

In The System Of International Law: The Institution Of Citizenship And The Legal Regulation Of Multiple Citizenship

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Received: 16 September 2025; **Accepted:** 09 October 2025; **Published:** 13 November 2025

Abstract: The article analyzes the formation, essence, and interrelation of the institution of citizenship within the system of international law. It examines the distinctions between the concepts of nationality and citizenship, as well as their role in international legal regulation. The legal consequences of multiple citizenship—particularly issues related to diplomatic protection, military service, and taxation—are also discussed. The policy of the Republic of Uzbekistan, based on the principle of single citizenship, is compared with international trends, and the national legal position is substantiated.

Keywords: Citizenship, nationality, international law, multiple citizenship, sovereignty, diplomatic protection, statelessness, Nottebohm case, legislation of Uzbekistan, European Convention.

Introduction: Contemporary globalization processes are accelerating the integration of states and entire regions, ensuring that social relations develop on a global scale. In such conditions, the institution of citizenship—one of the main institutions that defines the legal status of an individual—is also undergoing transformation. The concept of citizenship is regarded as a fundamental element of the legal system; for example, just as the institution of public officials in administrative law or the institution of contracts in civil law occupy a central place, the electoral system and, specifically, the institution of citizenship hold a distinct position in constitutional law.

Citizenship is a legal bond that expresses an individual's membership in a sovereign state and his or her legal allegiance to it. This status enables a person to work, reside, vote, and in general exercise lawful rights within their political order. Because a state exercises sovereignty over its own citizens, the concept of citizenship stands at the core of the idea of the state.

Achieving terminological precision is essential when analyzing the institution of citizenship within the framework of international law. Although today in most countries, including the English-speaking world, the terms citizenship and nationality are often used interchangeably, from the standpoint of international

public law these two concepts are distinguished from each other.

Nationality generally refers to the broader international-legal link that determines a state's right to exercise diplomatic protection over an individual. Citizenship, on the other hand, denotes a domestic political status that primarily encompasses civil and political rights (such as the right to vote and be elected). The fact that the cases reviewed by the International Court of Justice (ICJ) focus particularly on the notion of nationality confirms the primacy of this distinction in international legal practice. Therefore, recognizing the broader application of the concept of nationality in the context of interstate relations is necessary to enhance the legal accuracy of the analysis.

The issue of citizenship has traditionally been regarded as a sovereign right regulated by a state's internal (municipal) laws. Every sovereign state has the authority to adopt its own citizenship legislation, which is generally based on the territorial principle (*jus soli* – the right of the soil), the descent principle (*jus sanguinis* – the right of blood), or a combination of both. At the same time, the autonomy of states in matters of citizenship is becoming increasingly restricted due to the development of international law. International law imposes limitations on a state's discretion in

determining citizenship. The most significant of these limitations is related to the principle of preventing statelessness. Within the framework of international human rights obligations, states are required to introduce safeguards to prevent situations that may lead to statelessness. For example, states must establish mechanisms to grant citizenship to individuals born on their territory or to those born to their citizens if such individuals would otherwise become stateless. International treaties on statelessness and human rights conventions such as the UN Universal Declaration of Human Rights set the minimum standards to which states must adhere, limiting their full discretion in matters of citizenship. These restrictions arise not only from the need to prevent conflicts between states but also from the necessity of protecting the fundamental rights of individuals, signifying that citizenship is recognized not only as a political-legal status but also as an element of social rights.

Due to globalization and the collision of different national legislations, it has become increasingly common for an individual to possess the citizenship of two or more states at the same time, a phenomenon known as multiple citizenship. Whereas throughout the past century, multiple citizenship was viewed as an anomalous situation, today many states are adopting policies that recognize or show tolerance toward this status.

One of the most contentious legal consequences of multiple citizenship is the issue of exercising diplomatic protection. In theory, a person with multiple citizenships is entitled to diplomatic protection from each of the states of which he or she is a national. However, to resolve the legal conflicts arising in applying this right, the doctrine of “genuine connection” has been developed in international judicial practice.

