

No. 6428

ISRAEL
and
FRANCE

Convention concerning the military service of persons with dual nationality. Signed at Paris, on 30 June 1959

Administrative Agreement embodying regulations for carrying into effect the above-mentioned Convention. Signed at Paris, on 30 June 1959

Exchange of notes relating to the above-mentioned Convention and Agreement. Paris, 22 June and 28 July 1959

Official texts of the Convention and Agreement: Hebrew and French.

Official text of the notes: French.

Registered by Israel on 18 December 1962.

ISRAËL
et
FRANCE

Convention relative au service militaire des double nationaux. Signée à Paris, le 30 juin 1959

Arrangement administratif relatif aux modalités d'application de la Convention susmentionnée. Signé à Paris, le 30 juin 1959

Échange de notes relatif à la Convention et à l'Arrangement susmentionnés. Paris, 22 juin et 28 juillet 1959

Textes officiels de la Convention et de l'Arrangement: hébreu et français.

Texte officiel des notes: français.

Enregistrés par Israël le 18 décembre 1962.

[TRANSLATION — TRADUCTION]

No. 6428. CONVENTION¹ BETWEEN ISRAEL AND FRANCE
CONCERNING THE MILITARY SERVICE OF PERSONS
WITH DUAL NATIONALITY. SIGNED AT PARIS, ON
30 JUNE 1959

The Government of the State of Israel and the Government of the French Republic, desiring to settle by joint agreement the question of the military service of their respective nationals who possess both Israel and French nationality, have agreed on the following provisions :

Article 1

The provisions of this Convention shall apply to the nationals of either of the two countries who possess or who are eligible to possess Israel and French nationality simultaneously pursuant to the laws in force in each of the two countries, with the exception of cases in which one of the two nationalities was acquired by naturalization. The persons concerned shall be referred to in the following articles as "dual nationals".

Article 2

1. Dual nationals residing in one of the two Contracting States shall be required to perform their active military service in the State in which they have their permanent residence at the age of eighteen years.

2. Dual nationals who, at the aforementioned age, are resident in a third country shall have the option of performing their active military service in one or the other of the two States. They shall for that purpose sign a declaration in duplicate before the consular representative of the State in whose armed forces they wish to serve ; the said representative shall transmit the declaration to the competent authorities of the two Contracting States.

3. Persons who acquire dual nationality after the age of eighteen years and have not yet fulfilled in either State their legal obligations in respect of service shall be required to fulfil those obligations in the State in which they have established permanent residence at the time of acquiring the second nationality ; provided that, where military service in the other State has been deferred at their request, they shall be required to fulfil the said obligations in the latter State.

¹ Came into force on 7 May 1962, the date on which the Contracting Parties notified each other that the respective constitutional formalities had been completed, in accordance with the provisions of article 12.

Article 3

Notwithstanding the provisions of article 2, dual nationals may volunteer for service in the armed forces of the State of their choice before being called to perform their active military service by the other State. The period of active service which they have thus completed as volunteers shall be deducted from the term of their legal obligations in respect of service in the State in which, pursuant to article 2, they would normally have been required to perform their active military service.

Dual nationals whose voluntary enlistment has been rejected may not avail themselves of the provisions of article 5 so as to be considered as having fulfilled their military service obligations with respect to the country in which they are resident.

Article 4

The dual nationals referred to in articles 2 and 3 shall, if the occasion arises, give evidence of their military status in relation to the State in whose armed forces they are not, by reason of their residence, option or voluntary enlistment, required to serve, and shall do so by producing a certificate which shall be issued to them by the competent authorities of the State in whose armed forces they have served or would have served if they had not been duly excused or exempted.

Article 5

Dual nationals whose situation is covered by the provisions of the preceding articles shall be deemed to have fulfilled all military obligations imposed upon them in time of peace by the military laws of the Contracting State in which they have not been called up for service, if they have actually performed their service or have been duly exempted therefrom as physically unfit or have been excused pursuant to the laws in force in the State in which they are resident or for which they have opted.

Where, however, such persons, after fulfilling their legal obligations in respect of service in one of the two Contracting States, later establish permanent residence in the other State or in any event reside there habitually for two years, they shall thereafter be subject in that State to all the military obligations of their mobilization class.

The competent authorities of the Contracting States shall report to each other, through the diplomatic channel, any transfer of residence from their territory by a beneficiary of this Convention wherever such departure has been brought to their attention.

Article 6

Dual nationals who have evaded their military service obligations shall be reported by the competent authorities of the State in which they should have served to the competent authorities of the other State and shall be excluded from the benefits of this Convention.

