



DEPARTMENT OF THE SENATE	
PAPER No.	1865
DATE	
PRESENTED	174 OCT 1976
<i>J. ... Olsen</i>	
Clerk of the Senate	

DUAL NATIONALITY

REPORT

FROM THE

JOINT COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

DUAL NATIONALITY

REPORT

FROM THE

JOINT COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

MEMBERS OF THE COMMITTEE

Chairman

Senator the Hon. Sir Magnus Cormack, K.B.E.

Deputy Chairman

The Hon. K.E. Beazley, M.P.

Senator the Hon. R. Bishop
Senator D.B. Scott
Senator K.W. Sibraa
Senator J.P. Sim
Senator the Hon. J.M. Wheeldon
Senator H.W. Young

Mr J.L. Armitage, M.P.
Mr N.A. Brown, M.P.
The Hon. G.M. Bryant, E.D., M.P.
Mr K.L. Fry, M.P.
The Hon. R.V. Garland, M.P.
Mr D.J. Hamer, D.S.C., M.P.
Mr R. Jacobi, M.P.
*Dr R.E. Klugman, M.P.
Mr M.J. Neil, M.P.
The Hon. I.L. Robinson, M.P.
Mr R.F. Shipton, M.P.
Mr J.R. Short, M.P.
Mr J.W. Sullivan, M.P.

* Chairman of Sub-Committee

Secretary

A.H. Higgins
The Senate

October 1976

TERMS OF REFERENCE

The international legal and diplomatic aspects of the situation of Australians possessing dual or plural nationality.

TABLE OF CONTENTS

	<u>Page</u>
I Introduction	1
II The Implications of Dual Nationality	3
III International Aspects	10
. Legal	
. Diplomatic	
IV Conclusions and Recommendations	20
Acknowledgments	22
Appendix 1	23
Appendix 2	25

I INTRODUCTION

The resolutions of July 1973 passed by both Houses of Parliament establishing the Joint Committee on Foreign Affairs and Defence empowered the Committee to consider and report on -

- (a) foreign affairs and defence generally; and
- (b) such matters as may be referred to the Committee by -
 - . the Minister for Foreign Affairs,
 - . the Minister for Defence, or
 - . by resolution of either House of Parliament.

This report was initiated by a reference to the Committee by the then Minister for Foreign Affairs (the Hon. E.G. Whitlam, Q.C., M.P.) for inquiry into:-

"The international legal and diplomatic aspects of the situation of Australians possessing dual or plural nationality."

At the time of making this reference to the Committee, the Government was especially concerned at the effects the application of the differing domestic nationality laws of Australia and Yugoslavia were having on Australians of Yugoslav origin who visited, or wished to visit, their former homeland.

On 22 April 1975, the Committee appointed from its then membership Senator G.D. McIntosh, Mr D.M. Connolly, M.P., Mr K. Fry, M.P., the Hon. D.J. Killen, M.P. and Dr R. Klugman, M.P., to form a sub-committee to conduct the inquiry. At the

first meeting, Dr Klugman was elected Chairman of the Sub-Committee.

The Attorney-General and Ministers for Foreign Affairs and Labor and Immigration (now Department of Immigration and Ethnic Affairs) authorised their departments to make detailed formal submissions to the Committee and for officers to be available for supplementary discussions. The assistance of the officers concerned is acknowledged with appreciation.

By advertisements published in daily newspapers, interested organisations and members of the public were invited to express their views on the subject and over 100 written submissions were received. It is of interest to note that in the views presented there was an almost equal division of those favouring a dual nationality situation and those opposing it. Because the conditions governing nationality are determined by the domestic laws of individual countries, and differ widely, the question is one of extreme complexity and one in which the problems created for those holding two, or more nationalities under multiple laws can have distressing consequences. On the other hand, there are many to whom a dual nationality can be of advantage.

To avoid confusion in the terms "citizenship" and "nationality" when used in this report, the Committee points out that it has accepted that, in general usage, the terms are interchangeable. It is aware that the domestic laws of some countries do make a distinction which is not relevant in the context of this report.

The report of the Sub-Committee has been examined by the whole Committee and adopted by it on 5 October 1976.

