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DI-E-RIT (99) 7

**AD HOC COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW
(CAHDI)**

**GROUP OF EXPERTS ON RESERVATIONS TO INTERNATIONAL TREATIES
(DI-E-RIT)**

**2nd meeting
Strasbourg, 6 September 1999**

**EUROPEAN OBSERVATORY OF RESERVATIONS TO INTERNATIONAL TREATIES:
LIST OF OUTSTANDING RESERVATIONS AND DECLARATIONS
TO INTERNATIONAL TREATIES**

Secretariat memorandum
Prepared by the Directorate of Legal Affairs

Foreword

1. At its second meeting (Paris, 14-16 September 1998) the Group of Specialists on Reservations to International Treaties (DI-S-RIT) agreed to propose to the CAHDI to operate as an European observatory of reservations to international treaties (see meeting report, document DI-S-RIT (98) 10).
2. At its 16th meeting the CAHDI agreed to this proposal and adopted terms of reference for a Group of experts responsible for assisting the CAHDI in carrying out such activity (DI-E-RIT) (see meeting report, document CAHDI (98) 24 and terms of reference in document DI-E-RIT (99) 1)).
3. In this context, the Group of experts and possibly the CAHDI regularly considers a list of reservations giving rise to doubts as to their admissibility.
4. The following list includes two parts. Part I concerns reservations and declarations to treaties concluded outside the Council of Europe. It was prepared on the basis of the information provided by delegation of Austria. It has been completed with information from the UN site (UN International Treaties Series – UNITS) <http://www.un.org/Depts/Treaty>, accessed on 23/06/99.
5. Part II concerns reservations and declarations to Council of Europe treaties. Information was provided by the Central Division of the Directorate of Legal Affairs of the Council of Europe and can be accessed via internet at <http://www.coe.fr/eng/legaltxt/treaties.htm> (in English).
6. Reservations and declarations included hereafter, in particular those concerning Council of Europe treaties have been selected by the Chairman of the Group of experts on reservations to international treaties (DI-E-RIT), Ambassador CEDE (Austria) in co-operation with the Chairman of the CAHDI, Ambassador Dr. HILGER (Germany).
7. The format of the information is Convention: State reserving (date of notification to the depository/date of notification by the depository/deadline for objections). In as far as possible, the *text of the reservation and declaration* is included.

Action required

Members of the Group of experts are called upon to consider the following outstanding reservations and declaration and possibly bring to the attention of the CAHDI those raising doubts as to their admissibility in the context of the operation of the CAHDI as an European observatory of reservations to international treaties.

List of outstanding reservations and declarations

PART I: RESERVATIONS TO NON-COUNCIL OF EUROPE TREATIES

- 1) Convention on the Privileges and Immunities of the United Nations (13 February 1946)

Venezuela (21 December 1998, 4 February 1999 – 3 February 2000)

With regard to article I, section 1 (b), of the Convention, the following reservation is made:

The acquisition of immovable property by the United Nations shall be subject to the condition set forth in the Constitution of the Republic of Venezuela and to the restrictions established by the law provided for therein.

With regard to articles V and VI of the Convention, the following reservation is made:

Venezuela hereby states that the proviso established in section 15 of article IV of this Convention shall also apply with respect to articles V and VI ejusdem.

Portugal (14 October 1998, 18 March 1999 – 17 March 2000)

The exemption established in paragraph (b) of section 18 shall not apply with respect to Portuguese Nationals and Residents in the Portuguese Territory which have not acquired this quality for the purpose of the exercise of their activity.

- 2) Convention Relating to the Status of Stateless Persons (New York, 28 September 1954)

St. Vincent and the Grenadines (27 April 1999, 6 May 1999 – 5 May 2000)

The Government of St. Vincent and the Grenadines can only undertake that the provisions of articles 23, 24, 25 and 31 will be applied in St. Vincent and the Grenadines so far as the law allows.

- 3) International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome, 26 October 1961)

Lithuania (22 April 1999, 7 May 1999 – 6 May 2000)

In accordance with subparagraph (a) (iii) of paragraph 1 of article 16 of the said Convention, the Republic of Lithuania declares that as regards phonograms the producer of which is not a national or a legal person of another Contracting State, it will not apply the provisions of article 12 of the above-mentioned Convention.

