
Legal and Social Analysis of Conflict of Nationality Laws in the Legal System of Iran and its International Solution

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Abstract

Purpose: The present article studies the issue of nationality in Iran's law and then analyze the conflict of nationality and seeks for international solutions. **Methodology:** The present research is applied in terms of purpose and content analysis method. In the organization of research, the documentary and library methods have been used and the information analysis has been obtained qualitatively and based on the inference of the researcher on the sources and texts. **Findings:** A positive conflict of nationality laws occurs when a person has two nationalities at the same time, and a negative conflict of nationality happens when no state treats a person as its own national. As a solution to the positive conflict of laws, the Iranian government states that a person who acquires a new nationality without the permission of the government is recognized as Iranian national, and he will be recognized as a foreigner if the request for foreign nationality is accepted. However, they have retained the right to withdraw the nationality of their own state if they have acquired a foreign nationality without the permission of the government. **Conclusion:** In the context of the negative conflict of nationality, the Iranian governments, under the title of repayment, granted the right to their former national to return to their primary nationality. Regarding the positive conflict of nationality, Iran and the majority of international tribunals consider that the person is a national of the state whose nationality is dominant and effective.

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1. Introduction

With the development of communications, the increased traffic between nations, and the willingness of countries to show their demographic profile, we are facing the issue of multiple nationalities. According to the principles of international law, the sovereignty of a country is indisputable and fully independent, so it enables countries to establish nationality laws as they wish. This is the point that the positive conflict of nationality arises because, according to the international standards, every country has the right to recognize a national with several nationalities as its own national. The negative conflict of nationality occurs when governments withdraw the nationality of a person only upon his request and in the hope that he will acquire nationality of another country before assuring whether he has acquired the nationality of another country or not. The governments have not predicted appropriate measures for re-acquiring the nationality, perhaps the destination country may not have found a way to accept his nationality, and the person will face the crisis of statelessness. The present article studies the issue of nationality in Iran's law and then analyze the conflict of nationality and seeks for international solutions.

2. literature Review

Nationality: The nationality relationship between the individual and the state is a legal relationship by which the person is recognized as a member of the population forming a state in a land (Saljoqi, 58: 2007)

Like any other legal relationship, there are two sides in a nationality relationship: (A) The person holding the nationality; as everyone is entitled to has a nationality at any age and status; (B) The state granting the nationality; the state may grant the nationality that is recognized as a state in the international community. This recognition makes each state to enjoy the legal entity in that society as an entity of international public law (Saljoqi, 59: 2007). Therefore, nationality depends on the existence of the state, which determines who can be a national of the country. Therefore, if a state claims a nationality relationship between itself and a person, it should prove this relationship by relying on its own laws. Hence, the proof of the nationality relationship between a person and a certain state is governed by the laws of that state (Saljoqi, 61: 2007); Depending on the time of creation which may be from the birthday of the person or after birth, the nationality relationship between a state and a person is divided into original and acquired nationality.

Original nationality: Such nationality is related to the birth of a person: those whose Iranian nationality is due to their Iranian fatherhood or birth in Iran are considered to have original nationality of Iran. The original nationality of Iran is set out in Sections 2, 3, 4, and 5 of Article 976 of the Civil Code, and is of two types: (A) Iranian nationality attributed to those whose father is Iranian. (B) Iranian nationality attributed to those born in the territory of Iran. The nationality of those whose father is Iranian: Article 2 of Article 976 of the Civil Code states that those whose father is Iranian, whether they are born in Iran or outside of Iran, are Iranian nationals. Given the Iranian identity and nationality of the father, the child is also Iranian, although they are born outside of Iran and acquired the nationality of that country. It makes no difference whether the Iranian nationality of the father is original or acquired.

