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DUAL NATIONALITY AND ENJOYMENT OF POLITICAL RIGHTS (COMPARATIVE STUDY)

Dr. Nsaif Jasim Mohammed Al-Karaawi

Al- Mustaqbal university College – Law Department, hilla-iraq

naseefjassim@mustaqbal-college.edu.iq

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Abstract

Nationality is not only a legal paper or document. Rather, it is a spiritual association of an individual to the homeland, a universal standard for each of the world's countries to determine the people's status in the country and to distinguish their two components, namely foreigners and citizens. Nationality has great importance for the individual, society, state and the international community due to its social necessity and its legal implications in terms of public and private rights as well as commitments. Dual or multiple nationalities is, therefore, an individual that has two or more nationalities so that he becomes a citizen in more than one State, each State has its different foundations, rules, and legislation in terms of imposition, acquisition, loss, and recovery from the other countries according to their circumstances and interests. This study will examine the political rights enjoyed by dual nationalities as a public right, besides, we will examine the causes and circumstances of dual nationalities. There are undoubtedly many problems arising from the topic of dual nationality, especially when a high-profile political or security position is being occupied. This study has shown those problems, as well as how to address them through national laws and international conventions.

First: the topic idea

Nationality is a social and spiritual political-legal relationship or association between Individual and State that entail mutual rights and obligations for each of the parties, this relationship embodied the individual's loyalty to his or her State of nationality, according to which that state guarantees his right to enjoy all his rights

established in its internal laws. Moreover, it guarantees his protection in the international community when he is passing the borders of his country as long as he holds its nationality. That State, like all other States, had the right to regulate questions of nationality to respect customary and international restrictions to ensure the permanent loyalty of its people.

Originally, an individual must have one nationality; on the other hand, some individuals may enjoy more than one nationality according to the laws of the different countries, thus, we are facing the phenomenon of dual or multiple nationalities which is considered the most important problem that can be raised in the field of nationality, especially since this problem conflicts with the nature of nationality and its functions towards the individual to which it belongs. As long as nationality has mutual rights and obligations between the two parties, we find that the individual's contribution to political life through the enjoyment of certain political rights (such as the right to vote, elect, nomination, establish or belong to a political party and to take up public office and sovereign positions), these rights are enjoyed by everyone who has State nationality to which he belongs, although having more than one nationality raises several problems that affects the level of what a single nationality citizen enjoys, especially that the Iraqi legislation explicitly permits dual nationality without requiring that the individual renounce his or her original nationality when acquiring the nationality of another State except in the event of assuming a high-profile political or security position, this permission was a new precedent outlined in the permanent constitution of Iraq in 2005 Article (18), where it was prohibited in the nationality laws that preceded the law in force which was in tune with the objectives of some international conventions and treaties that aimed at addressing and reducing the phenomenon of multiple nationalities and the resulting effects in addition to the efforts made in this area to find effective means to address this situation and its consequences. Therefore, the problem of research arises through the multinational assuming of a high-profile political or security position that would affect the security and sovereignty of the state and the resulting fateful decisions that directly prejudice the higher interests of the state. This study will be revolved around the political rights enjoyed by multinationals under the Iraqi laws in force, compared to the Egyptian and French laws in this area.

Second: subject importance

The importance of the subject lies in the fact that the Iraqi nationality laws that preceded 2003 prohibited dual nationality, this prohibition continued until the constitution of the Republic of Iraq was promulgated in 2005, which explicitly legalized dual nationalities as stated in article 18, and then the nationality law in force 26 of 2006 came for the first time in the history of Iraqi nationality laws since the founding of the Iraqi state to comply with constitutional rules, where it referred in its 10th article, to the Iraqi's retention of his Iraqi nationality upon acquiring the nationality of another foreign country, unless he announced his relinquishment of it willingly by writing, but it also bans dual or multi-nationals holding high sovereign or security positions.

Third: reasons for selection

Since that nationality is a sovereignty indication for all States that upon which its citizens are recognized, and discriminates them from foreigners living or visiting its lands for a temporary period, and by which the political, civil, economic and social rights enjoyed by citizens are determined, meanwhile, he holds the nationality of another country, i.e. dual nationality, therefore, this study aims to seek political rights in which those with two or more nationalities enjoy, were they allowed to enjoy all those rights? or were there rights permanently or temporarily prohibited and they may not enjoy it until they renounce their foreign nationality in accordance with the laws in force, or practicing these rights will be restricted for patriots?

Fourth: Research plan

This study will be divided into three requirements, in the first requirement the concept of dual nationality will be explained, in the second requirement the cases of dual nationality will be shown, while the third requirement will be allocated to indicate the political rights enjoyed by dual nationalities, and then a conclusion that includes the most important conclusions and recommendations.

The first requirement

The concept of dual nationality

Rights and obligations between the individual and the State of which he or she belongs shall be established by nationality to which the individual belongs, the individual is therefore obliged to

obey the State to which he belongs, respect its laws, defend it, and be loyal to it.

As for the state's role, it protects its citizens, and defends their interests and thus the people enjoy more rights than the foreigner, including diplomatic protection when he is outside his country, so each country has its legislation, the State alone exercises the power to determine its citizens without anyone's interference and has the right to determine the conditions for the nationality's imposition, granting, recovery, and loss.

Accordingly, dual or multiple nationalities means that an individual has two or more nationalities so that he or she is national in more than one country, and each country has its bases, rules, and legislation that differ in terms of imposition, acquisition, loss, and recovery from other countries according to their circumstances and interests. Public rights are numerous, so we will limit this study to the political rights of dual nationalities, which is the participation in the political affairs of the state which consists of the right to vote, elect, the right to stand for election, the right to be a member of the House of Representatives, and the right to form and belong to political parties as well as examining the causes and circumstances of dual nationalities, besides, several questions may arise, the most important: is the dual nationality's loyalty divided among the countries that grant nationality? What is the extent of the integrity of a person who holds a high public office, or high-ranking security or sovereign position; will he renounce or retain the other nationality acquired from another foreign country? There is no doubt that many problems are arising from the issue of dual nationality which are addressed through national laws and international conventions.

It should be noted that the Iraqi legislature has allowed dual nationality in more than one case, details of which will be dealt with throughout this research, and to indicate the concept of dual nationality, this requirement should be divided into three sections, section one explains the definition of dual nationality, and section two is devoted to the conditions for dual nationality, while the third will examine the reasons of dual nationality.

Section one

The definition of dual nationality

Dual nationality means multiple nationalities, and multiplicity means that one individual has two or more nationalities at the same

time, and the multiplicity is often bilateral, which is expressed in dual nationality. A person can also enjoy three or more nationalities at the same time, which is expressed by the multi-nationality.¹

This means that dual or multiple nationalities has more than one nationality in more than one country, and it is worth noting that multiple or dual nationalities are a cacophony phenomenon in practical life, as it is not free from risks and difficulties as the patriotism of a person is multiple and it is imperative to fulfill and abide by duties towards the countries to which he belongs and holds nationality, this sometimes makes it impossible to perform the duties properly, such as the military service and defend the homeland in the event of a military conflict, when there is a dispute between these countries, which is called the positive conflict of laws, where each State holding its nationality has the right to claim sovereignty over him and to consider him among its citizens, this was confirmed by the 1930 Hague Convention in article (3), which stipulates "If a person has the nationality of two or more States, each of these countries can consider him to be its citizens,"

Section two

The conditions for dual nationality

After we have been explained the definition of dual nationality, the most important conditions that must be met to achieve the phenomenon of dual or multiple nationalities of an individual which are as follows:

First: The individual has more than one nationality without affecting the other members of the family such as a wife and children, with an exception concerning children who are not of the age of majority, taking into account the different legislations toward these problems.²

Second: it is a condition of nationality; State sovereignty must be available in whoever confers nationality with all the elements that this description requires. The people, territory, and power must be in the state, meaning that it is a fully sovereign state to grant its nationality to its people and to those who request it like foreigners when special legal conditions are available for the granting of nationality. For example, in the case of self-government or some international organizations, when their passports are granted, the case of multiple nationalities is not achieved because of the absence of a State status according to the international law, the

mere fact that an individual holds a passport or id card or obtains a birth certificate from the civil affairs services is not conclusive evidence of the individual's enjoyment of that State's nationality.

