

**POSSIBLE SOLUTIONS OF THE PROBLEM OF SERVING
IN THE ARMENIAN ARMY OF DUAL CITIZENS
/SUMMARY/**

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The question of Dual Citizenship is a complex and multilateral problem, but sooner or later its solution must be found. This question was placed on the agenda in 1991, when Armenia gained its independence.

Those who reject the necessity of the acceptance of Dual Citizenship usually bring the following arguments:

1. The state, which is first of all a defined unit of land, should serve the subsistence and implementation of the will of its permanent residents. Thus, individuals residing outside of that land and who are, moreover, not citizens of that country, should not receive the right to participate in elections¹ or occupy important government positions in the Republic of Armenia (RA).
2. The obligation to serve in the army of RA. This problem definitely seems to be one of the most difficult ones and have no solution at all. All in all, will an Armenian with Dual Citizenship have the right to choose in which country's military forces he will serve? Even if we do not take into account how many Armenians will prefer to serve in the Armenian army, taking into consideration the present level of patriotism (both in the Republic of Armenia and in the Diaspora), will other countries agree to let their citizens serve in another country?
3. The circumstance of having mutual agreements on Dual Citizenship between Armenia and other countries is problematic. In this case Armenia should come to an agreement with a developed country. This may cause additional difficulties and legally complicate situations, as well as promote emigration from Armenia.
4. Taxing mechanisms (e.g. income tax) intended for a person having Dual Citizenship, who lives abroad and performs commercial activities are disputable.
5. Granting foreigners the opportunity to obtain land without any limitations and obstacles, even if they are Armenians, can constitute a threat to RA's security and its territorial integrity, since it will be hard for RA's corresponding state institutions to control exploitation by foreign forces of the property rights of RA's citizens living abroad and having Dual Citizenship.
6. Based on international norms, one should accept the laws of the country (there are some exceptions with respect to voting rights, especially regarding qualifications) where he/she wants to obtain citizenship. Laws have no exceptions.

¹ We think that the danger of impact of foreign countries on Armenia by means of voting right of dual citizens of Armenia is exaggerated. As practice shows even the full-fledged citizens of Armenia who live now in those countries (Russia and the USA) with a population of more than 1.5 million do not participate in elections at all. E.g. about 2000 citizens of RA took part in Armenia's Presidential Elections of 2003 in US. Less than this number was involved in the same elections in Russia.

Taking into account the fact that being a citizen of the RA would have moral and symbolic meaning for the Diaspora Armenians, one can propose accepting Dual Citizenship based on individual selection, in case that a Diaspora Armenian wants to bear responsibilities, in accordance with corresponding criteria. This citizenship, however, should be limited.

Based on RA's legislation, there are several statuses for those who stay in Armenia: temporary, ordinary, special and exceptional. These are close to the status of Dual Citizenship, which contains minimum risks for RA's security. However, in comparison to those who have special and exceptional statuses, dual citizens should be granted additional rights and responsibilities.

Dual Citizenship is a problem not exclusive to Armenians. It would be interesting to explore the experiences of other countries with Dual Citizenship, such as Latvia, Brazil, India, and especially Russia. The latter's position for Armenia is essential, as most of the Armenians living in that country would acquire dual citizenship in the event that laws and bilateral agreements are enacted.

Dual Citizenship is permitted by the constitution of Russia, and includes some long-term goals. By providing dual citizenship to members of its 'near-abroad,' Russia guarantees a connection between it and ethnic Russians in former Soviet Republics, while also helping preserve use of the Russian language.

One of the main arguments against the acceptance of Dual Citizenship Law, as we have mentioned above, is that one cannot be a citizen of the RA if he has not or will not serve in the army of the RA.

The newly established Armenian country did not work towards the involvement of Diaspora in military actions at all, as there was no lack of human resources but that of materials and technology. The picture is different nowadays, giving Diaspora Armenians the opportunity of participating in the protection and security of the Republic. So, elaboration of correspondent mechanisms should be initiated.