II THE IMPLICATIONS OF DUAL NATIONALITY

It is an internationally accepted principle that each country is free to determine for itself, as a matter of domestic law, whom it will regard as its nationals and under what conditions its nationality can be acquired or lost. As a result the legislation varies from country to country. By the interaction of these laws dual nationality may be acquired by circumstances of country or parentage at birth, by grant of citizenship or by marriage.

The differing national attitudes reflected in domestic laws, which are usually complex in themselves, can create extremely complicated situations between countries. For the Australian Government, a conflict between its own domestic nationality laws and those of other countries has been, on occasions, the cause of friction in diplomatic dealings and is frequently a source of difficulty for a person holding dual nationality who is at times subject to these conflicting laws.

Rules governing nationality generally range from the automatic loss of a former nationality on acquisition of another, to making it impossible to surrender a former nationality. Some countries confer their citizenship on successive generations regardless of the country of birth. A consequence of this latter situation is that many Australians are unknowingly dual nationals and there is no way of determining with certainty who or how many are in this category.

It is also true that dual nationality can confer many advantages to an Australian legitimately holding the nationality of another country. The submissions made to the Committee fall into two groups - those favouring the possession of dual nationality and those opposing it.

The Advantages of Dual Nationality

The majority of the submissions received from people wishing to have or to retain dual nationality were British (that is, Commonwealth of Nations) subjects. Others who favoured dual nationality were from countries previously associated with the United Kingdom or from Western Europe.

Many former British migrants were responding to the change in the Australian citizenship laws in 1973. Under the Australian Citizenship Act 1973, which amended the Citizenship Act 1948-69, British subjects are able to become citizens only by meeting formal requirements, including attending a citizenship ceremony, after having lived in Australia for three years. Thus citizens from thirty-one Commonwealth countries now have to become Australian citizens by the same means as other migrants.

Some submissions received revealed confusion about the implications of the new laws. Many United Kingdom citizens thought that they would lose their British nationality if they became Australian citizens. However, Britain does recognise dual nationality and therefore, a United Kingdom citizen becoming an Australian citizen will have dual nationality - Australian and British.

The main arguments presented in favour of dual nationality were:-

- . dual nationals would have the right to obtain a
- . passport from either country. Thus, they would
- . not need a visa to enter Australia, a requirement
- . which is new to British subjects, who prior to
- . 1973, could freely enter or leave Australia,
- . procedures for revisiting former homelands for
- . an extended period of time would be simpler,
- . better employment opportunities in either
- . country of nationality where one country may
- . apply employment restrictions on non-nationals,
- . improved rights to social benefits, to own land
- . or property and to inherit assets from either
- . country,
- . the benefit in some cases of conveying similar
- . nationality rights to offspring,
- . an advantage to those who feel an equal allegiance
- . to both their country of origin and to Australia,
- . it could avoid the situation which now applies
- . where an Australian resident, not a British
- . subject, wishing to retain his former nationality
- . for family or other reasons, is disadvantaged in
- . such ways as paying taxes without having the vote
- . and being unable to be permanently appointed to
- . the Australian public service, and
- . on the United Nations world stage, Australia
- . would appear less insular than it is currently
- . regarded.

The Disadvantages of Dual Nationality

Those who opposed dual nationality tended to be people of European origin who wish to divest themselves of

their former nationality for family reasons or to avoid problems when revisiting their former homelands. It was predominantly those from Czechoslovakia, Hungary, Poland, Yugoslavia, Estonia, Latvia, Lithuania, Italy and Greece who wanted only Australian citizenship. Many were war refugees who fled their former country for political reasons and who face severe obstacles, or outright refusal, when they attempt to relinquish their former nationalities.

Many European countries have strong views on the obligations of their citizens and Australian citizens holding a second nationality can find themselves unexpectedly confronted with these obligations when they revisit their former homeland. As dual nationals they can be expected to contribute to the general wealth or gross national product of the country and to fulfil compulsory requirements such as national service. Obligations can also include taxation, social services and various property law obligations. They can be placed at a serious disadvantage when visiting the country of other nationality if, either willingly or not, they should come into conflict with the domestic law of that country. For example, if involved in complex marital/divorce/custody proceedings which may extend over a long period, one may be denied legal exit from the country until the question has been resolved in the courts. In these and other forms of legal proceedings the situation can arise where the dual national concerned is denied access to or the advice of Australian diplomatic representatives.

