

RUSSIAN EXTRATERRITORIAL NATURALISATION OF POPULATIONS – TOWARDS CONCEPTUALISATION OF THE STRATEGIC POLICY

Marina MAIER¹, Aleksa FILIPOVIĆ²

ABSTRACT

This article examines the development of the Russian foreign policy of extraterritorial naturalisations of populations in the regions of South Ossetia and Ukraine and the interdependence of this policy with the further use of force. The research aims to frame and conceptualise the strategic foreign policy of “passportisation” by crystallising and further comparing its specific features in the two examined cases of application. The article claims that (i) passportisation as a policy remains loosely defined; (ii) the policy is not illegal *per se*; (iii) the application of a policy by Russia has changed significantly through the years; and (iv) a very nuanced approach shall be taken in assessing the “bad faith” component depending on the particular case of application. Future hypothetical scenarios of potential intensification of the policy are presented in an attempt to position the policy as an effective strategic tool in the general Russian foreign policy agenda and stress its potential and emerging role. The authors applied a holistic approach to examining the passportisation phenomenon in order to provide the most comprehensive overview of the application of the policy, its legal framework, and potential future scenarios.

ARTICLE HISTORY

Received:
February 24, 2023
Accepted:
April 19, 2023

KEYWORDS

passportisation;
extraterritorial
naturalisations;
conferral of
nationality;
citizenship; foreign
policy; Russia; South
Ossetia; Ukraine; use
of force; protection
of nationals abroad.

¹ PhD candidate at Leiden University, Netherlands. E-mail: m.maier@law.leidenuniv.nl.

This research was conducted at Leiden University and the Diplomatic Academy of Vienna. The views presented in the article express only my own opinion and not those of the institutions I work(ed) for or study(ed) at.

² PhD candidate at Saint Petersburg State University, Russian Federation. E-mail: aleksa.filipovic@da-vienna.at, <https://orcid.org/0000-0003-1394-0571>.

This research was conducted at the Diplomatic Academy of Vienna. The views presented in the article express only my own opinion and not those of the institutions I work(ed) for or study(ed) at.

Introduction

This article is devoted to the Russian policy of extraterritorial naturalisation of populations, which has been conducted in some of the neighboring regions in the last two or even three decades. So-called “passportisation” is a concept that has multiple interconnections with various areas, such as geopolitics, the use of force in international law, abuse of rights, strategic security, and foreign policy. The article aims at scrutinising the policy of passportisation from various perspectives and providing different views on the policy itself and its implementation in the two different situations, thereby attempting to conceptualise and frame it.

In the first part of this article, by tracing the “birth” of the term, the authors conduct a brief legal analysis of the concept to position the policy within international law. Extraterritorial naturalisations are not exclusive Russian practices, and such naturalisations are conducted worldwide and often receive condemnation within the international community. However, the circumstances of each situation are specific. Therefore, differentiation should be made when questioning their legality.

The second part is devoted to the analysis of the emerging role of policy as a tool in international relations and its importance in armed conflict scenarios. The situations in South Ossetia and Ukraine were selected for comparative analysis because the emergence and shaping of this policy can be easily traced. The authors argue that by considering all the relevant factors, a more nuanced approach should be taken in assessing the situations and differentiating the aims and methods of conducting passportisations.

Conceptualising the Policy

The phenomenon of the Russian so-called “passportisation policy” with regard to the former Soviet Republics has formed and firmly established itself in the academic literature in the last decades without, however, having been sufficiently scrutinised from the legal and statistical points of view. The term itself remains loosely defined and is often used to describe the underpinnings for achieving the Russian strategic goals in the foreign policy sector. It can be stated that the term has acquired some negative implications. What is usually implied when talking about passportisation is the mass distribution of passports to a group of people compactly inhabiting a specific area outside the border of the state that applies the policy.

The Emergence of the Term “Passportisation”

Surprisingly, there is still no settled definition of “passportisation” either in international law or in the field of international relations, although the term has been used quite extensively in mass media (Socor 2019; Warshaw Institute 2021). The term “passportisation”, in the way it is commonly understood nowadays, allegedly came into use after the 2008 Report of the Independent International Fact-Finding Mission on the conflict in Georgia (IIFFM Report), where the word was introduced without any detailed definition (IIFFM Report 2009, Vol. II, 147). According to the authors’ research in the open digital sources, the term passportisation was used before 2009 only with regard to the Soviet passportisation of populations in the 1930s (Shearer 2004; Lagunina 2003). What was meant here was the policy of providing passports to the people in the USSR, especially in rural areas. Another use of the term is more technical. It refers to the procedure of passportisation of wines, roads, and buildings (Order on Passportisation 213 2008) and has no connection to a state foreign policy. In fact, it can be assumed that IIFFM put the term into use. The question of the mandate of such missions to “create a language” should be reserved for another discussion (see, generally, Le Moli 2020). What is important for this research is to distil the features of the passportisation policy by underlining the different patterns of its application.

General Legal Background

Extraterritorial naturalisations have always been used by different states in the world as a part of foreign policy. Although such actions are not prohibited *per se*, the way the policy is carried out can lead to violations of principles of international law, such as, for example, the principle of good neighbourliness, state sovereignty, or non-interference.

First, it should be mentioned that legally speaking, nationality and citizenship, although often used interchangeably and as synonyms, are still slightly different terms. Nationality is a status that does not imply dependence on the place of residence, whereas citizenship can be seen as “a bundle of rights granted to the nationals residing within the state’s territory” (Hassler and Quéniwet 2018, 75). For the purposes of this research, it is also worth mentioning that the Russian understanding of nationality seems to be broader than the common understanding: it encompasses belonging to a certain nation and “appears to be [...] much more personal [than citizenship]” (Hassler and Quéniwet 2018, 80). In Russia, a passport serves as a confirmation of citizenship and nationality; by acquiring a Russian passport, a person becomes a Russian national.

Second, as far as practices of extraterritorial naturalisation are concerned, they can be conducted in various cases, such as in the process of decolonisation or after the dissolution of a state. For example, the Serbian Law on Citizenship allows “member[s] of the Serbian nation or ethnic group from the territory of the Republic of Serbia” to acquire Serbian citizenship if he/she was “born in another republic of the former Social Federal Republic of Yugoslavia (SFRY) who had citizenship of that republic or is a citizen of another state created in the territory of the former SFRY, who is residing in the territory of the Republic of Serbia as a refugee, expatriate, or displaced person, or who exiled abroad” (Law on Citizenship of the Republic of Serbia 2004, Art. 23). Another example would be Bulgarian practice, which allows “people of Bulgarian origin” to become Bulgarian nationals without permanent residence in Bulgaria or knowledge of the Bulgarian language (Bulgarian Citizenship Act 1998, Art. 15). Many other examples confirm that the Russian practice of being generous in providing for *easy-to-fulfil* conditions of acquisition of nationality is not exclusive and not necessarily a violation of international law [own emphasis added].