- 4) International Covenant on Civil and Political Rights (New York, 16 December 1966)

Liechtenstein (10 December 1998, 15 January 1999 – 14 January 2000)

Reservation concerning article 14 (1):

The Principality of Liechtenstein reserves the right to apply the provisions of article 14, paragraph 1 of the Covenant, concerning the principle that hearings must be held and judgments pronounced in public, only within the limits deriving from the principles at present embodied in the Liechtenstein legislation on legal proceedings.

Reservation concerning article 17 (1):

The Principality of Liechtenstein makes the reservation that the right to respect for family life, as guaranteed by article 17, paragraph 1 of the Covenant, shall be exercised, with regard to aliens, in accordance with the principles at present embodied in the legislation on aliens.

Reservation concerning article 20:

The Principality of Liechtenstein reserves the right not to adopt further measures to ban propaganda for war, which is prohibited by article 20, paragraph 1 of the Covenant. The Principality of Liechtenstein reserves the right to adopt a criminal provision which will take into account the requirements of article 20, paragraph 2, on the occasion of its possible accession to the Convention of 21 December 1965 on the Elimination of All Forms of Racial Discrimination.

Reservation concerning article 24 (3):

The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which Liechtenstein nationality is granted under certain conditions.

Reservation concerning article 26:

The Principality of Liechtenstein reserves the right to guarantee the rights contained in article 26 of the Covenant concerning the equality of all persons before the law and their entitlement without any discrimination to the equal protection of the law only in connection with other rights contained in the present Covenant.

5) Optional Protocol to the International Covenant on Civil and Political Rights (New York, 16 December 1966)

Guyana (5 January 1999, 16 February 1999 – 15 February 2000)

Having regard to the provisions of the Constitution of the Republic of Guyana, including the right of the State to enforce judicial executions as recognised by the aforementioned Covenant and wishing to uphold its domestic law to subject no one to, inter alia, cruel, inhuman or degrading treatment or punishment and hereby to observe its obligations under Article 7 of the International Covenant on Civil and Political Rights, the Government of Guyana feels compelled to denounce the optional Protocol. Before doing so, however, it held public discussions and obtained Parliamentary approval for the denunciation of the aforesaid Protocol.

Notwithstanding this it is the desire of the Government of Guyana to recognise the competence of the Human Rights Committee to receive and consider communications from individuals, in terms of that Instrument, to the extent that no constraints upon its constitutional authority set out above would arise. To this end, Guyana re-accedes to the Optional Protocol to the International Covenant on Civil and Political Rights with a Reservation to Article 6 thereof with the result that the Human Rights Committee shall not be competent to receive and consider communications from any person who is under sentence of death for the offences of murder and treason in respect of any matter relating to his prosecution, detention, trial, conviction, sentence or the execution of the death sentence and any matter connected herewith.

Accepting the principle that States cannot generally use the Optional Protocol as a vehicle to enter reservations to the International Covenant on Civil and Political Rights itself, the Government of Guyana stresses that its Reservation to the Optional Protocol in no way detracts from its obligations and engagements under the Covenant, including its undertaking to respect and ensure to all individuals within the territory of Guyana and subject to its jurisdiction the rights recognised in the Covenant (in so far as not already reserved against) as set out in Article 2 thereof, as well as its undertaking to report to the Human Rights

Committee under the monitoring mechanism established by Article 40 thereof.

- 5) Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention) (Geneva, 14 November 1975)

Syrian Arab Republic (11 January 1999, 25 February 1999 – 24 February 2000)

The Syrian Arab Republic has acceded to the Customs Convention on the International Road Transport of Goods (TIR) signed in Geneva on 14 November 1975, with a reservation on paragraphs 2 to 6 of article 57 of the aforementioned Convention.

- 6) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (New York, 10 December 1984)

Indonesia (28 October 1998, 20 January 1999 – 19 January 2000)

The Government of the Republic of Indonesia does not consider itself bound by the provision of Article 30, paragraph 1, and takes the position that disputes relating to the interpretation and application of the Convention which cannot be settled through the channel provided for in paragraph 1 of the said article, may be referred to the International Court of Justice only with the consent of all parties to the disputes.