Article 7

In the event of partial or total mobilization, the Contracting States shall call up dual nationals for service only under the following conditions :

1. In the event of mobilization in only one of the two States, that State shall be entitled to call up for service all the dual nationals coming within the scope of this Convention irrespective of their place of residence or of the armed forces in which they fulfilled their legal obligations in respect of service.

2. In the event of simultaneous mobilization, each of the two Contracting States may call up for service the dual nationals who are habitually resident in its territory, irrespective of the armed forces in which they performed their active service, and those who, although resident in a third State, fulfilled their legal obligations in respect of service in its own armed forces.

Article 8

The provisions of this Convention shall in no way affect the juridical status of the persons concerned in the matter of nationality.

Article 9

Regulations for carrying this Convention into effect are embodied in the annexed Administrative Agreement¹ and may be supplemented or amended by agreement between the Administrations of the two States.

Article 10

The Governments of the two Contracting States shall settle through the diplomatic channel all difficulties which may arise out of the application of this Convention and those relating to the settlement of previous individual situations.

Article 11

This Convention shall not apply to female nationals of the two States.

¹ See p. 133 of this volume.

Article 12

This Convention shall enter into force as soon as the two Contracting Parties have notified each other that the respective constitutional formalities have been completed.

It is concluded for an indefinite period and may be denounced by either Party at any time subject to one year's notice.

Article 13

This Convention has been drawn up in duplicate, in the Hebrew and French languages, both texts being equally authentic. However, in the event of any disagreement between the two Governments concerning its application, the French text shall prevail.

DONE in Paris, on 30 June 1959.

For the Government
of the State of Israel :

(Signed) JACOB TSUR

For the Government
of the French Republic :

(Signed) LOUIS JOXE

ADMINISTRATIVE AGREEMENT EMBODYING REGULATIONS FOR CARRYING INTO EFFECT THE CONVENTION OF 30 JUNE 1959¹ BETWEEN ISRAEL AND FRANCE CONCERNING THE MILITARY SERVICE OF PERSONS WITH DUAL NATIONALITY. SIGNED AT PARIS, ON 30 JUNE 1959

Article 1

The provisions of the Convention¹ shall not apply to persons who have acquired one of the two nationalities by naturalization as defined in the law of the country granting the naturalization. However, dual nationals who have acquired one of the two nationalities by virtue of the naturalization of their parents shall be entitled to the benefits of the Convention.

Article 2

The expression "permanent residence in one of the Contracting States" means, in respect of France, such residence in the departments or territories of the French Republic and, in respect of Israel, such residence in the territory in which Israel law is in force.

Article 3

Within the meaning of the Convention, a dual national has his permanent residence in the State to which he has transferred or transfers his actual residence and in which the principal centre of his activities is situated.

However, the presence of a person in the territory of a State for the sole purpose of attending an institution of learning or of staying at a hospital, sanatorium, convalescent home or similar establishment shall not be regarded as permanent residence for the purposes of the Convention and shall not be included as a component in the period of residence provided for in article 5 of the Convention. The same shall apply to temporary periods of residence for family, industrial, commercial, agricultural or religious reasons and to residence connected with the exercise of administrative or official functions on behalf of the other State or of an international organization.

Article 4

The declaration mentioned in article 2 of the Convention shall be in the form of the annexed model A.² One copy of this declaration shall be immediately transmit-

¹ See p. 125 of this volume.

² See p. 139 of this volume.

ted by the consular authority receiving it to the consular authority of the other State, and the latter authority shall transmit it forthwith to the competent military authorities of its country.

The certificates mentioned in article 4 of the Convention shall be in the form of model B¹ in the case of dual nationals who comply with the provisions of article 2, paragraph 1, of the Convention, and in the form of model C² in the case of those who have signed a contract of voluntary enlistment under the conditions specified in article 3 of the Convention.

The said certificates shall be issued :

(a) In France :

- In the case of a model B certificate, by the Prefecture within whose area the person concerned was registered for census purposes ;
- In the case of a model C certificate, by the commanding officer of the recruiting agency in whose register the volunteer's name appears.

(b) In Israel :

- By the Recruitment Division of the Manpower Department of the Ministry of Defence or the competent Recruitment Office.

The model B certificate shall be drawn up in duplicate ; one copy shall be delivered to the person concerned, and the other copy shall be transmitted :

- In France, by the Prefecture to the commanding officer of the recruiting agency having jurisdiction over the dual national ;
- In Israel, by the competent Recruitment Office to the Recruitment Division of the Manpower Department of the Ministry of Defence.

The model C certificate shall be delivered to the person concerned.

Article 5

In the event that a young man eligible for the benefits of the Convention receives an order to report for duty from the military authority of the State in which he does not have his permanent residence, it shall be incumbent upon him to return the said order to the military authority which issued it, either directly or through the consular representative of the country which issued the order. In either case, he shall attach the model B certificate specified in article 3.

