

## MILITARY OBLIGATIONS IN CERTAIN CASES OF DOUBLE NATIONALITY

*Protocol opened for signature at The Hague April 12, 1930, and signed  
for the United States December 31, 1930*

*Senate advice and consent to ratification June 18, 1932*

*Ratified by the President of the United States July 5, 1932*

*Ratification of the United States deposited with the Secretary-General  
of the League of Nations August 3, 1932*

*Proclaimed by the President of the United States April 26, 1937*

*Entered into force May 25, 1937*

50 Stat. 1317; Treaty Series 913

### PROTOCOL RELATING TO MILITARY OBLIGATIONS IN CERTAIN CASES OF DOUBLE NATIONALITY

The undersigned plenipotentiaries, on behalf of their respective Governments,

With a view to determining in certain cases the position as regards their military obligations of persons possessing two or more nationalities,

Have agreed as follows:

#### *Article 1*

A person possessing two or more nationalities who habitually resides in one of the countries whose nationality he possesses, and who is in fact most closely connected with that country, shall be exempt from all military obligations in the other country or countries.

This exemption may involve the loss of the nationality of the other country or countries.

#### *Article 2*

Without prejudice to the provisions of Article 1 of the present Protocol, if a person possesses the nationality of two or more States and, under the law of any one of such States, has the right, on attaining his majority, to renounce or decline the nationality of that State, he shall be exempt from military service in such State during his minority.

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*Article 3*

A person who has lost the nationality of a State under the law of that State and has acquired another nationality, shall be exempt from military obligations in the State of which he has lost the nationality.

*Article 4*

The High Contracting Parties agree to apply the principles and rules contained in the preceding articles in their relations with each other, as from the date of the entry into force of the present Protocol.

The inclusion of the above-mentioned principles and rules in the said articles shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding articles, the existing principles and rules of international law shall remain in force.

*Article 5*

Nothing in the present Protocol shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

*Article 6*

Any High Contracting Party may, when signing or ratifying the present Protocol or acceding thereto, append an express reservation excluding any one or more of the provisions of Articles 1 to 3 and 7.

The provisions thus excluded cannot be applied against the High Contracting Party who has made the reservation nor relied on by that Party against any other High Contracting Party.

*Article 7*

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Protocol and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement, in accordance with the constitutional procedure of each of the Parties to the dispute. In the absence of agreement on the choice of another tribunal, the dispute shall be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of the 16th December, 1920,<sup>1</sup> relating to the Statute of that Court, and if any of the Parties to the dispute is not a Party

<sup>1</sup> 6 LNTS 379; IV Trenwith 5645. The United States did not become a party.

to the Protocol of the 16th December, 1920, the dispute shall be referred to an arbitral tribunal constituted in accordance with the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Conflicts.<sup>2</sup>

#### *Article 8*

The present Protocol shall remain open until the 31st December, 1930, for signature on behalf of any Member of the League of Nations or of any non-Member State invited to the First Codification Conference or to which the Council of the League of Nations has communicated a copy of the Protocol for this purpose.

#### *Article 9*

The present Protocol is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-Member States mentioned in Article 8, indicating the date of its deposit.

#### *Article 10*

As from January 1st, 1931, any Member of the League of Nations and any non-Member State mentioned in Article 8 on whose behalf the Protocol has not been signed before that date may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 8, indicating the date of the deposit of the instrument.

#### *Article 11*

A procès-verbal shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-Member States have been deposited.<sup>3</sup>

A certified copy of this procès-verbal shall be sent by the Secretary-General to each Member of the League of Nations and to each non-Member State mentioned in Article 8.

#### *Article 12*

The present Protocol shall enter into force on the 90th day after the date of the procès-verbal mentioned in Article 11 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the procès-verbal.

<sup>2</sup> TS 536, *ante*, vol. 1, p. 577.

<sup>3</sup> For text of procès-verbal of deposit done at Geneva Feb. 24, 1937, see 50 Stat. 1330 or p. 14 of TS 913.

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Protocol shall enter into force on the 90th day after the date of the deposit of a ratification or accession on its behalf.