Why do certain states try to attract more citizens and repatriate former citizens or people of that origin who have earlier inhabited a particular region? The answer might lie in the application of the strategy of self-preservation, in the wish to avoid the loss of nationals, facilitate population growth (to the extent possible by such means), restore historical injustices, create a critical mass of citizens, or even create a new electorate. However, in particular cases, such goals are secondary, and extraterritorial naturalisations might amount to interventions, which can be considered prohibited under international law (UNGA, Res. 2625), precisely when such interventions are of a coercive nature. In this regard, the forcible imposition of citizenship on a certain group of persons residing abroad will constitute a violation, given the absence of individual consent (Weis 1979, 110). However, particular caution should be exercised with the accusations of forcible impositions; individual applications imply a voluntary element. Furthermore, a distinction shall be made between offering the possibility of acquiring citizenship and imposing citizenship. The expression of the free will of each individual is crucial for the application process.

Another legal construct that should not be omitted in this discussion is the so-called *Nottebohm criteria*, or a *genuine link*. Decided by the International Court of Justice (ICJ) in 1955, the case remains crucial for understanding the notion of effective nationality and the criteria of establishing special connections with a state in order to be considered its national for the purposes of diplomatic protection. Mr Nottebohm acquired the citizenship of Lichtenstein in order to avoid being treated as a German national in Guatemala during World War II, when he, being the owner of a successful business, fell under sanctions against German nationals. The ground-breaking decision by the ICJ established that

although it was “a sovereign right of a state to settle by its own legislation the rules relating to the acquisition of its nationality” and “to determine its own citizens and criteria for becoming [a citizen], [...] such a process would have to be internationally scrutinised if the question is of diplomatic protection” (ICJ Judgement 1955, 20). Thereby, the ICJ confirmed the principle of effective nationality: a national must prove a meaningful connection, a so-called *genuine link*, to the nationalising state (ICJ Judgement 1955, 22-3). This judgement raised a question of an abuse of right since, although “states have the right to freely determine who their citizens are, they should not abuse this right by violating the principles of sovereignty and friendly, including good neighbourly, relations” (Bolzano/Bozen Recommendations 2008, 19). This argument is crucial for understanding the complexity of extraterritorial naturalisations and the balance between the “imposition of citizenship” and the expression of the individual free will of each potential citizen: not every extraterritorial naturalisation constitutes an abuse of rights under international law.

The issue of nationality is still one of the most actively debated in international law, which makes conceptualising extraterritorial passportisation more difficult. In fact, the intent of the naturalising state, the links of the potential citizens to this state, and their free will to apply for and receive the nationality of this state, as well as possible negative effects on the state of residence of these potential citizens, should be examined in every particular situation in order to establish whether a violation of principles of international law indeed took place.

Development of Russian Legislation on Citizenship

Russia can be considered a country that was the most attractive from the point of view of migration from the former Soviet republics straight after the collapse of the Soviet Union. It turned out to become a so-called “centre of gravity of large-scale migration flows” (Chudinovskikh 2014, 4). One of the logical consequences of migration is the acquisition of Russian citizenship (Chudinovskikh 2014, 4). The developments of the Russian legislation on citizenship should be reviewed only in order to trace back the subsequent relaxations and/or restrictions of citizenship requirements and in an attempt to compare these changes with the political strategy and statistical data.

It is worth mentioning that in the 1990s and at the beginning of the 2000s, newly created Russian citizens tended to move to Russia and register a permanent residence there, whereas nowadays, there exists a different tendency: after the acquisition of Russian citizenship, new citizens remain in their countries (Chudinovskikh 2018, 3). Such citizens are holders of all political rights on an equal basis with “regular” citizens.

The first Law on Citizenship of the Russian Federation No. 1948-1 was adopted on November 28, 1991, and was considered to have a very liberal approach to the acquisition of citizenship and provide a wide range of legal grounds (Law of the Russian Federation on Citizenship 1991, Arts. 18-20). The law was applicable to all previous Soviet citizens residing on the Russian territory and allowed them to become Russian citizens (Chochia and Hoffmann 2018, 225). In the period covered by this law (1992-2002), a general simplified procedure for the acquisition of Russian citizenship was foreseen for all the nationals of the former USSR (Chudinovskikh 2018, 8). This may be due to the desire to retain as many citizens as possible and prevent a significant population outflow. There are, however, no indications in the policy that the plan existed at that time to naturalise the populations who were not residing in Russia in order to “manufacture” citizens in potentially unstable regions.

The new Law on Citizenship was issued in 2002 (Law of the Russian Federation on Citizenship 2002), and this year is often mentioned as a starting point for extraterritorial naturalisation *en masse* with regard to South Ossetia. According to the Georgian side, “passportisation” began on a massive scale in the summer of 2002 and “continued more rigorously following the Russian-Georgian war in August 2008” (IIFFM Report 2009, Vol. II, 147). However, this new law did not provide any kind of special treatment for national groups and, in fact, restricted the procedure; the rapid drop in statistical indicators in 2003 confirms the fact that this law in its first edition turned out to be excessively strict and actually stopped the process of acquisition of citizenship. After the relevant restrictions were lifted in 2003, the volume of naturalisations significantly increased (Chudinovskikh 2014, 8, Figure 1).

Art. 13 of the 2002 Law regulates the general procedure, whereas Art. 14 provides for a simplified procedure and applies to persons “having at least one Russian parent residing in Russia; to the former USSR citizens residing in one of the former Soviet Republics and who are now stateless; to persons who received a higher education in Russia after July 1, 2002; to persons born in the territory of the Russian Soviet Federal Socialistic Republic (RSFSR) and who were former citizens of the USSR; to persons married to a Russian citizen; to disabled persons with a Russian child” (Law of the Russian Federation on Citizenship 2002, Art. 14; IIFFM Report 2009, Vol. II, 165). It can be stated that, in fact, there are no special provisions for extraterritorial naturalisations since the application process within Russia is foreseen. However, this turned out to be a minor obstacle for the neighbouring regions. On the one hand, this law restricted the broad criteria provided by the Law of 1991. On the other hand, it also provided additional grounds and can still be considered a very liberal piece of legislation.

It is worth mentioning that according to the Constitution of the Russian Federation, Russian citizens may hold another citizenship(s) (Constitution of the

Russian Federation 1993, Art. 62 (1)), which does not diminish their rights and obligations as Russian citizens (Art. 62 (2)). What is also essential for examining the issue of passportisation is that the Constitution, together with the Law on Citizenship of 2002, guarantees Russian citizen protection abroad and imposes obligations on the state “to take all the necessary measures in order to protect nationals and their violated rights” (Zorkin 2008).