According to Article 1167 of the Civil Code, a child born of adultery shall not belong to the adulterer. It seems that the assignment of the paternity to acquire a nationality must be legitimate. However, it must be noted that nationality cannot be considered as a matter of financial or private law as long as the subject of transfer or inheritance arises. The nationality is a state act granted to anyone who wishes according to social or political requirements and complying certain criteria. The blood system is well-enforced if the proof of the paternity is possible and is not contrary to the public order (Nasiri, 2006: 66). The nationality of those born in Iran: those whose Iranian nationality is based on their birth in the territory of Iran are divided into three categories: (A) Those born in Iran of unknown parentage (Paragraph 3 of Article 976 of the Civil Code)

(B) Persons born in Iran of foreign parents, one of whom was also born in Iran (Paragraph 4 of Article 976 of the Civil Code)

(C) Persons born in Iran of a father of foreign nationality who has resided at least one more year in Iran immediately after reaching the full age of 18 (Paragraph 5 of Article 976 of the Civil Code)

Acquired Nationality: those who have received nationality after birth upon the request from the government or in other ways provided in the law; a person may acquire Iranian nationality upon the request from the government, or the acquisition of Iranian nationality through her father or husband, or a woman of foreign nationality who marries to an Iranian man. Acquisition of Iranian Nationality: acquisition of nationality started upon the foreigner's request and finished with the consent of the government and the issuance of the nationality document. This request involves meeting certain conditions, some of which are mentioned in Article 979 of the Civil Code of Iran. The government is free to agree or disagree with the application for nationality. The Iranian legislator believes in the unity of nationality in the family. In this regard, Article 984 of the Civil Code considers the effect of acquiring Iranian nationality on the nationality of a woman and a child and states that: "The wife and minor children of those who obtain Iranian nationality in accordance with this Act will be recognized as Iranian nationals." In fact, such nationality is imposed, although it has granted a number of conditions for the right to choose nationality between the new nationality (Iranian) and the previous one (Nasiri, 90: 2006). Acquisition of Iranian Nationality by Marriage: Paragraph 6 of Article 976 of the Civil Code provides: "Every woman of foreign nationality who marries an Iranian husband." Therefore, with the certainty of marriage and regardless of the law, the Iranian nationality will be imposed on her.

3. Methodology

The present research is applied in terms of purpose and content analysis method. In the organization of research, the documentary and library methods have been used and the information analysis has been obtained qualitatively and based on the inference of the researcher on the sources and texts.

4. Finding

Conflict of Nationalities: Conflict of nationality occurs when a person is a national of two or more countries, whether the nationality is original or acquired. The problem is that which nationality is recognized for the person in each of these countries? Do they consider him the national of their country and the national of another country at the same time? Or only the national of their own country or a foreigner? To answer these questions, one has to come up from two perspectives because on the one hand, both countries recognize the person as their own national where the positive conflict of nationalities occurs. On the other hand, no state recognizes the person as a national of their own country and knows the person as a national of another country, where the negative conflict of nationality arises. Positive Conflict of Nationality: A positive conflict of nationality occurs when all of the countries recognize the person as the national of their own country and do not consider any rights for other countries. Below we will look at the factors causing a positive conflict in the Iranian legal system.

Different systems for granting nationality: A) According to Paragraph 2 of Article 976 of the Civil Code, those whose father is Iranian are Iranian nationals; while their mother may be a national of the country which accepts the child's maternal nationality. B) According to Paragraph 4 of Article 976 of the Civil Code, those born in Iran of foreign parents, one of whom was also born in Iran, are considered Iranian nationals. In this context, obviously, the foreign nationality of the father and, possibly, the mother will be passed on to the person. C) According to Paragraph 5 of Article 976 of the Civil Code, Persons born in Iran of a father of

foreign nationality who has resided at least one more year in Iran immediately after reaching the full age of 18 are Iranian nationals. The same discussion is also valid.

Marriage: A) According to paragraph 6 of Article 976 of the Civil Code, every woman of foreign nationality who marries an Iranian husband is an Iranian national; the law is silent about the original nationality and the necessity to abandon it. Thus, the person will obtain two nationalities by marriage. B) According to Article 987 of the Civil Code, Iranian women who acquire foreign nationality by marriage have the right to re-acquire their original nationality. However, these women can obtain Iranian nationality upon a request, and they do not need to abandon their original nationality.

Acquisition of Nationality: A) According to paragraph 7 of Article 976 of the Civil Code, every foreign who has obtained Iranian nationality is recognized Iranian; in this paragraph, the person is not obliged to abandon his original nationality to acquire the new nationality, and this is a common case of double nationality. B) According to Article 984 of the Civil Code, the wife and minor children of those who obtain Iranian nationality in accordance with this Act will be recognized as Iranian nationals; this article does not mention the necessity to abandon the previous nationality and hence there is the possibility of double nationality here. C) According to Article 990 of the Civil Code, Iranian subjects who may have personally, or whose fathers may have, renounced Iranian nationality in accordance with the provisions of law and who may wish to reacquire their original nationality can be reinstated in their Iranian nationality by the mere application. In this case, the foreign nationality of the subjects will be retained. Negative Conflict of Nationality: Negative conflict of nationality occurs when no state considers the person as their own national and recognize him to be subject to another country.

