

What Makes a Citizen? Russia's Passportization of the Donbas

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INTRODUCTION

Russian Military Build-Up around Ukraine – Part 2

The recent months have been dominated by a military and diplomatic crisis centred on fears about a Russian military attack on Ukraine and the Russian government's demands for diplomatic negotiations to address its long-standing grievances with regard to prevailing European security arrangements. Against this backdrop, the Russian Analytical Digest (RAD) invited a range of scholars and commentators to write short comments. The first set of comments were published in the [preceding issue](#).

The submission dates for the comments in this edition are indicated at the end of each contribution. Obviously comments reflect the authors' perspectives at that time. The views outlined in these comments are those of the named authors and not the RAD editorial board. The intention is that the comments cover a wide range of prevalent opinions, perspectives and thematic foci of relevance to the ongoing crisis. They are presented here in alphabetical order of authors' surnames.

COMMENTARY

What Makes a Citizen? Russia's Passportization of the Donbas

By Fabian Burkhardt, Cindy Wittke, Elia Bescotti (all Leibniz Institute for East and Southeast European Studies, Regensburg, Germany), and Maryna Rabinovych (University of Agder, Norway)

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Why Does the Passportization of the Donbas Matter?

Passportization—the securitized, fast-track extraterritorial naturalization of Donbas residents en masse since April 2019—demonstrates that the Russian invasion of Ukraine's territorial integrity and sovereignty is a gradual process and does not relate only to the use of force.

According to the figures of the self-proclaimed “Donetsk People's Republic” (“DPR”) and “Luhansk People's Republic” (“LPR”), 635,000 residents of these areas had received Russian passports by the end of January 2022. Depending on the population size one takes as a baseline, that amounts to between 22 and 35 percent of residents of the “People's Republics.”

Currently, the military aspect of passportization seems to be of utmost salience: According to its constitution, the Russian Federation has the obligation to protect its citizens, including those outside the territory of its state. The federal law “On Defense” authorizes the President to send troops abroad to protect Russian citizens from an armed attack. Russia has used this legislation to justify military intervention in Georgia in 2008 and Ukraine in 2014.

“DPR” and “LPR” representatives, as well as Russian officials, have repeatedly warned about “provocations” from Ukraine or plans to retake the non-government-controlled territories in the Donbas by force, which they

claim would lead to a “genocide” of Russian citizens. For their part, U.S. government officials have indicated that Russia might engage in a false-flag operation to create a pretext for an intervention.

While international negotiations are ongoing and a military escalation could still be prevented, Russia continues to deepen the status quo in the “People's Republics” by handing out passports and extending social benefits to Donbas residents. Russia has already granted them the right to take part in the 2020 constitutional plebiscite and the 2021 State Duma elections.

Passportization is clearly an instrument of extraterritorial governance that deepens the integration of the “People's Republics” with Russia. Nevertheless, passportization is not a “creeping annexation.” Even though Russia's frustration with the Minsk Agreements has been growing, Moscow still envisions the Donbas remaining outside of Russia as a means of pressure on Ukraine.

Russian citizenship is not granted for a limited period. Passportization will thus remain a feature of any future scenario, with long-term implications for Ukraine's sovereignty.

Russia Enhances Citizen Rights of Donbas Residents as the Conflict Drags On

The passportization of the Donbas started in April 2019 to put pressure on the newly elected Ukrainian presi-

dent, Volodymyr Zelenskyi. The United States and the European Union do not recognize these passports and consider passportization to be a violation of the Minsk Agreements. Ukraine does not permit dual citizenship and considers these passportized Donbas residents to be Ukrainian citizens only.

Over time, passportization has added a bottom-up dynamic to the Russian-Ukrainian conflict. Donbas residents did not become full members of the Russian state. Instead, they were what we call “diminished citizens” because a lot of citizenship rights and social benefits are tied to residency on Russian territory. But for most of the Donbas residents, their place of residence is within the “People’s Republics”. Hence, passportized Donbas residents were not entitled to receive Russian social benefits. As we show in “Passportization, Diminished Citizenship Rights, and the Donbas Vote in Russia’s 2021 Duma Elections,” diminished citizenship also affected voting rights during the Duma elections. Donbas residents had to commute to the Rostov region of Russia to cast their ballot and they were only allowed to vote for parties, not for individual candidates in single-mandate districts. To boost turnout among Donbas residents, Russia organized electronic voting in the Rostov region.

