

N° 509.

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ALLEMAGNE  
ET TCHÉCOSLOVAQUIE

Traité pour la réglementation de  
certaines questions concernant la  
nationalité, signé à Prague le 29  
juin 1920.

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GERMANY  
AND CZECHOSLOVAKIA

Treaty for the settlement of certain  
questions relating to nationality,  
signed at Prague, June 29, 1920.

## TEXTE TCHÈQUE. — CZECH TEXT.

No. 509. — SMLOUVA<sup>1</sup> OSTÁTNÍM OBČANSTVÍ MEZI ŘÍŠÍ NĚMECKOU  
A REPUBLIKOU ČESKOSLOVENSKOU PODEPSANÁ V PRAZE,  
DNE 29. ČERVNA 1920.

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*German and Czech official texts communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations and by the German consul at Geneva. The registration of this Treaty took place October 27, 1923.*

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Říše NĚMECKÁ a REPUBLIKA ČESKOSLOVENSKÁ uzavírají k úpravě otázek státního občanství tuto smlouvu :

## VYMEZENÍ POJMŮ.

## Článek 1.

1. Podle předpisů čl. 84, 85 mírové smlouvy Versailleské a této smlouvy jest za místo, kde určitá osoba má bydliště nebo jest usazena, pokládati místo, ve kterém osoba ta se usídlila s prokazatelným úmyslem, trvale se tam zdržovati.

2. Má-li nějaká osoba více než jedno bydliště v tomto smyslu, bude rozhodným místo, kde jest převážné těžiště hospodářských a ostatních životních poměrů oné osoby.

3. Nelze-li zjistiti převážného těžiště v tomto smyslu, rozhoduje pro použití citovaných čl. 84, 85 jakož i čl. 7 této smlouvy přání dotčené osoby. Tato jest povinna prohlásiti se v tom směru písemně do šesti měsíců ode dne, kdy tato smlouva nabude působnosti, u ministerstva vnitra státu, v jehož území jest bydliště rozhodné dle přání účastníkov. Toto prohlášení jest bez průtahu sděliti s vládou druhého státu.

## Článek 2.

Obě smluvní strany shodly se v tom, že za Čechoslováky příslušníky německé podle článku 85 odst. 1, věta 2 a odst. 5 mírové smlouvy pokládati jest říšskoněmecké příslušníky československé rasy a československého jazyka. Za hlavní znak bude se tu pokládati, zda ta která osoba od dětství mluvila jazykem československým jakožto jazykem mateřským. Za Čechoslováka příslušníka říšskoněmeckého nebude pokládán, kdo pochází od otce německé rasy a německého jazyka, leda že otec již zemřel nebo žije odloučeně od své rodiny.

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<sup>1</sup> The exchange of ratifications took place at Prague, September 12, 1922.

<sup>1</sup> TRANSLATION.

No. 509. — TREATY CONCLUDED BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE GERMAN REICH FOR THE SETTLEMENT OF CERTAIN QUESTIONS RELATING TO NATIONALITY, SIGNED AT PRAGUE JUNE 29, 1920.

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The GERMAN REICH and the CZECHOSLOVAK REPUBLIC, with a view to the settlement of questions of nationality, have decided to conclude the following Treaty :

## DEFINITIONS.

*Article 1.*

1. For the purposes of Articles 84 and 85 of the Treaty of Peace and also of the present Treaty, the place in which a person is established with the evident intention of making it his or her permanent home shall be regarded as the place where that person is habitually resident or domiciled.

2. Should any person have more than one place of residence within the meaning of the above paragraph, the place which constitutes the principal centre of that person's economic and other interests and activities shall be regarded as his or her habitual place of residence.

3. If it should prove impossible to establish which place of residence constitutes the principal centre of such persons' interests and activities within the meaning of Articles 84 and 85 of the Treaty of Peace and of Article 7 of the present Treaty, the wishes of the persons concerned shall be decisive. Such persons shall, within six months after the coming into force of the present Treaty, send a written declaration indicating which place of residence is to serve as the basis for the application of these provisions to the Ministry of the Interior of the State in whose territory the place of residence referred to is situated. This declaration shall immediately be communicated to the Government of the other State.

