

Contested Sovereignty and Diminished Citizenship: Russia's "Passportization" of the Donbas in Comparative Perspective

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Abstract:

The term "passportization" is frequently used to address Russia's policy of legitimizing political and even military interventions in the post-Soviet states. In doing so, Russia refers to its responsibility to protect its citizens living abroad, and especially those living in secessionist territories. Our paper will show from a comparative perspective that the everyday effects of this practice of "passportization" on citizenship and sovereignty in secessionist territories and parent states is much more complex than relating it only to the escalation of political and military conflict in the post-Soviet space. We provide a conceptualization of "passportization" and contextualize the concept in debates on (contested) sovereignty and (diminished) citizenship. Based on these elaborations, the paper develops an analytical framework for exploring and analyzing the practice and effects of "passportization" in the post-Soviet space from a comparative perspective which is then applied to the non-recognized de-facto-states in Ukraine, Georgia, and Moldova. Essentially, the fragile limbo of non-recognized de-facto-states is underpinned by "passportization". Diminished Russian citizenship adds to complex citizenship constellations in those contested territories.

1) Introduction

In April 2021, the potential danger of Russia's policy to legitimize a military intervention in a state in the post-Soviet space with responsibility to protect Russian citizens living abroad once again caught the attention of world politics. On 8 April, the deputy head of Russia's presidential administration and Vladimir Putin's envoy for Ukraine, Dmitrii Kozak, stated that if the Zelensky administration started military actions against the two non-government-controlled areas in Donbas, Russia would be forced to protect its citizens living on the territory of the self-proclaimed people's republics. If Ukraine created "another Srebrenica" in Eastern Ukraine, this would mean "the beginning of the end" of Ukraine as a sovereign state.¹ The background of this statement had been a force posture of Russia's military in annexed Crimea and along the Russian-Ukrainian borderline that was only comparable to the peak of the ongoing conflict in 2014 and 2015.² Even though the situation has deescalated after Russia announced the so-called maneuver had come to an end and troops would return to their home-base, this episode has shown once more how Russia could make use of newly "passportized" Russian citizens who live on the territory of non-recognized de-facto-states to put pressure on the sovereign "parent state".

Our paper will show that 'passportization' is not only an issue during conflict escalation. With four comparative case studies we will unpack the dimensions of 'passportization' and how - in more "quiet" times - the newly minted Russian citizens cannot always rely on Russia to guarantee their rights. This is crucial to note since the Russian official position is that it is precisely the deprivation of rights by Ukraine that justified the 'passportization' of the secessionist territories of the Donbas region. On 24 April 2019, Vladimir Putin argued that "the situation in which the people living on the territories of these Donetsk and Luhansk republics are deprived of any citizen rights goes beyond any limits of our tolerance with regard to human rights".³ In February 2020, the Russian foreign ministry claimed that "Kiev introduced a financial-economic, transport and energy blockade of the Donbass, as a result of which its residents wound up on the edge of survival because they were *de facto* robbed of their citizen rights that are in particular guaranteed by the International Pact from 1996 on the economic, cultural and social rights, as well as on citizen and political rights."⁴ We will show, that contrary to these claims, the actual practice of what we call "diminished citizenship" implies that residents of the "People's Republics" of Donetsk and Luhansk find themselves in manifold "citizenship constellations" or "citizenship regimes" in which they claim rights from the non-recognized de-facto-states, Ukraine, as well as Russia to varying degrees. Thus, inhabitants of secessionist territories are forced to maintain relations with de-facto and parent state authorities as well as with the 'patron state'. We find that the diminished

1 <https://www.rbc.ru/politics/08/04/2021/606ef4389a7947228d1d14a1>

2 <https://www.themoscowtimes.com/2021/04/03/russian-military-build-up-near-ukraine-is-an-intimidation-tactic-a73461>

3 <https://ria.ru/20190424/1553012570.html>

4 https://www.mid.ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/4048176

Russian citizenship for inhabitants of secessionist territories gives Russia an additional tool to uphold a permanent state of exception within Ukraine and other parent states of non-recognized de-facto-states in the post-Soviet space.

In the paper, we proceed as follows. In the second section, we explain our main concept of “passportization”, its commonalities with similar forms of extraterritorial, preferential naturalization, but also its unique features. The third section embeds passportization in more general debates on (contested) sovereignty and the permanent state of emergency in non-recognized de-facto-states. Sections four to six analyze in detail how Russia has conducted its policy of passportization in secessionist territories in Ukraine, Georgia, and Moldova, and explains how the parent states react. Most importantly, the case studies demonstrate that diminished Russian citizenship forces newly naturalized Russian citizens into a complex network of citizenship constellations between patron state, secessionist territory and parent state. In the last section, we provide some preliminary conclusions and explain how we plan to proceed in terms of field work and the design of our case studies.

2) The concept of “passportization” in comparative perspective

Passportization is a term used to address Russia’s coercive humanitarian diplomacy directed at secessionist territories in the post-Soviet space. It gained international attention in 2008 (Ganohariti 2021) when Russia justified its military intervention in Georgia with the protection of Russian citizens from “genocide”. These Russian citizens living in the two breakaway territories of South Ossetia and Abkhazia had been actively created by Russia since 2002. The term passportization dates back to the Soviet Union when the registration and acquisition of internal passports to enhance “documentation, oversight, and control over the urban and border populations” was established in the 1930s (Lohr 2012, 180).

Russia, however, is certainly not the only state in the world that distributes passports to persons residing outside its borders. Therefore, it is necessary to look beyond the regional context of the so-called post-Soviet region to locate passportization in broader debates. We argue that sovereignty and citizenship are they key-concepts and debates that are affected by passportization.

For unpacking these conceptual relations, we need to conceptualize these term passportization in a first step: Passportization shares a number of commonalities with similar practices of naturalization (Orgad 2017) – the creation of new citizens after birth – while featuring a number of characteristics that makes it a distinct phenomenon worthy of careful conceptualization.

First, passportization shares similarities with kinstate, diaspora or transnational politics of states that aim to create non-resident citizens outside their de jure territory by granting “**extraterritorial citizenship**” (Agarin and Karolewski 2015; Pogonyi 2017) according to specific criteria, e.g. stemming from a specific country, socialization, receiving it as a transfer from former citizens or through a proof of cultural or ethnic ties. Eastern Europe and the post-Soviet space can be regarded as a specifically relevant area for the study of the outlined practice of passportization because extraterritorial citizenship was less the

result of mass emigration but of shifting state borders after the end of state socialism between 1989 and 1991. Yet, the outlined historical legacy does not answer the question of when and why states create citizens beyond their borders. According to (Waterbury 2014) two conditions need to be present: First, the usually right-wing government in power needs to possess a clear concept of national identity and a dominant position with the ability and will to push through potentially divisive legislation. Second, beyond the domestic constellation, the regional environment, and the political risks of extending citizenship to minorities residing in neighboring states need to be weighed against the benefits. The risks tend to be lower in regions where the independence of neighboring states is fragile, borders are brittle, and nation-building is unsettled. It is contested in the literature in how far ethnicity is a useful explanatory factor or whether politics trump identity (Brubaker and Kim 2011), and whether engaging with transborder co-ethnics naturally leads to conflict or even irredentism, or whether such an engagement could defuse territorial disputes and mitigate conflict (King and Melvin 1999; Koinova 2008).

Second, passportization can be regarded as a **subtype** of “**preferential naturalization**” (Dumbrava 2014; Žilović 2012) which allows for accelerating the often-tedious process of receiving citizenship with a **fast-track procedure** according to relaxed rules for specific persons living abroad.

Beyond these similarities, passportization **differs** from the common practice of preferential, extraterritorial naturalization in important ways. International legal scholarship, for instance, tends to consider passportization as an “exorbitant” form of naturalization that essentially amounts to an abuse of rights with regard to naturalization by Russia (Harzl 2020; Natoli 2010; Peters 2010; 2019; Traunmüller 2017). Factors of this abuse are the violation of rules of good neighborliness, the scale and procedure of the naturalization (*en masse*, in a collective and arbitrary way), the voluntariness (whether the applicants truly had a choice) and the missing genuine and factual connection between the state conferring and the person receiving the new citizenship (Peters 2010).

In this paper, the “**territoriality**” of passportization will be defined as the crucial criteria to distinguish common practices of extraterritorial preferential naturalization from passportization. The **necessary condition** that needs to be present to qualify as passportization we argue is that the policy is intentionally targeted not at co-nationals or particular states as a whole, but specifically at subnational breakaway territories or territories with a secessionist movement that intends to *de facto* separate a part of the *de jure* territory from the parent state and either become an independent entity or join to patron state that conducts passportization, i.e. Russia. As a rule, these breakaway territories are adjacent to or dependent on the patron state handing out the passports. Moreover, the parent state of these breakaway territories does not exercise effective control over these secessionist entities (and the people living in these regions) and thus, its state borders. Instead, the extraterritorial naturalization targets the parent state at a point when its *de jure* borders are brittle and therefore its **domestic sovereignty is effectively limited**.

