

REPUBLIC OF AUSTRIA

The Federal Minister
= for Foreign Affairs

Benita Ferrero-Waldner

Mr. Walter Schwimmer
Secretary General
of the Council of Europe
B. P. 431 RG
F-67006 Strasbourg

Vienna, 2 June 2004

No. 2125.20/0005e-I.2a/2004

Dear Secretary-General,

I have the honour to refer to your Note dated 5 March 2003 which reads as follows:

Quote:

"I have the honour to refer to the 1963 Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality ratified by twelve Member States of the Council of Europe, and by your country on 31 July 1975. It entered into force for your country on 1 September 1975. Since then problems have arisen from the fact that in 1997 another Convention on Nationality (ETS No. 166) containing different rules was adopted. This Convention has now been ratified by eight Member States.

Considering the reciprocal impact of the two Conventions, the Committee of Experts on Nationality (CJ-NA) recently discussed the possibility of a partial denunciation of the 1963 Convention. Some of the Contracting Parties have declared that they no longer wish to be bound by Chapter I of the Convention because their domestic legislation is no longer in line with the provisions contained therein. Nonetheless, these States wish to continue to be bound by the Convention's Chapter II relating to military obligations in cases of multiple nationality.

The CJ-NA via the European Committee on Legal Co-operation (CDCJ) consulted the Committee of Legal Advisers on Public International Law (CAHDI) on this issue. The CJ-NA took note of CAHDI's opinion that, according to the law of treaties embodied in the Vienna Convention on the Law of Treaties (in particular Article 44, paragraph 1), a partial denunciation of the Convention will only be possible if agreed by all Parties to the Convention. Considering that the provisions contained in Chapter I are separate from the remainder of the treaty with regard to their application, the CJ-NA decided to recommend that the Parties reach an agreement on the interpretation of Article 12, paragraph 2, of the 1963 Convention, through written procedure.

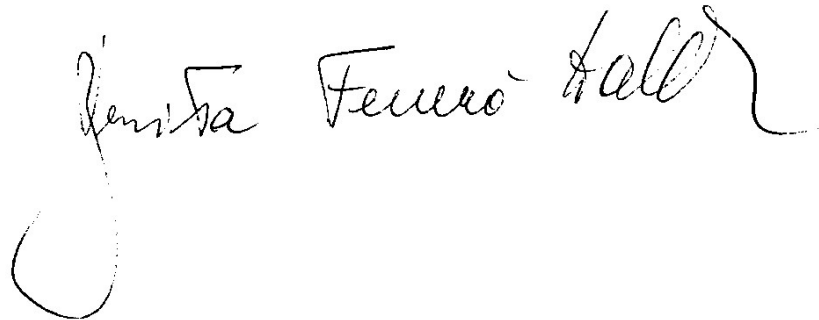
Such an agreement will be based on the following understanding reached as a result of the discussions in the CJ-NA:

1. Any Contracting Party may at any time, in so far as it is concerned, denounce Chapter I of this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall take effect one year after the date of receipt by the Secretary General of such notification.
3. The provisions of Article 7, paragraph 2, of the Convention shall apply as amended by the 1977 Protocol.

I would be grateful if you could inform me, within a period of six months, that the foregoing provisions are accepted by your Government. This letter, sent in my capacity as depositary of the Council of Europe treaties, and the letters of acceptance by all Contracting Parties, will constitute the agreement on interpretation, within the meaning of Article 31, paragraph 3, sub-paragraph a, of the Vienna Convention on the Law of Treaties. Once all Contracting Parties have expressed their consent, I will confirm in a certificate that all Contracting Parties have reached this agreement. The agreement on interpretation will enter into force on the date of the certificate."

In reply I have the honour to confirm that the foregoing provisions are accepted by the Government of the Republic of Austria.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

A handwritten signature in black ink, appearing to read "J. F. Fenech", with a large, stylized flourish extending from the bottom left.

