

No. 6428

**ISRAEL
and
FRANCE**

Convention concerning the military service of persons with dual nationality. Signed at Paris, on 30 June 1959

Administrative Agreement embodying regulations for carrying into effect the above-mentioned Convention. Signed at Paris, on 30 June 1959

Exchange of notes relating to the above-mentioned Convention and Agreement. Paris, 22 June and 28 July 1959

Official texts of the Convention and Agreement: Hebrew and French.

Official text of the notes: French.

Registered by Israel on 18 December 1962.

**ISRAËL
et
FRANCE**

Convention relative au service militaire des double nationaux. Signée à Paris, le 30 juin 1959

Arrangement administratif relatif aux modalités d'application de la Convention susmentionnée. Signé à Paris, le 30 juin 1959

Échange de notes relatif à la Convention et à l'Arrangement susmentionnés. Paris, 22 juin et 28 juillet 1959

Textes officiels de la Convention et de l'Arrangement: hébreu et français.

Texte officiel des notes: français.

Enregistrés par Israël le 18 décembre 1962.

[TRANSLATION — TRADUCTION]

No. 6428. CONVENTION¹ BETWEEN ISRAEL AND FRANCE
CONCERNING THE MILITARY SERVICE OF PERSONS
WITH DUAL NATIONALITY. SIGNED AT PARIS, ON
30 JUNE 1959

The Government of the State of Israel and the Government of the French Republic, desiring to settle by joint agreement the question of the military service of their respective nationals who possess both Israel and French nationality, have agreed on the following provisions :

Article 1

The provisions of this Convention shall apply to the nationals of either of the two countries who possess or who are eligible to possess Israel and French nationality simultaneously pursuant to the laws in force in each of the two countries, with the exception of cases in which one of the two nationalities was acquired by naturalization. The persons concerned shall be referred to in the following articles as "dual nationals".

Article 2

1. Dual nationals residing in one of the two Contracting States shall be required to perform their active military service in the State in which they have their permanent residence at the age of eighteen years.

2. Dual nationals who, at the aforementioned age, are resident in a third country shall have the option of performing their active military service in one or the other of the two States. They shall for that purpose sign a declaration in duplicate before the consular representative of the State in whose armed forces they wish to serve ; the said representative shall transmit the declaration to the competent authorities of the two Contracting States.

3. Persons who acquire dual nationality after the age of eighteen years and have not yet fulfilled in either State their legal obligations in respect of service shall be required to fulfil those obligations in the State in which they have established permanent residence at the time of acquiring the second nationality ; provided that, where military service in the other State has been deferred at their request, they shall be required to fulfil the said obligations in the latter State.

¹ Came into force on 7 May 1962, the date on which the Contracting Parties notified each other that the respective constitutional formalities had been completed, in accordance with the provisions of article 12.

Article 3

Notwithstanding the provisions of article 2, dual nationals may volunteer for service in the armed forces of the State of their choice before being called to perform their active military service by the other State. The period of active service which they have thus completed as volunteers shall be deducted from the term of their legal obligations in respect of service in the State in which, pursuant to article 2, they would normally have been required to perform their active military service.

Dual nationals whose voluntary enlistment has been rejected may not avail themselves of the provisions of article 5 so as to be considered as having fulfilled their military service obligations with respect to the country in which they are resident.

Article 4

The dual nationals referred to in articles 2 and 3 shall, if the occasion arises, give evidence of their military status in relation to the State in whose armed forces they are not, by reason of their residence, option or voluntary enlistment, required to serve, and shall do so by producing a certificate which shall be issued to them by the competent authorities of the State in whose armed forces they have served or would have served if they had not been duly excused or exempted.

Article 5

Dual nationals whose situation is covered by the provisions of the preceding articles shall be deemed to have fulfilled all military obligations imposed upon them in time of peace by the military laws of the Contracting State in which they have not been called up for service, if they have actually performed their service or have been duly exempted therefrom as physically unfit or have been excused pursuant to the laws in force in the State in which they are resident or for which they have opted.

Where, however, such persons, after fulfilling their legal obligations in respect of service in one of the two Contracting States, later establish permanent residence in the other State or in any event reside there habitually for two years, they shall thereafter be subject in that State to all the military obligations of their mobilization class.

The competent authorities of the Contracting States shall report to each other, through the diplomatic channel, any transfer of residence from their territory by a beneficiary of this Convention wherever such departure has been brought to their attention.

Article 6

Dual nationals who have evaded their military service obligations shall be reported by the competent authorities of the State in which they should have served to the competent authorities of the other State and shall be excluded from the benefits of this Convention.

Article 7

In the event of partial or total mobilization, the Contracting States shall call up dual nationals for service only under the following conditions :

1. In the event of mobilization in only one of the two States, that State shall be entitled to call up for service all the dual nationals coming within the scope of this Convention irrespective of their place of residence or of the armed forces in which they fulfilled their legal obligations in respect of service.

2. In the event of simultaneous mobilization, each of the two Contracting States may call up for service the dual nationals who are habitually resident in its territory, irrespective of the armed forces in which they performed their active service, and those who, although resident in a third State, fulfilled their legal obligations in respect of service in its own armed forces.

Article 8

The provisions of this Convention shall in no way affect the juridical status of the persons concerned in the matter of nationality.

Article 9

Regulations for carrying this Convention into effect are embodied in the annexed Administrative Agreement¹ and may be supplemented or amended by agreement between the Administrations of the two States.

Article 10

The Governments of the two Contracting States shall settle through the diplomatic channel all difficulties which may arise out of the application of this Convention and those relating to the settlement of previous individual situations.

Article 11

This Convention shall not apply to female nationals of the two States.

¹ See p. 133 of this volume.

Article 12

This Convention shall enter into force as soon as the two Contracting Parties have notified each other that the respective constitutional formalities have been completed.

It is concluded for an indefinite period and may be denounced by either Party at any time subject to one year's notice.

Article 13

This Convention has been drawn up in duplicate, in the Hebrew and French languages, both texts being equally authentic. However, in the event of any disagreement between the two Governments concerning its application, the French text shall prevail.

DONE in Paris, on 30 June 1959.

For the Government
of the State of Israel :

(Signed) JACOB TSUR

For the Government
of the French Republic :

(Signed) LOUIS JOXE