In this respect, our conceptualization differs from other approaches. **First**, in contrast to the literature on international law, we are less interested in dogmatic consideration whether passportization constitutes a violation of international law or not. **Second**, our

conceptualization is more flexible when it comes to sequencing and timing. Passportization may occur before or after the violent outbreak of a territorial conflict. Consequently, we do not strive to argue that passportization is one among several stages in a linear development from active compatriot policy and passportization to military intervention and/or annexation of a territory (Grigas 2016; Ganohariti 2021). Rather, we are inclined to follow (Nagashima 2019) arguing that there is a lot of *ad hoc* policy-making behind passportization without a chronological pattern. Rather than looking at the consequences or the temporal sequence, we argue the main defining necessary feature of passportization is that it is directed towards a “contested territory”. Passportization infringes upon and diminishes the sovereignty of the parent state of this “contested territory”. At the same time, passportization also undermines the claims of the “contested territory” for its own sovereignty, e.g. through the acquisition of enhanced “de-facto statehood” with the promotion of a citizenship of its own. Especially the latter characteristics of passportization has been mostly overlooked.

3) Sovereignty, citizenship, intervention, and the use of force

In 2008, the so-called “Medvedev Doctrine”⁵ envisioned the possibility of interventions and using military to protect “Russians abroad” and to defend the sovereignty of the Russian state against arbitrary involvement in its sovereign affairs. Later that year, in August 2008, Russia fought a war with Georgia, pointing to its responsibility to protect “Russians abroad”, among other reasons (IIFMCG 2009; Allison 2013). The so-called Euromaidan protests in 2013–2014, which in Ukraine are usually referred to as the Revolution of Dignity (Revoliutsiia hidnosti), were the starting point of a process that led to protracted conflict constellations with Ukraine’s sovereignty and statehood at stake. When annexing the Crimean Peninsula, Russia justified its action with its responsibility to protect Russians abroad and the historical belonging of their inhabited territory to Russia (see in general: (Allison 2014)). Since 2014, Russia has furthermore exercised political and military control over the separatist Luhansk People’s Republic and the Donetsk People’s Republic in East Ukraine. Russia’s controversial role in what is generally termed “hybrid warfare” in Ukraine (Korhonen 2015) – that is, the use of irregular forms of involvement, control, and force – amounts to a type of conduct that demands also conceptualization and comparative empirical analysis of intention, forms and patterns of passportization in relation to sovereignty, citizenship, intervention and the use of force in the post-Soviet space (Wittke 2018). All enumerated concepts seem to relate to the overarching concept of sovereignty.

Conceptualizing sovereignty from a passportization-focused point of view must start with the inevitable statement that sovereignty is a much-contested concept (Bartelson 2011). Krasner for instance uses “sovereignty” in three distinct ways, referring to domestic political structures and control, to the exclusion of the exercise of external authority and control, and to practices associated with international recognition (Krasner 2001b, 19 et seq.). Krasner, who famously called sovereignty an “organized hypocrisy”, categorizes

⁵ <http://news.bbc.co.uk/2/hi/europe/7591610.stm>

these three modi of “sovereignty” into domestic sovereignty, international legal sovereignty, and Westphalian sovereignty (Krasner 1997; 2001a).⁶

(1) Domestic sovereignty involves the nature of domestic authority structures and the ability of any such structure to exercise effective control over both trans-border flows and exclusively domestic activities. A state’s sovereignty relates to its territorial integrity and its effective exercise of control over a territory and the people living on that territory. The exercise of effective control and domestic authority also includes to set the conditions of the nature of citizenship of a state and the rights and duties that come with it and how to obtain this citizenship. Such an idea of domestic sovereignty is inevitably troubled in the context of long-term struggles about the effective control over territory and people living on that territory between so-called parent states (*de-jure*-states), secessionist territories (non-recognized *de-facto*-states) and patron- or kinstates, e.g. through passportization in case of the latter.

(2) International legal sovereignty describes the status of a political and territorial entity in the current international system of (sovereign) states (Krasner 1997). To guarantee the stability of the international political and legal system, the international sovereignty of an entity, even when it becomes a so-called weak or failed state, will rarely be challenged, at least not from a legal point of view (Krasner 1997, 655 et seq). “A state is a state is a state” could be considered as a mantra of the international system that builds on the idea of an international society of system of states. This idea protects (military and politically) weak *de jure* states from being dismantled from their politico-legal rights as sovereign states (i.e. building on the principle of non-intervention, the prohibition of the use of force). Finally, the idea of **(3) Westphalian sovereignty** is based on two pillars: territoriality and autonomy. States exist in/as specific territories. The basic rule of Westphalian sovereignty is the prohibition of intervention in the internal and autonomous affairs of other territorial entities (Krasner 1997, 656 et seq.; 2001a, 17 et seq.).

Although recognition is not considered as legally constitutive for sovereign statehood, recognition is essential for a territorial entity to politically interact with (sovereign) states on the international level. Non-recognition effectively comes at a high price: It deprives non-recognized state entities of international relations with states and access to international organization, quasi-state symbols of these entities are not recognized as well as their laws and documents. The outlined constellation does not only leave the non-recognized *de facto* state entity with open flanks but also keeps the inhabitants of these entities in a fragile limbo when it comes to their citizenship, the protection of their (human) rights and the regulation of their duties and finally the “value” of their passport. The denial of recognition creates, one could say, a form of permanent “state of exception” for the non-recognized territorial entity and its inhabitants. This “state of exception” opens doors for ambiguous forms of intervention in both non-recognized secessionist entities and therewith effectively in their *de jure* parent states by exercising political and potentially also military control over the territory. Passportization is a form of exercising control through extraterritorial citizenship, for inhabitants of secessionist territories in

⁶ Krasner going back to Hobbes and Bodin.

the post-Soviet space. Thus, passportization could be considered as a form of (political) intervention and form of control and coercion that could also be strategically used to eventually justify the use of force.

In principle, Krasner considers these different declinations of sovereignty independent from one another: if a state retains international legal sovereignty, it does not mean that it also enjoys domestic and/or Westphalian sovereignty and, similarly, if a state lacks international legal sovereignty, this does not automatically mean that it does not perform domestic sovereignty (Krasner 2001a, 21). As we have shown, passportization causes trouble and confusion for the complex relations between sovereignty, citizenship and principles like non-intervention and the prohibition of the use of force at stake in the post-Soviet space. Passportization, as it is practiced by Russia in the post-Soviet space, seems to put the sovereignty of the parent state at stake and effectively creates major obstacle for aspirations for independence of the non-recognized state.

In the end, all three notions of sovereignty are connected to the prohibition of external intervention.⁷ Sovereignty and non-intervention in the internal matters of a state are so intertwined that sovereignty is easily viewed as the power of the state to regulate its domestic and international affairs without foreign interference. This view on sovereignty is a position that Russia implicitly and explicitly stresses when it comes to its interpretation of sovereignty in its domestic and international affairs (Wittke 2018). How can we align the practice of passportization and its effect on sovereignty in the post-Soviet region with Russia's expressed position on sovereignty? Doesn't the practice of passportization lead to infringements for all dimensions of sovereignty?

Passportization and official positions in international law and politics currently practiced and postulated by Russia are perceived as challenges to and for the alleged universal European and Western approaches to sovereignty, territorial integrity, non-intervention, and self-determination (Mälksoo 2015; Mamlyuk 2015; Marchuk 2020; Marxsen, Peters, and Hartwig 2015; Marxsen 2015; Wittke 2018; 2020). In general, Krasner assumes that no possible regulatory element of sovereignty as control, effectiveness, authority, non-intervention, recognition, and territoriality has ever gone without challenge (Krasner 2001). Russia interestingly maintains a hyper-formalist, positivist approach to international law when pointing to the alleged hypocrisy of the West's violation of the sovereignty and territorial integrity of Serbia, Iraq, or Libya (Mälksoo 2016; Marchuk 2020; Oklopcic 2015; Wittke 2018; 2020). However, the arguments raised by Russia are seen as a form of international legal rhetoric that Russia also (ab)uses to justify its ambition to further consolidate its dominant (hegemonic) position in the post-Soviet space (Allison 2020; Korhonen 2015; Marchuk 2020; Wittke 2018; 2020). Still, creating Russian citizens *ad hoc* through passportization opens the door for formalistic arguments to protect citizens living abroad as part of Russia's responsibility to protect its citizen living abroad and the exercise of its sovereign rights. In sum passportization seems to enable Russia to uphold – from a Russian perspective – a coherent formalist position and instrument for regionally-focused forms of political and even military interventions (Wittke 2018).