The renunciation of a non-Iranian wife who may have acquired Iranian nationality by marriage: Iranian legislator has respected the privacy of family and allowed those who may have acquired Iranian nationality by marriage can obtain Iranian nationality for their wife and children. However, due to the freedom of choice of nationality, the wife or children are allowed to revert to their original nationality under certain conditions.

Article 984 of the Civil Code stipulates that the wife and minor children of those who obtain Iranian nationality in accordance with this Act will be recognized as Iranian nationals, but the wife can submit, within one year of the date of issue of nationality papers to her husband, and the minor children can submit, within one year after reaching the full age of 18, a written declaration to the Ministry of Foreign Affairs accepting the former nationality of her husband or the father as the case may be, provided, however, that the certificate mentioned in Article 977 is attached to the declaration of the children whether male or female.

Providing a certificate issued by the national Government of their fathers to the effect that the said Government would recognize them as their own nationals seem necessary to prevent the status of stateless. The provision of this certificate is not necessary for the wife due to the short time of acquiring Iranian nationality and abandoning the previous one (one year). Therefore, if the wife to whom the Iranian nationality has been imposed by virtue of Article 984 of the Civil Code submits a written declaration to the Ministry of Foreign Affairs accepting the former nationality of her husband by using the discretion of choosing a nationality, the Iranian government did not consider her an Iranian national since then and she will obtain the former nationality of her husband. But the problem is that, according to the nationality law of the former country of her husband, the nationality of her husband and all family members might be withdrawn from her as soon as he changed his nationality and acquired the nationality of another country. In this situation, neither the Iranian state consider her as an Iranian national, nor does the former country of her husband, and the person will face a problem of statelessness.

The renunciation of a woman from Iranian nationality married to an Iranian man: According to Paragraph 6 of Article 976 of the Civil Code, the Iranian nationality will be imposed on every woman of foreign nationality who marries an Iranian husband. According to Article 986 of the Civil Code: A non-Iranian wife who may have acquired Iranian nationality by marriage, can revert to her former nationality after divorce or the death of her husband, provided that she informs the Ministry of Foreign Affairs in writing of the facts. "

Considering that the reversion of such a woman to the original nationality entails the loss of Iranian nationality, therefore, after the written notification, the Iranian state does not regard this person as Iranian national anymore and considers her as the national of the first country. It is while she might be withdrawn from her original nationality as soon as she married to a foreigner, and the right to revert to original nationality may not be recognized for her. In this case, the original country of the person will not recognize her as its national, so that the person will be stateless in international law.

Iranian nationals who abandon their nationality: Under article 988 of the Civil Code of Iran, Iranian nationals can abandon their nationality when they have reached the full age of 25, the Council of Ministers has allowed their renunciation of the Iranian nationality, they have previously undertaken to transfer, by some means or other, to Iranian nationals, within one year from the date of the renunciation of their Iranian nationality, and they have completed their national military service. The point is that the future of this person is not clear whether this person will be able to acquire the nationality of another country after leaving Iranian nationality. In the event of the inability to acquire a new nationality, they will face a dilemma.

The solution for the Conflict of Nationality: if a person has two or more nationalities and has different rights and duties in his or her respecting country, what should they do when they need diplomatic protection in international claims? Does the problem also remain for a person without nationality? This problem varies depending on whether the conflict is either negative or positive.

The solution for the Positive Conflict of Nationality: In this case, the person will be free to go to each of the respecting countries. In fact, there will be a chance for the person to enjoy more privileges; for example, if he intends to travel to a third country, he will use the passport of the country that has better relations with the third country. Regarding the diplomatic protection, he obtains his rights by resorting to the state that has high political power and influence. The solution of the respecting countries: the solution of the respecting countries in this context is different from the solution of the third states. In relation to the respecting countries, it should be noted that these states consider the person as their own national and do not take into account the other nationalities because respect for the independence, sovereignty, and law makes him a national of this country.

