

No. 8682

**DENMARK
and
FRANCE**

**Convention concerning the military service of persons with
dual nationality (with annex). Signed at Paris, on 6 June
1963**

Official text : French.

Registered by Denmark on 12 July 1967.

**DANEMARK
et
FRANCE**

**Convention relative au service militaire des double-nationaux
(avec annexe). Signée à Paris, le 6 juin 1963**

Texte officiel français.

Enregistrée par le Danemark le 12 juillet 1967.

[TRANSLATION — TRADUCTION]

No. 8682. CONVENTION¹ BETWEEN DENMARK AND FRANCE CONCERNING THE MILITARY SERVICE OF PERSONS WITH DUAL NATIONALITY. SIGNED AT PARIS, ON 6 JUNE 1963

His Majesty the King of Denmark and the President of the French Republic, desiring to put an end to the difficulties relating to military obligations encountered by their nationals who possess both Danish and French nationality, have agreed to conclude a convention for that purpose.

They have appointed as their respective Plenipotentiaries :

His Majesty the King of Denmark :

His Excellency Mr. Eyvind Bartels, Ambassador Extraordinary and Plenipotentiary of Denmark in France;

The President of the French Republic :

His Excellency Mr. Eric de Carbonnel, Ambassador, Secretary-General of the Ministry of Foreign Affairs.

Article 1

Nationals of the High Contracting Parties who possess both Danish and French nationality shall be referred to in the following articles as “ dual nationals ”.

Article 2

(1) Dual nationals residing in Denmark or France shall be required to fulfil their legal military obligations in the State in which they have their permanent residence at the age of nineteen years.

(2) Dual nationals who at the age of nineteen years are resident in a third country shall not be eligible to benefit from the provisions of this Convention. However, those of the persons concerned who have fulfilled their obligations in respect of service in the armed forces of either State shall be exempt from such obligations in the other State on producing a certificate of military status in the form of the attached model A.

(3) Persons who acquire dual nationality after the age of nineteen years and have not yet fulfilled their legal military obligations in either State shall be

¹ Came into force on 3 February 1965, the date of the exchange of the instruments of ratification at Copenhagen, in accordance with article 11.

required to fulfil those obligations in the State in which they have their permanent residence at the time of acquiring the second nationality.

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 by the other State to perform their legal obligations in respect of service.

Article 4

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 State in which they have not been called up for service.

Where, however, such persons, after fulfilling their legal obligations in respect of service in either State, establish domicile in the other State or reside there uninterruptedly for more than two years, they shall be subject in that State to all the military obligations of their class.

The competent authorities of the two States shall report to each other, through the diplomatic channel, any transfer of residence from their territory by a beneficiary of this Convention.

Article 5

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 6

Dual nationals who are exempted from military service as physically unfit or for any other reason provided for in the legislation of the State in which, under the rules of this Convention, they are required to fulfil their legal military obligations, shall also be deemed to have fulfilled their military obligations in the other State.

Article 7

In the event of partial or total mobilization, each State shall call up only dual nationals having their permanent residence in its territory, irrespective of the State in which the persons concerned have fulfilled their legal military obli-

gations, and those residing in a third State who have fulfilled their military service obligations in its 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 putting this Convention into effect are contained in the annex.

Article 10

The High Contracting Parties 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 be ratified. It shall enter into force on the exchange of the instruments of ratification, which shall take place at Copenhagen as soon as possible.

As soon as this Convention enters into force, the Convention on Military Service signed in Paris on 22 June 1949¹ shall be considered abrogated.

This Convention is concluded for an indefinite period and may be denounced by either High Contracting Party subject to one year's notice.

IN WITNESS WHEREOF the Plenipotentiaries designated above have signed this Convention and affixed their seals thereto.

DONE in duplicate in Paris, on 6 June 1963.

For His Majesty the King of Denmark :
E. BARTELS

For the President of the French Republic :
ERIC DE CARBONNEL

¹ United Nations, *Treaty Series*, Vol. 48, p. 3.