⁷ Charter of the United Nations, 24.10.1945, U.N.T.S. Vol. 1, XVI, Art. 2 IV, VII.

Yet, the weakened or limited sovereignty of parent states and secessionist entities underline that passportization comes with elements of coercion and limitation to the exercise of effective control over a territory and its inhabitants. They are kept in a state of strategic limbo. Passportization in secessionist entities in Georgia and Ukraine seems a 'chaotic mode of domination' (Dunn and Bobick 2014, 410) that attempts, for instance, to blur boundaries between legal and illegal, for example between what is considered legitimate use of force and what is considered random illegal violence. Russian's strategy seems to be to create formats of exceptional sovereignty and exceptions from sovereignty to seize authority for executive actions in secessionist territories and thus, their parent states (Dunn and Bobick 2014).

In the conflict and post-conflict settings that Krasner had in mind when conceptualizing the three dimensions of sovereignty, so-called weaker states usually argue for a broader definition of what constitutes intervention or for adopting a more flexible understanding of what constitutes coercion and force (Krasner 2004). They take the concept of sovereignty as a defense mechanism against aggression and external interference in their domestic affairs (Krasner 1997; 2001). According to this perspective, the sovereignty of a target state could already be violated when an external actor - a state, or an international organization - intrudes in different fields of its domestic authority. Adapting this to our conceptualization of passportization and its outlined (potential) effects on sovereignty, we can consider it as a form of intervention that captures the continuum ranging between political coercion and the justification of using military force. Passportization is a diffuse exercise of control and executive authority that keeps a parent state and a secessionist territory in a permanent and fragile state of exception. These considerations lead us to the question of what form of Russian citizenship is created through passportization.

4) Diminished citizenship in contested states and secessionist territories

Citizenship is generally understood to be one of the most contested concepts (Jones and Gaventa 2002). According to Roger Brubaker citizenship is a "powerful instrument of closure" as the modern state is not just a territorial organization, but also a "personal association" (Brubaker 1992, 22-23). Citizenship defines insiders and outsiders within predefined territorial boundaries, and while non-citizens are certainly entitled to reside on that territory, entry to and residence rights within the respective territory are conditional on restrictions. Citizens, by contrast, are full and equal members of this "personal association". This full membership - imagined as an ideal type - entails a battery of rights and duties associated with citizenship. In the classic "Citizenship and Social Class," for example, T.H. Marshall divides citizenship into the three elements of civil, political and social rights (Marshall and Bottomore 1992) which form the integral parts of full membership in a community.

The notion of full membership indicates that citizenship is predominantly considered as a categorical and exclusive concept: Either a person is a citizen and therefore full and equal member of the state, or not. However, in the last decades, scholars have increasingly argued that there are different shades, or degrees, of citizenship even in democratic and fully sovereign countries. Citizenship, according to this view, is more a continuum rather

than a categorical concept. For example, internal or even external non-citizens might enjoy certain political or social rights that are normally reserved for citizens, making these persons quasi-citizens of that particular state (Shaw and Štikš 2012). While “denizenship” refers to long-term non-citizen residents who enjoy many rights of citizenship, the goal of extraterritorial kin-state politics is to grant “ethnizenship” to non-resident citizens living abroad, for example by allowing them to vote (Bauböck 2005). Conversely, even full citizens might not be able to enjoy all rights formally granted to citizens, a situation that automatically creates unequal constellations within the territorial boundaries of a state. Due to complex boundaries of membership as the result of the collapse of empires and post-colonial states, citizenship is often “multi-layered” (Yuval-Davis 1999) where membership of specific social or ethnic groups is often “less-than-full”. The most elaborate conceptualization of such kind of diminished citizenship in democracies is Elizabeth Cohen’s “semi-citizenship”: She argues that citizenship is a “category composed of multiple elements, each of which can be accorded to people in full or in partial, graduated bundles” (Cohen 2009, 14).

We concur with Krasniqi (2019) and posit that such kind of diminished citizenship should be particularly likely to occur in contested states in which sovereignty is also a matter of degree. While the citizenship of a *de facto* state might grant some rights and benefits within the territory of this *de facto* state, this citizenship and its documents are not recognized internationally, i.e. the passport of such an entity is not recognized as a valid as a legal identification and travel document.

Much less attention has been paid to the reasoning behind diminished citizenship because of passportization, its empirical characteristics and its consequences. Voting rights are a good example. While all Russian citizens living abroad are entitled to vote at federal elections and referenda, the way how they can exercise their right is different. While in states with which Russia has fully-fledged diplomatic relations, citizens vote at polling stations organized at Russian embassies and consulates, the situation in internationally non-recognized *de facto* state entities depends on the development and effectiveness of *de facto* state’s institution, whether Russia officially recognizes the breakaway state and/or on the degree of the *de facto* bilateral relations. In this paper, we specifically zoom in on how passportization creates a form of “diminished” Russian citizens within contested territories. We show that the dynamic with which this “diminished citizenship” evolves over time is complementary to the statehood of the *de facto* states and their strive for sovereignty, as well as the relationship within the complex triangle between parent state, secessionist territory and patron state.

As we have argued in the previous on sovereignty and intervention, the protection of citizens has been the most prominent argument to justify military intervention abroad. Hence, one might argue that it is inconsequential whether citizenship is “diminished” or ‘full’ if Russia can argue that it intervenes in order to protect its citizens living abroad. However, as military intervention is an *ultima ratio* and only one potential outcomes of passportization, a “diminished citizenship” is not just a rational way of dealing with extraterritorial naturalization when territories and borders are contested, it is also an insightful indicator of how issues of sovereignty and (non-)recognition evolve between

patron, non-recognized de-facto-state, and parent state. Residents in contested territories enjoy numerous “citizen constellations”, they can be linked to several such political entities simultaneously. These simultaneous linkages lead to the effect that their rights and duties as “citizens” are determined not only by one political authority, but by several. This multitude of “citizenship constellations” (Bauböck 2010, 848) or “citizenship regimes” (Džankić 2015) in secessionist territories, which goes beyond dual citizenship, implies – and here we go beyond the existing literature – that membership in these various political communities is never full, but persistently diminished.

For Russia as the patron state of a secessionist territory, diminished citizenship is less costly – both symbolically and financially: For example, not all social benefits need to be doled out to diminished citizens. Also, managing full citizenship bureaucratically is complex and demands coordination among many state bodies: regulating citizenship and migration is a protracted process, and the capacities of state authorities to process additional citizens with specific needs is limited. Moreover, full membership with a maximum of rights and duties conveyed upon new citizens would also necessarily entail a fuller formal bureaucratic and political integration between the patron state and the secessionist territories, a development that would also narrow Russia’s leeway for action. Moreover, full Russian citizenship for residents of secessionist territories would also undermine the de facto state-building efforts by the non-recognized de facto state. Over time, the bottom-up and symbolic pressure would rise on Russia to openly and effectively take on responsibility for these territories or even annex the territory which, again, politically might not be expedient and would certainly reduce flexibility. With regard to Russia’s relation to the parent state of breakaway territories, full citizenship would reduce opportunity to put pressure on the parent states of secessionist territories and to maintain leverage over them. With diminished citizenship in various citizenship constellations, residents of secessionist territories are forced to claim their rights with multiple political authorities, at least with the patron state, the parent state and the de facto state authorities. This permanent state of limbo at the nexus of contested sovereignty and diminished citizenship is precisely what passportization achieves.

In short, we view passportization as a **securitized** version of fast-track preferential, extraterritorial naturalization targeted at breakaway territories. Its outcome are citizens with “less-than-full”-citizenship in multiple citizenship constellations: Newly minted Russian nationals are in fact non-resident with a diminished citizenship.

To analyze diminished citizenship in post-Soviet de facto states after passportization, we rely on the **tripartite analytical framework** developed in (Joppke 2007) with its three dimensions status, rights, and identity. Regarding status, we document the various possibilities to acquire Russian citizenship that ranges from regular naturalization to the compatriot program and fast-track naturalization of citizens as with the 2019 presidential decrees on Donbas residents. Moreover, we map how these various statuses affect the recognition of the various citizenships, e.g. by non-recognition of passports handed out by de facto authorities or the patron state, or how de facto authorities try to build up representations abroad with quasi-consular services for its citizens). With regard to the rights dimensions, we provide a fine-grained perspective on what we conceptualized as

diminished citizenship by zooming in on particular rights such as social benefits and healthcare, electoral and economic rights. Moreover, citizen duties, or the lack thereof such as compulsory education or military conscription are also indicative of “diminished citizenship”. Lastly, we analyze identity and whether it matters for the practice of passportization. Namely, whether only ethnic kin, i.e. ethnic Russians or Russophones, are actively “passportized”, or whether ethnicity is secondary to more pragmatic concerns and foreign policy goals.