The liberal character of the citizenship legislation is dictated by the wish to ensure population growth and, by creating citizens in the neighbouring regions, to extend the spheres of influence on the former Soviet Republics in order to have the possibility to use the destabilised regions as leverage in pursuit of the broader geopolitical goals.

The Policy of Supporting Compatriots Abroad

The concept of a compatriot should be touched upon briefly to stress how much weight Russia puts on the support of compatriots abroad and how the relevant legislation in this field corresponds to extraterritorial naturalisations.

The Law on the State Policy of the Russian Federation in relation to compatriots abroad defines compatriots as “persons born in one state, residing or having resided in it, and having signs of common language, history, cultural heritage, traditions, and customs, as well as descendants of these persons in a straight descending line” (Law on Compatriots 1999, Art. 1). Compatriots can benefit from a simplified procedure for the acquisition of Russian citizenship (Law on Compatriots 1999, Art. 111).

The Russian government has put significant efforts into developing the concept of the Russian World (*Русский Мир*), which is not the only governmental organisation whose task is to promote and maintain ties with compatriots and to include and engage compatriots in active participation in this project; the Russian Orthodox Church, the Congress of Russian Communities, and other organisations are also active in this field (Cuvelier 2017-2018, 80-81). The weight that is put on the promotion of this concept can be traced in the Russian Foreign Policy Concepts: since 2008, “a comprehensive protection of rights and legitimate interests of Russian citizens and compatriots living abroad” has become one of the main goals of the Russian foreign policy (Concept of Foreign Policy 2008, Section I). The Foreign Policy Concept of 2016 goes further and provides that “with a view of ensuring national interests and *realising strategic national priorities* of the Russian Federation, the foreign policy of a state is directed towards carrying out the following tasks: [...] a comprehensive and effective protection of rights and legitimate interests of Russian citizens and compatriots that are living abroad, including in various

international formats” (Concept of Foreign Policy 2016, Section I). Although both concepts suggest confirmation of the adherence to the protection of nationals abroad concept, the Concept of 2016 implies the national strategy behind the compatriots’ policy. This might have been included to stress the determination of Russia to protect its citizens and compatriots abroad by such means as, for example, the use of force. The Foreign Policy Concept of 2023 sets “developing ties with compatriots living abroad and rendering them full support in exercising their rights, ensuring the protection of their interests, and preserving all-Russian cultural identity” among the main tasks (Concept of Foreign Policy 2023, Art. 17). The Concept mentions “systematic discrimination [of compatriots] in several states” and prioritises “promoting the consolidation of compatriots living abroad who have a constructive attitude towards Russia and supporting them in protecting their rights and legitimate interests in their states of residence, primarily in hostile states, in preserving their all-Russian cultural and linguistic identity, Russian spiritual and moral values, and their ties with their historic Motherland” (Concept of Foreign Policy 2023, Art. 46).

It can be stated that the protection of compatriots has become an element of governmental strategy to strengthen the presence of the Russian language and a layer of the loyal population in neighbouring countries (Light 2015, 25-6).

Passportisation – A Comparison of Practices

In the present section, the practices of Russian passportisation in South Ossetia and Ukraine will be analysed using the comparative method to highlight the differences and establish the evolution of practices through time. Although there are other examples of Russian extraterritorial naturalisations, such as in Transnistria, Abkhazia, Estonia, and others, for the purposes of this research, only the two cases of passportisations, which involved such actions as the subsequent use of force by Russia, are analysed. These precedents, given their multiple differences, highlight the development of the policy and the scope of its application.

From South Ossetia to Ukraine

A three-stage application of the policy in general has been identified in academia. It is claimed that “Russia’s policy of facilitating the acquisition of Russian nationality combined with a nationalist discourse has allowed it to intervene in the internal affairs of its neighbouring States [...]” (Hassler and Quéniwet 2018, 75). Starting from offering citizenship and, consequently, diplomatic protection on easy terms, the policy acquired the idea of protecting nationals abroad in South Ossetia in 2008 and moved to the annexation of part

of a territory of Ukraine (Hassler and Quénivet 2018, 75) and allegedly to the “forcible” imposition of citizenship on the occupied territories during the international armed conflict.

It can already be deduced from these accusations that a certain subsequent development of the policy can be seen. The policy is being constantly formed and is in the process of acquiring specific features and aims. It can be argued that the intent is changing, from the 1990s, when the policy could hardly be taken and seen as a compact and integral action, to the very complex legal manoeuvres using passportisation as an underpinning of such Russian actions as the use of force.

By comparing the situations in South Ossetia and Ukraine, it becomes clear that within the last thirty years, the policy has developed significantly, which puts into question the assumption that the policy was initially created to further justify military interventions; such far-reaching strategic goals arguably lay outside the aims of this policy at the beginning of the 1990s. Nevertheless, Russia’s tolerant non-interference in the process of creeping passportisation in the neighbouring regions implies its visionary thinking on the further use of the new Russian nationals as leverage for political purposes and strategic interests. Passportisation has been acquiring a crucial place in Russian strategic foreign policy through the constant subsequent development of the latter.

This part seeks to adopt a nuanced approach to differentiating the policies of passportisation and to examine the hypothesis on whether passportisation was introduced and implemented as a policy *per se* in the South Ossetian scenario or whether it is a result of the side outcomes of the other policies or actions of the Russian government.

South Ossetia

The majority of the inhabitants of South Ossetia did not apply for Georgian citizenship after the dissolution of the USSR. On the other hand, there is also no reliable data on how many inhabitants might have acquired Russian citizenship in South Ossetia based on the First Law on Citizenship of 1991. Some sources argue that “slightly above 40% of the population of South Ossetia” had Russian citizenship before 2002 (*Kommersant* 2019). However, there is no statistical confirmation of such claims.

There also exists an aggravating factor in this particular situation, which is often omitted in academic research and reports because of the lack of information on this specific practice of the Russian government in the 1990s. Interestingly, inhabitants of South Ossetia first received Russian passports at the beginning of the 1990s through a very controversial policy of granting only

the passports provided by the Russian Ministry of Foreign Affairs (MFA), namely the so-called “foreign passports” (in Russian: *zagranichnyie passport* or *zaganpassporta*, *заграничные паспорта* or *загранпаспорта*). Russia traditionally has two types of passports in circulation, namely an “internal” (in Russian, it is often referred to as *vnutrennyi* or *obshegrazhdanskiy*, *внутренний* or *общегражданский*) and the above-mentioned “foreign passport”. It is worth mentioning that the situation was extraordinary: the issuance of Russian foreign passports at that time and, in those circumstances, in no way implied a real acquisition of Russian citizenship (Krutikov 2019). Since many South Ossetians have relatives, friends, and property in North Ossetia, this document significantly simplifies the border crossing. However, the illegality of this construct cannot be justified. Some sources claim that at that time the political position of Russia with regard to the regions of Abkhazia and South Ossetia had not yet been formed, and that was the reason for the negative reactions to such “palliative measures” as helping the inhabitants of South Ossetia by distributing Russian foreign passports (Krutikov 2019). Journalists also reported an incident in North Ossetia when the local leadership kept the boxes with Russian foreign passports for South Ossetians that had arrived from Moscow in the warehouse as an instrument of the local independent policy and allowed themselves to sabotage the decisions of the “centre” (Krutikov 2019). It should be stressed that since there is no reliable information on the number of foreign passports issued to the inhabitants of the region of South Ossetia and no concrete period of their distribution is known, this information should be considered with particular caution.