This arises from the accepted principle of international law that diplomatic protection may not be given by one State to a dual national when he is in the country of his other nationality.

Some complaints received by the Committee came from dual nationals who had adopted Australian nationality as refugees or for political reasons. Generally these people wish to retain Australian citizenship only, but by virtue of the domestic laws of their former countries are regarded as nationals of that country as well. One complaint was of intrusion into their private lives and harassment by persons claiming to represent their former countries. The Committee finds this yet another one of the complex problems of dual nationality in that it is difficult to draw the line between what the individual may regard as intrusion and the desire of the country of former nationality to have access to, what is under its law, one of its nationals.

Renunciation of Nationality

As in other aspects of nationality, the rules applied by different countries to citizens wishing to renounce nationality, vary widely but generally fall within three broad categories of:-

- . a simple renunciation procedure,
- . renunciation permitted on compliance with imposed conditions, or
- . a refusal to accept renunciation.

In the first case (under Australian law, for example) loss of nationality can be either automatic on the adoption of another nationality, or by a voluntary act of renunciation on the part of the person concerned (such as in the UK, NZ or Brazil).

The second set of circumstances reflects a reluctance by some governments to release a person from his original nationality once a second nationality is acquired.

The procedures can be complicated and frequently are expensive. Some countries require applications to be accompanied by detailed information concerning the individual, his family and his financial status and a complaint made to the Committee was that the fee charged is more likely to relate to the applicant's ability to pay than to a set scale of fees.

The third situation has already been referred to elsewhere but is that adopted by those countries (e.g. Argentina) which do not recognise renunciation of nationality and consequently follow a principle of "once a national, always a national". Thus, certain countries regard successive generations of former citizens as their nationals even if they are born in another country.

Conclusion

As a result of its study of the complicated problems of dual nationality, which in many areas are almost insoluble, the Committee has firmly concluded that its sympathies are entirely with those who suffer hardship by virtue of their dual nationality status and it is therefore to their problems that attention should be directed.

It supports that principle followed by Australia for many years - consistent with The Hague convention of 1930 - of favouring a single nationality. At the same time it accepts that many Australian citizens hold dual nationality by virtue of the complications brought about by the differences in nationality laws and should not be disadvantaged by this circumstance.

For those who believe that they are being harassed and are suffering from other forms of invasion of their

privacy, the Committee recommends that machinery should exist where complaints of this nature may be lodged by the individuals concerned, with the assurance that the complaint will be examined and wherever proven, whatever action can be taken through diplomatic channels will be pursued. It appears that the office of the Commissioner of Community Relations would be the appropriate office to accept this task. If this recommendation is accepted the avenue for complaints should be made widely known throughout the migrant community.

III INTERNATIONAL ASPECTS

As the domestic laws of individual States governing nationality are primarily a reflection of political considerations, influenced by such matters as attitudes towards the ethnic composition of the population, emigration and immigration policies, economic considerations and the personal status of the individual, it is easy to appreciate the conflicts which arise when sovereign States base their nationality rules on these considerations. It is understandable also that the infrequent attempts to resolve nationality problems on an international plane have made very little headway. While there has been an increasing groundswell of opinion seeking a relaxation of restrictions on the freedom of movement of individuals, solutions to existing problems will only be achieved when the nations of the world are prepared to accept compromises in the exercise of their discretionary domestic powers, in the interests of the international community as a whole.

Legal

Despite the complexities occasioned by the multiplicity of domestic nationality laws, a number of attempts have been made to find solutions to the problems by international cooperation. The League of Nations sponsored an international conference which led to a convention being concluded at The Hague in 1930, and in 1949 the United Nations sought a study by the International Law Commission with the object of furthering the work of that convention. In 1963 a number of countries within the Council of Europe drew up a Convention on Reduction of Cases

of Multiple Nationality and Military Obligations in Cases of Multiple Nationality, and in July 1973 representatives of thirty-three European countries plus the United States of America and Canada began negotiations which culminated the 1975 "Helsinki Conference".

Neither the League of Nations nor United Nations made great headway although The Hague convention enunciated some principles which could improve the situation and to which it was hoped that many countries would subscribe. Only 20 countries have become parties. These are Australia, Belgium, Brazil, Britain, Burma, Canada, *China, Cyprus, Fiji, India, Lesotho, Malta, Mauritius, Monaco, The Netherlands, Norway, Pakistan, Poland, Swaziland, Sweden.