This doctrine was solidified by the International Court of Justice (ICJ) in the *Nottebohm* case (1955). According to the Court's conclusion, nationality must be based not merely on legal formalism but on a “social fact of attachment.” In the *Nottebohm* case, the Court found that the individual's naturalized citizenship was only weakly connected to Liechtenstein in terms of his traditions, residence, family ties, or activities. Since the purpose of obtaining this citizenship was solely to secure neutral status during wartime, Liechtenstein was denied the right to exercise diplomatic protection against Guatemala on his behalf. Through this precedent, the ICJ emphasized that not only the lawful acquisition of citizenship but also the effectiveness of the link between the person and the state is essential, thus aiming to protect against the abuse of diplomatic

protection. As a result, in situations of multiple citizenship, the principle of the dominant and effective nationality was reinforced.

Multiple citizenship, while offering several advantages for an individual (such as the right of entry into multiple countries and access to diplomatic protection), also has the potential to create conflicting legal obligations—particularly concerning military service and taxation.

Although issues related to compulsory military service may appear theoretically irresolvable, in practice they are often addressed through bilateral agreements and international conventions. The European Convention on Nationality (E.T.S. No. 166, 1997) serves as an important legal mechanism in this regard. Article 21 of this Convention establishes a rule stating that individuals who hold the citizenship of two or more member states are required to fulfill their military obligations in only one of those member states. The methods of applying this rule may be determined through special agreements between the member states. This mechanism helps to mitigate conflicts arising from dual military conscription obligations for individuals with multiple citizenship.

Regarding taxation, multiple citizenship may theoretically give rise to an obligation to pay taxes on worldwide income in more than one state. However, today most countries base their tax systems primarily on residency rather than citizenship status. In addition, numerous bilateral treaties on the avoidance of double taxation exist, which help alleviate overlapping tax obligations that may arise from multiple citizenship or residency. This demonstrates that international law has shifted from the old approach of prohibiting multiple citizenship to pragmatic mechanisms that regulate its consequences.

Despite the growing trend of tolerance toward multiple citizenship in international legal practice, the Republic of Uzbekistan strictly adheres to the principle of mononationality (single citizenship) in its citizenship policy. The Law of the Republic of Uzbekistan “On Citizenship” (No. O'RQ-610, adopted on 13 March 2020) establishes the main legal framework for this policy. Article 12 of the Law reinforces the principle of single citizenship of the Republic of Uzbekistan: “A citizen of the Republic of Uzbekistan shall not be recognized as a citizen of a foreign state.”

This provision means that even if an Uzbek citizen acquires a foreign nationality, he or she remains only a citizen of Uzbekistan in the eyes of the Republic of Uzbekistan. In other words, Uzbekistan applies only its own laws to its citizens, both within its territory and in the international arena.

There is only one mechanism that allows for an

exception to this strict rule: a foreign citizenship may be recognized if such recognition is provided for in an international treaty of the Republic of Uzbekistan.

<https://lex.uz/ru/docs/-4761984>

Uzbekistan's legal position, despite the global trend toward tolerance of multiple citizenship, demonstrates a prioritization of national sovereignty. The limited exception mechanism established by Article 12 allows the Uzbek government to retain full legal control over its citizens. At the same time, this rule opens the possibility of making controlled exceptions through inter-state treaties in politically or economically significant situations. This pragmatic sovereign-control policy indicates Uzbekistan's commitment to ensuring national interests and legal stability.

CONCLUSION

Today, the institution of citizenship is no longer solely an internal matter of the state; instead, it has become closely interconnected with international legal norms. While international law preserves the authority of states to determine citizenship, it simultaneously restricts this sovereign discretion through obligations aimed at preventing statelessness and protecting human rights.

With the growing prevalence of multiple citizenship, international legal regulation has shifted from prohibitive mechanisms to conflict-resolution mechanisms. The provisions of the European Convention on the reduction of cases of multiple military obligations serve as a vivid example of this shift.

Furthermore, the principle of "genuine connection," solidified through the *Nottebohm* case of the International Court of Justice, remains one of the most important legal doctrines. It requires that nationality be based not merely on legal formalism but on a substantive social link. This doctrine strengthens the basis of diplomatic protection and helps prevent the abuse of citizenship for the purpose of avoiding legal obligations.

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