

No. 9065

COUNCIL OF EUROPE

Convention on reduction of cases of multiple nationality and military obligations in cases of multiple nationality (with annex). Done at Strasbourg, on 6 May 1963

Official texts : English and French.

Registered by the Council of Europe on 24 April 1968.

CONSEIL DE L'EUROPE

Convention sur la réduction des cas de pluralité de nationalités et sur les obligations militaires en cas de pluralité de nationalités (avec annexe). Faite à Strasbourg, le 6 mai 1963

Textes officiels anglais et français.

Enregistrée par le Conseil de l'Europe le 24 avril 1968.

No. 9065. CONVENTION¹ ON REDUCTION OF CASES OF MULTIPLE NATIONALITY AND MILITARY OBLIGATIONS IN CASES OF MULTIPLE NATIONALITY. DONE AT STRASBOURG, ON 6 MAY 1963

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve greater unity between its Members ;

Considering that cases of multiple nationality are liable to cause difficulties and that joint action to reduce as far as possible the number of cases of multiple nationality, as between member States, corresponds to the aims of the Council of Europe ;

Considering it desirable that persons possessing the nationality of two or more Contracting Parties should be required to fulfil their military obligations in relation to one of those Parties only,

Have agreed as follows :

¹ Came into force on 28 March 1968, i.e., one month after the date of deposit of the second instrument of ratification, in accordance with article 10 (2), in respect of the following States on whose behalf instruments of ratification were deposited with the Secretary-General of the Council of Europe on the dates indicated below :

<i>State</i>	<i>Date of deposit</i>
France *	26 January 1965
Italy **	27 February 1968

* With the declaration made on signature, for the text of which see p. 236 of this volume.

** With the following declaration made at the time of deposit of the instrument of ratification :

[TRANSLATION * — TRADUCTION **]

The Italian Government avails itself of the reservations 1, 2 and 4 provided for in the Annex to the Convention and, consequently, reserves the right:

— to make the loss of nationality referred to in Article 1, paragraphs 1, 2 and 3, subject to the condition that the person concerned already ordinarily resides or at some time takes up this ordinary residence outside its territory, except where, in the case of acquisition of a foreign nationality of his own free will, such person is exempted by the competent authority from the condition of ordinary residence abroad ;

— not to regard a declaration made by a woman with a view to acquiring her husband's nationality by virtue and at the time of marriage as an option within the meaning of Article 1 ;

— not to apply the provisions of Article 1 and 2 when the wife of one of its nationals has acquired another nationality while her husband retains the nationality of such Party.

* Translation by the Secretariat-General of the Council of Europe.

** Traduction du Secrétariat général du Conseil de l'Europe.

CHAPTER I

REDUCTION OF CASES OF MULTIPLE NATIONALITY

Article 1

1. Nationals of the Contracting Parties who are of full age and who acquire of their own free will, by means of naturalisation, option or recovery, the nationality of another Party shall lose their former nationality. They shall not be authorised to retain their former nationality.

2. Nationals of the Contracting Parties who are minors and acquire by the same means the nationality of another Party shall also lose their former nationality if, where their national law provides for the loss of nationality in such cases, they have been duly empowered or represented. They shall not be authorised to retain their former nationality.

3. Minor children, other than those who are or have been married, shall likewise lose their former nationality in the event of the acquisition *ipso jure* of the nationality of another Contracting Party upon and by reason of the naturalisation or the exercise of an option or the recovery of nationality by their father and mother. Where only one parent loses his former nationality, the law of that Contracting Party whose nationality the minor possessed shall determine from which of his parents he shall derive his nationality. In the latter case, the said law may make the loss of his nationality subject to the prior consent of the other parent or the guardian to his acquiring the new nationality.

However, without prejudice to the provisions of the law of each of the Contracting Parties concerning the recovery of nationality, the Party of which the minor referred to in the foregoing paragraph possessed the nationality may lay down special conditions on which they may recover that nationality of their own free will after attaining their majority.

4. In so far as concerns the loss of nationality as provided for in the present Article, the age of majority and minority and the conditions of capacity and representation shall be determined by the law of the Contracting Party whose nationality the person concerned possesses.

Article 2

1. A person who possesses the nationality of two or more Contracting Parties may renounce one or more of these nationalities, with the consent of the Contracting Party whose nationality he desires to renounce.

2. Such consent may not be withheld by the Contracting Party whose nationality a person of full age possesses *ipso jure*, provided that the said person has, for the past ten years, had his ordinary residence outside the territory of that Party and also provided that he has his ordinary residence in the territory of the Party whose nationality he intends to retain.

Consent may likewise not be withheld by the Contracting Party in the case of minors who fulfil the conditions stipulated in the preceding paragraph, provided that their national law allows them to give up their nationality by means of a simple declaration and provided also that they have been duly empowered or represented.

3. The age of majority and minority and the conditions for being empowered or represented shall be determined by the law of the Contracting Party whose nationality the person in question desires to renounce.