The principal points of The Hague convention were:-

- . agreement that dual nationality was undesirable,
- . a recognition that each country had the right, as a matter of domestic law, to decide whom it will regard as its nationals and under what conditions its nationality could be acquired or lost, and
- . that the right to "diplomatic protection" based on one of the nationalities of a dual national could not be claimed when that person was in the country of his other nationality.

This latter provision has been supported by decisions of the International Court of Justice.

The absence of wide support for The Hague convention was even more evident in the lack of progress on the request made to the International Law Commission to

* became party to convention in 1935. In 1972 China announced this was one of a number of treaties being examined for decision whether it should continue to be recognised.

examine nationality problems. The Commission has not pursued the question and in 1954 decided to "defer any further consideration of multiple nationality and other questions relating to nationality". The reasons for this decision are not known to this Committee. However, the United Nations request did result in the production of a "Survey of the Problem of Multiple Nationality" prepared by the United Nations' Secretariat to assist the Law Commission in its study. The Committee has been told that this is probably the most detailed and authoritative background legal material available on the subject of dual nationality.

The Council of Europe Convention* entered into force in March 1968 and has been ratified by Denmark, France, the Federal Republic of Germany, Ireland, Italy, Luxembourg, Norway, Sweden and the United Kingdom. Austria and The Netherlands were signatories but have apparently not yet ratified it. Important provisions of the Convention are that:-

- . a citizen of one of the ratifying countries, who acquires by naturalization the nationality of another ratifying country shall thereby lose his former nationality,
- . a person who, by descent or birth, possesses the nationality of two or more ratifying countries shall be entitled to renounce one or more nationality, with the consent of the country concerned,
- . subject to a proviso as to residence, such consent is not to be withheld, nor is any fee or tax to be charged for such renunciation,
- . and

* Appendix 2.

persons who are nationals of two or more ratifying countries shall be subject to military obligations in one only of those countries.

This supports the view that the nations of Europe are anxious to minimise the causes of dual nationality. However, there are countervailing tendencies, even within Europe, which exacerbate the whole problem of dual nationality. An example is the French Nationality Law of January 1973. Under prior French domestic law, a person forfeited his French citizenship if he became naturalized in another country. France therefore appeared to uphold the principle of single nationality. The new Law provides that on naturalization elsewhere a person does not lose his French nationality unless he makes express declaration to that effect; but a man under 35 may not thus renounce his French nationality until he has satisfied, or been exempted from, his obligations of military service. This Law is expressed to be subject to France's obligations under the European Convention, and the combined effect of the two is: if a French citizen becomes naturalized in one of the other countries which has ratified the European Convention, he loses his French nationality automatically; if, however, the same citizen is naturalized in any other country in the world (including Australia) he may continue to retain his French nationality, or may indeed be prevented from losing it. Thus, in relation to all countries outside Europe, France has taken the step of increasing the incidence of dual nationality.

The Conference on Security and Cooperation in Europe, or the "Helsinki Conference" of July 1975 was a summit conference of Heads of States of thirty-three

European countries (all the European States excepting Albania), the United States of America and Canada, to consider the preparatory negotiations conducted by their representatives which began in July 1973. The areas of negotiation fell into three main groups covering,

- . security including the principles of sovereign equality, refraining from the threat or use of force, non-intervention in internal affairs and the peaceful settlement of disputes,
- . the promotion of economic, scientific, technological and environmental contacts, and
- . the free flow of information, culture, education, human contacts and travel.

In the third of these groups, the declaration signed at the conclusion of the conference provided that the parties agreed to make easier meetings between families divided by frontiers, marriage between people from different States, travel for personal and professional reasons and opportunities for meetings between people (particularly those participating in sporting contests). The Helsinki Declaration is not a treaty and has no legal standing. Rather it is a statement of intentions having moral and political support and its value will only be capable of being assessed by practical results achieved over a period of time. To this end the signatories have agreed to the planning, in June 1977, of a further meeting to assess what the spirit of the Helsinki Declaration has achieved. The Committee notes with disappointment that serious departures from the Declaration occurred within a very short time of its announcement. For example there was the serious breach in the internal affairs of Angola by outside forces.

