



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

Strasbourg, 2.II.1993

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

Having found it necessary to amend Chapter I of the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality, signed in Strasbourg on 6 May 1963, hereinafter referred to as "the Convention";

Considering the large number of migrants who have settled permanently in the member States of the Council of Europe and the need to complete their integration, particularly in the case of second-generation migrants, in the host State, through the acquisition of the nationality of that State;

Considering the large number of mixed marriages in member States and the need to facilitate acquisition by one spouse of the nationality of the other spouse and the acquisition by their children of the nationality of both parents, in order to encourage unity of nationality within the same family;

Considering that conservation of the nationality of origin is an important factor in achieving these objectives, having regard to Resolutions (77) 12 and 13 of the Council of Europe on the nationality of spouses of different nationalities and nationality of children born in wedlock as well as to developments in the relevant legislation of member States,

Have agreed as follows:

Article 1

In Article 1 of the Convention three new paragraphs are added as follows:

- "5 Notwithstanding the provisions of paragraphs 1 and, where applicable, 2 above, where a national of a Contracting Party acquires the nationality of another Contracting Party on whose territory either he was born and is resident, or has been ordinarily resident for a period of time beginning before the age of 18, each of these Parties may provide that he retains the nationality of origin.
- 6 Notwithstanding the provisions of paragraphs 1 and, where applicable, 2 and 5 above, in cases of marriage between nationals of different Contracting Parties, each of these Parties may provide that the spouse, who acquires of his or her own free will the nationality of the other spouse, retains the nationality of origin.
- 7 Notwithstanding the provisions of paragraph 2 above, where applicable, when a national of a Contracting Party who is a minor and whose parents are nationals of different Contracting Parties acquires the nationality of one of his parents, each of these Parties may provide that he retains the nationality of origin."

Article 2

The provisions of Article 4 of the Convention shall not apply to matters covered by this Protocol.

Article 3

- 1 In relations between States Parties to the Convention applying the provisions of Chapter I thereof and which are also Parties to this Protocol, Chapter I of the Convention shall be applicable:
 - a as modified by this Protocol; or
 - b where the States concerned are also Parties to the Protocol of 24 November 1977 amending the Convention, as modified by the said Protocol and this Protocol.
- 2 In relations between States Parties to the Convention applying the provisions of Chapter I thereof, Parties to this Protocol, and States Parties to the Convention applying the provisions of Chapter I thereof without being Parties to this Protocol, Chapter I of the Convention shall be applicable:
 - a in its original form; or
 - b where the States concerned are also Parties to the Protocol of 24 November 1977 amending the Convention, as modified by the said Protocol.

Article 4

- 1 This Protocol shall be open to signature by the member States of the Council of Europe signatories to the Convention, which may express their consent to be bound by:
 - a signature without reservation in respect of ratification, acceptance or approval;
 - b signature with reservation in respect of ratification, acceptance or approval, followed by ratification, acceptance or approval.
- 2 No member State of the Council of Europe shall sign without reservation as to ratification, acceptance or approval, or deposit an instrument of ratification, acceptance or approval, unless it is already or becomes simultaneously a Contracting State to the Convention and under the condition that it applies the provisions of Chapter I of that Convention.
- 3 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 5

- 1 This Protocol shall enter into force one month after the date on which two member States of the Council of Europe, Contracting States to the Convention, have expressed their consent to be bound by this Protocol in accordance with the provisions of Article 4.
- 2 In respect of any other member State which subsequently expresses its consent to be bound by it, this Protocol shall enter into force one month after the date of signature or the deposit of the instrument of ratification, acceptance or approval.

Article 6

- 1 After this Protocol has entered into force, any State which acceded to the Convention may accede to this Protocol provided that such State has accepted the provisions of Chapter I of the Convention.
- 2 Any State which is not a member of the Council of Europe invited to accede to the Convention shall be considered as having been invited also to accede to this Protocol, provided that it has accepted the provisions of Chapter I of this Convention.
- 3 In respect of any acceding State, the Protocol shall enter into force one month after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 7

- 1 Any Party may, at any time, denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary General.
- 3 Denunciation of the Convention implies ipso jure the denunciation of this Protocol.

Article 8

No reservation may be made in respect of the provisions of this Protocol.

Article 9

The Secretary General of the Council of Europe shall notify the member States of the Council and the governments of any State which has acceded or has been invited to accede to the Convention of:

- a any signature of this Protocol;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Protocol in accordance with Articles 5 and 6 thereof;
- d any notification received in pursuance of the provisions of Article 7 and the date on which denunciation takes effect.

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

Done at Strasbourg, this 2nd day of February 1993, 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 of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Protocol.