Third: An individual must have more than one nationality at the same time, meaning that he or she acquires the second or third nationality while retaining the original nationality, when he or she acquired a second or third nationality while retaining his or her original nationality, multiple nationalities is achieved, but if he abandons it then acquires a second nationality, there is no case of multiple nationalities, so he must hold both nationalities together.³

Fourth: The acquisition of subsequent nationality has been legally established while retaining the original nationality, that is, the requirements of its acquisition have been fulfilled, and the States of his nationality have considered him one of its citizens and that the individual has a real and valid nationality in the concerned countries.

Section three

Reasons for dual nationality

States have not adopted a single basis for determining the nationality of the people, but have adopted several bases differently within the framework of the original nationality and the acquired nationality. As a result, a range of people with more than one nationality emerged, which is what is known in jurisprudence as "dual nationality", which leads to positive conflict in nationality⁴. An individual is thus a multinational if he or she has one or more nationalities at the same time, in the sense that he or she is considered to have the nationality of several States in accordance with their laws. The multiplicity of nationality is due to different reasons, it may occur as a result of the different foundations on which the original nationality is based in the countries from the moment of birth⁵. If a child was born to a father who belongs to a state that takes the right of blood to impose the original nationality in the territory of a state whose law takes the right of the territory to impose nationality, and the child shall have two nationalities when born.⁶

Multiple nationalities also occur despite the unification of the foundations of imposing the original nationality, as in the case of the birth of a child to a father, the law of his country takes the right of blood from the father to the territory of a State that also takes the right of blood to impose nationality but based on the descent to the

mother and the mother's nationality is different from that of the father, i.e. he carries The nationality of a state whose law recognizes the right of the blood from the mother so that the child falls into dual nationality.⁷

Dual nationalities may depend at a later time on the date of birth, as in the case of acquired nationality, in this case, it is either an effect of naturalization, as if a person acquired the nationality of a particular country while retaining the nationality of his former state, as stipulated in article (10/1) of the nationality Act No. (26) of 2006⁸, while we find that article (11/1) of the repealed Iraqi nationality Law No. (43) in 1963 stipulates that he loses his Iraqi nationality if he acquires foreign nationality willingly or by marriage, as in the case of the wife entering the nationality of her foreign husband without renouncing her first nationality. This is explicitly referred to in article 12 of the Iraqi nationality Act in force⁹.

It should be noted that post-loss statelessness, whether willingly or not, certainly results in multiple or double nationalities and details will be given later.

It is evident from the cases cited which represent the most important reasons for dual or multiple nationalities of an individual so that he or she has two or more nationalities, which are what is being referred to as dual or multi-nationality.

The second requirement

The cases of dual nationality

Having been exposed to the concept of dual nationality and identified the most important conditions and reasons for dual nationality in the first part of this study, we should devote this requirement to indicating the cases of dual nationality in Iraqi law and comparative laws in both Egypt and France. Accordingly, it would have to be divided into three sections, which we would consider in section one cases of dual nationality in Iraqi law and section two cases of dual nationality in Egyptian law, and therefore, we are examining cases of dual nationality in French law in section three.

Section one

Cases of dual nationality in Iraqi law

The Iraqi legislator explicitly authorized dual or multiple nationalities through Article 18/4 of the 2005 Constitution of the Republic of Iraq¹⁰, that embodied this meaning and gave the right to every Iraqi citizen to have more than one nationality, in light of this, the Iraqi nationality Law, in force No. 26 of 2006, was regulated. The Iraqi legislator's fingerprints were clear in accepting the phenomenon of dual nationality and its multiplicity according to the above-mentioned article 10/1, to strengthen the legal and political link between the Iraqi and his homeland.

According to the Iraqi Constitution, article 18/2, by which the Iraqi legislature took the right of blood as the basis for granting Iraqi nationality in accordance with article 3/a of the applicable nationality Act, which stipulates that "He is considered Iraqi who was born to an Iraqi father or an Iraqi mother ", In this text, the Iraqi legislator equated the father with the mother in granting nationality to the son born of an Iraqi father inside or outside Iraq, which is considered an Iraqi by law, as well as born to an Iraqi mother inside Iraq by law, if his birth took place abroad and the father was an Iraqi citizen, his nationality would be Iraqi immediately after birth abroad¹¹, as for those born abroad from an Iraqi mother and an unknown or stateless father, Iraqi nationality is not imposed by law but rather he or she has the right to choose within one year of the age of majority, provided that he is resident in Iraq when applying for Iraqi nationality according to the provision of article (4) of the applicable nationality law. Thus, an Iraqi father or mother born will be granted the Iraqi nationality based on the right of blood from the father or mother, whether the father or mother enjoys another nationality, which he obtained from one of his parents, as the nationality law permits multiple nationalities whether the birth is in or outside Iraq and thus becomes a dual- nationality son, i.e. two nationalities.

Dual or multiple nationalities is achieved for non-Iraqis who acquire Iraqi nationality in case of double birth, when Iraqi nationality is granted to those born in Iraq and who have reached the age of majority from a non-Iraqi father who was also born in Iraq and who was habitually lived there when his son was born, according to article 5 of the Iraqi nationality Act in force¹². Moreover, dual nationality will be achieved in case of Iraqi marriage to a non-Iraqi husband who is entitled to have Iraqi nationality five years after his marriage with the continuation of the marriage and actual residence, not less than five years, according to article 7 of the Iraqi nationality Act in force, in which the

acquisition of Iraqi nationality by a non-Iraqi man married to an Iraqi woman was not considered to have lost his original nationality, which led to dual nationality.¹³

One case that leads to dual nationality is also the declaration by non-Iraqis of their desire to acquire Iraqi nationality under article 6/1 of the Iraqi nationality Act in force, under which the legislator has given authority to the Minister to accept non-Iraqi naturalization when the required conditions were met. It included six conditions, which do not imply any evidence that non-Iraqis would lose their original nationality if they acquire Iraqi nationality, thus automatically becoming a dual national¹⁴.

Therefore, in the light of the above, we believe that the Iraqi legislature has taken the direction in which modern legislation was adopted when equality between men and women in obtaining Iraqi nationality was achieved under the law in force under the conditions necessary to acquire it. Also, it adopted a new principle, which is when an Iraqi acquires a foreign nationality; he has the right to retain the Iraqi nationality according to the article (10/1) that was not adopted by previous Iraqi laws.¹⁵

This is the case for Iraqi women who marry a foreign person and acquire the nationality of their husbands, who have the right to retain their Iraqi nationality. This is what the Iraqi legislator referred to in article (12), which stipulates that "if Iraqi women marry non-Iraqi men and gained her husband's nationality, they will not lose their Iraqi nationality unless they declare their renunciation of Iraqi nationality" as we have already mentioned.

