

Convention (No.4) on changes of surnames and forenames

signed at Istanbul on 4 September 1958

The Governments of the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Swiss Confederation and the Turkish Republic, members of the International Commission on Civil Status, being desirous of establishing by mutual agreement rules on changes of surnames and forenames, have agreed as follows :

Article 1

This Convention concerns changes of surnames or forenames authorised by the competent public authority, but not changes resulting from a modification to the status of a person or the rectification of an error.

Article 2

Each Contracting State undertakes not to authorise changes of surnames or forenames for nationals of another Contracting State, unless they are also nationals of the first-mentioned State.

Article 3

Definitive decisions taken in a Contracting State which authorise a change of surname or forenames either for its nationals or for stateless persons or refugees within the meaning of the Geneva Convention of 28 July 1951 who are domiciled or, failing that, resident in its territory, shall be enforceable *ipso iure* in the territory of each Contracting State unless they are contrary to its public policy.

Marginal annotations referring to such decisions shall be made, without further formality, in the civil status records of the persons to whom they relate.

Article 4

The provisions of the preceding Article shall apply to decisions annulling or revoking a change of surname or forenames.

Article 5

Notwithstanding Articles 3 and 4, any Contracting State may stipulate that the effectiveness in its territory of decisions taken in another Contracting State shall be subject to special conditions concerning publicity and to a right of objection exercisable in a manner determined by the first-mentioned State, where such decisions relate to persons who were also nationals of that State at the time when the decisions became definitive.

Article 6

This Convention shall be ratified and the instruments of ratification shall be deposited with the Swiss Federal Council.

The Council shall notify the Contracting States of every deposit of an instrument of ratification.

Article 7

This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification as mentioned in the preceding Article.

For each signatory State ratifying the Convention at a later date, the Convention shall enter into force on the thirtieth day following the date of deposit of its instrument of ratification.

Article 8

This Convention shall apply *ipso iure* throughout the metropolitan territory of each Contracting State.

Any Contracting State may, at the time of signature, ratification or accession or subsequently, declare by notification to the Swiss Federal Council that the provisions of this Convention shall apply to one or more of its extra-metropolitan territories or the States or territories for whose international relations it is responsible. The Swiss Federal Council shall inform each of the Contracting States of such notification. The provisions of this Convention shall become applicable in the territory or territories designated in the notification on the sixtieth day following the date on which the Swiss Federal Council receives the notification.

Any State which has made a declaration pursuant to the provisions of the second paragraph of this Article may subsequently declare at any time by notification to the Swiss Federal Council that this Convention shall cease to apply to one or more of the States or territories designated in that declaration.

The Swiss Federal Council shall inform each of the Contracting States of the further notification.

The Convention shall cease to apply to the territory concerned on the sixtieth day following the date on which the Swiss Federal Council receives that notification.

Article 9

Any member State of the International Commission on Civil Status may accede to this Convention. A State wishing to accede shall give notice of its intention by an instrument deposited with the Swiss Federal Council. The latter shall inform each of the Contracting States of every deposit of an instrument of accession. The Convention shall enter into force, for the acceding State, on the thirtieth day following the date of deposit of the instrument of accession.

Deposit of an instrument of accession may take place only after the entry into force of this Convention.

Article 10

This Convention may be revised.

Any proposal for a revision shall be lodged with the Swiss Federal Council, which shall give notice thereof to the other Contracting States and the Secretary General of the International Commission on Civil Status.

Article 11

This Convention shall remain in force for a term of ten years from the date indicated in the first paragraph of Article 7.

The Convention shall be tacitly renewed every ten years, unless it is denounced.

The Swiss Federal Council must be notified of any denunciation at least six months before the expiry of a term; the Council shall inform all the other Contracting States of such denunciation.

Denunciation shall have effect only in relation to the State which has given the notification. The Convention shall remain in force for the other Contracting States.

In witness whereof the undersigned representatives, duly authorised to this end, have signed this Convention.

Done at Istanbul, on 4 September 1958, in a single copy which shall be deposited in the archives of the Swiss Federal Council and a certified copy of which shall be transmitted through diplomatic channels to each of the Contracting States.

Territorial scope of the Convention

At the time of signature of the Convention, the Government of the Kingdom of the Netherlands made the following declaration : Having regard to the equality that exists from the public-law perspective between the Netherlands, Surinam and the Netherlands Antilles, the terms "metropolitan" and "extra-metropolitan"

mentioned in the Convention cannot be given their initial meaning as far as the Kingdom of the Netherlands is concerned; they will therefore be considered, as far as the Kingdom is concerned, as signifying "European" and "non-European" respectively.

(Editorial note: Since 25 November 1975, the date of the independence of Surinam, the Convention no longer applies in that country. The expression "non-European territory" must now be taken to mean the Netherlands Antilles, including Aruba.)

The *Kingdom of the Netherlands*, on 5 October 2010, sent to the Swiss Federal Council the appended communication concerning a change in the structure of the Kingdom and, on 8 September 2011, a recapitulation of treaties deposited with the Swiss Federal Council. The present convention, then, is applicable to the European part of the Netherlands from 27 April 1962, to the Netherland Antilles (Bonaire Islands, Sint Eustasius and Saba) from 10 October 2010, to Aruba from 1 January 1986, and to Curacao and Sint Maarten from 10 October 2010. It has also been applicable to the former Netherlands Antilles since 27 April 1962. Furthermore, the Kingdom of the Netherlands has reformulated its declaration of 4 September 1958 in these terms : having regard to the relation that exists from the public-law perspective between the European part of the Netherlands, Aruba, Curacao, Sint Maarten and the Netherlands Antilles (Bonaire Islands, Sint Eustasius and Saba), the terms "metropolitan" and "extra-metropolitan" used in the Convention lose their initial meaning as concerns the Kingdom of the Netherlands, and shall consequently be considered to signify "European" and "non-European".

Declaration

At the time of notification of ratification of the Convention, the *Federal Republic of Germany* declared that the Convention is also applicable to the *Land* of Berlin with effect from the day on which it will enter into force for the Federal Republic of Germany.