

Ukrainian-Hungarian dispute over dual citizenship

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In early December 2021, President Volodymyr Zelensky submitted to the Verkhovna Rada five draft amendments to laws and codes on holding multiple citizenships: draft amendments to the Citizenship Law regarding the procedures for acquiring and revoking Ukrainian citizenship; draft amendments to the Law on Preventing and Counteracting National Security Threats to Ukraine in the Field of Citizenship; draft amendments to the Administrative Offences Code, the Criminal Code and the Criminal Procedure Code (regarding responsibility for violating citizenship regulations); and amendments to the Customs Code and the Law on the Judiciary and the Status of Judges. Under the proposed regulations, 53 categories of positions (including notaries public, heads of state educational institutions, and members of local government councils at all levels and their advisers) cannot be held by persons who hold foreign citizenship in addition to Ukrainian.

Although the amendments presented to parliament are presented as counteracting the threat from Russia, they will also affect national minorities, especially the Hungarian community of almost 150,000 living mainly in Zakarpattia Oblast. A significant part of them hold Hungarian identity documents. The proposed changes have not yet entered into law (two parliamentary votes are needed), but they have already sparked a negative reaction among the Hungarian diaspora.

Hungarian Foreign and Trade Minister Péter Szijjártó raised the issue of the draft amendment to the dual citizenship law at meetings of the Bucharest Nine with US Secretary of State Antony Blinken on 3 January and with NATO foreign ministers on 7 January. After the latter, he said that the government in Kyiv is exploiting challenges in eastern Ukraine as an excuse for continually impairing the rights of national minorities, including ethnic Hungarians in Transcarpathia. He stated that the tabled law would "practically exclude" people with dual citizenship from holding public office, and that this kind of violation of the rights of the Hungarian minority in Ukraine is "unacceptable" to Budapest. He also emphasised that it is in Hungary's interest to have a strong, secure and democratic Ukraine, and that his government supports its sovereignty and territorial integrity.

Commentary

- The drafts submitted to the parliament are a fulfilment of President Zelensky's election promise to enable Ukrainian citizens to hold more than one passport, and bring order to the complex and contradictory legal base concerning dual citizenship. The main change proposed in the Citizenship Bill is the abolition of the previous law providing for the loss of citizenship if a person voluntarily acquires the citizenship of another country. This

provision is intended to meet the expectations of members of the Ukrainian diaspora who, under the current law, are formally obligated to renounce their Ukrainian citizenship if they acquire the citizenship of their country of residence.

- The proposed changes are also intended to block the possibility of individuals holding Russian identity documents in addition to Ukrainian ones from taking up positions in the public administration and state-owned companies. These people are seen in Ukraine as a potential threat to the country's statehood. However, the amendments treat foreign citizens uniformly (they do not differentiate between citizens of Russia and those from EU countries). This may be due to the fact that Kyiv considers the granting of Hungarian passports to Hungarians living in Zakarpattia to be tantamount to the so-called "passportisation" campaign launched by Russia against residents of Donbas, and sees this as a significant threat to the state's territorial integrity. Should Ukraine fail to respond to the measures taken by the Hungarian government, this would undermine the accusations which it (Ukraine) formulated against Russia.
- The drafts must run the legislative gauntlet, which will allow them to be amended. The practice of proceeding with the education and language laws to date (which Budapest has objected to) indicates that this pressure is having a limited effect, even more so since Kyiv seems to have given up hope for an improvement of its relations with the Hungarian government, considering them to be a systemic problem. At the same time, however, the discriminatory nature of the standards in the proposed amendments may significantly slow down the process of their implementation – the interpretation of the constitution contained in the draft has already been challenged by a group of parliamentarians, who have asked the Constitutional Court for a legal interpretation. Thus if the changes fail, this may not be down to Hungary's objections, but as a result of internal Ukrainian disputes.
- The Hungarian community, which lives near the border in the Zakarpattia Oblast, is one of the best organised national minorities in Ukraine. There are over a hundred primary and secondary schools in Zakarpattia Oblast, where teaching is conducted in Hungarian, and representatives of the diaspora hold important positions in the regional state administration. The most important party of the Hungarian minority (KMKSZ) is part of the political coalitions at both Zakarpattia Oblast Council level and the councils of lower-level administrative units. Kyiv estimates that approximately 120,000 Ukrainian citizens hold Hungarian passports. Adoption of the changes in the proposed form will deprive a large part of them of the opportunity to work in important positions and influence the situation where they live.
- If the new regulations are passed, an even harsher criticism of Kyiv by the Hungarian government may be expected. This will be additionally fuelled by the campaign before the elections to the Hungarian parliament, scheduled for April. The Fidesz government is therefore particularly determined to firmly defend the interests of Hungarian minorities in neighbouring countries. It will be crucial to send this message in order to mobilise its electorate not only domestically, but also in the neighbouring countries (since 2011, members of parliament have also been elected by persons who are not residents of Hungary, including Hungarian minorities abroad).

- Hungarian-Ukrainian relations have been tense for several years. Kyiv views Budapest's cooperation with Moscow with distrust, and in recent months has been deeply critical of the new Hungarian-Russian gas contract (concluded in September 2021 for a period of 15 years) which provides for supplies to Hungary bypassing Ukrainian territory (until recently, 80% of gas was supplied through this route). In turn, Budapest has been criticising Kyiv's policy towards national minorities, especially the successive changes to the regulations concerning education and minority language. It is also transferring the bilateral dispute to the international forum, in both the EU and NATO (it is blocking meetings of the NATO-Ukraine Commission at a level higher than that of ambassadors). Further actions from Kyiv against the Hungarian minority will give Budapest an excuse to take a more neutral stance on the Ukraine-Russia conflict at meetings of the V4, the EU and NATO.
- Despite the disputes between Kyiv and Budapest, attempts are being made to improve bilateral relations at various political levels and in business. During his visit to Ukraine on 22 December, the minister of defence in the Fidesz government discussed Hungary's participation in the training of the Ukrainian army (including special forces). On the same day, the transmission grid operators from both countries signed an agreement on reverse gas supplies via Hungary to Ukraine (8 million cubic metres per day, starting from 1 January). The Hungarian side has also announced the expansion of electricity connections with Ukraine. Budapest is keen to extend cooperation in the context of increasing Hungary's share in the operation of rail container transport between China and the EU.