It can be suggested that in South Ossetia, the process of independent, “creeping”, and legal obtaining of Russian citizenship started about 2000 (Krutikov 2019). That was done in compliance with all Russian laws in force at that time, which provided for the acquisition of Russian citizenship in a facilitated manner by all citizens of the former USSR. The most plausible and suitable condition for South Ossetians was registration on the territory of the Russian Federation, since many residents had the opportunity to register in North Ossetia. In addition, some Ossetian refugees from Tbilisi and the other regions of Georgia received Russian citizenship after receiving refugee status (Krutikov 2019).

As mentioned, many sources claim that “mass passportisation” in the region of South Ossetia started in 2002. These claims are based on the IIFFM Report, which, in turn, cites Georgian accusations that are not sourced (IIFFM Report 2009, Vol. II, 147). No numbers of individuals who received Russian citizenship between 1992 and 2008 are given, except the final ones. Therefore, it is impossible to trace back the process of the acquisition of citizenship and its intensified periods.

Since there are no reliable sources to buttress the “passportisation *en masse*”, which occurred “a couple of years before the conflict”, an assumption that passportisation in South Ossetia was a creeping process that started in 1992 and could have significantly progressed already before 2002 should not be disregarded on the following grounds: (i) lack of statistical support for mass passportisation after 2002; (ii) possibility for South Ossetians to acquire Russian citizenship existed under the Law of 1991; the Law of 2002 did not add much to their particular case; there was no special treatment foreseen to simplify the procedure; (iii) no reliable evidence of large-scale distribution of passports; and (iv) whether it was included in a general Russian strategic policy to support compatriots abroad is questionable. Statistically, it is difficult to trace back the acquisition of Russian citizenship by the Ossetians: (i) they were not counted as “South Ossetians” because there was not such a category; (ii) since the group is small (50 000 people), we cannot deduce them from the group of stateless applicants.

Therefore, accusations that Russia had a strategy to “manufacture citizens” before the conflict in order to conduct a military intervention to protect its citizens should be made with caution. It seems that the outcome of the situation — merely the fact that the majority of South Ossetians were Russian citizens — was used as the *only* justification for the use of force in 2008. Russia justified its actions by, *inter alia*, referring to its constitutional law (Zorkin 2008), prevention of genocide, which was later omitted (Human Rights Watch Report 2009, 70-1), and the Doctrine of Protection of Nationals Abroad, which can be seen as a part of a right to self-defence in international law (Thompson 2012, 662). In academia, such an application of self-defence is considered questionable *per se* since this doctrine already stretches the boundaries of the right to self-defence (Grimal and Melling 2011, 541-54). Setting aside the academic discussion of the legality of the application of the doctrine in general, it should be noted that the limitations of potential Russian military interventions are imposed, *inter alia*, by the presence of Russian citizens in the area of intervention. In this regard, the issue of “prior passportisation of the populations” of the critical areas plays a decisive role. Such practices might serve as an instructive example for other states, which can potentially start pursuing their strategic and geopolitical interests through the use of force justified by the protection of nationals.

As it was discussed earlier in this article, many countries conduct extraterritorial naturalisation, and generally, international nationality law does not prohibit Russia’s actions in this case (Natoli 2010, 410-11). The conferral of nationality, if used exclusively as an instrument of foreign policy (IIFFM Report 2009, Vol. II, 178), might create inter-state tensions without necessarily being an abuse of right. Russia at least silently tolerated the creeping naturalisation

in the region of South Ossetia and could foresee the outcome. These facts challenge Russia's compliance with the good neighbourliness principle.

Notwithstanding the accusations of abuse of rights and acting in bad faith, it should be mentioned that since passportisation cannot be statistically and evidentially proven at this moment as an act of active Russian interference in the internal affairs of the other state, the whole complex situation should be treated with caution. The example of Ukraine, which will be provided further, highlights the differences between these practices.

Ukraine

The situation in Ukraine is different from the one in South Ossetia. Let us first concentrate on the Russian passportisation practices in Ukraine before the beginning of the international armed conflict (IAC) between the two countries on February 24, 2022. It is important to separate these time periods in order to examine the policy application as a precondition for an armed attack.

The precedent of Crimea should be mentioned in this regard, which is not a typical passportisation *per se* but arguably an example of the application of the policy of supporting compatriots abroad. On March 16, 2014, a referendum was held, according to the results of which people living on the Crimean Peninsula voted in favour of reunification with Russia. There are claims similar to those in the situation in South Ossetia that inhabitants of Crimea acquired Russian citizenship within 18 months before the annexation (Green 2014, 4). Since these claims are neither supported by any reliable sources nor by official statistics, they should be viewed with particular caution.

Russia indeed conducted a mass conferral of citizenship to the Crimean population, however, in a compact and well-planned action *after* the annexation. Passportisation, as it is widely understood today, implies extraterritoriality, and, therefore, the discussion of passportisation in the situation of occupation (if it is legally qualified as occupation) can be conducted only in the framework of the *lex specialis* in this case, namely the international humanitarian law. Passportisation prior to intervention, in this case, shall be proven first. However, putting this aside, the intent of the Russian government to stretch the boundaries of the compatriot policy and the use of the rhetoric of supporting ethnic Russians and the Russian-speaking population in Crimea is clearly present.

Turning to the situation in eastern Ukraine, specifically in the Donbas and Luhansk regions, some significant developments in the conflict should be mentioned. These regions have always had a majority of the population that is Russian-speaking. Following the escalation of the conflict in 2014, a special

clause was integrated into the Second Minsk Agreement, which encompassed measures for the improvement of the humanitarian situation in Donbas (*The Telegraph* 2015). On December 27, 2018, the Russian Law on Citizenship of 2002 was amended (Law of the RF on Amendments 2018). It now allows the President of the Russian Federation “for humanitarian purposes to determine the categories of foreign citizens and stateless persons who have the right to apply for citizenship under the simplified procedure, and to determine the procedure for filling out the respective application and the list of the required documents” (Law on Citizenship RF 2002, Art. 29). In the next few months, a Presidential Decree was issued that determined these groups (Presidential Decree 183, 2019). The Decree referred to humanitarian purposes and allowed extraterritorial naturalisation for people on the territories of the Donetsk and Luhansk regions of Ukraine; the requirement of permanent or temporary residence in Russia was abolished.