A young man residing in a third State who thus receives an order to report for duty from the military authorities of the State in whose armed forces he does not wish to serve, shall return the said document to the consular representative of the latter State and shall inform him that he has opted for the other State in a statement made before the consular representative of the last-named State.

¹ See p. 139 of this volume.

² See p. 141 of this volume.

If the recipient of an order to report for duty is already performing military service as a volunteer by reason of a contract signed under the conditions specified in article 3 of the Convention, he shall obtain the model C certificate referred to in the preceding article and shall attach it to his order to report for duty, which he shall return under the conditions specified in the first paragraph of the present article.

Article 6

Upon receiving the certificates or the declaration specified in articles 4 and 5, the authorities which issued the orders to report for duty shall cancel them and shall discontinue any proceedings for failure to report which may have been instituted in respect of the persons concerned.

Article 7

Dual nationals who express a wish to sign a contract of enlistment under the conditions specified in article 3 of the Convention shall be granted a six-month deferment. If at the end of that period they have not carried out their plan of enlistment, they shall be called up for service.

Article 8

Dual nationals who have evaded their military obligations shall be reported, through the diplomatic channel, to the competent authorities of the other State by means of a notice of exclusion, which shall be in the form of the annexed model D.¹

Article 9

Dual nationals who, while serving in the armed forces of one of the two States, are duly authorized to proceed on leave to the other State shall be deemed to have satisfied all the relevant statutory requirements of the latter State if they can produce their pass.

DONE in Paris, on 30 June 1959.

For the Government
of the State of Israel :

(Signed) JACOB TSUR

For the Government
of the French Republic :

(Signed) LOUIS JOXE

¹ See p. 143 of this volume.

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DECLARATION OF OPTION

MODEL A

PROVIDED FOR IN ARTICLE 4 OF THE ADMINISTRATIVE AGREEMENT ANNEXED TO THE
FRENCH-ISRAEL MILITARY SERVICE CONVENTION

On the day of in the year one thousand nine hundred
there appeared before us²
the person named born at on
son of and of
who, having his permanent residence at the age of eighteen years at
has declared that he opts to fulfil his legal obligations in respect of service in the³
..... armed forces in conformity with the provisions of article 2 of
the French-Israel Military Service Convention.

Mr. has been informed that he is required to notify the consular authority
of any future changes of residence.

Mr., having read this document and undertaken to fulfil the obligations
of the option he has made, signs the document with us.

At on

THE PERSON CONCERNED⁵

4

-
- ¹ Authority before which the option is exercised.
 - ² Consul of
 - ³ French or Israel.
 - ⁴ Stamp and signature of the consular authority.
 - ⁵ Signature of the person concerned.
-

.....¹

CERTIFICATE OF MILITARY STATUS

MODEL B

PROVIDED FOR IN ARTICLE 4 OF THE ADMINISTRATIVE AGREEMENT ANNEXED TO THE
FRENCH-ISRAEL MILITARY SERVICE CONVENTION

The²
certifies that the person named (surname, given names),
Born at on
Son of and of
having his permanent residence at the age of eighteen years at

-
- ¹ Authority which drew up the certificate.
 - ² Title of the aforementioned authority.

is required to perform his military service in the³ armed forces.

—His name has been recorded in the recruitment lists with a view to his eventual call-up for service.⁴

—He was called up for service on.⁴

—He has been found physically unfit for military service.⁴

—He has been excused, as a, from his military service obligations.⁴

At on

5

³ French or Israel.

⁴ Delete if not applicable.

⁵ Signature and stamp of the authority which drew up the certificate.

.....¹

CERTIFICATE OF MILITARY STATUS

MODEL C

PROVIDED FOR IN ARTICLE 4 OF THE ADMINISTRATIVE AGREEMENT ANNEXED TO THE
FRENCH-ISRAEL MILITARY SERVICE CONVENTION

The²

certifies that the person named

Born at on

Son of and of

who at the time of his voluntary enlistment had his permanent residence at

has signed a³ contract of voluntary enlistment in the⁴

armed forces on

At on

5

¹ Authority which drew up the certificate.

² Title of the aforementioned authority.

³ Duration of the contract.

⁴ French or Israel.

⁵ Signature and stamp of the authority which drew up the certificate.

.....¹

NOTICE OF EXCLUSION
FROM THE BENEFITS OF THE FRENCH-ISRAEL CONVENTION

MODEL D

PROVIDED FOR IN ARTICLE 8 OF THE ADMINISTRATIVE AGREEMENT ANNEXED TO THE
FRENCH-ISRAEL CONVENTION

The²
has the honour to inform the³ authorities
that the person named
born at on
Son of and of
who was required to fulfil his legal obligations in respect of service in the³
armed forces, was declared on to be an absentee/ a deserter⁴ and is
consequently to be excluded from the benefits of the French-Israel Military Service Con-
vention pursuant to the provisions of article 6 of that Convention.