- 7) United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 20 December 1988)

The Netherlands (Netherlands Antilles and Aruba) (10 March 1999, 12 May 1999 – 11 May 2000)

The government of the Kingdom of the Netherlands accepts the provisions of Article 3, paragraph 6, 7 and 8, only in so far as the obligations under these provisions are in accordance with Netherlands Antillean and Aruban criminal legislation and Netherlands Antillean and Aruban policy on criminal matters.

Indonesia (23 February 1999, 18 March 1999 – 17 March 2000)

The Republic of Indonesia, while ratifying to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, does not consider itself bound by the provision of article 32, paragraphs (2) and (3), and take the position that disputes relating to the interpretation and application on the Convention which have not been settled through the channel provided for in paragraph (1) of the said article, may be referred to the International Court of Justice only with the consent of all the Parties to the dispute.

- 8) Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty (New York, 15 December 1989)

Azerbaijan (22 January 1999, 11 February 1999 – 10 February 2000)

The Republic of Azerbaijan, adopting the Second Optional Protocol to the International Covenant on Civil and Political Rights, in exceptional cases, adopting the special law, allows the application of death penalty for the grave crimes, committed during the war or in condition of the threat of war.

- 9) International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (New York, 18 December 1990)

Mexico (8 March 1999, 14 April 1999 – 13 April 2000)

The Government of the United Mexican States makes an express reservation with regard to article 22, paragraph 4, of this Convention, solely because it refers to the application of article 33 of the Political Constitution of the United Mexican States and article 125 of the General Population Act.

PART II: RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES

- 10) Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 005) (4 November 1950)

Finland (1 April 1999, 30 April 1999, 29 April 2000)

Partial withdrawal of reservation:

Whereas the instrument of ratification contained inter alia a reservation to Article 6, paragraph 1, of the Convention, whereas after partial withdrawal of the reservation on 12 December 1996 as well as on 24 April 1998, paragraphs 1, 3 and 4 of the reservation read as follows:

"For the time being, Finland cannot guarantee a right to an oral hearing insofar as the current Finnish laws do not provide such a right. This applies to:

1. proceedings before the Supreme Court in accordance with Chapter 30, Section 20, of the Code of Judicial Procedure; proceedings before Water Courts when conducted in accordance with Chapter 16, Section 14, of the Water Act; proceedings before the Courts of Appeal as regards the consideration of petition, civil and criminal cases to which Chapter 26 (661/1978), Sections 7 and 8, of the Code of Judicial Procedure are applied; and the consideration of criminal cases which have been pending before a District Court at the time of entry into force of the Criminal Proceedings Act on 1 October 1997 and to which existing provisions have been applied by the District Court; and proceedings before the Water Court of Appeal as regards the consideration of criminal and civil cases in accordance with Chapter 15, Section 23, of the Water Act, if the decision of the Water Court has been given before the entry into force of the Act Amending the Code of Judicial Procedure on 1 May 1998; and the consideration of petition, appeal and executive assistance cases, in accordance with Chapter 15, Section 23, of the Water Act, if the decision of the Water Court has been given before the entry into force of the Act on Administrative Judicial Procedure on 1 December 1996;

3. proceedings, which are held before the Insurance Court as the Court of First Instance, in accordance with Section 9 of the Insurance Court Act;

4. proceedings before the Appellate Board for Social Insurance in accordance with Section 8 of the Decree on the Appellate Board for Social Insurance;"

Whereas, due to the amendments made to the provisions concerning the procedure before the Courts of Appeal, neither the provisions concerning the procedure before the Courts of Appeal nor the provisions concerning the procedure before the Supreme Court any longer set obstacles for holding an oral hearing before the Supreme Court in accordance with Article 6, paragraph 1, of the Convention, as interpreted by the European Court of Human Rights; and whereas the relevant provisions of the Finnish legislation have been amended so as to better correspond to Article 6, paragraph 1, of the Convention as far as proceedings before the Insurance Court and the Appellate Board for Social Insurance are concerned;

Now therefore Finland withdraws the reservation in paragraph 1 above, as far as it concerns proceedings before the Supreme Court, with the exception of consideration of cases in which

the decision of a District Court has been made before 1 May 1998, when the amendments made to the provisions concerning proceedings before Courts of Appeal entered into force. Finland also withdraws the reservations in paragraphs 3 and 4 above, with the exception of consideration of cases which have become pending before the entry into force of the Acts amending the Insurance Court Act and the Health Insurance Act on 1 April 1999.