Nullification of foreign nationality in the event of acquiring foreign nationality: Article 989 of the Civil Code of Iran stipulates: " In case any Iranian subject acquired foreign nationality after the solar year 1280 (1901 - 1902) without the observance of the provisions of law, his foreign nationality will be considered null and he will be regarded as an Iranian subject". According to this article, persons who acquire foreign nationality are divided into two groups: (a) those who have acquired foreign nationality with the permission of the Iranian state and observance of the provisions of law; (b) those who have acquired foreign nationality without the permission of the government and without the observance of the provisions of law. For the first group, the government will consider them purely foreign. On the basis of certain considerations for the approval of the Ministry of Foreign Affairs pertaining to Article 988 of the Civil Code (Opposition: Saljouqi, 2007), they will be given 3 months, from the date of the issuance of the renunciation of Iranian nationality, leave to visit or reside in Iran (Note A of Article 988 of the Civil Code).

For the second group, the government will regard them as Iranian nationals because they obtained foreign nationality without the observance of the provisions of law for abandoning the Iranian nationality. Despite the fact that they are regarded as Iranian nationals, this article looks suspiciously into these people and states that they must sell all their immovable property and, in addition, they will be deprived of employment in the Ministry and the deputy minister and membership of the parliament and provincial associations and any government occupations. However, in the note to this article, the Cabinet of Ministers has been authorized, in accordance with the suggestion of the Ministry of Foreign Affairs, to recognize the foreign nationality of such people. If their foreign nationality is recognized, at first glance, it would seem that they will not be considered as Iranian nationals, while they are still Iranian because the document for renunciation of Iranian nationality has not been issued for them. So they can enter or reside in Iran with the consent of the Ministry

of Foreign Affairs. It is while the first group must leave the country within 3 months of issuing their document for renunciation.

Withdrawal of Iranian Nationality upon Acquiring Foreign Nationality: According to Articles 41 and 42 of the Constitution, Iranian nationality is the indisputable right of every Iranian, and the government cannot withdraw nationality from any Iranian unless he himself requests it or acquires the nationality of another country. Foreign nationals may acquire Iranian nationality within the framework of the laws. Nationality may be withdrawn from such persons if another State accepts them as its nationals or if they request it.

Therefore, it is clear that the constitution has allowed the government to withdraw the Iranian nationality of the original and acquired nationals who will receive the foreign nationality. They are also allowed to apply for renunciation if they wished to leave their nationality. Article 988 of the Civil Code has described the conditions of leaving the nationality, but there is nothing about the withdrawal of nationality. The point noted here is that no legal provision is predicted for those with two nationalities when they born and those who obtain Iranian nationality while having a foreign nationality without leaving it. According to the philosophy behind silence about the former case is its involuntary nature and the reason behind the latter case is to open a way to attract more nationals.

Denial of Iranian Nationality based on a person's choice: A) According to Paragraph A of Article 977 of the Civil Code, if persons mentioned in Clause 4 of Article 976 [Persons born in Iran of foreign parents, one of whom was also born in Iran], after reaching the full age of 18 years, wish to accept the nationality of their fathers they must, within a period of one year, submit a written declaration to be Ministry of Foreign Affairs to which they should annex a certificate issued by the national Government of their fathers to the effect that the said Government would recognize them as their own nationals. In this case, a person who may have had two nationalities if born in Iran would deny Iranian nationality on the basis of this regulation, and he will hold only one nationality with the certainty of retaining his father's nationality and Iran will recognize this choice. B) According to Paragraph B of Article 977 of the Civil Code, if Persons born in Iran of a father of foreign nationality who has resided at least one more year in Iran immediately after reaching the full age of 18, wish to remain of the nationality of their fathers, they must, within a period of one year, submit a declaration to the Ministry of Foreign Affairs to which they should annex a certificate from their father's national Government indicating that the said Government would recognize them as its own nationals.

It is clear that the legislator has intended to, pursuant to this article, reduce the existence of people with multiple nationalities in the country without the possibility that the person would be stateless due to the denial of Iranian nationality because it required the issuance of a certificate from their father's national Government indicating that the said Government would recognize them as its own nationals. C) According to Note 1 of Article 987 of the Civil Code, If the law of nationality of the country of the husband leaves the wife free to preserve her former nationality or to acquire the nationality of her husband, the Iranian wife who opts to acquire the nationality of the husband and who has proper reasons for doing so can apply in writing to the Ministry of Foreign Affairs and the Ministry can accord her request.

