

Council of Europe  
Conseil de l'Europe



COE262687

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95/327

Strasbourg, 16 January 1995  
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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**QUESTIONNAIRE**

**ON THE**

**COMPETENCES OF STATE SUCCESSION  
FOR NATIONALITY**

## QUESTIONNAIRE

1. In your country's recent or relatively recent history (for example, since the first World War), has there been one or more cases of State succession and, if so, what type or types of succession occurred (annexation, union of States, separation so as to form a new State)?
  
2. In such case or cases, was the nationality of the inhabitants of the territory which passed under the sovereignty of the successor State governed:
  - a) by an international agreement, whether bilateral or multilateral?
  - b) by the internal law of the successor State?
  - c) jointly by both these procedures?
  - d) in another manner (pursuant to a decision of an international organisation, or to an international judgment, or to decisions of domestic courts, etc.)?<sup>1</sup>
  
3. Which solutions were adopted in these cases:
  - a) was the acquisition of the nationality of the successor State automatically (ipso facto) conferred upon all inhabitants of the new territory or only upon certain categories of such inhabitants?
  - b) In the event that nationality was automatically or massively conferred by the successor State, were there nonetheless cases of exclusion of certain categories of groups or persons? If so, which categories?
  - c) Was the right to choose one's nationality recognised in respect of all inhabitants of the new territory or only in respect of certain categories among them? In the latter case, what were the categories, and by what legal procedure was the choice exercised (for example, individual choice, referendum)? Similarly, what were the consequences for persons who did not elect for nationality of the successor State?

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<sup>1</sup> The relevant provisions of a domestic or international character should be attached to replies.

4. Upon what criteria were the solutions adopted in the above cases:
  - a) jus sanguinis (origin);
  - b) jus soli (domicile or residence);
  - c) both of these criteria;
  - d) resort to other criteria?
  
5. In regulating the question of nationality, were measures taken to prohibit or limit cases of double nationality or to avoid cases of statelessness? What were these measures?
  
6. How was the question of the nationality of legal persons regulated?
  
7. Do you consider that a person of untainted civic record who has resided for a significant period on a territory the subject of State succession should be accorded the same nationality as other inhabitants of that territory irrespective of his or her ethnic origin? If not, do you consider that such a person should at least be accorded the status of permanent resident?
  
8. Are the authorities in your country of the view that the choice of criteria for according nationality is within the exclusive competence and discretionary power of the State or do they recognise that that the matter is circumscribed by rules of international law? In the latter case, which rules?
  
9. To what extent is the criterion of an effective link between a person and a territory taken into consideration in your country for the purposes of granting nationality?
  
10. To what extent does the applicable legislation in your country take account of the fact that the grant or withdrawal of nationality can have consequences for the rights of persons acquired under the rules and regulations to which they were formerly subject?