Passportisation of the Donetsk and Luhansk regions was proudly reported in numbers from the beginning: it was stated that roughly half a million inhabitants of the break-away regions had received Russian passports by 2021 (*Interfax* 2021; *Sevrygin* 2021). The possibility of acquiring Russian citizenship was and remains widely advertised. However, advertising and offering the acquisition of citizenship on easy terms does not imply the forcible imposition of citizenship. This situation could not but worry the Ukrainian government, which (rightfully) considered that Russia was planning the annexation of these regions (*Reuters* 2021). Additionally, the potential future reintegration of Donbas into Ukraine was already complicated by the fact that its population was passportised (Boulègue and Lutsevych 2020).

By the start of the IAC on February 24, 2022, a significant number of the Ukrainian population in the regions of Donetsk and Luhansk were holders of Russian passports. In comparison to the situation in South Ossetia, however, the official Russian rhetoric was not solely concentrated on the protection and support of nationals abroad from imminent threat but, *inter alia*, on the general “demilitarisation and denazification” of Ukraine and the need to prevent the placement of NATO military bases on the Ukrainian territory. First, it can be argued that the political goal of Russian aggression, which is crucial for a successful military operation, was not precisely formulated at the beginning of the military intervention, and second, the goals have been changed and articulated somewhat blurry (Aksenov 2022). The goal of protecting the Donbas population *per se* shall not necessarily include further annexation of these regions. Here it is important to draw parallels to the South Ossetian scenario, where the proclaimed protection of populations was limited to a short military intervention with a subsequent withdrawal of the military forces from the region and did not involve annexation, although the majority of South Ossetians

were holders of Russian nationality and the Russian presence and influence in South Ossetia has been stable and solid since the beginning of the 1990s.

Since the goals remain loosely defined and continue to metamorphose as the IAC develops, the practical need to have Russian nationals in the regions of Donetsk and Luhansk as a precondition for their protection according to the Russian Constitution, the Law on Compatriots, and arguably the Doctrine of Protection of Nationals Abroad in international law is more than questionable given the scale of the conflict. It can be deduced from the developments in the two situations that passportisation as a policy had a more significant legal or foundational role in the South Ossetian scenario and was merely symbolic in the situation in Ukraine.

Nevertheless, it is important to mention a further legal development in Russian legislation in this regard: the requirement to be a resident of Donetsk or Luhansk regions in order to get a Russian passport, which was introduced in Presidential Decree 183, was later removed. At the moment, all Ukrainian nationals can apply for Russian citizenship in the occupied territories. During the IAC, the distribution of passports continues. There are accusations of the “forcible imposition of citizenship” or creating conditions under which the residents of the occupied territories are left with no choice but to apply for Russian citizenship (see, e.g. Mikhailov 2002; Visit Ukraine 2022), which might potentially serve as an underpinning for a crime of force conscription given the current situation of an armed conflict. The voluntary basis of each application shall be carefully balanced against the conditions of occupation and lack of choice.

The application of the passportisation policy in Ukraine before and after the start of the IAC revealed that the Russian government is not afraid of accusations of abuse of rights and violations of principles of international law, whereas, in the South Ossetian scenario, more effort was put into explaining the legality of the military intervention in general and passportisation in particular.

Passportisation, therefore, appears to be a rather flexible policy that, although it has the clear goal of creating critical masses of nationals in certain regions to further pursue specific strategic geopolitical goals, can be applied and used differently depending on the needs of the situation.

Features of Passportisation

In order to conceptualise the policy and in an attempt to frame it, specific features of passportisation shall be scrutinised using the comparative analysis tool. The comparison between the two situations, namely South Ossetia and Ukraine, as was mentioned earlier, is conducted to highlight the similarities and

differences and thereby trace back the application of passportisation as an instrument of strategic foreign policy.

First, the legal background for the policy application is different: no special treatment was foreseen for the groups of populations who applied for and received Russian citizenship in South Ossetia; individuals acquired their Russian citizenship under the Russian Law on Citizenship of 1991 and 2002 in the general order. Whereas, in Ukraine, special treatment was conducted based on the Presidential Decree and further amendments. It was made to simplify and speed up the process without any “fear” of advertising or promoting the specific treatment.

Second, in South Ossetia, Russia’s actions could arguably fall under the doctrine of reducing statelessness since the majority of South Ossetians had only Soviet passports and did not want to take Georgian citizenship, whereas in Ukraine, the inhabitants are undoubtedly Ukrainian citizens. This profound difference influences the way the alleged violation of such principles as good neighbourliness, sovereignty, and non-interference shall be scrutinised.

Third, the situations before conflicts, namely before August 2008 and February 2022, shall be first assessed and qualified. Although both situations imply a conflict, it shall be mentioned that in the case of South Ossetia from 1991 until 2008, the violence in the breakaway region did not amount to a non-international armed conflict (NIAC). Whereas in Ukraine, especially in the Donbas region, from 2014 until 2022, there are grounds to believe that a NIAC was present given the continuous conduct of hostilities. It can be stated that before February 24, 2022, passportisation in Donbas had been happening *in bello*, namely during the NIAC, and then continued to be imposed further in the IAC. In both cases, it is important to separate the application of the policy before and after the conflict, given the different goals and in order to answer the question of whether the policy served as a precondition for an armed attack.

Fourth, the process in Donbas and later in Ukraine as a whole is much more efficient, compact, well-planned, statistically transparent, and reported. That includes a widely advertised and intensive offer to acquire a Russian passport. In the Donbas region, the conditions for a smoother procedure were provided, such as, for example, transportation to Russia in buses to accomplish the procedure. With regard to South Ossetia, the official position of the Russian Ministry of Foreign Affairs in the 1990s was clear: there is a sovereign state of Georgia, and Russia respects its territorial integrity. No information can be found in reliable sources on periods of intensified passportisations if such periods existed.

Fifth, because of the humanitarian situation and the presence of an active offer in Ukraine, the process is rather “top-down” than “bottom-up”. Although one cannot speak about passportisation as a genuine “top-down process” in its full sense since the voluntary application and free will of each citizen are the basis

for the acquisition of citizenship, the policy in Ukraine, due to the way it is being carried out, can be described as a process that has more features of systemic promotion and advertising of the citizenship and arguably creates conditions under which people are left with no choice but to take the Russian passport.