It is clear that these stated intentions have a bearing on many of the problems raised with this Committee and if, despite some set-backs they are honoured in the longer run, they will represent significant progress in the resolution of existing difficulties. Important though this may be to Europe and to North America, it must be pointed out that such agreement relates directly to only thirty-five countries, and not to Australia or the total membership of one hundred and forty-four countries represented in the United Nations.

Therefore the Committee recommends that renewed efforts should be made at the international level to seek resolution of nationality problems. It suggests that the Australian Government consider a two-pronged approach. The first would be to revive United Nations' efforts towards a solution which, it is acknowledged, can only hope to achieve benefits in the long term. Of the attempts made so far to reach lasting solutions, the Convention entered into by member countries of the Council of Europe appears to have been the most successful. The acceptance of this convention beyond the confines of the Council of Europe may be worthy of consideration. In the shorter term, Australia should give a high priority to reaching bilateral agreements with those countries with which Australian citizens also hold dual nationality and suffer disadvantage by this circumstance.

Diplomatic

The 1963 Vienna Convention on Consular Relations, to which Australia and seventy-four other countries are signatories, lays down the rules on the extent to which diplomatic representatives can assist their nationals in

distress or difficulty when in another country. The Convention does not, however, make specific provision for situations involving dual nationals. Bearing in mind that the laws of a number of countries provide that their citizenship is not lost on the acquisition of another citizenship, the situation of a dual national striking difficulty in his former homeland is frequently the cause of diplomatic problems. When such circumstances have arisen, there have been occasions when Australian diplomatic representatives have not been able to gain a right of access or provide assistance or advice.

A common cause of diplomatic friction has arisen when an Australian citizen, visiting the country of his other nationality, is regarded by that country as being required to undertake military service. The attitude adopted varies from country to country and in the absence of special agreements the requirement to undertake military service is frequently insisted upon, or in some countries, the payment of a substantial sum of money as an alternative.

A most difficult nationality situation for Australian diplomacy in recent times has been when Australian citizens, also regarded as nationals of Yugoslavia, have come into conflict with Yugoslav law when visiting that country. Not only have the authorities insisted on military service obligations being met, but where the individual has been regarded as being in conflict with Yugoslav law, he has been punished under that law without Australian diplomatic representatives being informed of the situation or having access to the person concerned. The extreme case was that of a number of dual Australian/Yugoslav nationals who were executed following what has become known as the "Bosnian

incursion" in 1972. By adherence to the Yugoslav law no right of access was available to Australian representatives nor could they obtain information about the incident for a considerable time, despite repeated representations to the Government of Yugoslavia. The Committee is aware that high level negotiations have been proceeding between the two Governments to seek resolution of such issues and that in a more recent trial in Yugoslavia, Australian representatives were permitted to be present during court proceedings against an Australian/Yugoslav dual national.

In an attempt to reduce the incidence of these problems, Australian Immigration Authorities have made considerable efforts to inform persons holding dual nationality of the difficulties they might encounter when visiting the country of their other nationality. It has been the Department's practice to inform applicants for Australian passports of the general position regarding dual nationality and to supply them with a booklet, available in several languages, which warns them of areas of possible conflict. In the case of a dual national visiting his former homeland wishing to clarify rules which may apply to him there, he is advised at the time to seek the advice of the representatives in Australia of the country of his second nationality.

The Committee supports this action taken to disseminate widely information of importance to those of dual nationality who could encounter difficulties when revisiting their former homeland.

Australian Legislation

The Australian legislation governing nationality is embodied in the Australian Citizenship Act 1948

and in general terms provides that Australian status can be acquired by:

- . birth in Australia,
- . descent from an Australian parent, and
- . the granting of Australian citizenship.

This legislation also provides that Australian citizenship is lost automatically if a citizen "whilst outside Australia, by some voluntary and formal act, other than marriage, acquires the nationality or citizenship of a country other than Australia". This reflects the long-standing Australian policy of favouring single nationality, an attitude consistent with the convention concluded at The Hague in 1930. Nevertheless, the large migration programme followed by Australia since the end of World War II has resulted in a large proportion of the 1,069,500 people granted Australian citizenship also being classified as dual nationals by virtue of the domestic legislation of their former homelands.

The Committee has been informed of an apparent anomaly in Section 17 of the Australian Citizenship Act quoted above arising from the words "whilst outside Australia", in that an Australian citizen who also qualifies for British citizenship may do so without loss of Australian citizenship if the necessary procedures are finalised while that person remains in Australia.