Appendix including the texts of the respective laws referred to in the partial withdrawal of reservations

Act amending the Health Insurance Act

issued on 5 March 1999

Section 54

The Act on Administrative Judicial Procedure (586/1996) shall apply to the consideration of cases before the Appellate Board for Social Insurance unless otherwise provided elsewhere in the law. The Appellate Board for Social Insurance holds an oral hearing, when it is necessary for the purpose of resolving the case, in accordance with the provisions in Section 37 of the Act on Administrative Judicial Procedure. In a case where the decision of the Appellate Board for Social Insurance cannot be appealed against, the Appellate Board for Social Insurance shall hold an oral hearing on request by an individual party to the proceedings, in accordance with the provisions in Section 38 of the Act on Administrative Judicial Procedure.

This Act shall enter into force on 1 April 1999. The Act shall apply to appeals which have become pending after the entry into force of the Act.

Act amending the Insurance Court Act

Issued at Helsinki on 5 March 1999

Section 9 (1)

The Act on Administrative Judicial Procedure (586/1996) shall apply to the consideration of cases before the Insurance Court unless otherwise provided elsewhere in the law. The Insurance Court holds an oral hearing, when it is necessary for the purpose of resolving the case, in accordance with the provisions in Section 37 of the Act on Administrative Judicial Procedure. The Insurance Court shall hold an oral hearing on request by an individual party to the proceedings, in accordance with the provisions in Section 38 of the Act on Administrative Judicial Procedure.

Section 10 (2)

This Act shall enter into force on 1 April 1999. The Act shall apply to the consideration of appeals which have become pending after the entry into force of the Act.

Liechtenstein (18 February 1999, 9 March 1999, 8 March 2000)

Withdrawal of reservations:

The Principality of Liechtenstein withdraws the following reservations, contained in the Appendix to the instrument of ratification of the Convention, dated 18 August 1982:

- reservation concerning Article 8 of the Convention, with regard to the status of illegitimate children,*
- reservation concerning Article 8 to the Convention, with regard to the status of women in matrimonial and family law.*

- 11) Convention on the Conservation of European Wildlife and Natural Habitat (ETS n° 104) (19 September 1979)

"The former Yugoslav Republic of Macedonia" (17 December 1998, 22 December 1998, 21 December 1999)

Reservations:

The Republic of Macedonia shall be considered bound by all the paragraphs of the Convention, with the following exceptions:

1. *Appendix II – Strictly protected fauna species does not apply to Canis lupus, Felis silvestris, Anser erythropus, Gallinago media and Accipiter gentilis.*
2. *Appendix III – Protected fauna species does not apply to Meles meles, Mustela nivalis, Putorius putorius, Vormela perugusna, Martes martes, Martes foina, Phalacrocorax carbo and Ardea cinerea.*

Ukraine (5 January 1999, 5 February 1999, 4 February 2000)

Reservations:

The Verkhovna Rada of Ukraine declares that Ukraine has become a party of the Convention, with reservations as follows:

1. *It is allowed in Ukraine, in restricted number and under conditions of relevant control, towards such species mentioned in Appendix II to the Convention:*

- *spot regulation of number of Canis lupus and ursus arctos with a view to prevent their negative influence on other species, serious harm to livestock and other objects of property;*
- *exploitation of Gallinago media because of its big number and diffusion.*

2. *It is allowed to use the following means and methods of killing, capture and other forms of exploitation, mentioned in Appendix IV to the Convention:*

- *snares and nets – for catching mammals and birds, mentioned in Appendix III, with scientific purpose and migration;*
- *traps – for exploitation of Canis lupus, mentioned in Appendix II; Marmota marmota bobac, Castor fiber, Putorius (Mustela) putorius, Martes martes, Martes foina, mentioned in Appendix III to the Convention.*

- 12) European Charter for Regional or Minority Languages (ETS n° 148) (5 December 1992)

France (7 May 1999¹, 28 May 1999, 27 May 2000)

Declaration:

I. France intends to make the following declaration in its instrument of ratification of the European Charter for Regional or Minority Languages:

1. *In so far as the aim of the Charter is not to recognise or protect minorities but to promote the European language heritage, and as the use of the term "groups" of speakers does not grant collective rights to speakers of regional or minority languages, the French Government interprets this instrument in a manner compatible with the Preamble to the Constitution, which ensures the equality of all citizens before the law and recognises only the French people, composed of all citizens, without distinction as to origin, race or religion.*

¹ Declaration made at the time of signature

2. The French Government interprets Article 7-1, paragraph d, and Articles 9 and 10 as posing a general principle which is not in conflict with Article 2 of the Constitution, pursuant to which the use of the French language is mandatory on all public-law corporations and private individuals in the exercise of a public service function, as well as on individuals in their relations with public administrations and services.