Sixth, the ethnic implication in South Ossetia was not present: neither Russia nor South Ossetia claimed the South Ossetians to be Russians, whereas, in the Ukrainian case, the focus is on the Russian ethnicity and the Russian language. Another point is important to stress in this regard: it cannot be excluded that even before the acquisition of Russian citizenship, an individual might have felt like part of the bigger Russian World, and the acquisition of citizenship was the next logical step to take, especially given the conditions of emerging conflict and instability in the region. Although individual feelings should not be disregarded, speculations on the internal and private reasons behind each application shall be mentioned with particular caution. Reliable statistics on application reasons are needed to start scrutinising this issue.

The above-provided comparison allows for differentiation in the application of the policy and provokes several thoughts about the concept itself. Can naturalisation in Donbas before February 24, 2022, be considered an intensified period of the general Russian strategic policy of passportisation of the neighbouring regions and creating the Russian World, or is it a stand-alone policy of naturalisation, given the specific situation, with a goal to further attack the region and the way the practice is carried out? Looking through the prism of the intensity of certain “waves of passportisation”, it can be concluded that such compact naturalization, although falling under the scope of the general policy of strengthening the Russian World outside Russia, might aim at the quick destabilisation of the region, which was in the interests of Russia because of Ukraine’s potential admission to the North Atlantic Treaty Organisation (NATO). The same rationale can be traced to Russia’s actions in South Ossetia in 2008. That unifies the two different applications of the policy with regard to its strategic goal.

Another question would be what role other external factors can play, namely, the factors that lie outside of the Russian foreign policy: the humanitarian situation in the region, historical reasons, ties to the region, and social grounds. Passportisation is impossible to conduct without certain preconditions, such as historical ties or the free will of each individual. To what extent the deteriorating humanitarian situation, as in the case of Ukraine, could be a decisive factor remains unclear. Furthermore, it can be discussed whether such specific features of passportisation in Donbas, such as the promotion of citizenship and special legislation, position the passportisation as a separate act, and in this situation, can the passportisation in South Ossetia be considered

an act as well, given its creeping character and difficulties in crystallising the period and intensity of its application?

Hypothetical Geopolitical Scenarios

As a foreign policy tool that enables a country to achieve its strategic geopolitical goals, it can be argued that the passportisation policy manages to achieve certain results for the country that employs it. Let us have a look at the situation from the perspective of Moscow: a successful passportisation policy may bring multiple benefits. First, it allows for the re-establishing of the connection with the ethnic Russian and Russian-speaking population from the diaspora with Russia proper, thus not only increasing the native ethnic-Russian population that is in decline due to low birth rates and emigration but also enhancing the language, cultural, economic, and political ties with the compatriots in the ex-USSR countries. Second, passportisation gives *raison d'être* to the Russian World Policy to a degree, as it generates new Russian citizens in the near abroad. Third, with the evolution of the goals, aims, and objectives of passportisation, Russia was able to effectively combine them with its regional ambitions and its emerging assertive foreign policy. That can be seen in the example of South Ossetia and in some of Moscow's justifications for the Russian military intervention in Georgia in 2008. Fourth, since passportisation as a foreign policy tool constantly adapts to each new case, it serves more to supplement the general strategy of the Russian Federation than to be the only tool on which Moscow relies to achieve its strategic aims. That leaves space for a more flexible approach in the development and implementation of passportisation as an effective foreign policy tool, and it is highly likely that it will be used in the future if such an opportunity presents itself.

Given that the escalation of the conflict in Ukraine brought the East-West division almost to the level of the highest tensions between the United States and the USSR, it cannot be ruled out that Moscow will not continue to evolve its passportisation policy, enhancing it with the experience gained in the cases of South Ossetia and Ukraine. There are two regions in Europe that were briefly mentioned in this article where the policy of passportisation might be intensified or revived. Those are the Baltic region and Moldova/Transnistria. However, engagement in the passportisation policy does not necessarily mean that it will be followed by some sort of military intervention from the Russian side, especially if it leads to a further escalation of conflict between NATO and Russia, which can lead to a potential nuclear exchange. It is highly debatable whether Russia would engage in any kind of military intervention against any of the three Baltic republics if there is no direct threat by NATO forces against either Russia proper or its enclave of Kaliningrad. However, some experts believe

that Russia may conduct an invasion of the Baltic region regardless of NATO Article 5 in order to secure access to the Kaliningrad region, prevent the further staging of United States troops in Estonia, Lithuania, and Latvia, and secure the immediate neighbourhood of the Saint Petersburg and Leningradskaya Oblast. Such views are supported by the fact that both Finland and Sweden applied for NATO membership, which will, in effect, turn the Baltic Sea into the “NATO Sea” and cause additional military pressure against the Russian Federation, especially at the Russo-Finnish border and so-called “High North” (Ålander and Paul 2022). At the same time, the Baltic Region is deemed to be virtually impossible to defend against any concentrated Russian military effort, and Moscow can consider the use of military force to secure its strategic objectives in the region (Shlapak and Johnson 2016). In such a hypothetical scenario, it can be imagined that the policy of defending Russian citizens abroad can be invoked, with the policy of passportisation enabling such a *casus belli* on the Russian side.

The next hypothetical scenario in which passportisation policy plays a significant role is Moldova/Transnistria. While Russia already has a military presence and “passportised populations” in Transnistria, Moldova is seen as a country where the pro-EU government is facing pro-Russian opposition, with demonstrations and political instability regularly occurring. During 2022 and the beginning of 2023, there were calls from the President of Moldova, Maia Sandu, for increased support of NATO and the collective West towards Moldova, which places the pro-Western political elites under even more strain as significant parts of the population hold pro-Russian sentiments (Rankin 2023). While it is understood that Russia will certainly react in some capacity if its armed personnel in the breakaway region of Transnistria comes under any kind of attack, whether from NATO/Moldovan or Ukrainian armed forces, the question remains what would occur in a hypothetical scenario where Russia is controlling a significant area of Ukraine, including the Odesskaya, Nikolaevskaya, and Vinnickaya Oblast. Given that Moldova is not a NATO member and has insignificant armed forces, this makes such a scenario more likely. However, due to the presence of the United States 101st Airborne Division in Romania, as well as other NATO forces located there, it is highly likely that NATO may also intervene in order to counter Russia’s military presence in Moldova (TASS 2022). That can naturally lead to either the partition of Moldova/Transnistria between NATO and Russia or a direct clash between NATO and Russian military forces, thus increasing the likelihood of a nuclear exchange.

Given that both of these scenarios, if they actually occur, may lead to a nuclear exchange and unprecedented global destruction, it is highly unlikely that they would be pursued by Moscow. However, they also demonstrate in which way the policy of passportisation may be employed in the remaining two regions with significant ethnic Russian and Russian-speaking populations and

in which way such a policy may supplement the achievement of strategic foreign policy goals of the Russian Federation.