5) Russia’s passportization of the Donbas: diminished citizenship in contested territories

5.1. Passportization of the Donbas as a humanitarian gesture?

Five years after the proclamation of the separatist “People’s Republics” of Donetsk and Luhansk in spring 2014, Russia decided to add an additional element to its military, political, economic and diplomatic support for the two secession territories in eastern Ukraine, an element which it considers “humanitarian” in nature. Since April 2019, residents of the separatist-controlled parts of these two regions can become Russian citizens via a simplified procedure. This fast track was made possible by a presidential decree issued by Vladimir Putin, which accelerated the naturalization process from at least eight years to under three months.⁸

On 24 April 2019, only three days after the Ukrainian presidential election runoff between the incumbent Petro Poroshenko and the future President Volodymyr Zelensky, the Kremlin published Decree No. 183⁹, allowing simplified naturalization for those with permanent residence in the Donbas territories that are not under the control of the Ukrainian central government (non-government-controlled areas, NGCA). Proof of residence must be provided using identity documents issued by the “People’s Republics” of Donetsk and Luhansk; Russia has recognized them since February 2017¹⁰. On 29 April Putin extended the circle of persons entitled to the simplified procedure in a second decree (No. 187)¹¹. Since then, the procedure has also applied to those who had their residence on the present territory of the two “People’s Republics” before they were proclaimed in April 2014 and who are in possession of documents that allow them to stay in the Russian Federation. Finally, in mid-July, Decree No. 343 extended the regulations¹² on the original place of residence contained in Decree No. 187. From now on, the entire Donetsk and Luhansk regions, i.e. including those territories that were or are under the control of the Ukrainian central government (GCAs), are considered the original place of residence.

8 This and some of the following paragraphs are based on Burkhardt (2020).

9 <http://www.kremlin.ru/acts/bank/44190>

10 <http://kremlin.ru/acts/bank/41702>

11 <http://publication.pravo.gov.ru/Document/View/0001201905010004>

12 <http://publication.pravo.gov.ru/Document/View/0001201907170036>

According to the Russian migration authorities¹³, in 2019 more than 136,000 inhabitants of the “People’s Republics” of Donetsk and Luhansk and another 60,000 people from the Donbas (GCA) received Russian citizenship via the new fast-track procedure. By mid-June 2020¹⁴, more than 180,000 new citizens from the “People’s Republics” had already been granted Russian citizenship. By the end of March 2021, more than 420,000 residents of the “DNR” and “LNR” have received a Russian passport. In mid-February 2021, the head of the regional branch of the Russian Ministry of Internal Affairs in the Rostov region declared that 639,000 Donbas residents have received Russian passports.¹⁵ The difference might be explained by the fact that the “People’s Republics” only count their current residents while the Russian Ministry of Internal Affairs also includes other Ukrainian citizens eligible to fast-track naturalization according to other resident status as stipulated in the amended first and the second decree.

Although the bureaucratic process is identical in both cases, only the first decree, which allows for mass extraterritorial naturalization, can be understood as passportization. The second decree is aimed at people from the Donbas who have migrated to Russia before and have expressed an interest in settling there permanently by formalizing their residence status, but who previously had no prospect of speedy naturalization due to bureaucratic hurdles.

5.2. Status

The issuing of passports marks the preliminary endpoint of Russia’s recognition of “DNR” and “LNR” residents as subjects independent of Ukraine and the Ukrainian passport. When the “LNR” and the “DNR” started to issue their own passports as of mid-2015 and March 2016 respectively, Russia has been steadily moving forward to facilitate the acceptance of documents issued by the breakaway territories within Russia. The first facilitation concerned the ease of travel: Residents of the “People’s Republics” could take their own cars with “DNR” and “LNR” number plates to Russia, and the “passports” enabled them to buy tickets for domestic train rides with Russian Railways (RzhD) and domestic flights with not only with state-owned companies such as Aeroflot, but also with S7 or Utair¹⁶. With Putin’s decree from February 2017¹⁷, the recognition of documents was formalized: Russia would now recognize “DNR” and “LNR” passports (IDs), educational certificates, transport registration and number plates, birth certificates, certificates relating to the change of name, marriage, divorce, and death. Even though this degree certainly marked a significant upgrade in status for residents of the “People’s Republics”, they still remained “Ukrainians” for the Russian Ministry of the Internal which is responsible for migration. Just as “ordinary” Ukrainians, “DNR” and “LNR” residents with de-facto-passports were allowed to stay in Russia for up to 90 days and were then

13 <https://tass.ru/obschestvo/7457065>

14 <https://tass.ru/politika/8681113>

15 <https://don24.ru/rubric/obschestvo/bolee-600-tsyach-zhiteley-donbassa-poluchili-rossiyskie-pasporta.html>

16 <https://www.rbc.ru/politics/02/02/2017/587cf9159a7947e5f86ee045>

17 In November 2020, the decree was amended by excluding the limitation of the recognition of „DNR” and „LNR” documents to Ukrainian citizens and stateless persons. This reflects the increasing number of Russian citizens in the de-facto-states with local documents.

obliged to leave Russia for at least another 90 days before reentry would be allowed. This status reflects Russia's approach to dealing with Ukrainian (forced) migrants and refugees in the wake of the war in Donbas: From the perspective of the Russian state¹⁸, they represent almost ideal migrants. As Eastern Slavs, they are considered easy to integrate; they bring the necessary skills for the Russian labor market; and they show great willingness to emigrate due to the ongoing territorial conflict and low levels of income in their country of origin. After the outbreak of war in 2014, it proved bureaucratically difficult to transfer Ukrainian refugees and forced migrants from temporary asylum in Russia to permanent residence status or even citizenship. Under a regional quota system, preference¹⁹ was given to those who had qualifications in demand on the labor market²⁰. The Russian state program, which is meant to promote the resettlement of compatriots, also proved to be of limited suitability for Ukrainians, since it is subject to numerous conditions (age, professional qualifications, region of settlement) (Myhre 2017; 2018; Kuznetsova 2020).

The technology and infrastructure of how the "DNR" and "LNR" were passportized illustrate how important residency within the "People's Republics" was as a precondition for extraterritorial naturalization. This attitude is manifest in the cross-border infrastructure for the passportization of the Donbas. The Russian Ministry of the Interior has set up migration offices in the Rostov region specifically to process fast-track applications; it has requested additional funds in the 2020-2022 budget for equipment and special payments to the clerks. While passport applications are made in the "People's Republics" themselves, passports for those who are not members of the military or security services are issued exclusively in the Rostov region. The "People's Republics" have put in place long-distance bus lines to make it easier for people to collect their new passports. Special migration offices in the Rostov region operate in Rostov-on Don, Shakhty, Gukovo, Donetsk (Rostov region), Krasnyi Sulin, Matveev-Kurgan, Neklinovskii District, Novoshakhtinsk, Pokrovskoe, and Rodionovo-Nesvetaiskii District. According to official statistics, the Rostov region alone issued over 160,000 passports in 2019. On the one hand, this sprawling bureaucratic infrastructure illustrates the special status and the mass character of naturalization efforts by Russia. On the other hand, after a one-day trip passing four border crossings, getting fingerprinted and listening to the Russian anthem and an oath for Russian citizens, the newly naturalized citizens are bused back to their place of residence in the "DNR" and "LNR".

But these passports handed out in the specialized migration offices in the Rostov region each of which has its own unique identifier number have at least two characteristics that distinguish them from "regular" Russian passports: First, in case the applicant also opts for an international passport in addition to the Russian domestic ID, these international passports are not recognized by most states. In its conclusions of 20 June 2019, for instance, the European Council noted that passportization is contrary to both "the spirit

18 <https://rg.ru/2014/09/22/migranty-site.html>

19 <https://www.tandfonline.com/doi/abs/10.1080/00905992.2018.1488828>

20 <https://mintrud.gov.ru/docs/mintrud/orders/410>

and the objectives”²¹ of the Minsk Protocol. In October 2019, the EU Commission issued a guidance²² to create the basis for the non-recognition of such passports by its member states. For international travel, the Ukrainian passport would still be the document of choice for these new Russian citizens passportized under the fast-track decrees. The second crucial feature of these internal passports is that the spot in which the place of residency is usually documented remains empty. This is the reason why “DNR” and “LNR” residents are obliged to acquire the IDs of the “People’s Republics” since these are used to document the place of residence.

5.3. Russia’s new diminished citizens: rights and duties

This dual status of nominally being a Russian citizen while lacking residence on the state territory of the Russian Federation is the foundation for this new form of diminished citizenship. This is because residence on the territory of the Russian Federation documented as place of residence (*mesto zhitel’sтва*, colloquially called *registratsiia*) is the precondition for many rights and duties associated with Russian citizenship.