3. The French Government interprets Article 7-1, paragraph f, and Article 8 to mean that they preserve the optional nature of the teaching and study of regional or minority languages, as well as of the history and culture which is reflected by them, and that the purpose of this teaching is not to remove from pupils enrolled in schools on the national territory the rights and obligations applicable to all those attending establishments providing the public education service or associated therewith.

4. The French Government interprets Article 9-3 as not opposing the possible use only of the official French version, which is legally authoritative, of statutory texts made available in the regional or minority languages, by public-law corporations and private individuals in the exercise of a public service function, as well as by individuals in their relations with public administrations and services.

II. France will specify in its instrument of ratification of the European Charter for Regional or Minority Languages, pursuant to Article 3-1 thereof, the regional or minority languages to which the measures to be selected in accordance with Article 2-2 shall apply. In conformity with Article 2-2, France intends to undertake to apply some or all of the following paragraphs or sub-paragraphs of Part III of the Charter:

Article 8:

Sub-paragraphs 1.a.iii, 1.b.iv, 1.c.iv, 1.d.iv, 1.e.i, 1.e.ii, 1.f.ii, 1.g, 1.h, 1.i

Paragraph 2

Article 9:

Paragraph 3

Article 10:

Sub-paragraphs 2.c, 2.d, 2.g

Article 11:

Sub-paragraphs 1.a.iii, 1.b.ii, 1.c.ii, 1.d, 1.e.ii, 1.f.ii, 1.g

Paragraph 2

Paragraph 3

Article 12:

Sub-paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.g

Paragraph 2

Paragraph 3

Article 13:

Sub-paragraphs 1.b, 1.c, 1.d

Sub-paragraphs 2.b, 2.e

Article 14:

Paragraph a

Paragraph b

Germany (16 September 1998, 12 November 1998, 11 November 1999)

Declarations:

Minority languages within the meaning of the European Charter for Regional or Minority Languages in the Federal Republic of Germany shall be the Danish, Upper Sorbian, Lower Sorbian, North Frisian and Sater Frisian languages and the Romany language of the German Sinti and Roma; a regional language within the meaning of the Charter in the Federal Republic shall be the Low German language.

Pursuant to Article 3, paragraph 1, of the Charter, the Federal Republic of Germany specifies the regional or minority languages to which the provisions selected pursuant to Article 2, paragraph 2, of the Charter shall apply upon the entry into force of the Charter in the Federal Republic of Germany:

Danish in the Danish language area in Land Schleswig-Holstein:

Article 8, paragraph 1 a iv; b iv; c iii/iv; d iii; e ii; f ii/iii; g; h; i; paragraph 2;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 10, paragraph 1 a v; paragraph 4 c; paragraph 5;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;

Article 12, paragraph 1 c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; c; d; paragraph 2 c;

Article 14 a; b.

Upper Sorbian in the Upper Sorbian language area in the Free State of Saxony:

Article 8, paragraph 1 a iii; b iv; c iv; d iv; e ii; f iii; g; h; i; paragraph 2;

Article 9 paragraph 1 a ii; a iii; b ii; b iii; c ii; c iii; d; paragraph 2 a;

Article 10, paragraph 1 a iv/v; paragraph 2 a; b; g; paragraph 3 b/c; paragraph 4 c; paragraph 5;

Article 11, paragraph 1 b ii; c ii; d; e i; f ii; paragraph 2;

Article 12, paragraph 1 a; b; c; d; e; f; g; h; paragraph 2, paragraph 3;

Article 13, paragraph 1 a; c; d; paragraph 2 c.

Lower Sorbian in the Lower Sorbian language area in Land Brandenburg:

Article 8, paragraph 1 a iv; b iv; c iv; e iii; f iii; g; h; i;

Article 9, paragraph 1 a ii; a iii; b iii; c iii; paragraph 2 a;

Article 10, paragraph 1 a iv/v; paragraph 2 b; g; paragraph 3 b/c; paragraph 4 a; c; paragraph 5;

Article 11, paragraph 1 b ii; c ii; d; e i; paragraph 2;

Article 12, paragraph 1 a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; c; d.

