

No. 22415

**FRANCE
and
TUNISIA**

Convention concerning the national service obligations of dual nationals (with exchange of letters of 17 June 1982). Signed at Paris on 18 March 1982

Authentic texts: French and Arabic.

Registered by France on 26 October 1983.

**FRANCE
et
TUNISIE**

Convention relative aux obligations de service national en cas de double nationalité (avec échange de lettres du 17 juin 1982). Signée à Paris le 18 mars 1982

Textes authentiques : français et arabe.

Enregistrée par la France le 26 octobre 1983.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE FRENCH REPUBLIC AND THE
REPUBLIC OF TUNISIA CONCERNING THE NATIONAL
SERVICE OBLIGATIONS OF DUAL NATIONALS

The Government of the French Republic and the Government of the Republic of Tunisia,

Desiring to strengthen the relations of friendship and close co-operation which exist between the two States,

Believing it to be desirable that a person who is a national of both States should have to fulfil his service obligations in respect of only one of them,

Have agreed to adopt the following provisions:

Article 1. The service obligations referred to in this Convention relate to national service in France or to military service in Tunisia.

National service in France and military service in Tunisia shall mean, in each of the two States, compulsory military service or any other service regarded as equivalent under the legislation of the State in which the service is performed.

Article 2. When young persons reach the age of 20, they shall be subject to the service obligations of the State in whose territory they have their habitual residence, unless they declare that they wish to fulfil these obligations in the other State.

Those who have their habitual residence in the territory of a third State shall choose, as between the two States of which they are nationals, the State in which they intend to be subject to these obligations.

These options shall be set out in a certificate of declaration (model A), the text of which shall be determined by an exchange of letters.

Article 3. The term “habitual residence” shall mean the effective, stable and permanent residence of the young persons themselves, having regard to the centre of their attachments and their occupations.

Article 4. The young persons referred to in article 2 of this Convention shall be deemed to have fulfilled the obligations of national service in France if they are in compliance with the law relating to military service in Tunisia and if they can prove such compliance by producing an official attestation issued by the Tunisian authorities.

Article 5. The young persons referred to in article 2 of this Convention shall be deemed to have fulfilled the obligations of military service in Tunisia if they are in compliance with the law relating to national service in France and if they can prove such compliance by producing an official attestation issued by the French authorities.

Article 6. Persons such as those referred to in articles 4 and 5 who are in compliance with the obligations imposed under the legislation in force in the

¹ Came into force on 1 July 1983, i.e., the first day of the second month following the date of the last of the notifications (effected on 10 January and 9 May 1983) by which the Contracting Parties informed each other of the completion of the required constitutional procedures, in accordance with article 10.

territory of their State shall be provided by one of the two Governments with an official attestation (model B), the text of which shall be determined by an exchange of letters, for the purpose of legalizing their situation in respect of the authorities of the other State.

Article 7. The provisions of this Convention shall in no way affect the rights to residence and employment acquired by the persons to whom they apply, nor their nationality, which shall continue to be governed exclusively, with respect to French nationality, by French law and, with respect to Tunisian nationality, by Tunisian law.

Article 8. The provisions of this Convention shall apply to all those dual nationals who continue to be subject to service obligations in France and in Tunisia on the date of its entry into force.

Article 9. Any difficulties which may arise upon the application of this Convention shall be settled through the diplomatic channel.

Article 10. Each of the two Contracting States shall notify the other of the completion of the procedures required under its Constitution for the entry into force of this Convention, which shall take place on the first day of the second month following the date of the last such notification.

Article 11. This Convention is concluded for an unlimited period. Each of the two Contracting States may denounce it at any time and such denunciation shall take effect six months after the date of receipt of its notification by the other Party.

IN WITNESS WHEREOF, the representatives of the two Governments, duly authorized for this purpose, have signed this Convention and affixed their seals thereto.

