

Reference: C.N.5.2022.TREATIES-V.4 (Depositary Notification)

CONVENTION ON THE REDUCTION OF STATELESSNESS
NEW YORK, 30 AUGUST 1961

GERMANY: OBJECTION TO THE DECLARATION MADE BY TOGO UPON ACCESSION ¹

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 4 January 2022.

(Courtesy Translation) (Original: German)

The Permanent Mission of the Federal Republic of Germany to the United Nations presents its compliments to the Office of the Secretary-General of the United Nations and, has the honour to communicate to the Secretary-General of the United Nations, in his capacity as depositary of the Agreement of 30 August 1961 on the Reduction of Statelessness, the following:

Upon accession to the Convention of August 30, 1961 on the Reduction of Statelessness (hereinafter referred to as “the Convention”) on July 14, 2021, the Togolese Republic declared “in accordance with the provisions of Article 8, paragraph 3, of the Convention [that] the Togolese Republic retains the right to deprive a person of the Togolese nationality, in application of Togolese legislation relating to Togolese nationality, in particular for the following reasons:

- if the person who has acquired Togolese nationality engages in activities prejudicial to the interests of Togo;
- if the person who has acquired Togolese nationality has been sentenced, for an act qualified as a crime under Togolese law, to more than five years of imprisonment without parole.”

While the Federal Republic of Germany acknowledges that activities directed against the interests of the Togolese Republic, as referred to in the first indent of the reservation by Togolese Republic, may be compatible with Article 8(3)(a)(ii) of the Convention, it holds that the reservation to Article 8(3) of the Convention formulated in the second indent is not a permissible ground for deprivation of nationality under the exceptions allowed in the Convention. Therefore, the reservation by the Togolese Republic is incompatible with the object and purpose of the Convention, which is to reduce statelessness.

¹ Refer to depositary notification C.N.237.2021.TREATIES-V.4 of 15 July 2021 (Accession: Togo).

The Federal Republic of Germany objects to the second indent of the reservation by the Togolese Republic. This objection does not affect the entry into force of the Convention between the Federal Republic of Germany and the Togolese Republic.

The Permanent Mission of the Federal Republic of Germany to the United Nations avails itself of this opportunity to renew to the Office of the Secretary-General of the United Nations the assurances of its highest consideration.

10 January 2022

A handwritten signature in black ink, consisting of the letters 'DN' with a horizontal line underneath.