With regard to **social rights**, there are two types: Those that are available exclusively with formal residence (*registratsiia*) on the territory of Russia, and such that can be claimed without residence in Russia. Due to the high proportion of elderly persons that have remained in the non-recognized de-facto-states, pensions necessarily became of major interest. But to date, Russian pensions can only be claimed with a formal residence in Russia. The registration in Russia can only be obtained if property is bought or rented. But even if a room or apartment is rented, the tenant would rely on the willingness of the landlord to formally register the person at this place. It is therefore first and foremost the costs that go with residence in Russia that prevent most Russian citizens within the “People’s Republics” to claim pensions. Therefore, even newly naturalized Russian citizens continue to rely on either Ukrainian or de-facto-state pensions (informally paid for by Russia). Other social benefits can be claimed without residence in Russia, but additional documents need to be obtained to proceed with applications for social benefits and services. First, an individual insurance account number (SNILS) needs to be obtained at a dependency of the Russian Pension Fund the closest of which are located in the Rostov region. SNILS is necessary when seeking work, enrolling to educational institutions, getting medical care, receiving pensions or other social benefits, as well as for registering on the Russian e-government platform for digital services Gosuslugi. Once SNILS is obtained, Russian citizens can get an Obligatory Medical Insurance (OMS) at a dependency of a Russian insurance company or a state Multi-Functional Center. Once an OMS is obtained, Russian citizens can get free medical care at state medical facilities, but exclusively on the territory of the Russian Federation. Moreover, a bank card from the state-controlled Sberbank needs to be obtained. The Individual Tax Number (INN) can be registered online at Gosuslugi, or it can be obtained at a local dependency of the Federal Tax Service on Russian territory.

21 <https://www.consilium.europa.eu/media/39922/20-21-euco-final-conclusions-en.pdf>

22 https://ec.europa.eu/neighbourhood-enlargement/news_corner/news/eu-guidance-handling-visa-applications-residents-ukraines-donetsk-and-luhansk_en

Obtaining all these documents can take up to several days and need at least two round-trips to the Rostov region from the “People’s Republics” to order and collect the documents.²³ This process is time-consuming and costly, therefore it is not surprising that a large proportion of Russia’s diminished citizens so far do not have these numbers that would entitle them to claim social benefits. No official data is available, but according to an estimate based on a survey conducted in “DNR”, only three percent of Russian citizens there have obtained a SNILS, and even less are registered at Gosuslugi²⁴. This became particularly problematic during the Covid-19 pandemic when the Russian state offered additional one-off payments to families with kids and for unemployed. Some of those eligible for these payments in the “People’s Republics” went all the way to Taganrog in the Rostov region to register SNILS and claim payments. This was not only costly and time-consuming, but also caused some interruptions at the Multi-Functional Center in Taganrog with only limited capacity to handle clients²⁵. Due to the fact that these sums are substantial for residents of the “DNR” and “LNR”, intermediaries in the Rostov region and elsewhere from Russia were eager to offer services to applicants. Therefore both the complicated process as well as the necessity to provide residence in Russia engendered corrupt practices. To receive the mother’s capital for children, some would ask acquaintances or intermediaries to register them at a Russian address which would then be added to the passport as a precondition to claim the “mother’s capital”²⁶.

With regard to **electoral rights**, Russian citizens in the “People’s Republics” have diminished rights just as other Russian extraterritorial citizens: They can only vote at federal referendums and federal presidential and parliamentary elections, but not in regional or local elections. At the upcoming Duma elections in September 2021, Russian citizens from Donbas will only be allowed to vote for the candidates on the party list, but not those in the single-member electoral districts because they lack residency in Russia. Moreover, the diminished citizens cannot get elected in Russia themselves unless they move to Russia. But in contrast to fully sovereign states and partially recognized de-facto-states, residents of “DNR” and “LNR” cannot vote on the territory of the de-facto-states as Russia has so far refused to open polling stations there (as it does in Abkhazia or Transnistria). It was during the 2020 constitutional referendum when residents of “DNR” and “LNR” could take part in a Russian electoral campaign for the first time. For this purpose, 12 polling stations were opened in the Rostov region specifically for the de-facto-state residents. The de-facto-authorities once more organized bus trips for a subsidized 150 Rubles instead of the usual 1800 Rubles for those who were not able to get to Rostov on their own. While casting the ballot took only a few minutes, the voters spent a whole day on road including several hours at the border control. While certainly quite a number of new Russian citizens were enthusiastic about fulfilling their citizen duty, anecdotal evidence suggests that in particular state employees made use of the opportunity to

23 <http://dnr-live.ru/poluchit-ne-tolko-pasport-kak-v-rf-oformit-snils-polis-oms-i-inn/>

24 <https://www.kp.ru/daily/27265/4398337/>

25 <https://otr-online.ru/news/ocheredi-v-taganroge-sotni-zhiteley-dnr-i-lnr-priehali-dlya-oformleniya-dokumentov-163809.html>

26 <https://novosti.dn.ua/article/7695-zhytely-donecka-y-luganska-nachaly-poluchat-rossyyskiye-vyplaty-my-uznaly-kak-eha-skHEMA-rabotaet>

spend one day in a bus to cast a ballot in the Rostov region²⁷.

Even **duties** are diminished due to the territoriality of the Russian citizenship. For example, the obligatory military service does not apply to male residents from the de-facto-states with a Russian passport. In other words, they are not conscripted into the Russian army when residing in the de-facto-states and even when entering the Russian Federation. Although, according to Russian law, Russian citizens need to show up at military enlistment offices in the course of two weeks. But according to current practice, de-facto-state residents will not be drafted into the Russian army if they do not stay longer than three months in the Russian Federation.²⁸ Furthermore, compulsory school attendance is exercised by the de-facto-state authorities. Russia has moved quickly to acknowledge school and other educational certificates issued by the de-facto-state authorities as early as 2015. The official reason given for this by the Russian Ministry of Education is that the level of education in the de-facto-states is comparable in quality to Russia's²⁹. But this compulsory education in the de-facto-states comes with strings attached. For example, since 2016 pupils had to travel to specific educational institutions located in the Rostov region to pass the Unified State Exams (EGE) which are a precondition for entering Russian universities. It is only in 2021 that pupils can pass these Russian university entry exams in the "DNR" for the first time.³⁰ But still, if they want to receive a waiver for tuition fees at Russian universities, they fall under the category of "compatriots" rather than Russian citizens residing in Russia³¹.

5.4. Identity: Territoriality trumps ethnicity

It is well established that the Russian discourse on Ukraine has been cushioned in ethnic terms (Wanner 2014). Putin himself frequently refers to Ukraine as a brotherly nation, for example at the 2017 Valdai meeting: "We like Ukraine and I really regard the Ukrainian people as a brotherly nation if not just one nation, part of the Russian nation."³² And in April 2019, Putin went even further: "I have said on many occasions that Ukrainians and Russians are fraternal peoples. And even more: I think this is actually one people with its specific features – cultural, linguistic and historical – but in essence it is a single people." Given the outsized role of Putin in foreign-policymaking, this might suggest that the Russian passportization policy was mainly driven by ethnic concerns with the goal of naturalizing as many ethnically close Russians living in Donbas. Nonetheless, all decrees that have facilitated the recognition of documents issued by the de-facto-states in Donbas and that have enabled fast-track naturalization of residents living there do not contain any ethnically colored language and avoid any reference to compatriots or the like. Instead, the decrees consistently use the territorial denomination "territories of certain

27 <https://iz.ru/1030257/sergei-prudnikov/odno-delo-oshchushchat-sebia-russkim-drugoe-stat-grazhdaninom>

28 <https://vsednr.ru/mogut-li-v-rossii-prizvat-v-armiyu-zhitelej-donbassa-poluchivshix-pasportar-f/>

29 <https://www.rbc.ua/rus/news/rf-gotova-priznavat-shkolnye-attestaty-abiturientov-1437155028.html>

30 <https://tass.ru/obschestvo/10541801>

31 <https://hromadske.ua/ru/posts/i-nashim-i-vashim-kuda-postupayut-abiturienty-iz-donecka-i-luganska>

32 <http://en.kremlin.ru/events/president/news/55882>

districts of the Donetsk and Luhansk regions of Ukraine” instead of ethnically colored terms such as “compatriots” or the like. This is consistent with previous research, for example on the labor market (Kuznetsova 2020) or foreign policy more generally (Laruelle 2015) showing that nationalist language about a divided, fraternal nation is more instrumental than deterministic. In relation to passportization, territoriality and residence trumps ethnicity.

5.5. Ukraine’s reaction

While Russia claims that passportization is a purely “practical measure”³³ that does not contradict the Minsk Protocol on the pacification of eastern Ukraine, the then Ukrainian Foreign Minister, Pavlo Klimkin, categorised passportisation as a violation of state sovereignty and a further step in the “occupation”³⁴ of his country.