The article states that an Iranian woman marrying a foreign national will retain her Iranian nationality unless according to the law of the country of the husband the latter's nationality is imposed by marriage upon the wife. However, if the new nationality is not imposed on the woman and the woman is free to preserve the Iranian nationality or acquire the foreign nationality, the Iranian woman who opts to acquire the nationality of her husband must submit her request to the Ministry of Foreign Affairs and the occurrence of two nationalities will be prevented if the Ministry of Foreign Affairs agrees.

Suspension of Iranian Nationality based on the Imposition of Foreign Nationality: Under Article 987 of the Civil Code, An Iranian woman marrying a foreign national will retain her Iranian nationality unless according to the law of the country of the husband the latter's nationality is imposed by marriage upon the wife. It is clear in this article that the legislator seeks to ensure that the Iranian woman has only one

nationality. The first priority is Iranian nationality, but the Iranian nationality would be withdrawn if the husband's nationality was imposed.

However, after the death of the husband or after divorce or separation, she will reacquire her original nationality together with all rights and privileges appertaining to it by the mere submission of an application to the Ministry of Foreign Affairs, to which should be annexed a certificate of the death of her husband or the document establishing the separation.

The solution of third states: Considering that the third states are not beneficiaries in this conflict and their benefits will not be affected by choice of one of two nationalities, they are free to choose one of the two or more nationalities. Lawyers have several views on how to choose a nationality, the most important of which are as follows:

a) The enforcement of the first nationality based on the observance of the law; b) The enforcement of the chosen nationality of the person concerned, based on respect for the will of the person; c) The enforcement of the law more similar to the law of the judge, based on the application of the convenient law; d) The enforcement of the last nationality, based on the urgency of the law effect; e) The enforcement of the blood system in the first generation and the soil system in subsequent generations, based on the interest and commitment of the person; and f) the enforcement of the dominant and effective nationality, based on the person's real bond.

The solution of Iran's as a third state: Iran's law has considered a significant role for nationality due to the choice of blood system as a preferential system for Iranian nationality and the enforcement of national law to resolve the conflict of law. However, the law has not mentioned anything if a person has two nationalities.

Legal practice and diplomacy generally perform weakly in these cases as they rarely encounter this issue. However, the legal practice regarding the cases of espionage brought before the Revolutionary Court first looks at the person's original nationality. Then, if the two nationalities were original, the dominant and effective nationality is considered. However, the opinion of Iranian scholars in this regard is that the dispute must be settled in the light of the international legal practice and the legal doctrine by resorting to the conventional international norm which prefers dominant and effective nationality (Almasi, 262: 2016)

The solution for the Negative Conflict of Nationality: If a person is not recognized as a national by any state, and if he wishes to go to government agencies whether in the denying states or third states, on which principle and law would they treat this person?

The state that withdraws its own nationality: Most states have not addressed a solution in this regard, and they treat the person as a foreigner. If the person has been able to acquire a nationality, they will treat him/her on the basis of that nationality. But if the person has not been able to acquire a new nationality, they will treat the person in accordance with the law of their country, based on the law of the residence or law of their own country, as the law of the court or place of residence.

Iran's law stipulates that if the nationality of a person is not determined, the court of Iran shall proceed in accordance with the law of the place of court. Article 5 of the Civil Code considers all inhabitants of Iran, whether of Iranian or of foreign nationality, subject to the laws of Iran and Article 7 of the same law states that foreign nationals resident territory shall within limits laid down by treaties, be bound by the laws and decrees of the Government (given that foreigner is either a non-Iranian of foreign nationality or a stateless person); therefore, in the case of stateless persons, the law of Iran exercises the law of the place of court promptly (Almas, 2016, 250).

Also, in accordance with Article 990 of the Civil Code, Iranian subjects who may have personally, or whose fathers may have, renounced Iranian nationality in accordance with the provisions of law and who may wish to reacquire their original nationality can be reinstated in their Iranian nationality by mere application unless the Government may deem the grant of their application to be inadvisable.

International Solution: This issue has been internationally discussed, and even documents have been drawn up in this regard. Hence, international courts have developed practices for the development of these documents, which we will be mentioned below.

The solution of the International Documents

Regarding the third states: Article 5 of the 1930 Hague Agreement states that "Within a third State, a person having more than one nationality shall be treated as if he had only one. Without prejudice to the application of its law in matters of personal status and of any conventions in force, a third State shall, of the nationalities which any such person possesses, recognize exclusively in its territory either the nationality of the country in which he is habitually and principally resident, or the nationality of the country with which in the circumstances he appears to be in fact most closely connected."