There is a strong argument that in any official document the Australian Government should not appear to make distinctions between naturalized and natural-born

citizens. In view of this the practice of showing the place of birth of the holder on Australian passports might be discontinued and in its stead "place of residence" inserted. The adoption of this suggestion might tend to avoid some difficulties encountered by dual nationals when visiting the country of their other nationality. The Committee suggests further study of this possible change in the form of passports.

CONCLUSIONS AND RECOMMENDATIONS

Reference

1. The Committee supports the long-standing Australian policy - a policy consistent with obligations under the convention concluded at The Hague in 1930 - that every person should have one nationality only, but recognises that the holding of dual nationality by some Australian nationals is inevitable while the differences in various domestic nationality laws continue. Page 8

2. A. Machinery should exist for the receipt and investigation of complaints by dual nationals of harassment or other forms of invasion of privacy by persons claiming to represent their former countries. Page 9
B. Where such complaints are substantiated, action should be taken within Australia or through diplomatic channels - whichever is appropriate.
C. The office of the Commissioner of Community Relations appears the appropriate office to accept this task.

3. Australia should initiate action within the United Nations Organisation to renew efforts Page 15

to resolve nationality problems. As a starting point the Council of Europe Convention of 1968 is suggested as a document worthy of wider international acceptance.

4. As a shorter-term objective, high priority should be accorded to entering into bilateral agreements between Australia and those countries whose nationality laws cause Australian citizens to be dual nationals and who suffer disadvantage because of this circumstance. Page 15
5. The action of Immigration authorities in disseminating information to dual nationals who could encounter difficulties when revisiting their former homelands, is strongly supported. Page 17
6. Consideration should be given to the deletion of "Place of Birth" now entered on Australian passports and the substitution of "Place of Residence" in its stead. Page 19

ACKNOWLEDGMENTS

In endorsing this report the Committee records its appreciation to the Chairman of the Sub-Committee, Dr Richard Klugman, MP, and his fellow members, Senator G.D. McIntosh, Mr D.M. Connolly, MP, Mr K.A. Fry, MP, and the Hon. D.J. Killen, MP, for their consideration and report on a most difficult and complicated subject which affects so many Australian citizens.

The Committee also acknowledges with thanks the contributions made to this study by individuals, organisations and officers of Government Departments, who tendered submissions for examination by the Sub-Committee.


CHAIRMAN

14. x. 76

APPENDIX 1

SUBMISSIONS RECEIVED

Australian Government Departments

Attorney-General's Department
Department of Foreign Affairs
Department of Immigration and Ethnic Affairs
(formerly Department of Labour and Immigration)

Organisations

Associazione Nazionale Famiglie Degli Emigrati (ANFE)
Australian Greek Association
Australian Lithuanian Community Sydney District
Captive Nations Council of Victoria
Co-Ordination Committee of Czechoslovak Democratic
Organisations in Australia
Council of Lithuanian-Australian Community
Croatian Cultural and Welfare Association
Croatian Peasant Party
Estonian Society of Sydney
Help the Estonian, Latvian and Lithuanian Peoples
Association (HELLP)
Hlas Domova, Czechoslovak Newspaper in Australia
Joint Baltic Committee of Canberra
Latvian Federation of Australia and New Zealand
Lithuanian Community in Australia - Federal Executive
National Croatian Civil Rights Committee
Sydney Lithuanian Choir "Daina"
The Central Council of the Croatian Association in
Australia
The Czechoslovak-Australian Association of Canberra
The Returned Services League
Victorian Council for Civil Liberties

