

The Protocol was
previously published
as Miscellaneous No. 10
(1978), Cmnd. 7150.

NATIONALITY



Treaty Series No. 108 (1979)

Protocol

✓ 1/11/78
3/1/78

amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality

Strasbourg, 24 November 1977

[The United Kingdom instrument of ratification was deposited on 7 August 1978
and the Protocol entered into force on 8 September 1978]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
November 1979*

LONDON

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40p net

Cmnd. 7756

NOTE

The Convention is in force for the United Kingdom in respect of Chapters II, III and IV only. The amendments to Chapter I of the Convention and its Annex, provided for in Articles 1 and 4 of the Protocol, do not therefore have effect in relation to the United Kingdom.

PROTOCOL
AMENDING THE CONVENTION ON THE
REDUCTION OF CASES OF MULTIPLE NATIONALITY
AND MILITARY OBLIGATIONS IN CASES
OF MULTIPLE NATIONALITY

The member States of the Council of Europe, signatory to this Protocol,

Considering the desirability of amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality signed in Strasbourg on 6 May 1963⁽¹⁾ hereinafter referred to as "the Convention";

Considering it desirable that a person possessing as a matter of right more than one nationality should be able to renounce by a mere declaration of will the nationality of a Contracting Party in whose territory he has no ordinary residence;

Considering it desirable to clarify the meaning of Article 6, paragraph 3, of the Convention, with regard to which difficulties of interpretation have appeared;

Considering it desirable to permit the acceptance of the provisions of Chapter I of the Convention only in order to reduce to a greater extent the number of cases of plural nationality;

Considering that the trend of law concerning the married woman should entail deletion of reservations to the Convention in her respect,

Have agreed as follows:

ARTICLE 1

Article 2, paragraph 2, sub-paragraph 1 of the Convention is amended as follows:

"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 his ordinary residence outside the territory of the Party."

ARTICLE 2

Article 6, paragraph 3 of the Convention shall be replaced by the following provisions:

"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. The same shall apply to a person who has been exempted from his military obligations or has fulfilled civil service as an alternative.

⁽¹⁾ Treaty Series No. 88 (1971), Cmnd. 4802.

A person who is a national of a Contracting Party which does not require obligatory military service, shall be considered as having satisfied his military obligations when he has his ordinary residence in the territory of that Party. Nevertheless he should be deemed not to have satisfied his military obligations in relation to a Contracting Party or Contracting Parties of which he is equally a national and where military service is required unless the said ordinary residence has been maintained up to a certain age, which each Contracting Party concerned shall notify at the time of signature or when depositing its instrument of ratification, acceptance or accession.

Also a person who is a national of a Contracting Party which does not require obligatory military service shall be considered as having satisfied his military obligations when he has rendered voluntary military service for a total and effective period which is at least equal to that of the active military service of the Party of which he is also a national without regard to where he has his ordinary residence."

ARTICLE 3

Article 7 of the Convention is amended as follows:

"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 signature or when depositing its instrument of ratification, acceptance or accession, that it will apply the provisions of Chapter I or Chapter II only.

It may, at any subsequent time, notify the Secretary General of the Council of Europe that it will apply all provisions of Chapters I and II. Such notification takes effect from the date of its reception.

2. The provisions of Chapters I or II, as the case may be, shall be applicable only between Contracting Parties which apply the chapter in question."

ARTICLE 4

1. Paragraphs 2 and 4 of the Annex to the Convention are repealed.

2. From the date on which a Contracting Party to the Convention also becomes a Party to this Protocol, any reservations formulated by that Party under paragraphs 2 and 4 of the said Annex shall be deemed to have been withdrawn.

ARTICLE 5

In relations between States Parties to the Convention but not Parties to this Protocol and States Parties to the Protocol, the Convention shall continue in force in its original form.

ARTICLE 6

1. This Protocol shall be open to signature by the member States of the Council of Europe having signed the Convention, which may become Parties to the Protocol by the procedure provided for in Article 10, paragraph 1 of the Convention.

2. This Protocol shall enter into force one month after the date of deposit of the second instrument of ratification, acceptance or approval.⁽²⁾

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

ARTICLE 7

1. After this Protocol has entered into force, any State which has acceded to the Convention may accede to this Protocol.

2. Any State which is not a member of the Council of Europe invited to accede to the Convention shall be considered as having been invited also to accede to this Protocol.

3. Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession, which shall come into force one month after the date of deposit.

ARTICLE 8

1. Any Contracting Party may denounce this Protocol only when denouncing simultaneously the Convention in accordance with the procedure of its Article 12.

2. Denunciation of the Convention implies *ipso jure* the denunciation of this Protocol.

ARTICLE 9

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

- (a) any signature of this Protocol;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession;
- (c) any date of entry into force of this Protocol in accordance with Articles 6 and 7 thereof;
- (d) any notification received in pursuance of the provisions of Article 2, paragraph 1;

(2) The Protocol entered into force on 8 September 1978.

- (e) any declaration received in pursuance of the provisions of Article 3, paragraph 1;
- (f) any notification received in pursuance of the provisions of Article 8 and the date on which denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 24th day of November 1977, in English and in French,⁽³⁾ both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies of each of the signatory and acceding States.

SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of Signature</i>	<i>Date of deposit of instrument of ratification</i>
Belgium	24 Nov. 1977	
Denmark	24 Nov. 1977	
Germany, Federal Republic of ...	24 Nov. 1977	
Luxembourg	24 Nov. 1977	20 Sept. 1979
Portugal	23 Feb. 1979	
Sweden*	24 Nov. 1977	23 Mar. 1978
United Kingdom	24 Nov. 1977	7 Aug. 1978

* In a notification to the Secretary-General, deposited on 18 October 1979, the Government of Sweden declared:

"According to the second sub-paragraph of paragraph 3 of Article 6 of the Convention, as amended through the said Protocol, a Contracting Party may stipulate, in respect of a person who is also a national of another Contracting Party which does not require obligatory military service, that he shall be considered as having satisfied his military obligations only when his ordinary residence in that Party has been maintained up to a certain age. Under Swedish legislation, this age is that of 30 years."

⁽³⁾ After the Protocol has been registered with the United Nations, the French text will be published in the United Nations Treaty Series, available through Agency Section, Her Majesty's Stationery Office, P.O. Box 659, London SE1 9NY—Tel. 01-928 6977 ext. 410.

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