As stated in the text of the article, within a third State, a person having more than one nationality shall be treated as follows: A) If there is a treaty or an agreement between two countries, based on which a person with more than one nationality is treated as a national of the other country of the treaty; For example, Iran concludes an agreement with Azerbaijan that Iranian nationals, although having different nationalities, should be only treated as Iranians in Azerbaijan. B) If there is not such an agreement, that third state has the right to choose between two or more nationalities of that person based on these two criteria: first; the country where he is habitually and principally resident will be chosen. Second; the country with which in the circumstances he appears to be in fact most closely connected. This criterion is the choice of dominant and effective nationality.

Diplomatic Protection: Article 4 of the 1937 Hague Convention states that: "A State may not afford diplomatic protection to one of its nationals against a State whose nationality such person also possesses." Thus, international law recognizes the right of each state to determine the conditions for granting nationality and to determine those who are considered their nationals under its laws. Therefore, Article 4 of The Hague Convention is a logical and inevitable consequence of the principle of the freedom of States to grant nationality predicted in the first three articles of the same convention (Legal Opinion of Iranian Arbitrators, 1986: 108). Here, the states have a right and a duty; they have the right to treat all of their nationals in their own country and outside the respecting countries of the national as their own national. They also have a duty that they have no right to litigate against another respecting state of their national because that state also has the right of nationality to the person.

Solution of International Courts: International legal practice has undergone major changes, but there have been several practices over the recent years, the most important of which are as follows: a) Equity; b) Preference for the nationality of the country in which the person with multiple nationalities resides; c) Dominant and effective nationality; d) Preference for the nationality of the victorious state.

One of the most important decisions in the subject matter is related to the Iran-United States Claims Tribunal, Case No. A/18 (Esfahanian's lawsuit against Tejarat Bank), the main arguments of which are as follows: (A) Changes in the concept of diplomatic protection; (B) The exclusion of Article 4 of the 1930 Hague Convention regarding the present case, since here the nationals make lawsuit against each other, not their states; (c) Determination of dominant and effective nationality, using factors such as the place of residence, the center of interests and benefits, family bonds, participation in public life and other evidences of attachment.

It seems that in this case, the judges have made a strategic mistake about their competence and precise definition because they believe that this court is neither an international tribunal nor a third state, in which political protection is specifically defined. Since individuals themselves can litigate directly and without interference from their respective states, it is more like a private and specific entity to resolve disputes between the states and their nationals outside the framework of international courts. Therefore, it is competent in the case of multiple nationalities.

The viewpoint of Iranian critics and arbitrators is that the Claims Tribunal is an international arbitration and tribunal, and the nationals can lodge a lawsuit only in the form and scope of the respective countries. If there was no agreement between the Iranian government and the United States, such an institution would not form. Therefore, this court is like an international court, and double nationals are not entitled to political protection under Article 4 of The Hague Agreement.

5. Discussion

Today, everyone has the right to be politically linked to a state and, if dissatisfied, can change it. Unfortunately, due to differences in the system of granting nationality, many people face the problem of two nationalities, the consequences of which is the involvement of the states and, ultimately, the political turmoil between them. In the meantime, there are some people who, with the greed of benefiting from the privileges of a particular country, travel to another country and give birth to their children there in order to acquire the nationality of that country.

By establishing multiple meetings, the states will come up with a comprehensive solution for the conflict of nationality. As they have already solved many of the problems in this area in accordance with the 1930 Hague Convention, they can revolutionize the political and legal status of individuals.

It should be noted that the dominant and effective nationality is relative; that is the dominant nationality may change at any moment because, firstly, the determinants may change, and secondly, certain factors may be important for a country while another country ignores them at the same time. Therefore, from the point of view of one country, the dominant nationality of the person is state A while it is state B in another country's view.

An appropriate solution for international courts and third states is the accurate explanation of the factors affecting the determination of dominant and effective nationality. Thus, based on a single criterion, the dominant nationality of individuals is determined, and even the individuals themselves can act in accordance with the recognition of effective elements.

However, with respect to the respective countries, the principle of the sovereignty and independence of the states will continue to exist. So they will only consider the individual as their own national. Also, the best way to treat the stateless people is the use of the law of residence or place of the court.

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