

Reference: C.N.99.2023.TREATIES-V.4 (Depositary Notification)

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

GERMANY: OBJECTION TO THE DECLARATION MADE BY THE PHILIPPINES
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 22 March 2023.

(Courtesy Translation) (Original: German)

“Upon accession to the Convention of August 30, 1961 on the Reduction of Statelessness (hereinafter referred to as “the Convention”) on March 24th 2022, the Republic of the Philippines among others declared,

(a) that the Republic of the Philippines maintains the grounds for the acquisition, loss and reacquisition of Philippine citizenship as provided under Art. IV of the 1987 Philippine Constitution and relevant domestic laws;

(b) [...]

(c) that in accordance with Article 8 para. 3 of the Convention the Republic of the Philippines retains the grounds for losing Philippine citizenship as provided for under Section 1 of Commonwealth Act No. 63, subject, however, to the provisions of Republic Act (R.A.) No. 9225 and R.A. No. 8171, and other prevailing domestic laws.

(d) [...]

In the view of the Federal Republic of Germany, the declaration under (a) is a general constitutional reservation incompatible with the object and purpose of the Convention and thus an inadmissible reservation under Art. 17 para. 2 of the Convention.

Moreover, the declaration under (c) does not meet the requirements of Article 8 para. 3 of the Convention. Art. 8 para. 3 grants a Contracting State the right to deprive a person of his or her nationality even though this renders him or her stateless, if ‘it specifies its retention of such right on one or more of the following grounds.’

¹ Refer to depositary notification C.N.86.2022.TREATIES-V.4 of 24 March 2022 (Accession: Philippines).

The declaration of the Republic of the Philippines, however, merely contains a general reference to Philippine laws that are not comprehensively named. The declaration thus does not provide the necessary specification and clarity necessary under the exceptional nature of the provision.

The Federal Republic of Germany objects both to the reservation of the Republic of the Philippines under (a) and to the declaration under (c).

This objection shall not prevent the entry into force of the Agreement between the Federal Republic of Germany and the Republic of the Philippines.”

30 March 2023

A handwritten signature in black ink, consisting of a stylized 'D' and 'N' with a horizontal line underneath.