citizenship law in December 2007, ahead of the 2009 elections, banning individuals with dual nationality from holding public posts. Even though the ban was subsequently upheld by the Constitutional Court

of Moldova, but the law was challenged in the European Court of Human Rights (ECHR), and April 2010 the ECHR obliged Moldova to lift the ban on dual citizens to holding public office.

The post-Soviet states stand apart from current practices in established democracies with requirements for citizens to declare dual citizenship under penalty of punishments, including criminal ones, and the selective annulment of citizenship of individuals and political elites on the grounds of them being dual citizens. Both of these trends are relatively recent in the post-Soviet region, but are quickly becoming more widespread. In 2014 in Kazakhstan, for example, amendments to the administrative code were introduced, making possession of second citizenship a ground for both administrative fines totaling up to 300 times the minimum wage, and annulment of Kazakhstani citizenship. In Russia in 2014 both the citizenship law and the criminal code were amended, making non-reporting of not only foreign citizenship but even of foreign residency permits subject to a fine of up to 200,000 rubles or mandatory public service work for up to 400 hours. Similar measures making non-reporting of second citizenship a punishable offence were introduced in Armenia in 2007. In August 2018, Georgia adopted a measure that would allow the authorities to keep tabs on dual citizens. The Georgian citizenship law was amended and Georgian citizens were allowed to retain their citizenship if they naturalize in another country, but only if they apply for and receive an official consent from Georgian authorities prior to foreign naturalization. In Ukraine, legislative proposals on mandatory reporting of foreign citizenship have been circulating for years and are contained in the currently pending draft law that would permit dual citizenship with “friendly” states but would sanction (financially and criminally) Ukrainian citizens who fail to report their other citizenship(s).

Stripping political rivals of citizenship on the grounds that they are dual citizens is perhaps the most recent worrying trend observable in some countries of the region – in particular in hybrid, more competitive regimes, such as Ukraine and Georgia. In December 2015 Georgia stripped former president Mikheil Saakashvili of Georgian citizenship on the grounds that he has acquired Ukrainian citizenship, and thus became a dual citizen. In 2011, under Saakashvili presidency, his then main opponent and aspiring presidential candidate Bidzina Ivanishvili was stripped of

Georgian citizenship on the same grounds – for becoming dual citizen by acquiring French citizenship in 2004. In Ukraine President Poroshenko resorted to similar tactics when in 2017 he stripped Mikheil Saakashvili, an ally-turn-critic who also declared his intentions to challenge Poroshenko for presidency in elections, of Ukrainian citizenship. Saakashvili was essentially rendered stateless when his Ukrainian citizenship was revoked since he was previously deprived of his Georgian citizenship. Saakashvili was subsequently deported from Ukraine and unable to take part in the 2019 presidential race, although his Ukrainian citizenship was restored by Ukraine's new president Volodymyr Zelensky in May 2019.

With de-facto prevalence of dual and multiple citizenship among top officials in many postSoviet states dual citizenship rules can be a convenient tool to weaken opposition and gain political loyalty. Under the conditions of the weak rule of law, revocation of citizenship on the grounds that one possess another citizenship is used arbitrary, and virtually identical cases have gotten different treatments. A telling illustration are two rulings by the District Administrative Court of the Kyiv city in Ukraine. In the first instance, in December 2018 the court [reinstated](#) Roman Nasirov to the position of head of the State Fiscal Service after he was fired following his arrest on suspicion of embezzlement. The court was not convinced by the allegation that Nasirov holds dual citizenship, despite an official [letter](#) from the UK's National Crime Agency which officially confirmed that Nasirov holds British citizenship. In the second instance, in February 2019 the same court [ruled](#) that US-born Ulyana Suprun, reformist acting health minister, cannot head the ministry because she continues to hold US citizenship in addition to Ukrainian one. With power struggles more than the letter of the law driving the application of dual citizenship regulations, these regulations may become a new element in the authoritarian toolkit in the region used to pressure political opponents and reward political allies.

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