First of all, it is necessary to teach Diaspora youth military preparedness. For this purpose we propose building a special military base where Diaspora volunteers and Armenian Citizens will jointly serve. In order to avoid diplomatic issues with Diaspora Armenians' countries of citizenship, especially as the issue of dual citizenship remains unclear, the base may be called a military-patriotic camp where conscripts may serve. Still, it should have all the features of a military base. Diaspora Armenians should be expected to serve for three-to-six months. Mixed subdivisions will be good, as they will allow different Armenians to learn about one another. Thus, when accepting dual

citizenship in the future, there will be a precedent of Diaspora Armenians serving in the Armenian military. Hopefully, this will then help in determining the categories necessary for Diaspora Armenian participation in the army, as well as penalties, fines, and payments that may be charged in certain situations.

To secure diplomatic flexibility, that military base should be placed under a branch dealing with civil protection; that way those participating will not belong to the system of the Ministry of Defense.

Taking into account the fact that external factors strengthen day by day, and knowing that Armenia requires closer relations with NATO for its security, it will be advantageous to include ethnic Armenian advisors from NATO states at the military camp. This would provide incentive for Armenia-US and Armenia-NATO military and political cooperation. The impact of this will be felt not only in the military sphere, but also financially and economically. This method of involving Diaspora Armenians in the military forces is more likely to be adequately perceived by Russia, Armenia's other military partner.

We feel safe stating that democratically elected authorities, representing the will of the people, will be able to present these proposals clearly and in conformance with diplomatic language to all countries with an interest in this region.

OBSTACLES: People who are against the adoption of Dual Citizenship argue that it is impossible to create a convenient mechanism to influence Dual Citizens to serve in the army of the RA. Moreover, they state that there are no guarantees that dual citizens will physically participate in case there is a need to secure the protection of Armenia (including Nagorno-Karabakh). We think that it's hard to accept these doubts, especially considering our experience with Nagorno-Karabakh's battle for freedom.

First of all it's important to state that it's impossible to take the present moral and psychological situation in Armenia as a basis for the solution of the Dual Citizenship problem, as well as other national and state problems. This situation directly affects both new and traditional Diaspora and has the following features:

- The nature of widespread and permanent illegal activities and corruption implemented by the authorities and economic groups under government shelter. This has become a rule and promotes the deepening of corruption within society.
- The reduction of patriotism.
- Idle democratic and competitive mechanisms, indifference and hopelessness of society, almost excluded social activity, and the suppression of any opposition movements. Due to

these factors civil society is not developing and citizens stay aloof from state governing processes.

- The huge size of the shadow economy, which promotes social estrangement, injustice, and tension.
- Rising scope of corruption within the army of RA, which adversely affects the willingness of the citizens to serve, as well as the military efficiency of the army.
- The continuous reduction of Armenia's international and political reputation.
- The state's de facto monopoly on television, ensuring that divergent opinions are silenced.

It is obvious that accepting the present situation with its moral and psychological characteristics is not only unacceptable, but also simply impossible, as it is impossible to build a house on clouds. Thus any elaboration of policy should be designed for a scenario where the abovementioned elements are eliminated. It equally refers to the problem of Dual Citizenship and especially to the problem of serving in the army, as one of its elements. Confucius stated that if an army wants victory, it is necessary to meet three minimum conditions: food, arms, and spirit. At the very least arms and spirit are necessary. The absolute minimum would be spirit. In the present situation, where the spirit of the Armenian nation has been periodically and consistently broken (1996, 1998, October 27 of 1999, 2003, April 12-13 of 2004, November 27 of 2005), it is impossible to speak of an opportunity for solving a nation-state problem. We can only hope that the famous philosopher was right, stating that "wounds of spirit are cured without leaving a scar." Solutions can be found only in case of national and state renaissance. As long as avoiding military service and not entering military service is lauded, Dual Citizenship will not involve Diaspora Armenians in the army of RA. Moreover, it will become a mechanism for Armenia's dual citizens to avoid military service. Apart from this, when discussing the juridical and psychological aspects of military service, it is necessary to separate probable dual citizens into the classes of traditional and new Diaspora Armenians; then, based on their place of residency, explore each case individually.