



## **Explanatory Report to the Additional Protocol to the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality**

Strasbourg, 24.XI.1977

---

I. The Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in cases of Multiple Nationality was opened to signature by member States of the Council of Europe on May 1963, and entered into force on 28 March 1968.

II. The Additional Protocol to this Convention, drawn up within the Council of Europe by a Committee of Governmental Experts under the authority of the European Committee on Legal Co-operation (CDCJ), was opened to signature by member States of the Council of Europe on 24 November 1977.

III. The text of the explanatory report concerning the Protocol, as prepared by the committee of experts and revised by the CDCJ, do not constitute instrument providing an authoritative interpretation of the text of the Protocol, although it might be of such a nature as to facilitate the application of the provisions contained therein.

### **General considerations**

When the 1963 Convention was drawn up, the desirability of exchanging information on changes of nationality was pointed out. However, it was thought that there were practical difficulties in the way of organising such a system, and that the amount of administrative work to be done would be considerably increased.

Since then these objections have lost much of their force, and a number of States have expressed interest in having such a system of information exchange by accepting the Convention signed in Paris on 10 September 1964 on the Exchange of Information Regarding the Acquisition of Nationality, which was concluded on the initiative of the International Commission on Civil Status (CIEC).

Such an exchange of information has also become essential to prevent people continuing to make use of nationalities which, in law, they have lost.

Since some States are unable to accept a systematic exchange of information which is separate from some international commitment to reduce cases of multiple nationality, it seems necessary to have a special instrument constituting a supplement to the Convention, in the form of an additional agreement.

## **Commentary on the Articles**

### **Article 1**

This provision, which is modelled on Article 1 of the Convention of the International Commission on Civil Status, specifies that information must relate to cases of nationality acquisition covered by Article 1 of the Convention, i.e. acquisition by declaration made of the person's own free will whatever the particular type of acquisition, or nomenclature of the means used (naturalisation option, declaration, recovery etc.), and also automatic acquisition by unmarried minor children following acquisition of nationality by their parents.

### **Article 2**

This provision follows Articles 2 and 4 of the Convention of the International Commission on Civil Status. It must nevertheless be noted that the delay for the information runs from the day when the acquisition of nationality has become effective, in order to take into consideration that certain declarations concerning acquisition of nationality become effective on the day when they are signed, but are presented for registration with a central controlling their admissibility, It is only from the moment when this control has taken place and the interested person has received a registered copy of his declaration, that he can avail himself of his new nationality, though it must be regarded as acquired on the day when he signed the declaration.

Since the information sheets are to be used by the appropriate national authorities, who are frequently local authorities, the details on them will have to be printed in the languages of all member States. The text provides for the addition of the languages of non-member States having acceded to the Convention.

### **Article 3**

While information is to be given by the central or local authority empowered nationally to register acquisitions of nationality, a central receiving authority will have to be nominated, to which information must be sent, as the authorities sending the information will not know which authority in the addressee State is competent to receive it. To make matters easier, therefore, each State should designate such an authority to receive information and pass it on to the appropriate internal authorities. This is also the system adopted by the above-mentioned Paris Convention.

### **Article 4**

Since the present agreement is intended to make application of the Convention easier as regards reducing the number of cases of multiple nationality, it must be confined to those States which apply Chapter 1 of that Convention.

## **Appendix**

To facilitate application of the present additional Protocol for those States which have ratified the Paris Convention, the same model of information sheet has been adopted. Although the 1963 Convention covers only voluntary acquisition of nationality by persons come of age, the heading concerning spouses has been kept, to allow for the case of a husband and wife jointly applying for another nationality and to avoid two separate sheets being made out in such cases. Under this heading, as under the one relating to children under age, mention will have to be made of whether acquisition is the result of application or whether it is automatic by operation of law.

In addition, to facilitate use of the information sheet a special heading will be included to show the nationality or nationalities previously possessed, provided of course that the transmitting authority has this information.