Our analysis offered several insights into the political preferences of Donbas residents. With around 200,000 votes cast, Duma election turnout among passportized Donbas residents was slightly above 40 percent (a significant increase from just over 10 percent for the 2020 constitutional referendum). Depending on the assumptions one makes about the remaining population in the “People’s Republics,” turnout among the overall Donbas population aged above 18 was thus between 8 and 14 percent. United Russia won a landslide victory among Donbas voters. Polling stations and electoral districts where Rostov residents and Donbas residents cast their ballot on average saw 25 percent higher support for United Russia than those without Donbas residents on their voting lists. Even taking into account electoral falsification and workplace mobilization, this suggests that Donbas voters are largely pro-Kremlin and are likely to have voted for integration with Russia.

However, the results also demonstrate that a majority of residents of the “People’s Republics” did not express their explicit political will at the Duma elections, and therefore for closer integration with Russia. This finding suggests that Ukraine could potentially still have some leverage to counter passportization in the territories outside government control. But beyond the non-recognition of Russian passports, Ukraine lacks a coherent

strategy. Proposed policies oscillate between “building a wall” between the “DPR” and “LPR”, on the one hand, and the rest of Ukraine, on the other hand; and “convalediation,” or the partial recognition of some of the documents issued by the administrations in the “temporarily occupied territories” on the grounds that it might facilitate reintegration in the future. But the duration of the conflict, the Covid-19 pandemic, and Russia’s military build-ups in spring 2021 and winter 2021–2022 have all contributed to the estrangement of the Ukrainian government from its citizens in the “People’s Republics.”

Russia now strives to enhance the presently diminished rights of passportized Donbas residents. Following Putin’s meeting with the country’s Human Rights Council in December 2021, several directives (<http://www.kremlin.ru/acts/assignments/orders/67660>) were issued in January 2022. Soon, Donbas residents will be able to receive Russian pensions and social benefits such as “Mother’s Capital,” one-off Covid-19 payments, or health care via Russia’s *Gosuslugi* e-government platform irrespective of their residency outside of Russia proper. Even border crossings between the “People’s Republics” and Russia might be facilitated with *Gosuslugi*. Putin’s directives also envision an expansion of electoral rights that would enable Donbas residents to vote for candidates in single-mandate districts at the next Duma elections without commuting to Rostov. These enhanced rights provisions should increase the incentives for Donbas residents to apply for Russian citizenship.

Passportization Creates Options for Russia

Passportization is part of an ongoing Russian strategy to hamper Ukraine’s sovereignty. It has short-term implications for conflict resolution within the framework of the Minsk Process and long-term implications for Ukrainian statehood in post-conflict scenarios. Through passportization, Russia creates multiple options for a conflict settlement on its own terms: It can choose to abuse its obligation to protect its citizens as a pretext for another military intervention; or to exert pressure on Ukraine to implement the Minsk Agreements on Russian terms, primarily through the threat of military action. In sum, passportization has set in motion dynamics that will have long-term effects on political preferences in the Donbas, with local leaders becoming members of United Russia and a large proportion of residents holding Russian passports and having access to Russian social benefits.

Submitted on 17 February 2022

Please see overleaf for information about the authors and further reading.

About the Authors

Dr. *Fabian Burkhardt* is Research Associate at the Leibniz Institute for East and Southeast European Studies in Regensburg, Germany. His research interests are executive politics and digital transformation in post-Soviet states, with a focus on Russian and Belarus.

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Elia Bescotti, MA, is a Research Associate at the Leibniz Institute for East and Southeast European Studies (IOS) in Regensburg within the BMBF-funded project group “Between Conflict and Cooperation: The Politics of International Law in the Post-Soviet Space.” He is also a Ph.D. Candidate at the Université Libre de Bruxelles (ULB) in Belgium, where he is writing his dissertation on the politics of international law and ontological security in the secessionist conflicts in Georgia and Moldova.

Further Reading

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COMMENTARY

Would Putin’s Own People Punish Him for Invading Ukraine?

By Henry E. Hale (George Washington University, Washington, DC)

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Many now believe Russia will launch a major new invasion of Ukraine, dramatically expanding the war that has been raging (largely behind Western headlines) since 2014. Western leaders want to ensure Russia’s president, Vladimir Putin, pays a price if it does. Recent studies suggest that Russia’s own people could also make him pay, though exactly when or how is less clear.

There is good reason to worry that Putin may be putting the squeeze on Ukraine, possibly to the point of attempting to conquer most if not all of the country, in partial response to his own flagging domestic support. Even if domestic politics is not his central concern, he

may still hope his people would reward him for a new invasion. Populations frequently “rally around the flag” for a while when their countries go to war. Putin himself was one of history’s biggest beneficiaries of such rallying in 2014, when his approval ratings shot through the roof after Russia swiftly seized and annexed Ukraine’s Crimean peninsula. The lure of rallying may be motivating Putin to try it again. He may also be attempting to distract an increasingly unhappy public from problems they blame him for, like corruption and a stagnating economy.

Recent studies, however, reveal that there is also the potential for a new invasion to backfire on Putin