ANNEX TO THE CONVENTION BETWEEN DENMARK AND FRANCE CONCERNING THE MILITARY SERVICE OF PERSONS WITH DUAL NATIONALITY

Article 1

The expression “ permanent residence in one of the Contracting States ” means, in respect of Denmark, a permanent residence anywhere in the territory of the Kingdom of Denmark, and in respect of France, a permanent residence in the metropolitan territory, Martinique, Guadeloupe, Reunion, Guiana or the Overseas Territories.

Article 2

A permanent residence in either State means the place where the person concerned has his main establishment and where he intends to remain.

Hence, temporary residences occupied because of studies undertaken away from the usual residence or temporary stays for religious, cultural, family, industrial, commercial, agricultural or similar reasons shall not be regarded as permanent residences for the purposes of this Convention.

Article 3

In the event that a person eligible for the benefits of the Convention receives an order to report for duty from the State in which he does not have his permanent residence, it shall be incumbent upon him to send the authority which issued the said order a certificate of military status in the form of the attached model A, issued by the competent authorities of the State in which he is required to perform his active service (Ministry of the Interior or Chief of Recruitment District in Denmark/Regional Recruiting Agencies in France).

If the recipient of an order to report for duty is outside the State in which the order was issued, he shall submit the aforementioned certificate through the Consul of that State.

This certificate may also provide evidence of the military status of dual nationals in the case provided for in article 2 (2) of the Convention.

Article 4

Dual nationals who under the terms of article 3 of the Convention have voluntarily signed a contract of enlistment in the armed forces of either State shall be required, whatever the circumstances, to fulfil their military service obligations in those armed forces.

They shall, if the occasion arises, give evidence of their military status by producing a certificate in the form of the attached model B, in particular if they receive an order to report for duty in the armed forces of the other State.

Article 5

Upon receiving the certificates specified in articles 3 and 4, the authority 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 6

The authorities which issued the certificates A and B provided for in articles 3 and 4 shall report to the competent authorities of the other State, through the diplomatic channel, holders of such certificates who have evaded their legal military service obligations.

Article 7

Holders of certificates A and B who, to the knowledge of the competent authorities, lose either Danish or French nationality shall also be reported through the same channel.

Article 8

For the purposes of article 7 of the Convention, beneficiaries of that article shall not be considered as having their permanent residence in a third State unless they have explicitly made a declaration to that effect to the competent authorities of the State in which they last had their permanent residence.

.....¹

CERTIFICATE OF MILITARY STATUS

MODEL A

PROVIDED FOR IN ARTICLE 2 OF THE CONVENTION BETWEEN DENMARK AND FRANCE CONCERNING THE MILITARY SERVICE OF PERSONS WITH DUAL NATIONALITY AND IN ARTICLE 3 OF THE ANNEX

The²
 certifies that the person named (surname, given names)
 born at on
 having declared that at the age of nineteen years he has his permanent residence at
 is required to perform his active military service in the³ armed forces.
 —His name has been recorded in the recruitment lists with a view to his eventual call-up for service⁴
 —He was called up for service on⁴
 —He has been found physically unfit for military service⁴
 —He has been excused, as a, from his legal obligations in respect of service.⁴

At on

5

¹ Authority which drew up the certificate.

² Title of the aforementioned authority.

³ Danish or French.

⁴ Delete if not applicable.

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

.....¹

CERTIFICATE OF MILITARY STATUS

MODEL B

PROVIDED FOR IN ARTICLE 4 OF THE ANNEX TO THE CONVENTION BETWEEN DENMARK AND FRANCE CONCERNING THE MILITARY SERVICE OF PERSONS WITH DUAL NATIONALITY

The²
 certifies that the person named
 born at on
 who at the time of his voluntary enlistment had his permanent residence at
 has signed a contract of voluntary enlistment in the³ armed forces on

At on

4

¹ Authority which drew up the certificate.

² Title of the aforementioned authority.

³ Danish or French.

⁴ Signature and stamp of the authority which drew up the certificate.