

## **Convention (No.13) to reduce the number of cases of statelessness**

*signed at Berne on 13 September 1973*

The signatory States to this Convention, members of the International Commission on Civil Status, being desirous of reducing the number of cases of statelessness, have agreed as follows:

### **Article 1**

A child whose mother holds the nationality of a Contracting State shall acquire that nationality at birth if he or she would otherwise have been stateless.

However, where maternal filiation becomes effective as regards nationality only on the date when such filiation is established, the mother's nationality shall be acquired by the child, if still a minor, on that date.

### **Article 2**

For the purposes of the preceding Article, the child of a father having refugee status shall be deemed not to hold the father's nationality.

### **Article 3**

The provisions of the preceding Articles shall apply in each Contracting State to children who are born after the entry into force of the Convention in that State or are still minors on the date of such entry into force.

### **Article 4**

At the time of signature, of the notification mentioned in Article 6 or of accession, any Contracting State may declare that it reserves the right:

- (a) to confine the application of the preceding Articles to children born in the territory of a Contracting State;
- (b) not to apply Article 2;
- (c) to apply Article 2 only if the father is recognised as a refugee in its territory.

The reservations provided for in the preceding paragraph may be wholly or partly withdrawn at any time by simple notification to the Swiss Federal Council.

The Swiss Federal Council shall inform the Contracting States and the Secretary General of the International Commission on Civil Status of any reservation made or withdrawn pursuant to this Article.

### **Article 5**

The Convention shall not prevent the application of international conventions or rules of domestic law which are more favourable to the conferment on the child of his or her mother's nationality.

### **Article 6**

The signatory States shall notify the Swiss Federal Council of the completion of the procedures required to render this Convention applicable in their territory.

The Swiss Federal Council shall inform the Contracting States and the Secretary General of the International Commission on Civil Status of any notification made pursuant to the preceding paragraph.

#### **Article 7**

This Convention shall enter into force from the thirtieth day following the date of deposit of the second notification made pursuant to Article 6 and shall take effect from that day between the two States which have completed that formality.

For each State which completes the formality mentioned in the preceding Article at a later date, this Convention shall take effect from the thirtieth day following the date of deposit of its notification.

#### **Article 8**

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

Any State may, at the time of signature, notification 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 and the Secretary General of the International Commission on Civil Status of the last-mentioned 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 the declaration.

The Swiss Federal Council shall inform each of the Contracting States and the Secretary General of the International Commission on Civil Status of the further notification.

The Convention shall cease to apply to the State or 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 Council of Europe or the International Commission on Civil Status, and any State bound by the International Convention relating to the Status of Refugees, signed at Geneva on 28 July 1951, or by the Protocol of 31 January 1967 relating to the Status of Refugees, may accede to this Convention. The instrument of accession shall be deposited with the Swiss Federal Council. The latter shall inform each of the Contracting States and the Secretary General of the International Commission on Civil Status 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 shall remain in force indefinitely. However, each Contracting State shall have the option of denouncing it at any time by written notification to 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.

The option to denounce may not be exercised before the expiry of a period of one year from the notification mentioned in Article 6 or the accession.

Denunciation shall take effect six months after the date on which the Swiss Federal Council receives the notification mentioned in the first paragraph of this Article.

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

Done at Berne, on 13 September 1973, 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 and to the Secretary General of the International Commission on Civil Status.

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### **Declarations of reservation**

The *Federal Republic of Germany* declares that it is availing itself of the reservation provided for at letter (b) of the first paragraph of Article 4 and that it will not apply Article 2 of this Convention.

The *Federal Republic of Germany* will apply this Convention to any child whose mother is German within the meaning of the Basic Law for the Federal Republic of Germany.

The *Hellenic Republic* declares that it is availing itself of the reservation provided for at letter (b) of the first paragraph of Article 4 and that it will not apply Article 2 of this Convention.

The Government of the *Grand Duchy of Luxembourg* declares in accordance with letter (b) of Article 4 of the Convention that it reserves the right not to apply Article 2.

*At the time of notification of ratification of the Convention, the Kingdom of the Netherlands* declared that it was availing itself of the reservation provided for at letter (b) of the first paragraph of Article 4 and would not apply Article 2 of the Convention.

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### **Territorial scope of the Convention**

*At the time of notification of ratification of the Convention,*

- the *Federal Republic of Germany* declared that the Convention will also apply to the *Land* of Berlin with effect from the day of its entry into force in the Federal Republic of Germany
- the *Kingdom of the Netherlands* declared that, having regard to the equality that exists from the public-law perspective between the Netherlands and the Netherlands Antilles, the terms "metropolitan territory" and "extra-metropolitan territories" used in the text of the Convention mean "European territory" and "non-European territory".

(Editorial note: The expression "non-European territory" must now be taken to mean the Netherlands Antilles, including Aruba.)

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### **Denunciation**

On *13 March 2001*, the *Kingdom of the Netherlands* deposited with the Swiss Federal Council a note denouncing the Convention. In accordance with Article 10, Paragraph 3, the denunciation shall take effect six months after that date, on 13 September 2001.