Contrary to Russian statements, the distribution of passports clearly obstructs the negotiation process. Thus, at the meeting of the Permanent Council of the Organisation for Security and Cooperation in Europe (OSCE) on 21 May 2020, the Ukrainian representative presented the Russian passports³⁵ of the head of the “People’s Republic of Donetsk”, Denys Pushylin, and the “Foreign Ministers” of the two “People’s Republics”. These passports, he claimed, were evidence that Russia nominates officials who represent Russia, but not the local population.

Moreover, passportization creates potential for division in Ukraine. Whilst its leaders agree that the passports distributed by Russia are not legal and therefore invalid, there is no consensus as to what specific steps the country should take in response. Hardliners have proposed withdrawing Ukrainian citizenship, pensions and other social benefits, or even criminal prosecution by the prosecutor general’s office. The former “prisoner of the Kremlin” and journalist Stanislav Aseev, for instance, states that passportization clearly threatens Ukraine’s national security and suggested “the institute of non-citizenship” as it is in the Baltic countries.³⁶

These proposals have so far remained a rhetorical threat. On 19 May 2020, the issue of passportisation also defeated a bill³⁷ on the liberalization of citizenship, which Zelensky had introduced in December 2019. For critics³⁸, the introduction of dual citizenship would not only contradict Article 4 of the Ukrainian constitution, but it could also provide a

33 <https://iz.ru/872022/aleksei-zabrodin-ekaterina-postnikova-tatiana-baikova/pasportnyi-kontrol-vydacha-donbasstcam-dokumentov-rf-ne-ugrozhaet-minsku-2>

34 <https://hromadske.ua/ru/posts/glava-mid-ukrainy-prizval-zhitelej-okkupirovannogo-donbassa-ne-poluchat-pasporta-rf>

35 <https://www.ukrinform.net/rubric-polytics/3030284-ukraine-shows-osce-russian-passports-of-donbas-representatives-in-tcg.html>

36 <https://www.radiosvoboda.org/a/rosiyske-hromadianstvo-pasporty-rosiyi-viyna/30999677.html>

37 http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67632

38 <https://gordonua.com/news/politics/rada-otlozhila-rassmotrenie-spornogo-zakonoproekta-o-dvoynom-grazhdanstve-1500589.html>

gateway for Russian influence after reintegration, for example if Russian passport-holders resident in the former NGCAs were to stand for election to the Ukrainian Rada.

So far, there are no legal solutions directed at tackling the passportization issue. The situation with citizenship can be described as follows:

Ukrainian citizenship laws do not allow for dual citizenship, yet in practice even many high-level officials hold several passports and do not get punished (for instance, the MP Vadym Rabinovych openly holds Ukrainian and Israeli passports). Currently, there is a debate as to allowing dual citizenship with “friendly countries”. This means that dual citizenship with Russia would not be permitted until the conflict is resolved and the relations improve. Moreover, dual citizens will not be allowed to become civil servants. In practice, declaring passports as unlawful is being assessed as difficult from the standpoint of international law documents, ratified by Ukraine and the Russia-Ukraine bilateral documents.³⁹ According to Ukrainian citizenship laws, a person cannot be deprived of his or her Ukrainian passport. That is why all the new holders of Russian passports are still Ukrainian citizens from the standpoint of Ukraine’s citizenship legislation.

6.) Citizenship and passportization in Georgia: Abkhazia and South Ossetia

Citizenship in Abkhazia is primarily regulated by a law adopted in 2005. The law does not completely rule out the possibility to retain dual citizenship for a citizen of Abkhazia. This “privilege,” however, only applies to ethnic Abkhaz such as members of the diaspora. Everybody else wishing to apply for another citizenship should abandon the Abkhaz one, with the exception of Russian citizenship according to an amendment adopted in 2013 (Kvarchelia 2014).⁴⁰ Even though ethnic Abkhaz could theoretically be allowed to own a Georgian passport, the 2005 law states that the right to citizenship does not apply to those “who, using unconstitutional methods, support changing of the sovereign status of RA, or support a violent change of the constitutional system of RA or, using unconstitutional methods, fought against the existing constitutional system or are connected to terrorist activities” (Ganohariti 2019, 9). Holding a Georgian passport is not only not socially acceptable in Abkhazia,⁴¹ but is treated as a sort of treason towards the institutions of the Republic of Abkhazia (in the 2005 Law, the word citizenship is often accompanied by “allegiance” as a specification).⁴² These laws and the socio-legal practice contribute to the social isolation of most Georgians living in Abkhazia, roughly 17,8% of the population⁴³. The Abkhaz citizenship laws and policies create obstacles to any Georgian efforts to reintegrate the region. Only a few Abkhaz requested such document the Georgian “neutral travel documents” proposed since 2011, as they included a Georgian code of identification.

39 <https://www.epravda.com.ua/rus/publications/2019/05/23/648050/>

40 See also Art. 6 of the Law of the Republic of Abkhazia on Citizenship, 2005

41 Interview L_G_30_03_2021_B, Interview M_D_16_03_2021

42 Law of the Republic of Abkhazia on Citizenship (2005)

43 (State Committee for Statistics of the Republic of Abkhazia 2020) [retrieved on 10.04.2021]

The citizenship policy of South Ossetia is a bit less restrictive and is regulated by the “Constitutional Law of the Republic of South Ossetia on ‘Citizenship of the Republic of South Ossetia’”. Art. 5b, interestingly, says that South Ossetian citizens are “persons who have permanently resided in the territory of the Republic of South Ossetia for at least five years at the time of the proclamation of the Act of State Independence of the Republic of South Ossetia of May 29, 1992, and if they have not renounced their citizenship of the Republic of South Ossetia in writing, with the exception of persons who fought unconstitutionally against the existing state system of the Republic of South Ossetia and its people”.⁴⁴ In practice, this rule is used to deny citizenship to ethnic Georgians returning to South Ossetia (Krasniqi 2018, 31), the the question of dual citizenship in South Ossetia is regulated by art. 6 of this law. Also in this case, a citizen of South Ossetia can openly acquire Russian citizenship without renouncing its South Ossetian citizenship. In the other cases, dual citizenship is not theoretically excluded, although South Ossetia will treat its citizens only as South Ossetians. However, Art. 13 of the Law on Citizenship requires to renounce to the previous citizenship next to the other basic requirements, for the exception of Russian citizens.

Georgia adopts a single citizenship policy, motivated by the multi-ethnic population living within its borders. Notably, the biggest minorities living in Georgia are Azeri (slightly more than 6% and mostly living in the Kvemo-Kartli region) and Armenians (roughly the 4,5%, concentrated in Javakheti and, to some extent, in Abkhazia). Adopting a single citizenship policy, Georgia has since the first citizenship law of 1993 seen the high presence of concentrated ethnic minorities at its borders as an existential threat to the stability and territorial integrity of the country (Strom 2016, 128–31; Tabachnik 2019, 229–30). In 2014, the Georgian legislation further restricted the citizenship requirements, including provisions for revoking Georgian citizenship to people obtaining foreign citizenship, such as former president Saakashvili when he was granted Ukrainian citizenship in 2015.⁴⁵ After the approval by the European Council in 2017 of the visa-free regime with Georgia, the Abkhazian MFA also made clear that such an agreement does not apply to the citizens of Abkhazia.⁴⁶ These laws and policies, in the end, lead to the effect that the only way Abkhaz and South Ossetians can travel abroad is with a Russian passport as, with a few exceptions, no state recognises the Abkhaz and South Ossetians foreign passport as a valid document.⁴⁷

44 Constitutional Law of the Republic of South Ossetia “on the citizenship of the Republic of South Ossetia” (in Russian), Государственное информационное агентство ‘Рес’, 29 August 2006, <http://cominf.org/node/1156855873> [retrieved on 27.04.2021]

45 Of course, some exceptions apply, such as granting the Georgian citizenship to foreigners through Presidential Decree. See in particular Art. 17 and 21 of the ‘Organic Law of Georgian Citizenship’, <https://matsne.gov.ge/en/document/view/2342552>; retrieved on [09.04.2021]. See also ‘Georgia Ex-Leader Saakashvili Gives up Citizenship for Ukraine’, *BBC News*, 1 June 2015, sec. Europe, <https://www.bbc.com/news/world-europe-32969052>. [retrieved on 09.04.2021]

46 ‘UNPO: Victims of Geopolitics: Young Generations in Abkhazia Struggle with Lack of Travel and Education Opportunities Abroad’, <https://unpo.org/article/22118> [retrieved on 08.04.2021]

47 These are Russia, Nicaragua, Venezuela, Nauru, Syria, Nagorno-Karabakh, South Ossetia, Transnistria, and the Cayman Islands. See Ganohariti, ‘Dual Citizenship in De Facto States.