Individuals

Aavik, Mr E.E.	Jones, Mr V.
Agnew, Mr R.	Joyner, Mr R.G.
Albrecht, Mr K.A.	Kehoe, Sister M. de Chantel
Anderson, Mr D.R.	Keyes, Mr R.P.
Arcuri, Mr G.	Koern, Mr A.
Ashton, Mr C.	Konarewski, Mr W.
Asperger, Miss H.	Kosky, Mr G.V.
Bach, Mr J.	Lang, Dr H.G.
Bahr, Mr C.	Le, Mr Q.
Bellas, Mr T.E.	L'Estrange, Mr L.
Bensley, Mr D.	Lewis, Mr H.T.
Bill, Miss L.M.	McDonald, Mr R.G.
Birknes, Mrs L.C.	Martin, Mr K.D.
Borovec, Mr S.	Mason, Mr P.
Braham, Miss R.	Miskowsky, Mr A.
Browning, Mr & Mrs	Morawski, Mrs J.
Cameron, Mr C.	Murphy, Mr L.
Cameron, Dr R.G.	Musich, Mr I.
Carapiet, Mr C.A.	Neff, Mrs H.
Carter, Mr A.	Nicholson, Miss D.
Casey, Mr H.	Paap, Mr G.J.
Cassegra, Mr C.	Pressley, Mr & Mrs R.
Chambers, Mr J. & Ward, Mr C.B.	Preston, Miss K.
Channell, Mr P.D.	Pusep, Mr B.
Cunningham, Ms P.	Puurand, Mr V.H.
Delaney, Mr B.	Rankine, Mrs M.D.
Ellis, Mr D.W.	Roche, Dr A.F.
Forbes, Mr & Mrs R.	Roue, Mr J.P.
Gigliotti, Mr L.	Sanderson, Mr H.
Gittins, Mr & Mrs J.C.	Sandy, Dr R.
Graf, Mrs T.	Schellhase, Mr G.
Gray, Mr E.	Smith, Mr B.P.
Gunsberger, Mr F.	Somers, Mr K.
Hacer, Mr G.	Stark, Mr D.P.
Haines, Mr M.L.	Symons, Mrs A.
Harris, Mr S.J.	Szokoloczi, Mr O.A.
Harrison, Mr A.	Trobec, Miss G.
Hayes, Mr S.W.	Veszley, Mr T.C.
Herrmann, Miss E.	Vostka, Mr & Mrs V.
Hlavac, Dr J.	Wallace, Mr G.G.
Hobas, Mr R.L.	Whitehead, Mr W.J.
Hodgetts, Mr A.L.	Willingham, Mr & Mrs A.J.
Hoskin, Mr W.T.	Woodman, Mr R.J.
Janackovic, Mr V.V.	Zatorski, Mr R.J.
Jez, Mr R.	Zurc, Dr J.

CONVENTION ON REDUCTION
OF CASES OF MULTIPLE
NATIONALITY AND MILITARY
OBLIGATION IN CASES OF
MULTIPLE NATIONALITY.

Entered into by signatories,
being Member States of the
Council of Europe.

Drawn up May 1963.
Came into force March 1968.

(Note: In this Appendix it will be noted
that pages show even numbers only,
with the exception of page 237.
The pages bearing odd numbers
except page 237 in the Treaty are
in the French language and have not
been reproduced here.)

No. 9065. CONVENTION¹ ON REDUCTION OF CASES OF
MULTIPLE NATIONALITY AND MILITARY OBLIGA-
TIONS 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 19 (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:

State	Date of deposit
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 responsibility

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 : de la République Fédérale d'Allemagne :

Pour le Gouvernement

[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'Alle-
magne, pour l'application de la Con-
vention 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

14-10-76

THE SENATE

ROLL

SENATORS—

- | | |
|-------------------------------|------------------------------------|
| 1. ADAMS | 33. McCAULIFFE |
| 2. BAIME | 34. MCCLELLAND, DOUGLAS |
| 3. BISHOP | 35. McCLELLAND, JAMES |
| 4. BONNER | 36. McINTOSH |
| 5. BROWN | 37. MCCLELLAND |
| 6. BUTTON | 38. MCCLELLAND |
| 7. CAMPBELL | 39. McCLELLAND |
| 8. CAMPBELL | 40. MCCLELLAND |
| 9. CAMMACH | 41. MCCLELLAND |
| 10. CAMPBELL | 42. MCCLELLAND |
| 11. COLLARD | 43. MCCLELLAND |
| 12. COLLARD | 44. MCCLELLAND |
| 13. COMPTON | 45. PRIMMER |
| 14. CORRIGAN | 46. RAE |
| SH. MAGNUS | 47. ROBERTSON |
| 15. COMPTON | 48. RAE |
| 16. DAVIDSON | 49. SCOTT |
| 17. DEWITT | 50. SEAN |
| 18. DRAKE BROCKMAN | 51. SEAN |
| 19. DRAKE | 52. SHO |
| 20. GEORGES | 53. THOMAS |
| 21. GIETZELT | 54. THOMAS |
| 22. GREENWOOD | 55. TOLANLEY |
| 23. GRIMES | 56. WALTER |
| 24. GUTHRIE | 57. WALTERS |
| 25. HALL | 58. WEBSTER |
| 26. HARRADINE | 59. WEBSTER |
| 27. JONES | 60. WILLIAMS |
| 28. KELLY | 61. WOOD |
| 29. KELLY | 62. WRIGHT |
| 30. KELLY | 63. WRIGHT |
| 31. LALONE | 64. YOUNG (on leave) |
| 32. LALONE | |