Furthermore, another case of dual nationality under the applicable law is the cases of recovery of nationality, which are four cases in which the Iraqi nationality is recovered after losing it that, will be explained as follows:

First case: Restoration of nationality to those who have abandoned it and acquired another nationality by their will, it is a subsequent return to a previous nationality, or to resume the person's relationship with the State of nationality. Arab legislations allow those who lost their nationality, willingly or without their will, to recover it, except for Saudi legislation that authorized the return to Saudi nationality after it was lost by naturalization.¹⁶

Therefore, the Iraqi legislator has given the person a chance to return to his nationality once he returns to Iraq and stays in it legally for at least one year, and upon his request to the Minister of

the Interior to recover his Iraqi nationality, without renouncing his nationality, and the lawmaker has not required that he relinquish it. This means becoming dual-nationality and would benefit from this right only once.¹⁷

Second case: The recovery of Iraqi women who have renounced their Iraqi nationality and acquired the nationality of their foreign husband's State have the right to recover their Iraqi nationality in two cases, either if their non-Iraqi husband is granted Iraqi nationality, or if she married a person of Iraqi nationality, she will recover it under article (13/1) of the applicable law¹⁸. According to the above-mentioned article, the second paragraph, she has the right to recover her Iraqi nationality in the event of death, divorce, or dissolution of the marriage contract and the nationality shall be returned from the date of applying to the Minister of the Interior provided that she should be in Iraq upon application without the legislator's requiring her to renounce the acquired nationality, which also means dual nationality.

Third case: the child's recovery to its nationality after losing it because of the father, the provisions of this case are regulated by the article (14 /2), which stipulates "If an Iraqi loses Iraqi nationality, his children, other than those of majority age, lose Iraqi nationality and may reacquire Iraqi nationality at their request if they return to Iraq and are in it for one year. They are considered to be Iraqis from the date of their return, and the children of Iraqi Jews who their Iraqi nationality have been revoked under the terms of Act No. 1 of 1950 or Act No. 12 shall not benefit from the provisions of this clause".

It is clear from the text that the Iraqi legislator allowed the young man who had Iraqi nationality removed, to recover the Iraqi nationality with conditions, including the return of the young man after he reached the age of majority and submit a request within one year of his stay in Iraq to recover the Iraqi nationality from the date of his return rather than from the date of the application, without requiring to renounce the acquired nationality, which means that he will be of dual nationality.

The intention is not to benefit from the provision of paragraph II of the above article the children of Iraqi Jews who have been removed of Iraqi nationality under the provisions of the laws referred to in the text of the above paragraph.

Fourth case: the recovery of Iraqi nationality to an Iraqi whose nationality has been revoked due to political, racial, or sectarian reasons, as well as to persons who oppose the former regime, their nationality may be revoked for political reasons or because of their affiliation to a specific nationalism or sect and who were opposed to state policy, as they did before 2003 before changing the former regime in Iraq, where decisions were issued to revoke the Iraqi nationality of some Iraqis without any reason. However, the applicable nationality law provided for the restoration of their rights, including the right to recover Iraqi nationality, as the Iraqi legislator referred in the applicable law, specifically in article 17, to the situation we mentioned, stating that "the dissolved Revolution Command Council Decree No. 666 of 1980 is repealed. The Iraqi nationality is returned to every Iraqi from whom the Iraqi nationality was revoked under the above-mentioned resolution and all unfair decisions issued by the Revolutionary Command Council in this regard.

It should be noted that the Iraqi Ministry of Interior, the General Directorate for Travel and nationality, and the Directorate for Civil Affairs. Its decision (2437) was issued on 12/3/2006 entitled "All civil affairs departments in all governorates to activate what was mentioned in the Iraqi constitution and the law of nationality in force", in order to restore those who have been revoked of Iraqi nationality to the legal status they were in before their displacement, in implementation of Council of Ministers' Book No. 2402 of 8 September 2004, tens of thousands of Iraqis whose nationalities were revoked under the dissolved Revolution Command Council resolution No. 666 1980 benefited from it, It should also be noted that the Ministry has issued previous decisions on the same cases such as Decree No. (6276) on 15/12/2004 and (6528) on 20/12/2004 and (6015) on 4/7/2005, and to prevent the jurisprudence in such cases, the above decision was issued to lift restrictions on citizens and reinstatement of the previous legal status.

Article 18 of the nationality Act stipulates that "every Iraqi who has revoked from Iraqi nationality for political, racial or sectarian reasons shall recover his nationality by making an application for that purpose." in the event of his death, his children who have lost Iraqi nationality according to their father or mother are entitled to apply for the recovery of Iraqi nationality.

Thus, the cases provided for in articles 17, 18, did not require the persons involved to recover their Iraqi nationality to renounce their

acquired nationality, which means that the case of dual nationality would be achieved, as well as the cases included in the search, which would lead to dual or multiple nationalities.

Section two

Cases of dual nationality in Egyptian law

The Egyptian nationality Act No. 26 of 1975, as amended by Act No. 154 of 2004, was based mainly on the right of blood to grant original nationality. According to the right of blood, the phenomenon of multiple nationalities is the result of the phenomenon of equality between men and women in terms of rights in general and the right of women to give their nationality to their children immediately after birth. This means taking the right of blood from the mother side, which in turn results in dual nationalities, which in practice creates a generation of Egyptian and foreign-expelled marriages.¹⁹

One of the reasons for dual post-birth nationality is the right of an individual to change his or her nationality, for example, if a person naturalized a foreign State and his or her original State refused to give him or her prior authorization to leave his or her nationality and acquire another nationality, that would lead to dual nationality²⁰, It is worth mentioning that Egyptian law is among the laws of some countries that do not allow to renounce their national nationality and acquire the nationality of another country until the necessary approval has been received from the government. This was confirmed by the Egyptian legislator in the article (16) of the Egyptian nationality Act in force, which stipulates that "a reasoned decision by the Council of Ministers may revoke the Egyptian nationality of all those who enjoy it, in any of the following circumstances:

1. If he has foreign nationality, contrary to the article (10), this means that under the above-mentioned article, the Egyptian legislature has prevented dual or multi-national status. However, in article 10, persons acquiring foreign nationality were allowed to retain their Egyptian nationality if they declared their wish to retain it within one year of the date of their acquisition of foreign nationality."²¹

We, therefore, believe that the Egyptian legislature, through the texts of the articles referred to, has a serious desire to address cases of dual nationals, while our legislature has opened the doors to allow that phenomenon and in more than one text, which confirms the case of dual or multiple nationalities.

Section three

Cases of dual nationality in French law

The French legislator took the phenomenon of dual nationality, in which French law allowed a French national to acquire a foreign nationality without renouncing his or her original nationality unless he or she declared his wish to renounce it, which is one of the reasons for dual nationality: The right to change his or her nationality, Article 87 of the French nationality Law, according to the 1973 amendment, expressly states that "every French who habitually lives abroad and acquires a foreign nationality by his will shall not lose French nationality unless expressly declared".²²

Furthermore, the French nationality Act of 1945 allowed for dual nationality through mixed marriage, when a non-French woman married a French citizen based on the principle of the unity of nationality in the family, the wife shall be given her husband's nationality by law upon marriage without giving due regard to the wife's will and without requiring her to renounce her original nationality, which means that the wife becomes a dual nationalities.²³

This principle is in accordance with article 11 of the Iraqi law in force, which stipulates that "a non-Iraqi woman married to an Iraqi woman shall acquire Iraqi nationality under the following conditions ... ", without requiring to renounce her original nationality, which, as we have said, leads to dual nationalities.