Russia officially started granting passports to Abkhaz and South Ossetians in 2002, after a new law on citizenship was adopted, allowing people who “have had USSR citizenship, and having resided and residing in the states that have formed part of the USSR, have not become citizens of these states and as a result remain stateless persons” to obtain the Russian citizenship through a simplified procedure.⁴⁸ Before that time, however, people living in Abkhazia and South Ossetia could apply for Russian passports as former Soviet citizens.⁴⁹ Although Georgia considered (and considers) residents of the breakaway regions as its citizens, the formal rejection of the Georgian citizenship by Abkhaz and Ossetian made them generally eligible for Russian citizenship under this procedure. This applied at least until the Russian Federation recognized the two republics as independent states. In fact, as Popescu states, Georgia is partially responsible for having favoured such a situation by refusing to grant UN travel passports to the residents of Abkhazia in the 1990s, who then turned towards Russia (Popescu 2006, n. 26).

Russian passports were issued by temporary offices in the districts controlled by the separatists. Notably, the process of granting citizenship to Abkhaz and Ossetians intensified during and after Saakashvili's operations to restore Tbilisi's sovereignty in Ajaria (Hoffmann and Chochia 2020, 227): already by 2006, about 90% of the population of the two regions held a Russian passport and by 2008, year of the Russian-Georgian war, this applied to their entire population (Popescu 2006, 5; Hoffmann and Chochia 2020, 227). As of today, Russia hands over passports to Abkhaz and Ossetians not only through the Russian embassies in Sukhumi and Tskhinvali, but also through the Ministry of the Internal Affairs of the Russian Federation on the territory of Russia. This strategy helps Abkhazians and South Ossetians citizens to avoid seeing their visa applications denied if their passport was issued by the Russian embassy in Sukhumi or Tskhinvali, which remain illegitimate institution in the eyes of Georgia and its supporters.

Travelling is not the only benefit which comes with a Russian passport, however. As Russian citizens, they enjoy the possibility to vote for referendums, federal, and presidential election.⁵⁰ Abkhazians and South Ossetians holding a Russian passport vote like any Russian citizen living abroad. Moreover, at the intersection of international recognition and passportization, in 2015 Russia and Abkhazia signed an agreement “Providing Pensions to Citizens of the Russian Federation Permanently Residing in the Republic of Abkhazia.”⁵¹ In practice, with this agreement, Russia accepts to pay retirement pensions to most of the residents of Abkhazia, according to the average standard of its Southern Federal District, for an amount of 10,179.65 roubles (roughly 112 EUR/135

48 Art. 14.1.b of the ‘Federal Law on Citizenship of the Russian Federation’ (2002).

49 ‘UNPO: Victims of Geopolitics: Young Generations in Abkhazia Struggle with Lack of Travel and Education Opportunities Abroad’ [retrieved on 08.04.2021]

50 ‘Abkhaz, S. Ossetian Leaders Vote for Putin Constitutional Amendments’, *Civil.Ge* (blog), 1 July 2020, <https://civil.ge/archives/358024> [retrieved on 27.04.2021]; ‘LONG READ: Putin's Overwhelming Election Victory in Abkhazia’, 11 April 2018, <https://www.intellinews.com/long-read-putin-s-overwhelming-election-victory-in-abkhazia-139743/> [retrieved on 27.04.2021].

51 (“Соглашение Между Российской Федерацией и Республикой Абхазия о Пенсионном Обеспечении Граждан Российской Федерации, Постоянно Проживающих в Республике Абхазия - Docs.Cntd.Ru” n.d.) [retrieved on 27.04.2021]

USD).⁵² This agreement does not apply to the Russian military personnel deployed in the region, nor to Georgians citizens without a *de facto* citizenship, who need to travel to the closest urban centres (Zugdidi or Kutaisi for Abkhazia, Gori or Tbilisi for South Ossetia) to receive their pensions. A similar agreement has been concluded with South Ossetia in the same year, with the difference that the standard rate for the pension is the average of the Northern Caucasus Federal District of the Russian Federation.⁵³

Russian citizenship alone does not automatically cover healthcare. Strikingly, residents of Abkhazia and South Ossetia struggling with the poor quality of the medical services provided by the *de facto* governments (in South Ossetia in particular) often travel to Georgia to receive medical treatment. This is indeed convenient to Abkhazians and South Ossetians, who remain eligible to such benefits as Georgia considers them as its citizens, regardless of the travel document they possess. In the case of South Ossetia, the service is so convenient that residents are ready to travel through Nord Ossetia and cross the Georgian border from Russia, as the administrative line between the territories under Tbilisi's and Tskhinvali's administration remains closed.⁵⁴ The Georgian healthcare policy has become one of Tbilisi's soft power tools for reintegration, although Moscow has responded with targeted measures. For instance, in 2017, Russia signed with both Abkhazia and South Ossetia an agreement extending its universal healthcare to Russian citizens living in these territories.⁵⁵ It seems, however, that due to geographical proximity and quality of the services offered, Georgia remains a popular choice for health treatment.

7.) Passportization and citizenship in Moldova: Transnistria

Contrary to Abkhazia and South Ossetia, Transnistria had adopted a type of multi citizenship policy. Acquiring multiple citizenships is not only possible but almost encouraged (Ganohariti 2019, 7). Citizenship in Transnistria is regulated by Art. 3 of the PMR constitution, which openly allows for double citizenship, including – of course – the Transnistrian one.⁵⁶ The Transnistrian passport, however, is only valid as an identity card for domestic travel when moving within Moldova's recognised borders, and as a travel document in Abkhazia, South Ossetia, and Nagorno-Karabakh (Ganohariti 2019, 5). Thus, residents of Transnistria need to acquire foreign passports to be able to travel abroad.

52 As of 27.04.2020

53 'Проект договора между Российской Федерацией и Республикой Южная Осетия о союзничестве и интеграции', АЛАНИЯинформ, <http://osinform.org/48181-proekt-dogovor-mezhdu-rossiyskoy-federaciyey-i-respublikoy-yuzhnaya-osetiya-o-soyuznichestve-i-integracii.html> [retrieved on 27.04.2021] provisional

54 'Why Are Ossetians and Abkhazians Coming to Georgia for Medical Treatment?', Jamestown, <https://jamestown.org/program/why-are-ossetians-and-abkhazians-coming-to-georgia-for-medical-treatment/> [retrieved on 27.04.2021]

55 'Civil.Ge | Putin Meets South Ossetian Leader in Moscow', <https://old.civil.ge/eng/article.php?id=30635> [retrieved on 27.04.2021]; 'Civil.Ge | Putin Visits Abkhazia, Discusses Defense, Police Cooperation', <https://old.civil.ge/eng/article.php?id=30345> [retrieved on 27.04.2021].

56 'Constitution of the Pridnestrovskaja Moldavskaia Respublica' (2014), <http://mfapmr.org/en/constitution>. [retrieved on 09.04.2021]

Transnistrian residents generally apply to obtain recognised citizenship and the respective passports in a certain order, starting with either the Russian or the Ukrainian passport, then Moldovan, and as a third step, when possible or applicable, the Romanian one (and in some cases the Bulgarian).⁵⁷ This means that most of the people living in Transnistria own from two to four citizenships (including the Transnistrian one).⁵⁸ In general, there is no particular value or favourite loyalty among the citizenships obtained: most of the residents of Transnistria approach the acquisition of foreign passports and citizenship pragmatically, mostly for travel and migration purposes to Russia or the other European countries.⁵⁹ Among the passports generally available to Transnistrians, Romanian and Bulgarian ones represent the best choice in terms of possibilities, as they also grant European citizenship.

In terms of other material benefits, Russian citizens in Transnistria can apply for their pensions directly to Moscow, and Tiraspol has encouraged doing so to reduce pressure on its budget. Problems of transfer, however, make the Russian pension less appealing, as they are often paid in delay and must be converted from Russian to Transnistrian roubles, often with a significant commission.⁶⁰ Pensioners make up about half of the population of Transnistria, and Moldova has not implemented the same policies of Georgia to counter the Russian influence on the Left Bank on these grounds. It is sufficient to think that, recently, disputes between Chisinau and Tiraspol arose regarding the payment of pensions to Moldovan citizens. According to Aleksander Zubko, in 2017 it was possible to estimate around 20 (sic) the number of pensions paid by Moldova to residents in Transnistria. Moreover, Russia pays an overhead to Transnistrian pensions of about 10 USD per month. This makes Transnistrian pensions more appealing compared to those in Moldova, for an average comparison of a 100 USD pension on the Left Bank against 80 USD on the Right one (Zubko 2017).