Conclusion

The article discussed the implementation of the Russian policy of passportisation and Russia's alleged use of the outcome of this policy, namely the new Russian populations in the neighbouring countries. It can be seen from the application of the passportisation policy that Russia has used the newly created Russian populations in the non-Russian regions as leverage for its strategic security and geopolitical purposes. The fact of whether these citizens "created themselves" using the liberal Russian laws or it was a structured promotion of passports with all the conditions for a smooth and easy process in a certain region plays a decisive role in the application of the international law standards. Although often mentioned in a negative sense, the policy of passportisation does not necessarily imply a violation of international law; furthermore, in certain cases, it might help to reduce statelessness or to become a citizen of a country that an individual considers his Motherland. However, the intense and planned application of the policy in conjunction with the subsequent use of force in the affected region might amount to certain violations of principles of international law and international relations, such as good faith, good neighbourliness, and non-interference in the internal affairs of the sovereign neighbouring state.

By looking at the policy historically and analysing its development, we can see how it began to develop certain features and how it began to be employed for certain goals. That puts the policy in a distinct position with regard to the general policy of supporting compatriots abroad. The differences between the situations in the 1990s in South Ossetia and now in Ukraine are significant. It can be stated that the role of passportisation is emerging and that more attention and scrutiny should be put on extraterritorial naturalisation practices in general.

References

- Aksenov, Pavel. 2022. "Unlearned lessons of Svechin's "Strategy". Analysis of the war in Ukraine with the help of classic military treatise", *BBC*, September 12. <https://www.bbc.com/russian/features-62757109>.
- Ålander, Minna and Michael Paul. 2022. "Moscow threatens the balance in the High North". *StiftungWissenschaft und Politik (SWP)*, No. 24, March 2022. <https://www.swp-berlin.org/en/publication/moscow-threatens-the-balance-in-the-high-north>.

- Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations & Explanatory Note. 2008, *OSCE High Commissioner on National Minorities*, June 2008. <https://www.osce.org/files/f/documents/8/6/33633.pdf>.
- Boulègue, Mathieu and Orysia Lutsevych. 2020. "Resilient Ukraine: Safeguarding Society from Russian Aggression", *ChathamHouse*, July 2020. <https://www.chathamhouse.org/2020/06/resilient-ukraine/1-introduction>.
- Bulgarian Citizenship Act. 1998. *Prom. SG. 136/18*, November 1998. <http://www.bulgarian-citizenship.com/bulgarian-citizenship-act/>.
- Chochia, Archil and Thomas Hoffmann. 2018. "The Institution of Citizenship and Practices of Passportisation in Russia's European Neighbourhood Policies". In: *Studies in Contemporary Russia. Russia and the EU: Spaces of Interaction*, edited by Thomas Hoffmann and Andrey Makarychev, 223-237. London and New York: Routledge.
- Chudinovskikh, Olga. 2014. "State Regulation of the Acquisition of the Citizenship of the Russian Federation: Politics and Tendencies", Preprint, *VSHE*, WP8/2014/04. <https://www.econ.msu.ru/sys/raw.php?o=39718&p=attachment>.
- Chudinovskikh, Olga. 2018. "Statistics of Citizenship Acquisition as a Reflection of Peculiarities of the Russian Migration Policy". *VorposyStatistiki* 25 (9): 3-26.
- Concept of Foreign Policy of the Russian Federation. 2008. President of the Russian Federation, January 12. <http://en.kremlin.ru/supplement/4116>.
- Concept of Foreign Policy of the Russian Federation. 2016. President of the Russian Federation, November 39. <https://docs.cntd.ru/document/420384312?marker=6560IO>.
- Concept of Foreign Policy of the Russian Federation. 2023. President of the Russian Federation, March 31. https://mid.ru/en/foreign_policy/fundamental_documents/1860586/.
- Constitution of the Russian Federation. 1993. *Constitution.ru*. <http://www.constitution.ru/>.
- Cuvelier, Mats. 2017-2018. *Passportisation in International Law. Theory and Practice of Large-Scale Extra-territorial Conferrals of Nationality*. Master Thesis. Faculty of Law and Criminology, University of Ghent.
- Green, James A. 2014. "Editorial Comment: The Annexation of Crimea: Russia, Passportisation and the Protection of Nationals Revisited". *Journal of the Use of Force and International Law* 1 (1): 3-10.
- Grimal, Francis and Graham Melling. 2011. "The Protection of Nationals Abroad: Lawfulness or Toleration? A Commentary". *Journal of Conflict and Security Law* 16 (3): 541-554.

- Hassler, Sabine and Noelle Quénivet. 2018. “Conferral of the Nationality of the Kin State – Mission Creep”. In: *The Use of Force against Ukraine and International Law: Jus Ad Bellum, Jus In Bello, Jus Post Bellum*, edited by Sergey Sayapin and Evhen Tsybulenko, 73-110. The Hague: T.M.C., Asser Press.
- Human Rights Watch Report. 2009. “Up In Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia”. <https://www.hrw.org/sites/default/files/reports/georgia0109web.pdf>.
- [ICJ Judgement 1955] International Court of Justice. *Affaire Nottebohm (Liechtenstein v Guatemala)*. International Court of Justice Judgement, April 6, 1955. <https://www.icj-cij.org/public/files/case-related/18/018-19550406-JUD-01-00-EN.pdf>.
- Independent International Fact-Finding Mission on the Conflict in Georgia Report. 2009. https://www.mpil.de/en/pub/publications/archive/independent_international_fact.cfm.
- Interfax*. 2021. “More Than 400 Thousand of Inhabitants of Donbas Have Already Received Russian Passports”, January 28. <https://www.interfax.ru/world/748310>.
- Kommersant*. 2019. “To Whom Russia Issued its Passports?” April 16. <https://www.kommersant.ru/doc/3945533>.
- Krutikov, Evgenyi. 2019. “Russia in the Donbas Took into Account the Errors of Passportisation in the Caucasus”, *Vzglyad*, April 29. <https://vz.ru/politics/2019/4/29/975535.html>.
- Lagunina, Irina. 2003. “Passportisation in the USSR in 1933. Letters About Myself and Life, 1958. Reaction on the Campaign against Academic Sakharov”, *Radio Svoboda*, October 3. <https://www.svoboda.org/a/24199751.html>.
- [Law on Citizenship RS 2004] Law on Citizenship of the Republic of Serbia. 2004. *Official Gazette*, No 35/04. <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2004/135/4/reg>.
- [Law RF on Amendments 2018] Law of the Russian Federation on Amendments to the Law on Citizenship of the Russian Federation. 2018. No. 544-FZ, December 27. http://www.consultant.ru/document/cons_doc_LAW_314679/.
- [Law RF on Citizenship 1991] Law of the Russian Federation on Citizenship. 1991. No. 1948-1, November 28. <http://base.garant.ru/10102400/#friends>.
- [Law RF on Citizenship 2002] Law of the Russian Federation on Citizenship. 2002. No. 62-FZ, May 31. http://www.consultant.ru/document/cons_doc_LAW_36927/.