North Frisian in the North Frisian language area in Land Schleswig-Holstein:

Article 8, paragraph 1 a iii/iv; b iv; c iv; e ii; f iii; g; h; i; paragraph 2;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 10, paragraph 1 a v; paragraph 4 c; paragraph 5;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;

Article 12, paragraph 1 a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; c; d;

Article 14 a.

Sater Frisian in the Sater Frisian language area in Land Lower Saxony:

Article 8, paragraph 1 a iv; e ii; f iii; g; i;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 10, paragraph 1 a v; c; paragraph 2 a; b; c; d; e; f; paragraph 4 a; c; paragraph 5;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;

Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; c; d.

Low German in the Länder Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein:

Obligations regarding Low German in the territory of the Länder Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein:

Article 8, paragraph 1 a iv; e ii; g;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 10, paragraph 1 a v; c; paragraph 2 a; b; f;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;

Article 12, paragraph 1 a; d; f; paragraph 3;

Article 13, paragraph 1 a; c;

and additionally:

- in the Free Hanseatic City of Bremen:

Article 8, paragraph 1 b iii; c iii; f i; h;

Article 10, paragraph 2 c; d; e;

Article 11, paragraph 1 g;

Article 12, paragraph 1 b; c; e; g;

Article 13, paragraph 2 c;

- in the Free and Hanseatic City of Hamburg:

Article 8, paragraph 1 b iii; c iii; d iii; f ii; h; i;

Article 10, paragraph 2 e; paragraph 4 c;

Article 11, paragraph 1 g;

Article 12, paragraph 1 g;

Article 13, paragraph 1 d; paragraph 2 c;

- in Land Mecklenburg-Western Pomerania:

Article 8, paragraph 1 b iii; c iii; d iii; h; i;

Article 10, paragraph 4 c;

Article 12, paragraph 1 b; c; e; h;

Article 13, paragraph 1 d, paragraph 2 c;

- in Land Lower Saxony:

Article 8, paragraph 1 f iii; i;

Article 10, paragraph 2 c; d; e; paragraph 4 a; c;

Article 12, paragraph 1 b; c; e; g; paragraph 2;

Article 13, paragraph 1 d;

Article 14 a; b;

- in Land Schleswig-Holstein:

Article 8, paragraph 1 b iii; c iii; f iii; h; i; paragraph 2;

Article 10, paragraph 4 c;

Article 12, paragraph 1 b; c; g;

Article 13, paragraph 1 d; paragraph 2 c.

The separate specification of these provisions for the territories of each individual Land is in keeping with the federal structure of the Federal Republic of Germany and takes into account the situation of each of these languages in the Land in question.

The Romany language of the German Sinti and Roma in the territory of the Federal Republic of Germany and Low German language in the territory of the Länder Brandenburg, North-Rhine/Westphalia and Saxony-Anhalt shall be protected pursuant to Part II of the Charter.

Part II of the European Charter for Regional or Minority Languages shall be applied to Romany, the minority language of the German Sinti and Roma in the territory of the Federal Republic of Germany, and to the regional language Low German in the territory of the Länder Brandenburg, North-Rhine/Westphalia and Saxony-Anhalt upon its entry into force in the Federal Republic of Germany in accordance with the declaration of the Federal Republic of Germany of 23 January 1998. The objectives and principles laid down in Article 7 of the Charter shall form the bases with regard to

these languages. At the same time, German law and Germany's administrative practice thus meet individual requirements laid down in Part III of the Charter:

With regard to Romany:

for the territory of the Federal Republic of Germany:

Article 8, paragraph 1 f iii; g; h;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 10, paragraph 5;

Article 11, paragraph 1 d; e ii; f ii; g; paragraph 2;

Article 12, paragraph 1 g; paragraph 3;

Article 13, paragraph 1 a; c; d;

Article 14 a;

and additionally:

- in Land Baden-Württemberg:

Article 8, paragraphs 1 a iv, 1 e iii;

Article 10, paragraph 4 c;

Article 12, paragraphs 1 a, 1 d; f; paragraph 2.