The third requirement

The political rights enjoyed by dual nationalities

There is no doubt that the rights of individuals as members of the State's community to which they belong and hold their nationality, this has legal implications for the general and special rights of such individuals, their obligations toward that State. Public rights are numerous, including the political rights enjoyed by both indigenous and emergency patriots who hold their nationality and the nationality of their country of origin, or other States nationalities, Will dual or multiple nationalities be able to participate in the political affairs of this State? To answer this question, it is necessary to divide this requirement into four sections, section one deals with the right to vote or elect, section two we consider the right to the nomination, section three is devoted to the consideration of the right to be members of the Assemblies and we

shall indicate the right to form and belong to political parties in section four, without going into other public rights, which are the enjoyment of the public freedoms and facilities of the State.

Section one

The right to vote

Voting or the so-called election is only a means on which democratic practice depends to establish its elements. It is one of the stages of democratic and political development of the peaceful exercise of power and the peaceful exchange of power through representatives that contribute to enriching the political process and guarantee broad political participation from all segments of society in its various forms, the voting process must be conducted according to international and national standards and be free, fair and transparent to ensure the success of the electoral process during the voting period, as a democratic means of selecting those who exercise power in the state, or to express an opinion of interest to society and the state, such as the state of the public referendum on conditions set by law, which should be available in the citizen to vote whether single or double-nationality, so we will search for the most important legal definitions of this political right and the legal basis for voting. We, therefore, seek the most important legal conditions for the exercise of this right through the following paragraphs.

First: Defining the right to vote

Some jurisprudence defined it as "a process by which a citizen expresses his will and desire to choose rulers and the deputies among several candidates,"²⁴, other defined it as "enabling citizens who meet legal requirements to participate in the selection of rulers according to their will"²⁵

Others also defined it as "expressing opinion by any citizen who meets the conditions set by law to choose who exercises supreme power in The State or to express an opinion on matters of concern to society and the State whether he is a single nationality or multiple nationalities"²⁶

We observe through the first and second definition that the citizen or individual has exercised voting to elect the candidate he represents in a field without indicating that he is a single or dual-nationality, whereas the third definition is more clear than the other definitions and this is the purpose of our study. So that every

citizen has the right to vote, whether he or she has one or more nationalities, and there is no legal impediment to the enjoyment of this right by dual nationals and we shall state the details of this in the next section.

Second: The legal basis for voting

The Iraqi legislature has equated men and women with the right to participate in public affairs, enjoy political rights, including the right to vote, elect, and nomination²⁷, in other words, that no distinction has been made between a citizen of one nationality or dual nationality, in the sense that a dual national of Iraqi nationality has the right to enjoy all the political rights referred to above.

The principle of equal voting is also confirmed through the amended Iraqi Parliament elections Law No. 45 of 2013, it should be noted that this amendment is the second to this Act in 24/12/2019²⁸. Moreover, Iraqis' election system abroad was issued for Iraqi House of Representatives elections No. 10 of 2013 from the Independent High Electoral Commission to vote for Iraqis living abroad, and have a nationality other than Iraqi nationality and maintaining the Iraqi nationality. Therefore, the voter can be defined as "everyone who meets the legal requirements shall have the right to vote to choose a candidate from a group of candidates with legal requirements to represent him for official office in the State institutions". Elections are the practice of formal democracy in choosing a person to take office or to reject a political proposal by voting.

The Egyptian Constitution also states that every citizen has the right to vote in the referendum²⁹, and the promulgation of Law No. (130) of 2011 concerning voting of Egyptians abroad in general elections and referendums, Article 1 stipulates that: "The State shall guarantee to Egyptians living abroad the practice of the right to vote in elections and referendums following the rules and procedures provided in this decree".

French legislation is limited to anyone holding French nationality under the concept of article 3/2 of the 1958 Constitution, which stipulates that: "All French citizens who are of majority age of both sexes are considered voters who enjoy their civil and political rights under the conditions stipulated in law"³⁰

Third: Conditions for the right to vote

Previously, we have defined the voting and explained its legal basis; it has become clear that it is an individual act that entitles those who meet the conditions to choose their representative in power through free, fair, direct, and confidential elections. Accordingly, the conditions that must be met for the exercise of this right by a dual or multinational person must be explained through two paragraphs as follows:

1. Nationality

Nationality is a modern legal system and is a legal link between a particular individual and a particular State, an individual who has the nationality of a State is part of its people, and a person who does not have the nationality will be considered as a foreigner³¹

Thus, the nationality requirement represents the link between the right to vote and the citizenship, so the Iraqi legislator required that the voter be an Iraqi citizen, this means that the naturalized was allowed to vote directly once he had Iraqi nationality, this is stated in article 5 of the amended Iraqi Parliament election Act No. 45 of 2013, on November 20, 2017, January 22, 2018, and December 24, 2019."

From the aforementioned text, the Iraqi legislator did not make a distinction between whether the voter is single or dual nationals, this is criticized for having dealt elsewhere with cases of discrimination between voters and indicated that "Election is the right of every Iraqi who has the conditions outlined in this law without distinction as to sex, race, nationality, origin, color, religion, doctrine, belief, opinion or economic or social status."³², so we believe that the phrase (to be Iraqi) is sufficient, adequate and comprehensive for all the Iraqi nation's spectra, as well as includes all Iraqi voters, whether they are an original citizen or an emergency citizen. This means that the naturalization did not require the emergency citizen to pass a period of (suspicious) before exercising the right to vote, as the Egyptian legislator did.

The Egyptian nationality Act No. 26 of 1975, article 9 prohibited temporary anyone who naturalized Egyptian nationality from participating in the electoral process until five years have passed since his naturalization to exercise the right to vote, as a guarantee of his integration and loyalty to the country. The exemption from the term may be granted by a decision of the President of the Republic or the Minister of the Interior, in the case of joining the Egyptian fighting forces.³³

Therefore, through the text, we find that the Egyptian legislator was more stringent than the Iraqi legislator to practice the right to vote for dual nationality. For a five-year requirement for naturalization of a foreigner to be permitted to vote.

As for the French legislator, it is in accordance with the Iraqi legislature, according to the text of article 80 of the French nationality Act No. 1046 of 1983, which stipulates that "a person who has acquired French nationality shall enjoy all rights from the date of acquisition of such nationality".³⁴

2. fully-fledged

The Iraqi legislator stipulated that the voter should be fully qualified in the sense that the adult should be at the age of legal majority, like the entire world's legislations, regardless of whether the voter is single or dual nationals, to participate in the voting process, however, the Iraqi legislator required in the article (5) the second and third paragraphs of the amended Iraqi Council of Representatives Election Law No. (45) of 2013, which stipulated that "The voter is required to be fully-fledged and finished the age of 18 years old in the year of the elections.", this means that the Iraqi legislator equates between the age of civil majority and the age of political majority.