Article 3

The Contracting Party whose nationality a person desires to renounce shall not require the payment of any special tax or charge in the event of such renunciation.

Article 4

Nothing in the provisions of this Convention shall preclude the application of any provision more likely to limit the occurrence of multiple nationality whether embodied or subsequently introduced into either the municipal law of any Contracting Party or any other treaty, convention or agreement between two or more of the Contracting Parties.

CHAPTER II

MILITARY OBLIGATIONS IN CASES OF MULTIPLE NATIONALITY

Article 5

1. Persons possessing the nationality of two or more Contracting Parties shall be required to fulfil their military obligations in relation to one of those Parties only.

2. The modes of application of paragraph 1 may be determined by special agreements between any of the Contracting Parties.

Article 6

Except where a special agreement which has been, or may be, concluded provides otherwise, the following provisions are applicable to a person possessing the nationality of two or more Contracting Parties :

1. Any such person shall be subject to military obligations in relation to the Party in whose territory he is ordinarily resident. Nevertheless, he shall be free to choose, up to the age of 19 years, to submit himself to military obligations as a volunteer in relation to any other Party of which he is also a national for a total and effective period at least equal to that of the active military service required by the former Party.
2. A person who is ordinarily resident in the territory of a Contracting Party of which he is not a national or in that of a State which is not a Party may choose to perform his military service in the territory of any Contracting Party of which he is a national.
3. A person who, in accordance with the rules laid down in paragraphs 1 and 2, shall fulfil his military obligations in relation to one Party, as prescribed by the law of that Party, shall be deemed to have fulfilled his military obligations in relation to any other Party or Parties of which he is also a national.
4. A person who, before the entry into force of this Convention between the Parties of which he is a national, has, in relation to one of those Parties, fulfilled his military obligations in accordance with the law of that Party, shall be deemed to have fulfilled the same obligations in relation to any other Party or Parties of which he is also a national.
5. A person who, in conformity with paragraph 1, has performed his active military service in relation to one of the Contracting Parties of which he is a national, and subsequently transfers his ordinary residence to the territory of the other Party of which he is a national, shall be liable to military service in the reserve only in relation to the latter Party.
6. The application of this Article shall not prejudice, in any respect, the nationality of the persons concerned.
7. In the event of mobilisation by any Party, the obligations arising under this Article shall not be binding upon that Party.

CHAPTER III

APPLICATION OF THE CONVENTION

Article 7

1. Each Contracting Party shall apply the provisions of Chapters I and II.

It is however understood that each Contracting Party may declare, at the time of ratification, acceptance or accession, that it will apply the provisions

of Chapter II only. In this case the provisions of Chapter I shall not be applicable in relation to that Party.

It may, at any subsequent time, notify the Secretary-General of the Council of Europe that it is applying the provisions of Chapter I as well. This notification shall become effective as from the date of its receipt, and the provisions of Chapter I shall thereupon become applicable in relation to that Party.

2. Each Contracting Party which has applied the provisions of the first sub-paragraph of paragraph 1 of this Article may declare, at the time of signing or at the time of depositing its instrument of ratification, acceptance or accession that it will apply the provisions of Chapter II only in regard to Contracting Parties which are applying the provisions of Chapters I and II. In this case the provisions of Chapter II shall not be applicable between the Party making such a declaration and a Party applying the second sub-paragraph of paragraph 1.

CHAPTER IV

FINAL CLAUSES

Article 8

1. Any Contracting Party may, when signing this Convention or depositing its instrument of ratification, acceptance or accession, declare that it avails itself of one or more of the reservations provided for in the Annex to the present Convention. No other reservation shall be permitted.

2. Any Contracting Party may wholly or partly withdraw a reservation it has made in accordance with the foregoing paragraph by means of a notification addressed to the Secretary-General of the Council of Europe, which shall become effective as from the date of its receipt.

3. A Contracting Party which has made a reservation in respect of any provision of the Convention in accordance with this Article may not claim application of the said provision by another Party; it may, however, if its reservation is partial or conditional claim the application of that provision in so far as it has itself accepted it.

Article 9

1. Any Contracting Party may, by a declaration made to the Secretary-General of the Council of Europe on signature or on depositing its instrument of ratification, acceptance or accession, or at any subsequent time, with regard to States and territories for which it assumes international responsi-

lity, or for which it is empowered to contract, define the term “nationals” and specify the “territories” to which the present Convention shall be applicable.

2. Any declaration made in accordance with this Article may, in respect of the nationals and territories mentioned in such declaration, be withdrawn according to the procedure laid down in Article 12 of this Convention.

Article 10

1. This Convention shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary-General of the Council of Europe.

2. This Convention shall enter into force one month after the date of deposit of the second instrument of ratification or acceptance.

3. In respect of a signatory State ratifying or accepting subsequently, the Convention shall come into force one month after the date of deposit of its instrument of ratification or acceptance.

Article 11

1. After this Convention has come into force the Committee of Ministers of the Council of Europe may unanimously decide to invite any State which is not a Member of the Council to accede to it. Any State so invited may accede by depositing its instrument of accession with the Secretary-General of the Council.