DONE at Paris, on 18 March 1982, in duplicate, in the French and Arabic languages, both texts being equally authentic.

For the Government
of the French Republic:

[Signed]

CLAUDE CHEYSSON
Minister for Foreign Affairs

For the Government
of the Republic of Tunisia:

[Signed]

BÉJI CAÏD ESSEBSI
Minister for Foreign Affairs

EXCHANGE OF LETTERS

I

FRENCH REPUBLIC
EMBASSY OF FRANCE IN TUNISIA

Tunis, 17 June 1982

Sir,

Under the terms of the Convention between the French Republic and the Republic of Tunisia concerning the national service obligations of dual nationals,

signed at Paris on 18 March 1982, it was agreed that an exchange of letters would determine the text adopted for:

—The certificate of declaration (model A) provided for in article 2, and

—The official attestation (model B) provided for in article 6.

The two forms drawn up on the basis of a common agreement by French and Tunisian experts are appended to this letter.

I should be grateful if you would inform me whether the text of these forms meets with your agreement. If so, this letter and your reply shall constitute an agreement between our two Governments for the use of these forms, with effect from the entry into force of the Franco-Tunisian Convention of 18 March 1982 to which they refer.

Accept, Sir, etc.

His Excellency Mr. Béji Caïd Essebsi
Minister for Foreign Affairs
Tunis

Model A

CERTIFICATE OF DECLARATION

(Article 2 of the Franco-Tunisian Convention of 18 March 1982 concerning the national* service obligations of dual nationals)

I, the undersigned (1)
born at (2)
on
son of
and of

having my habitual residence in the sense of article 3 of the Franco-Tunisian Convention of 18 March 1982 concerning the national* service obligations of dual nationals at (3)

.....
.....
declare that I wish to fulfil the national* service obligations defined in article 1 of the said Convention in respect of the State (4)

At on
(Signature)

We, the undersigned (5), certify that the information above corresponds to the declarations made by the person concerned; a copy of this form has been handed to him in person.

At on
(Signature)

* Military (in the Arabic text).

- (1) Surname and first names.
- (2) *Localité* (or *imada*); *commune* (or *mu'tamadiya*); *département* (or *wilaya*).
- (3) Complete address: number, street, *localité* (or *balda*), *commune* (or *mu'tamadiya*), *département* (or *wilaya*), postal code.
- (4) French or Tunisian.
- (5) Authority which received the declaration: consular authority or Chief of National Service Office (in France) or Director of Conscription and Mobilization (in Tunisia).

Model B

ATTESTATION

(Article 6 of the Franco-Tunisian Convention of 18 March 1982
concerning the national* service obligations of dual nationals)

The (1)
 certifies that (2)
 son of
 and of
 born at (3)
 on
 (a) (4) who on (5)
 signed a declaration to the effect that he would fulfil his national* service obligations
 in respect of the State (6)
 or
 (b) (4) who has fulfilled his national* service obligations in respect of the State (6)
 is in compliance with the law relating to national* service.

Done at on
 (Signature)

- (1) Authority which drew up the attestation: Chief of National Service Office (in France) or Director of Conscription and Mobilization (in Tunisia).
- (2) Surnames and first names
- (3) *Localité* (or *imada*); *commune* (or *mu'tamadiya*); *département* (or *wilaya*).
- (4) Delete whichever does not apply.
- (5) Date of certificate of declaration (model A).
- (6) French or Tunisian.

* Military (in the Arabic text).

II

REPUBLIC OF TUNISIA
MINISTRY OF FOREIGN AFFAIRS

Tunis, 17 June 1982

Sir,

You were good enough, in your letter of 17 June 1982, to send me the following message:

[*See letter I*]

I have the honour to inform you that my Government is in agreement with the above proposal.

Accept, Sir, etc.

[*Signed*]

LIES GASTLI

His Excellency Mr. Pierre Hunt
Ambassador of France
Tunis
