

**No. 27324**

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**FRANCE  
and  
SWITZERLAND**

**Convention concerning the military service of persons with  
dual nationality. Signed at Paris on 1 August 1958**

**Exchange of notes constituting an agreement concerning  
the interpretation of the above-mentioned Convention.  
Paris, 14 February 1989**

*Authentic texts: French.*

*Registered by France on 3 July 1990.*

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**FRANCE  
et  
SUISSE**

**Convention relative au service militaire des doubles-natio-  
naux. Signée à Paris le 1<sup>er</sup> août 1958**

**Échange de notes constituant un accord concernant l'inter-  
prétation de la Convention susmentionnée. Paris, 14 fé-  
vrier 1989**

*Textes authentiques : français.*

*Enregistrés par la France le 3 juillet 1990.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> BETWEEN FRANCE AND SWITZERLAND CONCERNING THE MILITARY SERVICE OF PERSONS WITH DUAL NATIONALITY

The President of the French Republic and the Swiss Federal Council, desiring to put an end to the difficulties relating to military obligations encountered by their nationals who possess both French and Swiss nationality, have agreed to conclude a convention for that purpose. They have appointed as their respective Plenipotentiaries:

The President of the French Republic: Mr. Jean Daridan, Minister Plenipotentiary, Director-General of Political Affairs of the Ministry of Foreign Affairs;

The Swiss Federal Council: Mr. Pierre Micheli, Ambassador Extraordinary and Plenipotentiary of Switzerland in France;

who, having exchanged their full powers, found in good and due form, have agreed as follows:

*Article 1*

The provisions of this Convention shall apply to:

(a) The nationals of either of the two States who possess or who are eligible to possess French and Swiss nationality simultaneously, pursuant to the laws in force regarding nationality in each of the two States;

(b) Those who, possessing the nationality of one of the two States, have acquired the nationality of the other by naturalization, subject to fulfilment of one of the following conditions:

1. They were born and have resided from the age of 16 years in the country whose nationality they have thereby acquired;
2. Their mother possesses such nationality;
3. They were born in the State whose nationality they have acquired, of a father or mother born in that State;
4. They acquired the nationality of the other State by their parents' naturalization or by their own naturalization before the age of 16 years.

*Article 2*

1. Dual nationals residing in either of the two States shall be required to fulfil their legal military obligations in the State in which they have their permanent residence at the age of 19 years. They shall, for the purpose of establishing residence, furnish a certificate from the competent authorities. The certificate shall be addressed to the consular representative of the State in which they are not required to serve and within whose jurisdiction they reside.

<sup>1</sup> Came into force on 23 March 1959 by the exchange of the instruments of ratification, in accordance with article 10 (1).

2. Persons who at the age of 19 years are resident in a third State shall choose the State in whose armed forces they would prefer to fulfil their military obligations. They shall, to that end, address a declaration in duplicate to the consular representative of that State.

### *Article 3*

1. Dual nationals whose situation is covered by the provisions of the preceding articles, subject to the restrictions outlined in paragraphs 2 and 3 below, shall be deemed to have fulfilled all military obligations imposed upon them in time of peace by the military laws of the State in which they have not been called up for service.

2. Persons who establish their permanent residence in the State in which they have not performed military service shall be subject to the military obligations of their mobilization class in that State from the age of 30 years, after they have resided there uninterruptedly for five years.

3. Persons exempted or excused from military service as physically unfit or for any other reason in the State where, under the terms of this Convention, they would have served and who have established their permanent residence in the other State shall, after two years, be subject in the latter State to all the military obligations of their age group.

4. Persons referred to in this article shall inform the competent French and Swiss authorities should they transfer their residence from one State to the other. If this obligation is not met they shall be excluded from the benefits of this Convention.

### *Article 4*

Dual nationals who have evaded their legal military obligations shall, at the request of the State in whose armed forces they should have served, be excluded from the benefits of this Convention.

### *Article 5*

1. In the event of mobilization, each State shall call up only dual nationals having their permanent residence in its territory, irrespective of the State in which the persons concerned have fulfilled their legal military obligations, and those residing in a third State who have chosen to serve in its armed forces.

2. In the event of simultaneous mobilization in both States, dual nationals shall be allowed to rejoin the armed forces in which they received their military training.

### *Article 6*

Dual nationals recalled to service after the completion of their military training, in one State or the other, shall on their discharge enjoy all the benefits provided by the laws in force regarding work and employment.

### *Article 7*

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

2. Sentences imposed before this Convention enters into force on dual nationals for infringement of the law regarding military obligations shall not be affected by