Moldova has developed a rather liberal citizenship policy after the collapse of the Soviet Union and its first years of independence. In the 2003 version of the Moldovan Law on Citizenship, this is also granted as a right of birth on the Moldovan territory. Another way Moldova grants citizenship is through recognition, including those that were living in the Romanian territories annexed by the Soviet Union on 28 June 1940, living in the Moldavian Autonomous Soviet Socialist Republic, those deported during the USSR, and their descendants. Currently, at 144,000 Transnistrian residents hold Moldovan passports, a quantity which has recently increased after the visa-free regime between Moldova and the Schengen Area entered in force in 2014 (Krasniqi 2018, 31). Moreover,

57 Interview V_L_18_03_2021

58 This picture is not sufficiently covered by PMR official statistics on nationality. Currently, Transnistrian official statistics count about 465.200 people living in PMR. Among them, 33% identifies as Moldovan, 34% as Russian, 26,7% as Ukrainian, and 2,8% as Bulgarian. See: 'Статистический Ежегодник Приднестровской Молдавской Республики - 2020' (Tiraspol: State Office of Statistics of the Pridnestrovian Moldavian Republic, 2020), 28.

59 This was voiced by two research participants from Transnistria in the interviews A_D_11_03_2021 and V_L_18_03_2021. For an opposing view, see Chamberlain-Creang and Allin, 2010

60 Karina Lungu, "Transnistria: From entropy to exodus", European Council on Foreign Relations, 2016, <https://ecfr.eu/article/essay/transnistria-from-entropy-to-exodus/> [retrieved on 27.04.2021]

Moldova considers all the citizens born and residing in Transnistria as its citizens and allows for dual citizenship,⁶¹ in contrast to the previous version. Attempting to repair such a situation and avoid a deeper foreign passportization of Transnistria, Moldova made its 2003 law have a retroactive effect (Krasniqi 2018, 30–31).

Although official statistics are not available, as of 2012 roughly 100.000 Transnistrian residents owned a Ukrainian passport (Popescu and Litra 2012, 6). According to the Ukrainian legislation, dual citizenship is not allowed, although some exceptions are envisioned. Regarding the residents of Transnistria, these usually obtain Ukrainian citizenship under the conditions posed at Art. 7, such as being of Ukrainian descent or born outside Ukraine to stateless parents if no other citizenship was acquired by birth. The fact that slightly less than one-third of the residents of Transnistria is Ukrainian, theoretically, should provide Ukraine with some political influence over the breakaway region. However, the very same passportization policy that Russia supports in its eastern region of Donbas, and the military presence of the Russian Federation in Transnistria have prevented Ukraine to exercise any kind of relevant pressure on PMR besides initiatives related to customs and border control (Popescu and Litra 2012, 6).

The Russian Federation remains the most influential actor in Transnistria, and its passportization policy in Transnistria is often regarded as part of a bigger geopolitical game that Moscow plays against NATO in all the former Soviet republics affected by secession, with the partial and perhaps temporary exception of Nagorno-Karabakh.⁶² It is unclear how many Transnistrian residents hold Russian passports, but the most recent estimates consider at least 200.000 people holding Russian citizenship (according to official PMR sources, 158.200 residents are registered as Russians) (Krasniqi 2018, 31; Hoffmann and Chochia 2020, 230; State Office of Statistics of the Pridnestrovian Moldavian Republic 2020). Certainly, the fact that so many Russian citizens live on the Left Bank of the Dniester is sufficient to see strong parallels with Abkhazia and South Ossetia, not least to Donbas and Crimea. However, Transnistria differs in many instances from these “occupied areas,” in the sense that the relations between Chisinau and Tiraspol are sufficiently good and peaceful to the extent that no military action took place since the ceasefire between them was signed in 1992. Even though Transnistria expressed its official will to join Russia (in 2006 and 2014), Moscow has remained deaf to such

61 Art. 10, 11, and 24 of the ‘Law on Citizenship of the Republic of Moldova’, available at https://www.legislationline.org/download/id/6568/file/Moldova_Citizenship_Law_2000_am2003_eng.pdf [retrieved on 10.04.2021]; see also Tabachnik, ‘Defining the Nation in Russia’s Buffer Zone’, 226

62 We say this because after the so-called Second Karabakh War of Fall 2020 Artsakh authorities are pushing for stronger ties with Russia for security reasons. Briefly, the *de facto* authorities hope in Russia handing over its passports to the Armenian population of Nagorno-Karabakh, in the same way this has been done in Abkhazia and South Ossetia, and have Moscow legally bound to intervene and protect its citizens abroad also against an Azeri aggression. This opens to a new hypothesis in research on passportization policies, which should be considered and investigated accordingly. See: Aram Arkun, ‘New Artsakh Foreign Minister Babayan Declares Artsakh Republic Must Remain Geopolitical Actor’, *The Armenian Mirror-Spectator* (blog), 13 February 2021, <http://mirrorspectator.com/2021/02/13/new-artsakh-foreign-minister-babayan-declares-artsakh-republic-must-remain-geopolitical-actor/> [retrieved on 10.04.2021]

request.⁶³ Nevertheless, Transnistria remains a militarized region and its residents maintain that the presence of the Russian contingent in the tripartite peacekeeping operations (with Moldovan and Transnistrian troops) is necessary for their security (Popescu 2006).

Rather than the question of passportization in Transnistria, which has been carried out since the status quo was established in the region, what should be stressed concerning Moldova is the recent amendment introduced to the Law on Nationality of the Russian Federation of 2002. This amendment, in force since April 2014, is part of a general edit to Art. 14 regarding the simplified procedure of acquisition of Russian citizenship. In particular, foreign and stateless citizens with a permanent residence on the territory of the Russian Federation shall be admitted to apply for Russian citizenship if they are citizens of Belarus, Kazakhstan, Moldova, or Ukraine.⁶⁴ The fact that Russia does not border directly with Moldova makes it certainly harder for Russia to promote a policy of passportization and demographic attraction as energetic as that pursued in Eastern Ukraine. It is however relevant, as Moldova is the only country among those mentioned that does not border with Russia. However, Russians in Moldova amount to 4,1% of the overall population according to the 2014 census. These do not include ethnic minorities such as the Gagauz, a Turkic population that counts another 4,6%, and is often considered to be pro-Russian, as demonstrated by their support to Igor Dodon during the 2020 Moldovan Presidential Elections (Bescotti 2020). The logic behind the approval of this amendment, however, deserves further research.

Conclusion and Outlook

Recent statements by Russian officials that Russia stands ready to protect its citizens beyond its borders have once more drawn attention to the practice of passportization. In this paper, we aimed to conceptualize passportization beyond the publicly and commonly used term which helps us to distinguish it from other practices of extraterritorial, preferential naturalization. The necessary condition, we argue, is that passportization exclusively relates to contested states and secessionist territories. Moreover, Russia as the patron state of secessionist territories and its naturalized citizens residing in these non-recognized de-facto-states in the long-term affects the sovereignty of both the parent state and contested territories in the post-Soviet space. By means of passportization, a permanent state of exception is created for the contested territory and parent state even below the level of violent conflict. Passportization is therefore a tool of coercion independently of whether it is used by Russia to justify military intervention to protect its citizens abroad. Admittedly, Russia considers Russians abroad to include not only citizens of Russia, i.e. those who hold a Russian passport living abroad, but also ethnic

63 'Moldova's Trans-Dniester Region Pleads to Join Russia', *BBC News*, 18 March 2014, sec. Europe, <https://www.bbc.com/news/world-europe-26627236> [retrieved on 10.04.2020]

64 'Статья 14. Прием в Гражданство Российской Федерации в Упрощенном Порядке / КонсультантПлюс', http://www.consultant.ru/document/cons_doc_LAW_36927/255a00ae21c0db18ec7a435d44c9ec751582ea99/ [retrieved on 10.04.2021]

Russians and those who are called Russian-speaking people. The definitions of who is “Russian” and who is a “Russian abroad” seem to go beyond citizenship stressing a traditionalist, cultural, civilizational concept of who is “Russian”. At the same time, Russia holds hyper-formalist positions when it comes to state sovereignty and the principle of non-interventions into sovereign states’ domestic issues on the international level. Passportization seems to enable Russia to uphold – from a Russian perspective – a coherent formalist position and instrument for regionally-focused forms of political and even military interventions. This is confirmed by our observation that passportization appears to be less driven by concerns about identity and ethnicity, but rather by territoriality, i.e. its application to a contested territory.

Another novel contribution of our paper is an in-depth exploration of the diminished citizenship for newly passportized residents of contested territories. This diminished Russian citizenship creates a multitude of citizenship constellations within post-Soviet non-recognized de-facto-states with often overlapping, and sometimes unclarified, situations with regards to rights and duties – and therefore allegiance – of them towards Russia, the non-recognized de-facto-state, and the respective parent state.

This paper is our very first draft version on Russia’s passportization of post-Soviet non-recognized de-facto-states. We have already conducted fieldwork in Russia, Ukraine, Moldova, and Georgia, but we are still in the process of conducting further interviews with the aim to embed this empirical material into our case studies. Moreover, we plan to refine our conceptual and analytical framework with the aim to apply it more coherently across our – at this state exploratory – case studies. Teasing out commonalities and differences of diminished citizenship across the cases more systematically is a promising avenue which we aim to pursue at the next stages of our research project.

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