- [Law RF on Compatriots 1999] Law on the State Policy of the Russian Federation in Relation to Compatriots Abroad. 1999. No. 99-FZ, May 24. <http://www.kremlin.ru/acts/bank/13875>.
- Le Moli, Ginerva. 2020. "From "Is" to "Ought": The Development of Normative Powers of UN Investigative Mechanisms". *Chinese Journal of International Law* 19: 625-681.
- Light, Margot. 2015. "Russian Foreign Policy Themes in Official Documents and Speeches: Tracing Continuity and Change". In: *Russia's foreign policy: Ideas, Domestic Politics and External Relations*, edited by David Cadier and Margot Light, 13-29. London: Palgrave MacMillan.
- Mikhailov, Vladimir. 2022. "Forcible passportisation is the crime of the aggressor, the inhabitants are the victims. How collaborationism was investigated in Ukraine and whether teachers will be tried", *Current Time*, September 16. <https://www.currenttime.tv/a/nasilnaya-pasportizatsiya-prestuplenie-agressora/32036708.html>.
- Natoli, Kristopher. 2010. "Weaponizing Nationality: An Analysis of Russia's Passport Policy In Georgia". *Boston University's International Law Journal* 28: 390-416.
- [Order RF on Passportisation 213] Order of the Russian Federation on Passportisation of Companies and Buildings under Rosprom Control. 2008. No. 213, May 8. <https://docs.cntd.ru/document/902102792>.
- [Presidential Decree RF 183] Presidential Decree of the Russian Federation No. 183 on Establishing the Categories of Persons Who Can Apply for the Russian Nationality in a Simplified Manner (due to Humanitarian Reasons). 2019. No. 183, April 24. <http://kremlin.ru/acts/news/60358>.
- Rankin, Jennifer. 2023. "Moldova president accuses Russia of plotting to oust pro-EU Government". *The Guardian. Guardian News and Media*, February 13. <https://www.theguardian.com/world/2023/feb/13/moldova-president-maia-sandu-accuses-russia-of-plotting-to-oust-pro-eu-government>.
- Reuters*. 2021. "Zelensky: Russian Passports in Donbas are Steps Towards Annexation", May 20. <https://www.reuters.com/world/ukraine-sees-russias-issuance-passports-eastern-ukraine-step-towards-annexation-2021-05-20/>.
- Sevrygin, Igor. 2021. "War, Devastation and Symbolic Positivism: Why Russia Issues Passports to the Inhabitants of Donbas?", *Nastoyasheye Vremya*, May 4. <https://www.currenttime.tv/a/pasporta-na-donbasse/31236249.html>.
- Shearer, David. 2004. "Elements Near and Alien: Passportisation, Policing, and Identity in the Stalinist State, 1932–1952". *The Journal of Modern History* 76: 835-881.

- Shlapak, David A. and Michael Johnson. 2016. *Reinference Deterrence on NATO's Eastern Flank: Wargaming the Defense of the Baltics*. RAND Corporation. https://www.rand.org/pubs/research_reports/RR1253.html.
- Socor, Vladimir. 2019. "Russian Launches Passportisation in Occupied Ukrainian Donbas", *Eurasia Daily Monitor, The Jamestown Foundations*, Volume 16 Number 63, May 1. <https://jamestown.org/program/russia-launches-passportization-in-occupied-ukrainian-donbas-part-one/>.
- TASS. 2022. "Russia to consider deployment of US forces in Romania when ensuring own security", October 26. <https://tass.com/politics/1527665>.
- The Telegraph*. 2015. "Minsk agreement on Ukraine crisis: text in full", February 12. <https://www.telegraph.co.uk/news/worldnews/europe/ukraine/11408266/Minsk-agreement-on-Ukraine-crisis-text-in-full.html>.
- Thomson, Andrew W. R. 2012. "Doctrine of the Protection of Nationals Abroad: Rise of the Non-Combatant Evacuation Operation". *Washington University Global Studies Law Review* 11 (3): 627-668.
- [UNGA] UN General Assembly. Resolution 2625 (XXV), Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, A/RES/25/2625. October 24, 1970. <https://digitallibrary.un.org/record/202170>.
- VisitUkraine. 2022. "Forced passportisation in the temporarily occupied territories: why you should not take a Russian passport", August 14. <https://visitukraine.today/ru/blog/716/prinuditelnaya-pasportizaciya-ukraincev-na-vremenno-okkupirovannyx-territoriyax-pocemu-ne-stoit-brat-rossiiskii-pasport>.
- Warsaw Institute. 2021. "What is Behind Russia's Passportisation of Donbas?", May 7. <https://warsawinstitute.org/behind-russias-passportization-donbas/>.
- Weis, Paul. 1979. *Nationality and Statelessness in International Law*. Leiden: Brill.
- Zorkin, Valeryi. 2008. "Georgia's attack on Tskhinvali showed it's time to put values above interests", *Rossiyskaya Gazeta*, August 13. <http://www.rg.ru/2008/08/13/zorkin.html>.

РУСКА ЕКСТРАТЕРИТОРИЈАЛНА НАТУРАЛИЗАЦИЈА ПОПУЛАЦИЈЕ – КА КОНЦЕПТУАЛИЗОВАЊУ СТРАТЕШКЕ ПОЛИТИКЕ

Апстракт: Овај чланак се бави истраживањем развоја руске спољне политике екстратериторијалне натурализације становништва у регионима Јужне Осетије и Украјине и међузависности ове политике са даљом употребом силе. Циљ овог истраживања је да се уоквири и концептуализује стратешка спољна политика „пасошизације” тако што ће кристализовати и даље упоредити њене специфичности у два испитана случаја примене. Чланак тврди да (i) пасошизација као политика остаје слабо дефинисана; (ii) политика није незаконита сама по себи; (iii) примена ове политике од стране Русије се значајно променила током година; (iv) биће предузет веома нијансиран приступ у процени компоненте „лоше вере” у зависности од конкретног случаја примене. Представљени су будући хипотетички сценарији интензивирања политике пасошизације у покушају да се ова политика позиционира као ефикасно стратешко оруђе у општој руској спољнополитичкој агенди и истакне њен потенцијал и улога у настајању. Аутори су применили холистички приступ у испитивању феномена пасошизације како би пружили најсвеобухватнији преглед примене политике, њеног правног оквира и потенцијалних будућих сценарија.

Кључне речи: пасошизација; екстратериторијална натурализација; давање држављанства; држављанство; спољна политика; Русија; Јужна Осетија; Украјина; употреба силе; заштита држављана у иностранству.