At on
5

¹ Authority signing the notice.

² Title and rank of the said authority.

³ French or Israel.

⁴ Delete whichever does not apply.

⁵ Signature and stamp of the authority which drew up the certificate.

EXCHANGE OF NOTES RELATING TO THE CONVENTION¹
AND THE ADMINISTRATIVE AGREEMENT² OF 30 JUNE
1959 BETWEEN ISRAEL AND FRANCE CONCERNING
THE MILITARY SERVICE OF PERSONS WITH DUAL
NATIONALITY. PARIS, 22 JUNE AND 28 JULY 1959

I

EMBASSY OF ISRAEL

The Embassy of Israel presents its compliments to the Ministry of Foreign Affairs and, with reference to the Convention¹ and the Administrative Agreement² concerning the military service of persons with dual nationality, which will be concluded within a few days between France and Israel, has the honour to request the Ministry to be good enough to confirm its agreement to the following points which have been the subject of discussions between the representatives of the Ministry of Foreign Affairs and the Ministry of the Armed Forces, on the one hand, and the representative of the Embassy, on the other hand :

1. Under article 1 of the Convention and article 1 of the Administrative Agreement, only those dual nationals are excluded from the benefits of the Convention who have acquired one of the two nationalities by naturalization. It is therefore agreed that dual nationals who have acquired either of the two nationalities by any of the methods of acquiring nationality which are provided for by French law and Israel law, other than naturalization—such as reinstatement (*réintégration*), a method provided for by French law, and return, a method provided for by Israel law—shall be entitled to the benefits of the Convention.

The benefits of the Convention shall likewise be accorded to those dual nationals who have acquired either nationality by virtue of the naturalization of their parents.

2. Article 2, paragraph 3, of the Convention provides for the case of persons who acquire dual nationality after the age of eighteen years and before fulfilling in either State their legal obligations in respect of service, but it excludes from the benefits of the Convention persons whose military service has been deferred at their request.

It is agreed that such persons shall be entitled to take up residence in the second State, acquire dual nationality and enjoy the benefits of the Convention up to the age of twenty years, even if they were previously granted a deferment. After the age of

¹ See p. 125 of this volume.

² See p. 133 of this volume.

twenty years they shall be entitled to do so only in so far as their class has not been called up for service.

The Embassy of Israel has the honour to be, etc.

Paris, 22 June 1959

Ministry of Foreign Affairs
Department of Foreign Missions and Legal Affairs
Paris

II

LIBERTY — EQUALITY — FRATERNITY
FRENCH REPUBLIC
MINISTRY OF FOREIGN AFFAIRS
Foreign Missions

AMC.1—Israel

Paris, 28 July 1959

In its note dated 22 June 1959 the Embassy of Israel in France was good enough to request the Ministry of Foreign Affairs to confirm its agreement to the points set out in paragraphs 1 and 2 below. These points concern the interpretation which should be placed on article 1 of the Convention concerning the military service of persons with dual nationality and on article 1 of the Administrative Agreement annexed thereto, on the one hand, and on article 2, paragraph 3, of the aforementioned Convention, on the other hand, the said Convention and Agreement having been concluded between France and Israel on 30 June 1959.

In reply, this Ministry has the honour to inform the Embassy of Israel that the French Government does agree to the following interpretation of the above-mentioned articles :

1. The benefits of the Convention shall be accorded to :

Dual nationals who have acquired either of the two nationalities by any of the methods of acquiring nationality, other than naturalization, which are provided for by French legislation and Israel legislation, in particular by reinstatement (*réintégration*) under French law, or by return under Israel law ;

Dual nationals who have acquired either nationality by virtue of the naturalization of their parents.

2. The benefits of the Convention shall be accorded to :

Those persons, up to the age of twenty years, who, possessing the nationality of only one of the two States at the age of eighteen years, have taken up residence in the other State and have there acquired dual nationality, even if they obtained a deferment of military service in the State of which they were nationals at the age of eighteen years ;

Those persons, after the age of twenty years, who, possessing the nationality of only one of the two States at the age of eighteen years, have taken up residence in the other State and have there acquired dual nationality, on condition that their age class has not yet been called up for service in the State of which they were nationals at the age of eighteen years.

The age mentioned in the two preceding paragraphs corresponds to the average age at which classes are called up in the two States ; it may, at the request of either State, be fixed at an age below twenty years, if the call-up age in that State has been lowered.

The Ministry of Foreign Affairs has the honour to be, etc.

Embassy of Israel
Paris