- in Land Berlin:

Article 8, paragraph 1 a i/ii; b i/ii/iii/iv; e i/ii/iii; i; paragraph 2;

Article 11, paragraph 1 b i/ii: c ii; e i/ii;

Article 12, paragraph 1 a; d; f;

- in the Free and Hanseatic City of Hamburg:

Article 8, paragraph 1 b iv; c iv;

Article 11, paragraph 1 b ii; c ii;

Article 12, paragraph 1 a; d; f;

- in Land Hesse:

Article 8, paragraph 1 a iii/iv; b iv; c iv; d iv; e iii; i; paragraph 2;

Article 11, paragraph 1 b ii; c ii; e i;

Article 12, paragraph 1 a; d; f; paragraph 2;

- in Land North-Rhine/Westphalia:

Article 8, paragraph 1 e iii; paragraph 2;

Article 12, paragraph 1 a; d; f; paragraph 2;

- in Land Lower Saxony:

Article 12, paragraph 1 a; d; f;

- in Land Rhineland-Palatinate:

Article 8, paragraph 1 a iv; e iii;

Article 11, paragraph 1 c ii;

Article 12, paragraph 1 a; d; f;

- in Land Schleswig-Holstein:

Article 10, paragraph 1 a v; paragraph 2 b; paragraph 4 c;

Article 11, paragraph 1 b ii; c ii;

Article 12, paragraph 1 a; d; f; paragraph 2.

With regard to Low German:

- in Land Brandenburg:

Article 8, paragraph 1 a iv; b iv; c iv; f iii; g;

Article 9, paragraph 2 a;

Article 10, paragraph 2 b; paragraph 3 c;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;

Article 12, paragraph 1 a; f; g;

- in Land North-Rhine/Westphalia:

Article 8, paragraph 1 e iii; g; h; paragraph 2;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 11, paragraph 1 d; paragraph 2;

Article 12, paragraph 1 a; d; e; f; g; h; paragraph 2;

Article 13, paragraph 1 a; c; d;

- in Land Saxony-Anhalt:

Article 8, paragraph 1 a iv; b iv; c iv; g; h;

Article 9, paragraph 2 a;

Article 11, paragraph 1 b ii; c ii; e ii; paragraph 2;

Article 12, paragraph 1 a; f; g; h.

The separate specification of these provisions for the territory of each individual Land is in keeping with the federal structure of the Federal Republic of Germany and takes into account the situation of each of these languages in the Land in question.

In accordance with the national distribution of competencies, the way in which the above-mentioned provisions of Part III of the Charter are implemented through legal regulations and Germany's administrative practice with due regard to the objectives and principles specified in Article 7 of the Charter shall be the responsibility of either the Federation or the competent Land. Details will be provided in the procedure for implementing the federal act with which the legislature consents to the Charter as laid down in the Memorandum to the Charter.

13) Framework Convention for the Protection of National Minorities (ETS n° 157)
(1 February 1995)

Russia (21 August 1998, 22 September 1998, 21 September 1999)

Declaration:

The Russian Federation considers that none is entitled to include unilaterally in reservations or declarations, made while signing or ratifying the Framework Convention for the Protection of National Minorities, a definition of the term “national minority”, which is not contained in the Framework Convention. In the opinion of the Russian Federation, attempts to exclude from the scope of the Framework Convention the persons who permanently reside in the territory of States Parties to the Framework Convention and previously had a citizenship but have been arbitrarily deprived of it, contradict the purpose of the Framework Convention for the Protection of National Minorities.

14) European Convention on Nationality (ETS No. 166) (6 November 1997)

Austria (17 September 1998, 13 January 1999, 12 January 2000)

Reservations and Declarations:

Reservation concerning Article 6 and Article 7

Austria declares that the term “parents/parents” used in Articles 6 and 7 of this Convention does not, according to the Austrian legislation on nationality, include the father of children born out of wedlock.

Declaration concerning Article 6 and Article 9

Austria declares that the term “lawful and habitual residence/résidence légale et habituelle” used in Articles 6 and 9 of this Convention will be interpreted according to the Austrian legislation on nationality as “Hauptwohnsitz” (main domicile) in the sense of the Austrian legislation concerning the main domicile.

Declaration concerning Article 6, paragraph 1, lit (b)

Austria declares to retain the right that foundlings found in the territory of the Republic are regarded, until proven to the contrary, as nationals by descent only if they are found under the age of six months.