In the Arab Republic of Egypt, the election Act No. 148 of 1935, which was in force under the Constitution of 1923 and abolished by Act No. 73 of 1956, the Electoral Commission for the election of members of the House of Representatives requires that the voter should be 21 years old, and by the issuance of the relevant law, the age of the voter was reduced to (18) years, which resulted in the expansion of the electorate, which is consistent with modern democratic thinking and guarantees the renewal of the electorate.³⁵

The French legislator has set the age of civil and political majority (18) years³⁶, it is therefore clear from the above that the Iraqi legislature is in agreement with the Egyptian and French legislation to set the age of political majority at 18 years for the exercise of the right to vote, while Egyptian legislation is different from that of civil majority at 21 years.

Section two

The right to nomination

The political rights of individuals as members of a particular community (the state), which are intended to enable individuals to participate in the political affairs of that state, it included the right to (nomination) in municipal (provincial councils) and parliamentary councils, the right to vote and to hold public offices, these rights are those of the citizens of the State, and foreigners may not participate in elections or run for political office, and articles of the Constitution affirm all the political rights of the citizen, including article 20 of the 2005 Iraqi Republic Constitution mentioned above, what is important to us in this area is the right to nominate as it is a constitutional right of every citizen who has the nationality of his or her State and has the required conditions. The question that can be raised is whether this right includes dual nationalities, where one of the nationalities that the individual holds is the Iraqi nationality and is entitled to enjoy this right? this right is an important means of reaching political office in the legislative and executive authorities, and to answer this question, the concept of the right of nomination must be examined and indicate the most important conditions.

1. The concept of the right to nominate

Certainly, dual nationals are treated as nationals in any of the States of nationality and no problem arises concerning private rights, however, political rights, such as the right to run for parliamentary assemblies, or the right to hold sensitive positions in the executive, the diplomatic corps, or any other sovereign position, sometimes differ, so that dual nationality becomes either an official or a decision-maker, thus, we find them in many regimes enjoying this right (nomination), and through which they have reached sensitive positions in the country and its various institutions. The nomination is a process in which a candidate is selected with certain conditions and this process is the first step to the executive authority, as Article (1) of the Iraqi Council of Representatives Election Law No. (45) of 2013 defined a candidate as "every Iraqi whose candidacy has been officially accepted by the Independent High Elections Commission for membership in the Iraqi Council of Representatives."³⁷

Therefore, the nomination is the right of every Iraqi to be a member in the legislative authority representing the people and to exercise his duties and to receive any sovereign position as long as the required conditions are met, which will be discussed in the subsequent section, through which we will be provided with the answer to the question raised at the beginning of this requirement.

2. Nomination conditions

To hold free and fair elections, which are carried out with high transparency, to represent the will of the voter in real terms and to allow for legitimate competition away from external influences to advance the democratic process and to apply the principle of freedom to nominate, there must be legal conditions governing the right to nominate, the Iraqi Constitutional legislator referred the candidate's conditions to the Legal legislature under Article (49/third) of the Constitution of the Republic of Iraq of 2005, thus, the Iraqi legislator was careful to determine the conditions for the voter and the candidate that we mentioned in Article 5 of the Iraqi Parliament election Act No. 45 in 2013, which is fully-fledged, and educational attainment, and we will explain the details of that as follows.³⁸

1. Nationality

The requirement of national nationality is the subject of the agreement between the various constitutions and is the most important manifestation of the independence of the State since it is inconceivable that a foreigner is allowed to assume a political function in the executive or legislative power. However, disagreements arise over the expansion of the candidate's nationality, especially in the case of a nomination for the presidency³⁹.

Therefore, the Iraqi legislator requires the candidate to be Iraqi, as stipulated by article 5 of the amended Iraqi House of Representatives Act No. 45 of 2013, the legislator did not differentiate between the original citizen and the naturalized citizen for the right of election, but when organizing the right of nomination, he was more stringent by his ten-year term on the acquisition of Iraqi nationality by the foreigner to be allowed to be nominated and be a member in the Iraqi parliament or any other executive position. This is indicated in the article (2 /9) of the Iraqi nationality Act in force (26) of 2006.⁴⁰

Regarding the position of President and Prime Minister, the Iraqi legislator required those nominated for the presidency according to article 68 of the Iraqi constitution of 2005 to be Iraqi by birth and by two Iraqi parents, and the same conditions for those nominated for premiership according to article 77 of the Iraqi constitution. Besides, the Iraqi legislator was clear and explicit about banning those positions on the naturalized Iraqi nationality, according to the

article (3/9) when he indicated that “non-Iraqi who obtains Iraqi nationality according to the provisions of articles 4, 6, 7, 11 of this Act shall not be entitled to serve as President and Vice-President of the Republic of Iraq.”. Besides, our constitutional legislator said that our Presidential candidate must be Iraqi by birth and also of two Iraqi parents to achieve the goal of the legislature, namely, the sincerity of belonging to the state and the loyalty to its people.

It can be summarized from the foregoing that the Iraqi law allowed dual nationalities or naturalization of Iraqi nationality for 10 years to enjoy the right to be nominated as a member of parliament, he cannot, however, assume the position of President and Prime Minister, as mentioned previously.

The Egyptian legislator differentiated between the naturalized who wants to nominate himself to the Egyptian People's Assembly and the original nationality holder, this is what article (9) of the Egyptian nationality Law referred to No. 26 of 1975, that “a foreigner who has acquired Egyptian nationality according to articles 3, 4, 7, 6 is not permitted to exercise political rights five years before the date of his acquisition of this nationality, besides, he shall not be elected or appointed as a member of any Parliamentary body ten years before the date mentioned, however, a decision by the President of the Republic may be waived from the first restriction or both of these restrictions and by a decision of the Minister of the Interior, he may exempt from the first or both of the above-mentioned restrictions those who joined the fighting Egyptian armed forces”

Egypt's multi-nationality should not be deprived of his right to stand for election to the People's Assembly, in order not to conflict with the correct interpretation of these texts and to oppose their legislative government, indeed, this deprivation is considered as questioning the double-nationality loyalty toward his homeland which is not acceptable. Consequently, some of the Administrative Court's rulings called for affirming the right of a multinational to stand for membership in the People's Assembly. As for the nomination for the presidency of the Republic, the Egyptian legislature, in accordance with article 75 of the 2012 Constitution of the Arab Republic of Egypt, requires that the candidate should be born to Egyptian parents.⁴¹

With regard to the French legislator, the French election law stipulated for exercising the right of the nomination after ten years from the date of the acquisition of French nationality So that a

naturalized foreigner of French nationality can nominate in elections, as for the presidential candidate, the 1962 election of the President of the Republic Act, amended by Basic Law No. 528-76 in 1976, stipulates that: The general rule is that every 23-year-old Frenchman has the right to run for the presidency, which means that the French legislature was less stringent regarding the presidential candidate, where he stipulated that the candidate be French regardless of the nationality of his parents, but the candidate's nationality was either original or acquired ten years ago and this is the difference between French legislature and the Iraqi and Egyptian legislators.⁴²

2. fully-fledged:

According to article (8/1) of the amended Iraqi Parliament Electoral Act No. (45) of 2013 the Iraqi legislature stipulated that " in addition to the conditions to be met in the voter, the candidate for the House of Representatives is required to: first: that the candidate must be at least thirty (30) years of age at the time of nomination," it was amended to (28) years according to the first amendment to this article of the above Act on January 22, 2018, and amended to (25) years in accordance with the second amendment to this article on December 24, 2019, published on the Iraqi House of Representatives website to allow young people to exercise this right.

