

**Opinion of the CAHDI concerning the possibility of partial denunciation of the Convention on reduction of cases of multiple nationality and military obligations in cases of multiple nationalities (Strasbourg, 6.V.1963)**

At its 23<sup>rd</sup> meeting (Strasbourg, 3-4 March 2002), the Committee of Legal Advisers on Public International Law (CAHDI) was informed that at its 76<sup>th</sup> meeting (Strasbourg, 4 to 7 December 2001) following a proposal from the Committee of Experts on Nationality (CJ-NA), the European Committee on Legal Co-operation (CDCJ) requested the opinion of the CAHDI concerning the possibility of a partial denunciation of the 1963 Convention on the Reduction of cases of multiple nationality and military obligations in cases of multiple nationality (ETS 43) (hereinafter: *the Convention*).

The CAHDI was called upon in particular to give its opinion on whether a partial denunciation of the 1963 Convention (Chapter I only) would be possible and if, in the opinion of CAHDI, a partial denunciation is possible, the CJ-NA may consider CAHDI's opinion as a sufficient basis to allow the States concerned to proceed in such a manner.

The CAHDI held an exchange of views regarding this issue at its 23<sup>rd</sup> and 24<sup>th</sup> meetings, and at its 24<sup>th</sup> meeting (Bratislava, 9-10 September 2002) adopted the following

**OPINION**

The CAHDI understands the reasons which move the CJ-NA to consider the possibility of a partial denunciation of the Convention as an alternative to the drafting of an amending protocol to that convention which would be a more complex and time-consuming procedure.

However, the CAHDI considers that the Convention does not provide a legal basis for such a partial denunciation of the Convention. In such a case, according to the law of treaties as embodied in the Vienna Convention the Law of Treaties (in particular Article 44, para 1) the partial denunciation of the Convention will only be possible if agreed by all the States Parties to the Convention. The CAHDI is of the view that such an agreement is a *condition sine qua non* for a State to proceed to a partial denunciation of the Convention.

Nothing in this opinion shall be considered by the CJ-NA as a sufficient basis to allow the States concerned to proceed to partial denunciation of the Convention.