Reservation concerning Article 6, paragraph 2, lit (b)

Austria declares to retain the right to grant an alien nationality only if he:

- 1. was born in the territory of the Republic and has been stateless since birth;*
- 2. has had his ordinary residence in the territory of the Republic for a period of not less than ten years, of which a continuous period of not less than five years must precede the granting of nationality;*
- 3. has not been convicted with final effect by a domestic court for certain offences, specified in section 14, paragraph 1, sub-paragraph 3, of the Law on Nationality 1985 as amended;*
- 4. has neither been sentenced with final effect by a domestic nor a foreign court to imprisonment of five or more years; if the offences underlying the sentence pronounced by the foreign court are also punishable under domestic law and the sentence was passed in proceedings complying with the principles of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4th November 1950;*
- 5. applies for naturalisation after completing the age of eighteen and not later than two years after attaining majority.*

Reservation concerning Article 6, paragraph 4, lit (g)

Austria declares to retain the right not to facilitate the acquisition of its nationality for stateless persons and recognised refugees lawfully and habitually resident on its territory (i.e. main domicile) for this reason alone.

Reservations concerning Article 7

i) Austria declares to retain the right to deprive a national of its nationality if:

- 1. he acquired the nationality more than two years ago either through naturalisation or the extension of naturalisation under the Law on Nationality of 1985 as amended;*
- 2. neither Section 10, paragraph 4, nor Section 16, paragraph 2, nor Section 17, paragraph 4, of the Law on Nationality 1985 as amended were applied;*
- 3. on the day of naturalisation (extension of naturalisation) he was not a refugee as defined in the Convention of 28th July 1951 or the Protocol relating to the legal Status of Refugees of 31st January 1967, and*
- 4. despite the acquisition of its nationality he has retained a foreign nationality for reasons he is accountable for.*

ii) Austria declares to retain the right to deprive a national of its nationality, if such person, being in the service of a foreign State, conducts himself in a manner seriously prejudicial to the interests or the reputation of the Republic of Austria.

Reservation concerning Article 7 in conjunction with Article 7, paragraph 1, lit (c)

Austria declares to retain the right to deprive a national of its nationality, if such person voluntarily enters the military service of a foreign State.

Reservation concerning Article 7 in conjunction with Article 7, paragraph 1, lit (f)

Austria declares to retain the right to deprive a national of its nationality whenever it has been ascertained that the conditions leading to the acquisition of nationality ex lege, as defined by its internal law, are not fulfilled any more.

Reservation concerning Article 8, paragraph 1

Austria declares to retain the right of permitting renunciation of its nationality by a national only in the case that:

- 1. the national possesses a foreign nationality;*
- 2. no criminal procedure or execution of a criminal sentence is pending in Austria for an offence punishable with more than six months of imprisonment;*
- 3. in the case of the national, being a male person, he is not a member of the Federal Armed Forces and:*
 - a) has not yet passed the age of sixteen or has already passed the age of thirty-six;*
 - b) has fulfilled his regular military or civilian service obligations;*
 - c) has been found unfit for military service by the Recruiting Commission or has been declared permanently unfit for any kind of civilian service by the competent administrative physician;*
 - d) has been dispensed from recruitment to the Federal army for reasons of mental illness or mental disorder, or*
 - e) has fulfilled the military obligations, or in their place service obligations in another State of which he is a national and is therefore dispensed from regular military or civilian service on the basis of a bilateral agreement or an international convention.*

The conditions listed under sub-paragraphs 2 and 3 do not apply if the person renouncing his nationality has had his ordinary residence outside the territory of the Republic for a continuous period of not less than five years.

Reservation concerning Article 22, lit (a)

Austria declares to retain the right that a person who has been exempted from his military obligations in relation to one State Party is not deemed having fulfilled his military obligation in relation to the Republic of Austria.

Declaration concerning Article 22, lit (b)

Austria declares that in the Republic of Austria the age referred to in Article 22, lit (b) is considered to have been reached with completion of age 35.

Reservation concerning Article 21 and Article 22

Austria declares that the terms "military obligations/obligations militaires" used in Articles 21 and 22 of this Convention will be interpreted in a manner that they only comprise the obligation of an individual to fulfil his compulsory military service. Other military obligations are not affected by this Convention.