HS

14-10-76

THE SENATE

ROLL

SENATORS—

- | | |
|---------------------------|------------------------------------|
| 1. ARCHER | 33. McAULIFFE |
| 2. BALME | 34. McCLELLAND, DOUGLAS |
| 3. BISHOP | 35. McCLELLAND, JAMES |
| 4. BONNER | 36. McINTOSH |
| 5. BROWN | SEMPER |
| 6. BUTTON | 38. MELTZER |
| 7. CAMERON | 39. MELTZER |
| 8. CARRICK | 40. MELZER |
| 9. CAYNAGH | 41. MELZER |
| 10. CHANEY | 42. MELZER |
| 11. COLLIER | 43. MELZER |
| 12. COLLARD | 44. MELZER |
| 13. COLSTON | 45. PRIMMER |
| 14. CORMACK | 46. RAB |
| SIR MAGNUS | 47. ROBERTSON |
| 15. COTTON | 48. RYAN |
| 16. DAVIDSON | 49. SCOTT |
| 17. DAVIDSON | 50. SHEIL |
| 18. DRUMMOND | 51. SHIRAZ |
| 19. DURACK | 52. SHIRAZ |
| 20. GEORGES | 53. THOMAS |
| 21. GIETZELT | 54. THOMAS |
| 22. GREENWOOD | 55. TOWNLEY |
| 23. GRIMES | 56. WALSH |
| 24. GULFOYLE | 57. WALTERS |
| 25. GULFOYLE | 58. WEBSTER |
| 26. HARRADINE | 59. WEBSTER |
| 27. JESSOP | 60. WITHERS |
| 28. KEEFE | 61. WOOD |
| 29. KILGARRIFF | 62. WRIGHT |
| 30. KNIGHT | 63. WRIGHT |
| 31. LASOVIC | 64. YOUNG |
| 32. LAUCKE | |

THE SENATE

ROLL

14.10.76

SENATORS—

- | | |
|-------------------------------|------------------------------------|
| 1. ARCHER | 33. McAULIFFE |
| 2. BALME | 34. McCLELLAND, DOUGLAS |
| 3. BARTON | 35. McCLELLAND, JAMES |
| 4. BONNER | 36. McINTOSH |
| 5. BROWN | 37. WILKINSON |
| 6. BUTTON | 38. MAHON |
| 7. CANNON | 39. MAHON |
| 8. GADDICK | 40. MESSEY |
| 9. CANNON | 41. MESSEY |
| 10. CHAFFY | 42. MESSEY |
| 11. COLEMAN | 43. McGOWAN |
| 12. COLLARD | 44. OWEN |
| 13. COLSTON | 45. PRIMMER |
| 14. GORMACK, | 46. OWEN |
| SIR MAGNUS | 47. ROBERTSON |
| 15. COLEMAN | 48. OWEN |
| 16. DAVIDSON | 49. SCOTT |
| 17. DAVID | 50. SCOTT |
| 18. DRAKE-BROCKMAN | 51. SHERRA |
| 19. DURACK | 52. SHERRA |
| 20. GEORGE | 53. SHERRA |
| 21. GIETZELT | 54. THOMAS |
| 22. GREENWOOD | 55. TONGER |
| 23. GRIMES | 56. WALL |
| 24. GUN-FORSE | 57. WALTERS |
| 25. WALL | 58. WEDDER |
| 26. WEDDER | 59. WEDDER |
| 27. WEDDER | 60. WEDDER |
| 28. WEDDER | 61. WOOD |
| 29. KING | 62. WRIGHT |
| 30. KNIGHT | 63. WRIGHT |
| 31. KNIGHT | 64. YOUNG |
| 32. KNIGHT | |