Concerning the eligibility of the presidential candidate required by the Constitutional legislator according to article 62/2 of the Iraqi Constitution of 2005 (Full capacity, 40 years old).

As for the amended 2012 Constitution of the Arab Republic of Egypt, the candidate for the People's Assembly membership "The candidate for the Council membership shall be required ... He shall not be less than 25 years old on the day of opening the nomination"⁴³, besides, the Constitution also set out the age required for the presidential candidate "Who is nominated as President of the Republic is required at least 40 years of age on the day of the opening of the nomination"⁴⁴

The French legislature has set the age for nomination to the National Assembly which is (23) in accordance with article 44 of the Electoral Act No. (75 - 1330) Issued on 31 December 1975, besides, the age required for the nomination for the Senate is 35 years at least according to the article (296).⁴⁵

We note that when the legislator focuses on the age of the candidate for parliament membership and the presidency of the Republic so that he enjoys the minimum qualifications, experience, and political skill that enables him to take over these positions and carry out their duties to serve his country and its people since it is a wide-ranging responsibility with great difficulties.

3. Educational attainment

One of the conditions set by the Iraqi legislature for the candidate in accordance with article 8 (4) which was amended on January 22, 2018 by an election law Iraqi Parliament No. 45 of 2013, on 20 November 2017 (a candidate must have a Junior Certificate as a minimum or Its equivalent), which was also amended on 22 January 2018, the Iraqi legislator required the candidate to have a bachelor's or equivalent as a minimum, but also this amendment was changed and the legislator allowed candidates who hold junior secondary school or Its equivalent to run For the membership of the House of Representatives provided that their number shall not exceed 20% percent of the members of the House of Representatives in the next session to be elected On 12 May 2018 to fulfill the wishes of political figures whose their educational learning was Junior Certificate at the expense of law and internal order, which was approved by the Iraqi parliament in its 12th meeting, on 11 February 2018, on a proposal of a second amendment to the Iraqi Parliament elections Law No. 45 of 2013, the amendment guaranteed that 20% of the next members of the House of Representatives would be preparatory certificate holders or equivalent. The Iraqi constitutional legislature did not require the presidential candidate to obtain a certain scientific qualification and he is 40 years old, but the third clause in article 68 of the 2005 Constitution of the Republic of Iraq, which stipulates "To have good hearing, political experience and integrity, justice and devotion to the homeland", while we find that the Iraqi constitutional legislator, according to article 77, required that the Prime Minister should have a university degree or Equivalent.

It is therefore very important that the candidate be elected to the Council Parliamentary or other positions in the legislative and executive authorities with an educational level higher than the preparatory certificate set by the legislator to be highly cognizant and of understanding to conduct its profession of legislation, analyze and discuss texts and apply the control system in all specializations to bear the responsibilities exercised by members of

the House of Representatives as well as those with executive positions.

Meanwhile, the Egyptian legislator confirmed that the candidate should get at least the Certificate of Basic Education by Article (102) of the amended Constitution of the Republic of Egypt in 2012, he was less stringent than the Iraqi legislator in regulating this condition, besides, more Egyptian constitutional legislator did not specify the educational attainment required for the candidate for the presidency of the republic, but he left the matter to the ordinary legislator according to article 141 of the 2012 Constitution of the Arab Republic of Egypt which was mentioned previously, As for the French constitutional legislator, there was no special condition for the scientific achievement of the candidate for the presidency of the French Republic within the conditions of the French constitution of 1958.⁴⁶

Section three

The right to be members of the Assemblies

Article 49 (II) of the 2005 Iraqi Constitution stipulated that the candidate for the Iraqi House of Representatives should be Iraqi and fully qualified⁴⁷, which is the same conditions that should be available in the minister that also indicated in the Iraqi constitution. He equated the conditions of the candidate for the post of minister nominated for the membership of the House of Representatives with the addition of one condition, which is the condition of the scientific qualification, where the minister must have a university degree or its equivalent⁴⁸.

The conditions stipulated by the Iraqi legislature for the nomination for the provincial Council elections, as set out in article 7 of the amended Provincial Councils Act No. (36) of 2008, which stated that "The nomination conditions stipulated in Article (5) of the Provincial Law that are not organized into a region No. (21) of 2008", this means that our legislator has overlooked repeating the same conditions as it completes each other, It should be noted that the Iraqi House of Representatives has voted to dissolve the governorate councils except the Kurdistan councils as a result of the popular and public pressure that has been going on since October 1, 2019, and suspend its work on December 28, 2019, and return to the centralization, and the parliament supervises and monitors the governors until the constitutional amendments and elections are made.

Therefore, article 5 of the Provincial Law that are not organized into a region No. (21) of 2008 stipulated that the candidate for the Council membership which means (Governorate Council - Judicial Council - district Council) should be Iraqi⁴⁹, Whether his nationality is original or acquired and he did not require a certain period for naturalization of the foreigner for the nomination, this means that the naturalized with the Iraqi nationality has the right to run for the governorate Council once the Iraqi nationality has been acquired. On the other hand, it is assumed that a certain period will be passed on the state of acquiring Iraqi nationality to make sure of his loyalty toward the Iraqi people and is therefore allowed to be nominated. The following question may be raised in this regard: Is the position of a member of a governorate Council a high sovereign or security position based on article 18 of the Iraqi Constitution and article 9 of the Iraqi nationality Law No. 26 of 2006, or not?

In response to this question, it can be said that the text was absolute in relation to article 5 of the Provincial Law that are not organized into a region, namely, the requirement that the candidate should be an Iraqi national, without mentioning whether it is original or acquired nationality, and that article (2) of the Provincial Councils Law indicates that "The governorate Council is the legislative and regulatory authority in the governorate and has the right to pass local legislation so that it can manage its affairs according to the principle of the decentralization, which is not contrary to the Constitution and the federal laws, which falls within the exclusive competence of the federal authorities "⁵⁰

Therefore, it is understood from the above text that the position of a member of the governorate Council is considered a high-ranking political or security position because he has legislative powers, and therefore the member of the governorate Council is not entitled to remain with his foreign nationality in addition to his Iraqi nationality while exercising his position inside the governorate Council. In other words, dual nationals are not entitled to run for a member of a provincial Council or they will be subject to legal accountability, as this is contrary to the Constitution and the nationality law in force.

It should be noted that article 18, paragraph 4, of the Iraqi Constitution, states that " It is permissible to have multiple nationalities, and whoever assumes a high security and sovereign position must give up any other acquired nationality, and this shall be regulated by law", while the new Iraqi nationality Law No. 26 of 2006, issued after the constitution was issued according to

Article (9) IV that pointed out " The Iraqi, who has another nationality, should not be allowed to take up a high-ranking political or security position unless he renounces that nationality ".

Besides, a bill has been in the corridors of the Iraqi House of Representatives since 2008, which explains and identifies high-level sovereign and security positions, but has not seen the light from that date to the present day, because the most current Iraqi politicians are dual-nationality holders. Thus, this amendment would deprive them of foreign office or nationality, and this subject is a matter of controversy, discussion and dissatisfaction in all Iraqi state institutions since 2003 till today, because it is a clear violation of the constitution and law, so we believe that it is very necessary to define these positions.