2. The Convention shall come into force in respect of any State acceding thereto one month after the date of deposit of its instrument of accession.

Article 12

1. This Convention shall remain in force indefinitely.

2. Any Contracting Party may, in so far as it is concerned, denounce this Convention by means of a notification addressed to the Secretary-General of the Council of Europe.

3. Such denunciation shall take effect one year after the date of receipt by the Secretary-General of such notification.

Article 13

The Secretary-General of the Council of Europe shall notify the member States of the Council and the Government of any State which has acceded to this Convention of :

- (a) any signature and any deposit of instruments of ratification, acceptance or accession ;
- (b) all dates of entry into force of the Convention in accordance with Articles 10 and 11 thereof ;
- (c) any reservation made in accordance with Article 8, paragraph 1 ;
- (d) the withdrawal of any reservation in accordance with Article 8, paragraph 2 ;
- (e) any declaration or notification received in accordance with the provisions of Article 7 and Article 9, paragraph 1 ;
- (f) any notification received in pursuance of the provisions of Article 9, paragraph 2, and of Article 12 and the date on which denunciation takes effect.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Convention.

DONE at Strasbourg, this 6th day of May 1963 in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General shall transmit certified copies to each of the signatory and acceding Governments.

ANNEX

Any Contracting Party may declare that it reserves the right :

1. to make the loss of nationality referred to in Article 1, paragraphs 1, 2 and 3, subject to the condition that the person concerned already ordinarily resides or at some time takes up his ordinary residence outside its territory, except where, in the case of acquisition of a foreign nationality of his own free will, such person is exempted by the competent authority from the condition of ordinary residence abroad ;
2. not to regard a declaration made by a woman with a view to acquiring her husband's nationality by virtue and at the time of marriage as an option within the meaning of Article 1 ;
3. to allow any of its nationals to retain his previous nationality if a Contracting Party for whose nationality he applies in the manner referred to in Article 1 gives its prior consent thereto ;
4. not to apply the provisions of Articles 1 and 2 when the wife of one of its nationals has acquired another nationality while her husband retains the nationality of such Party.

For the Government
of the Republic of Austria :

Pour le Gouvernement
de la République d'Autriche :

KREISKY

For the Government
of the Kingdom of Belgium :

Pour le Gouvernement
du Royaume de Belgique :

Strasbourg, le 5 juin 1963

R. COENE

For the Government
of the Republic of Cyprus :

Pour le Gouvernement
de la République de Chypre :

For the Government
of the Kingdom of Denmark :

Pour le Gouvernement
du Royaume de Danemark :

For the Government
of the French Republic :

Pour le Gouvernement
de la République française :

[TRANSLATION ¹ — TRADUCTION ²]

The Government of the French Republic declares that it avails of the reservation provided for at point 2 of the Annex to the Convention.

Le Gouvernement de la République française déclare faire usage de la réserve prévue au point 2 de l'Annexe à la Convention.

Michel HABIB-DELONCLE

For the Government
of the Federal Republic of Germany :

Pour le Gouvernement
de la République Fédérale d'Allemagne :

[TRANSLATION ¹ — TRADUCTION ²]

Any person who is of German Nationality within the meaning of Article 116 of the Basic Law of the Federal Republic of Germany shall

Est considéré comme ressortissant de la République Fédérale d'Allemagne, pour l'application de la Convention sur la réduction des cas de

¹ Translation by the Secretariat-General of the Council of Europe.

² Traduction du Secrétariat général du Conseil de l'Europe.

be regarded as a national of the Federal Republic of Germany for the purpose of the application of the Convention on the reduction of cases of multiple nationality and on military obligations in cases of multiple nationality.

pluralité de nationalités et sur les obligations militaires en cas de pluralité de nationalités, toute personne qui est allemande au sens de l'article 116 de la Loi Fondamentale de la République Fédérale d'Allemagne.

CARSTENS

For the Government
of the Kingdom of Greece :

Pour le Gouvernement
du Royaume de Grèce :

For the Government
of the Icelandic Republic :

Pour le Gouvernement
de la République islandaise :

For the Government
of Ireland :

Pour le Gouvernement
d'Irlande :

For the Government
of the Italian Republic :

Pour le Gouvernement
de la République italienne :

Edoardo MARTINO

For the Government of the
Grand Duchy of Luxembourg :

Pour le Gouvernement du
Grand Duché de Luxembourg :

For the Government
of the Kingdom of the Netherlands :

Pour le Gouvernement
du Royaume des Pays-Bas :

H. R. VAN HOUTEN

For the Government
of the Kingdom of Norway :

Pour le Gouvernement
du Royaume de Norvège :

Halvard LANGE

For the Government
of the Kingdom of Sweden :

Pour le Gouvernement
du Royaume de Suède :

For the Government
of the Turkish Republic :

Pour le Gouvernement
de la République turque :

For the Government
of the United Kingdom of Great
Britain and Northern Ireland :

Pour le Gouvernement
du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord :

Edward HEATH
