The Politics of Dual Citizenship in Post-Soviet States
SECURING POLITICAL GOALS THROUGH CITIZENSHIP RULES

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The post-World War II era, and especially the post-Cold War era, has seen the global spread of dual citizenship. Not only have the number of de-facto dual citizens proliferated, but more and more states, starting with the West European democracies, have amended their legislation to explicitly recognize and allow dual and multiple citizenships. Situating post-Soviet states in this global pattern reveals some similarities and important differences in the 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 de-facto 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, particularly 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. Instead, the right of ethnic diasporas to dual citizenship has been a highly contested issue, and fears of diaspora influences on domestic affairs have often stood in the way. Finally, the 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.

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The Growing Global Acceptance of Dual Citizenship

States generally and universally opposed dual or plural citizenship before World War II. Opposition to dual citizenship became institutionalized internationally with the 1930 League of Nations' "Convention on Certain Questions Relating to the Conflict of Nationality Laws" that [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-World War II Europe, the rejection of dual citizenship was institutionalized in the Council of Europe's 1963 "Convention on the Reduction of Cases of Multiple Nationality" that [aimed](#) "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 bi-national children who acquired the citizenship of each of their parents at birth, as well as by an increase in women's equality, in particular the elimination of the patrilineal principle in citizenship acquisition whereby only the father, not the mother, could pass on citizenship to his 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 2018, if in 1960 the majority of countries had policies in place whereby the voluntary acquisition of another citizenship led to the loss of original citizenship, by 2018 three quarters of states allowed their citizens who voluntarily acquired the citizenship of another country to keep their original citizenship. Regional variations remain evident, however, 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 the post-World War II 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 toward acceptance of dual citizenship that several states in the region made during the last decade have been conditional, and crafted in ways that continue to address sovereignty

preservation concerns. Examples from Ukraine, Kyrgyzstan, and the Baltic states illustrate these 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 Ukrainian Soviet Socialist Republic (it 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 political right opposed dual citizenship for the very same reasons: they viewed Russia's advocacy for dual citizenship with suspicion, and feared that dual citizenship could "undermine the government's ability to exercise sovereignty," as the Head of Citizenship Directorate of the Ukrainian Presidential Administration argued in a 2001 article.[2]

By the start of the 21ˢᵗ century, some states in the region moved toward conditional acceptance of dual citizenship, but all the while continued 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 recognized the possibility of dual citizenship, but also explicitly forbade (Article 22 of the May 21, 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, as well as 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 is scheduled for May 2019.

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, 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

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[2] Petro Chalyi, "Element derzhavnosti—instytut hromadianstva," *Polityka i Chas,* November 2001, pp. 38–46.

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 these 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 processes. In the context of the authoritarian regime under the stewardship of President Ilham Aliyev, the government has opposed dual citizenship for the co-ethnic diaspora while the opposition has supported it.

Even though the Armenian 1990 declaration of independence gave "Armenians of the diaspora" the right to citizenship, the 1995 citizenship law did not exempt ethnic Armenians abroad from the requirement to submit a document proving that they had 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 another state, thus excluding dual citizenship for the diaspora Armenians. Political antagonism between President Levon Ter-Petrosian and the Armenian Revolutionary Federation (ARF), a 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 Robert 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 domestic politics through dual citizenship did not dissipate, and the legal changes were a compromise: the ethnic diaspora was made eligible for dual citizenship, but participation in elections was limited only to those citizens who permanently and uninterruptedly resided in Armenia.

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." A 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 positions. In Moldova, where hundreds of thousands of citizens also hold Romanian citizenship, the 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, the law was challenged in the European Court of Human Rights (ECHR), and on April 2010, the ECHR obliged Moldova to lift the ban on dual citizens 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 grounds 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 citizens were allowed to retain their citizenship if they naturalize in another country, but only if they apply for and receive official consent from the Georgian authorities prior to foreign naturalization. In Ukraine, legislative proposals on mandatory reporting of foreign citizenship have been circulating since 2008, but have not yet become the law.

Stripping political rivals of citizenship on the grounds that they are dual citizens is the most recent worrying trend observable in some countries of the region. The issue occurs, in particular, in hybrid, more competitive regimes such as in Ukraine and Georgia. In December 2015, Georgia stripped former president Mikheil Saakashvili of his citizenship on the grounds that he had acquired Ukrainian citizenship. In 2011, during the Saakashvili presidency, his then main opponent and aspiring presidential candidate, Bidzina Ivanishvili, was stripped of his Georgian citizenship on the same grounds for becoming a dual citizen by acquiring French citizenship in 2004.

More recently, President Petro Poroshenko in Ukraine resorted to similar tactics. In April 2017, he signed a decree annulling the Ukrainian citizenship of Sasha Borokyk, an ally turned critic of the president, and of Andrii Artemenko, a member of parliament who [gained notoriety](#) for trying to peddle to the Trump administration a peace plan for the conflict in eastern Ukraine that was allegedly approved by President Vladimir Putin's top aides. The fact that both held foreign citizenship in addition to Ukrainian (German in Borovyk's case and Canadian in the case of Artemenko) was used as justification. Even more controversial was Poroshenko's decision to [strip](#) Mikheil Saakashvili of his

Ukrainian citizenship in July 2017. Saakashvili, another government ally-turn-critic who had also declared his intentions to challenge Poroshenko for the presidency, was essentially rendered stateless when his Ukrainian citizenship was revoked since he had previously been deprived of his Georgian citizenship, as mentioned above. Saakashvili was subsequently deported from Ukraine and could not take part in the 2019 presidential race.

With the de-facto prevalence of dual and multiple citizenship among top officials in many post-Soviet states, dual citizenship rules can be a convenient tool to weaken opposition and influence political loyalty. Under the conditions of weak rule of law, revocation of citizenship on the grounds that one possesses another citizenship is used arbitrarily. Virtually identical cases have received different treatments. Perhaps the best, recent illustrations of this are two rulings by the District Administrative Court of Kyiv city. 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 suspicions of embezzlement. The court had not been convinced that Nasirov holds dual citizenship, despite an official letter from the UK's National Crime Agency that officially confirmed that Nasirov holds British citizenship. In the second instance, in February 2019, the same court ruled that U.S.-born Ulyana Suprun, reformer and acting health minister, cannot head the ministry because she holds U.S. citizenship in addition to Ukrainian citizenship.

Conclusion

The right of ethnic diasporas to dual citizenship has been a highly contested issue in the post-Soviet space. Policies have been uneven under fears of diaspora influence on domestic affairs and breakdowns in safeguards of sovereignty and territorial integrity. We also see at times that power struggles have overridden the letters of the law when it comes to the application of dual citizenship regulations—a dynamic that may become a new element in the regional authoritarian toolkit used to pressure political opponents and reward political allies.