Section four

The right to form and belong to political parties

To speak of the formation of political parties in Iraq, it should be noted that the Iraqi legislature, in the Political Parties Act No. 36 of 2015, restricted the right to freedom of political parties to form and belong to them to Iraqis only, in accordance with article 4 (1) of the above-mentioned Act, which stipulates that "citizens have the right to participate in the establishment, membership or withdrawal of a political party or organization."

However, the Iraqi legislator stipulated in the canceled law No. 30 of 1991 that the founding member of the political party should be an Iraqi citizen and two Iraqi parents by birth, meaning that he should be a bearer of the original Iraqi nationality and his parents⁵¹, while the original nationality was not required for those who want to belong to the political party, it only required that he is an Iraqi without specifying whether the nationality was original or acquired according to article 11 first, which indicated that "whoever wants to belong to the political party is required to be Iraqi.", whereas in article (9/I) of the new law in force did not require the original nationality of a member who founded a political party but only to be (Iraqi nationality) in the sense of including those who possess the original or acquired nationality, and with the same content to those who belong to a political party or organization that (Iraqi nationality) this is provided for in article (10 /I) of the applicable law.

Upon our reading of the new political parties and bodies law No. 97 of 2004, issued by the Coalition Provisional Authority on June

15, 2004, we find that the legislator did not distinguish between the founding member and the member of the party through the provision in the article (1) of the second section which stipulates that "The term (a political entity) means any organization, including any political party consists of qualified voters who willingly support based on common ideas, interests or opinions to express their interests, gain influence and enable their delegates to nominate themselves for public office provided that this organization of eligible voters has formal endorsement as a political entity by the Independent Iraqi Election Commission".

Reference to the amended Iraqi Council of Representatives election law No. (45) of 2013, which regulated the voter's conditions, we have already referred to the special article which requires that the is required to be an Iraqi, as is the case, he pointed out In article (10) to the terms of the membership, which requires the voter to be of Iraqi Nationality, where it indicated that "Whoever belongs to any party is required to be Iraqi Nationality ", it should be noted that the new law required that the founding member or a member of the political party should have an Iraqi nationality without clarifying whether it is the original or acquired nationality, this means that the provisions of the amended political Parties Act No. 30 of 1991, by Act No. 36 of 2015, and the Parties and political Organizations Act No. 97 of 2004, do not address the situation of dual or multiple nationalities. This means that those who wish to be a member of any political party were allowed to have foreign nationality in addition to Iraqi nationality; however, a dual-nationality member may not assume an executive post at the national level or obtain the membership of the Chamber of Deputies and the Provincial Councils unless he renounces the other acquired nationality.

Conclusions and recommendations

Conclusions

1. The principle is that everyone has one nationality, but the emergency or exceptional situation is dual or multiple nationalities, although many political systems reject the principle of dual nationality, it has become an acceptable phenomenon for some political systems, including the Iraqi political system.
2. All successive nationality laws have been in force since the establishment of the Iraqi state in 2003 did not include any explicit text that espouses acceptance of the phenomenon of dual Nationality, but considered it as prohibited.

3. After 2003, Iraq's permanent constitution of 2005 came with a new precedent, which is the acceptance of that phenomenon explicitly through Article 18/4, and also followed by the legal legislature with clear and explicit texts to accept this phenomenon through the nationality law No. 26 of 2006, including Article 10 and other articles that do not require renouncing the acquired foreign nationality in the event of recovering their Iraqi nationality, which they lost with or without their will, which this study indicated.
4. The general rights of all Iraqis, whether single or dual-national are numerous, however, this was limited to the search for political rights only that dual nationals enjoy (Such as voting or election, nomination, right to membership in the House of Representatives, and right to forming or belonging to political parties) due to the need to know these rights under Iraqi laws.
5. Despite a clear and explicit acknowledgment of the acceptance of that phenomenon in the Iraqi Constitution under article 18/4 and article 9/4 of the nationality Act In force, however, this acknowledgment is not absolute but restricted to the denunciation of the other nationality if someone assumes a high-profile political or security position.
6. This study clarified that the Iraqi legislator, like the French legislator, did not require the approval of the competent authority in the Iraqi government to acquire the nationality of another country and retains his original nationality unless he renounced it. The Egyptian legislator allowed those who acquire a foreign nationality to declare that he retains his Egyptian nationality within one year of his acquisition; otherwise, his Egyptian nationality will be revoked by law.
7. The research indicates that the Iraqi legislator did not stipulate that the voter should hold Iraqi nationality only when exercising the right to vote, but also allowed the dual nationality to vote in the elections and that dual nationality is no longer prevented from running for positions in the executive authority. However, it would entail the renunciation of any other acquired nationality acquired through naturalization as an embodiment of its political allegiance to serve Iraq.
8. The research also indicates that the Iraqi legislator allowed those whoever wants to belong to a political party as a founding member or affiliated member to hold a foreign nationality in addition to the Iraqi nationality. Dual nationality may not, however, assume an executive function or be a member of the Iraqi Parliament or a member of a governorate Council unless he renounces his foreign nationality.

Recommendations

1. We suggest to amend article 9, paragraph (four), of the nationality Act in force (26) of 2006, by reformulating that article to include a specific description of high-ranking sovereign and security positions, the proposed text of the above paragraph should read as follows:
 - A. An Iraqi foreign nationality may not assume a high political or security position unless he abandons it.
 - B. The following descriptions are considered high-ranking sovereign or security positions:
 1. The President of the Republic and his two deputies.
 2. The Prime Minister, its members, and heads of independent bodies.
 3. Ambassadors of the Republic of Iraq.
 4. The President and members of the Federal Supreme Court.
 5. President of the Supreme Judicial Council, President of the Court of Cassation, and the head of the Public Prosecution and Judicial Oversight Services.
 6. Head of the Iraqi Intelligence Service.
 7. Chief of Staff of the Army and Commanders of Corps and Military Divisions.
2. We propose to add a condition for those covered by Articles (10/3, 13/1, 14/2, 17, and 18) of the Iraqi nationality Act in force (26) of 2006, through which Iraqi nationality can be restored for those who have lost them in the cases included in these articles, the abandonment of the foreign nationality they acquired to deal with the cases of double or multi-nationality that spread unusually in our beloved country to overcome problems that may result in the future.

¹Dr. Hassan Muhammad Al-Haddawi, d. Ghaleb Ali Al-Daoudi, Private International Law, Part One, 2009, The Legal Library, Baghdad, p. 36.

²Rawafid Muhammad Ali Al-Tayyar, Political Rights for Multinational People, PhD thesis, University of Babylon, College of Law, 2015, p.33.

³Majd al-Din Taher Kharbout, The problem of multiple nationalities and determining the legal treatment of a multinational person, PhD thesis, Faculty of Law, Ain Shams, 1997, p.7.

⁴Dr.Hassan Muhammad Al-Haddawi, d. Ghaleb Ali Al-Daoudi, previous reference, p. 154.

⁵See Article 3/1 of the Iraqi Nationality Law No. (26) of 2006.

⁶Dr. Abbas Al-Aboudi, Explanation of the provisions of the Iraqi Nationality Law No. (26) of 2006, and the Citizenship and the Center for Foreigners, Sanhoury Library, Beirut 2015, p.152.

⁷Sanaria Muhammad Nihad Mustafa, the new and the old in the Iraqi Nationality Law, Al-Nud Press, 1st Edition, Sulaimaniyah 2009, p.89.