*Article 13*

As from January 1st, 1936, any Member of the League of Nations or any non-Member State in regard to which the present Protocol is then in force, may address to the Secretary-General of the League of Nations a request for the revision of any or all of the provisions of this Protocol. If such a request, after being communicated to the other Members of the League and non-Member States in regard to which the Protocol is then in force, is supported within one year by at least nine of them, the Council of the League of Nations shall decide, after consultation with the Members of the League of Nations and the non-Member States mentioned in Article 8, whether a conference should be specially convoked for that purpose or whether such revision should be considered at the next conference for the codification of international law.

The High Contracting Parties agree that, if the present Protocol is revised, the new Agreement may provide that upon its entry into force some or all of the provisions of the present Protocol shall be abrogated in respect of all of the Parties to the present Protocol.

*Article 14*

The present Protocol may be denounced.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 8.

Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification but only as regards the Member of the League or non-Member State on whose behalf it has been notified.

*Article 15*

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Protocol, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories; and the present Protocol shall not apply to any territories or to the parts of their population named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Protocol shall apply to all or any of his territories or to the parts of their population which have been made the subject of a declaration under the

preceding paragraph, and the Protocol shall apply to all the territories or the parts of their population named in such notice six months after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Protocol shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories, and the Protocol shall cease to apply to the territories or to the parts of their population named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. Any High Contracting Party may make the reservations provided for in Article 6 in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of these territories, at the time of signature, ratification or accession to the Protocol or at the time of making a notification under the second paragraph of this article.

5. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-Member States mentioned in Article 8 all declarations and notices received in virtue of this article.

#### *Article 16*

The present Protocol shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

#### *Article 17*

The French and English texts of the present Protocol shall both be authoritative.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at The Hague on the twelfth day of April, one thousand nine hundred and thirty, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and all the non-Member States invited to the First Conference for the Codification of International Law.

Germany:

GÖPPERT  
HERING

United States of America:

HUGH R. WILSON

Austria:

LEITMAIER

Belgium:

J. DE RUELE

Subject to accession later for the Colony of the Congo and the mandated territories [translation].

Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:

MAURICE GWYER  
OSCAR F. DOWSON

Canada:

PHILIPPE ROY

Irish Free State:

JOHN J. HEARNE

## India:

In accordance with the provisions of Article 15 of this Protocol I declare that His Britannic Majesty does not assume any obligation in respect of the territories in India of any Prince or Chief under His suzerainty or the population of the said territories.

BASANTA KUMAR MULICK

## Chile:

MIGUEL CRUCHAGA  
ALEJANDRO ALVAREZ  
H. MARCHANT

## Colombia:

A. J. RESTREPO  
FRANCISCO JOSÉ URRUTIA

## Cuba:

*Ad referendum.*  
DIAZ DE VILLAR  
CARLOS DE ARMENTEROS

## Denmark:

F. MARTENSEN-LARSEN  
V. LORCK.

## Egypt:

A. BADAoui  
M. SID AHMED

## Spain:

A. GOICOECHEA

## France:

PAUL MATTER  
A. KAMMERER

## Greece:

*Ad referendum.*  
N. POLITIS  
MEGALOS CALOYANNI  
JEAN SPIROPOULOS

## Luxemburg:

CONRAD STUMPER

## Mexico:

EDUARDO SUAREZ

## The Netherlands:

v. EYSINGA.  
J. KOSTERS.

1. Exclude from acceptance Article 3;  
2. Do not intend to assume any obligation as regards Netherlands Indies, Surinam and Curaçao [translation].<sup>4</sup>

## Peru:

M. H. CORNEJO

## Portugal:

JOSÉ CAEIRO DA MATTA  
JOSÉ MARIA VILHENA BARBOSA DE  
MAGALHAES.  
Prof. DOUTOR J. LOBO D'AVILA LIMA

## Salvador:

J. GUSTAVO GUERRERO

## Sweden:

K. J. WESTMAN

Subject to ratification by His Majesty the King of Sweden with the approval of the Riksdag [translation].

## Uruguay:

E. E. BUERO

<sup>4</sup> The Netherlands Government, upon deposit of ratification Apr. 2, 1937, withdrew its reservation regarding art. 3. The ratification also included the Netherlands Indies, Surinam, and Curaçao.