⁸Article 10/1 stipulates that (An Iraqi who acquires a foreign nationality shall retain his Iraqi nationality unless he declares in writing his renunciation of the Iraqi nationality).

⁹Article 12 stipulates (If an Iraqi woman marries a non-Iraqi and acquires the nationality of her husband, she will not lose her Iraqi nationality unless she announces her renunciation of the Iraqi nationality).

¹⁰Article 18 / Fourth of the Constitution of the Republic of Iraq stipulates that "An Iraqi may have multiple nationalities, and whoever assumes a high-ranking sovereign or security position must abandon any other acquired nationality, and this shall be regulated by law."

¹¹Dr. Abdul Rasoul Abdul Ridha, Reviews of the Iraqi Nationality Law No. 26 of 2006, Dar Al-Sadiq Cultural, 2008, p.20.

¹²Article (5) stipulates that (the minister may be considered an Iraqi who was born in Iraq and reached the age of majority therein from a non-Iraqi father who was also born and was a habitual resident there at the birth of his son, provided that the child submits a request to grant him nationality).

¹³See Article 7 of the Iraqi Nationality Law No. (26) of 2006.

¹⁴See Article 6/1 of the Iraqi Nationality Law No. (26) of 2006.

¹⁵See Article 13 of the repealed Iraqi Nationality Law No. (42) of 1924, Article 11 of Law No. (43) of 1963, and Article (11) of the repealed Nationality and Civil Information Law No. (46) of 1990.

¹⁶See Articles (11 and 13) of the Saudi Nationality System for the year 1374 AH, corresponding to 1954 CE.

¹⁷See Article 10/3 of the Iraqi Nationality Law No. (26) of 2006.

¹⁸See Article 13/1 of the Iraqi Nationality Law No. (26) of 2006.

¹⁹Rawafid Muhammad Ali al-Tayyar, previous reference, p. 51.

²⁰Dr. Hassan Muhammad Al-Haddawi, d. Ghaleb Ali Al-Daoudi, previous reference, p. 102.

²¹Article (10) of the amended Egyptian Nationality Law No. (26) in 1975 stipulates: (An Egyptian may not acquire a foreign nationality except after obtaining a permission from the Minister of Interior, otherwise he remains an Egyptian unless the Council of Ministers decides to revoke his nationality in accordance with the provision of Article 16 of this law. The naturalization of an Egyptian with a foreign nationality, when he is authorized to do so, results in the revocation of the Egyptian nationality. Nevertheless, the permission may include a permit for the wife and minor children to retain the Egyptian nationality. If he declares his desire to do so within a period not exceeding one year from the date of acquiring the foreign nationality, they shall retain their Egyptian nationality despite the acquisition of the foreigner.

²²Majd al-Din Taher Kharbut, previous reference, p. 144.

²³Blomberg, OM Svenskt statsborgerskap. Almqvuis & Wiksell, Uppsala, 1904, p. 10.

²⁴Dr . Hisham Abdel-Moneim Okasha, Political Rights for Multiple Nationals, Dar Al-Nahda Al-Arabiya, Cairo, 2004, p.82.

²⁵Dr. Saleh Jawad Al-Kadhim, d. Ali Ghaleb Al-Ani, Political Systems, Al-Sanhuri Library, Baghdad 1990, p. 35.

²⁶Rawafid Muhammad Ali al-Tayyar, previous reference, p. 59.

²⁷Article (20) of the Constitution of the Republic of Iraq in 2005 stipulates that (citizens, men and women, have the right to participate in public affairs, and to enjoy political rights, including the right to vote, elect and be nominated).

²⁸Published in the Iraqi newspaper Al-Waqi'a issue (4300) on 12/12/2013.

²⁹See Article 87 of the Constitution of the Arab Republic of Egypt in 2012.

³⁰Referred to by Rawafid Muhammad Ali, previous reference, p. 61.

³¹Dr. Hisham Abdel Moneim Okasha, previous reference, p. 45.

³²Article (4) first of the Iraqi Council of Representatives Elections Law No. (45) in 2013.

³³Article (9) of the Egyptian Nationality Law No. (26) in 1975.

³⁴Dr. Mansour Muhammad Muhammad al-Wasi'i, previous reference, p. 109, referred to by Rawafid Muhammad Ali, a previous reference, p. 68.

³⁵Dr. Hisham Abdel Moneim Okasha, previous reference, page 86.

³⁶Dr. Essam Neama Ismail, Electoral Systems, Zain Law Publications, Lebanon, 2009, p. 38, referred to by Rawafid Muhammad Ali, previous reference, p. 70.

³⁷Article 49 / Second of the Constitution of the Republic of Iraq of 2005 stipulates that (a candidate for membership in the Council of Representatives must be a fully qualified Iraqi).

³⁸See Articles 5 and 8 of the Iraqi Parliament Elections Law No. 45 of 2013.

³⁹Dr. Mansour Muhammad Muhammad Al-Wasiti, The Right to Vote and Candidate and Their Guarantees - A Comparative Study, Modern University Office in Alexandria 2009, p. 297- Referred to by Rawafid Muhammad Ali, previous reference, p. 79.

⁴⁰Article 9/2 of the Iraqi Nationality Law No. (26) of 2006 stipulates that (It is not permissible for a non-Iraqi who obtains Iraqi nationality by naturalization in accordance with the provisions of Articles (4, 6, 7, 11) of this law to be a minister or a member of a parliamentary body before ten years have passed since the date of acquisition of Iraqi nationality).

⁴¹Dr. Hisham Ali Sadiq, *Egyptian Nationality*, Alexandria University Press, 2002, pp. 405, 411.

42Dr . Salah El-Din Fawzi, *The French Constitutional Council*, Dar Al-Nahda Al-Arabiya, Cairo, p. 125 referred to by Rawafid Muhammad Ali, previous reference, p. 82.

43See Article 102 of the amended 2012 Constitution of the Arab Republic of Egypt.

44Article 141 of the amended 2012 Constitution of the Arab Republic of Egypt stipulates that (It is a condition for whoever runs for President of the Republic to be an Egyptian from Egyptian parents, and that none of his parents or wife have acquired the nationality of another country, and he must enjoy his civil and political rights and finished his military service or exempted from it legally, and that he is at least forty years old on the day of candidacy opening, in addition to the other conditions for candidacy law.)

45Dr . Georgy Shafik Sari, *Studies and Research on Candidacy for Parliamentary Councils*, Dar Al-Nahda Al-Arabiya, Cairo, 2001, p. 69. Referred to by Rawafid Muhammad Ali, previous reference, p.84.

46Dr. Gamal Mahmoud al-Kurdi, *The condition for the validity of the nationality of the candidate for the presidency of the Arab Republic of Egypt in light of the constitutional and legal texts after the January 2011 revolution, a comparative study*, 1st Edition, Arab Renaissance House, Cairo, 2012, p. 113. Referred to by Rawafid Muhammad Ali, a previous reference, p. 125.

47Article 49/2 of the Constitution of the Republic of Iraq of 2005.

48Article 77/2 of the Constitution of the Republic of Iraq of 2005.

49Article (2) first of the amended Provincial Councils Law No. (21) of 2008.

50Article (5) first of the amended Governorates Law that are not organized in a region No. 21 of 2008.

⁵¹Article (7) third of the amended Political Parties Law No. (30) of 1991.