*Article 2.*

The two Contracting Parties agree that those German nationals who are of Czechoslovak race and speech shall be regarded as Czechoslovaks who are German nationals within the meaning of the second sentence of paragraph 1, and of paragraph 5, of Article 85 of the Treaty of Peace. The main consideration in determining national origin shall be whether a person has spoken the Czechoslovak language since infancy as his mother-tongue. The children of a father of German race and speech shall not be considered as Czechoslovaks who are German nationals unless the father is dead or has abandoned his family.

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<sup>1</sup> Translated by the Secretariat of the League of Nations.

## Article 3.

*Nationality of the Inhabitants of the Hultschin District.*

The two Contracting Parties agree that German nationals who, at the time of the coming into force of the Treaty of Peace of Versailles, were resident in territory which, under paragraph 1 of Article 83 of that Treaty, is recognised as part of the Czechoslovak Republic, *ipso facto* acquired Czechoslovak nationality at that time and are entitled to opt for German nationality under the provisions of Article 85.

## Article 4.

*Nationality of the Inhabitants of the Kreis of Leobschütz.*

Should the territory specified in Article 83, paragraph 4, of the Treaty of Peace of Versailles be assigned to the Czechoslovak Republic, German nationals who are resident in this territory at the date on which such attribution takes place, shall acquire Czechoslovak nationality as from that date. The period of option (Article 85, paragraph 1) shall begin as from that date.

## Article 5.

*Nationality of the Inhabitants of other Territories forming Part of Czechoslovakia.*

(1) Persons who, at the entering into force of the Treaty of Peace of Versailles, possessed German nationality and were habitually resident in districts other than those specified in Articles 3 and 4 shall remain German nationals.

(2) Paragraph 1 shall apply *mutatis mutandis* also to persons who are habitually resident in any territory which may be ceded to Czechoslovakia subsequent to the coming into force of the present Treaty under the provisions of the Treaty of Peace of Versailles or of one of the other Treaties of Peace concluding the War of 1914.

## NATIONALITY OF PERSONS BORN IN CZECHOSLOVAK TERRITORY.

## Article 6.

The two Contracting Parties agree that persons who were born in the territory of the Czechoslovak Republic *after* the coming into force of the Treaty concluded between the Principal Allied and Associated Powers and the Czechoslovak Republic shall only be regarded as having *ipso facto* acquired Czechoslovak nationality if they did not, by reason of their parentage, possess any other nationality.

## Article 7.

The two Contracting Parties agree that the nationality of persons who, before the coming into force of the Treaty between the Principal Allied and Associated Powers and the Czechoslovak Republic, were born of parents who were German nationals residing in territory which has since been ceded or may subsequently be ceded to the Czechoslovak Republic in virtue of the Treaty of Peace of Versailles, shall be determined in accordance with the provisions mentioned below, on the condition that these persons are descended from German parents domiciled in the territory at the moment of its cession to Czechoslovakia and that they possessed German nationality on the date of the entry into force of the Treaty of Peace.

(a) The provisions of Articles 3 and 4 shall apply to persons who at the time of the coming into force of the Treaty of Peace were habitually resident in territory which, in virtue of paragraphs 1 and 4 of Article 33 of that Treaty, was ceded, or may subsequently be ceded, to Czechoslovakia ;

(b) The provisions of Article 5 shall apply to persons who at the time specified in Article 5, were habitually resident in any other of the territories ceded to Czechoslovakia under the Treaty of Peace ;

(c) Persons who, at the time referred to, were habitually resident in the German Empire, with the exception of the territories specified under (a) shall retain their German nationality ;

(d) All other persons of the category specified above shall be recognised by the two Contracting Parties as of exclusively Czechoslovak nationality. Such persons may, however, within a period of two years after the coming into force of the Treaty concluded between the Principal Allied and Associated Powers and the Czechoslovak Republic, notify the authorities, to be designated by the Czechoslovak Republic, in the country in which the place of residence of such persons is situated, that they desire to renounce Czechoslovak nationality. They shall then cease to be regarded as Czechoslovak nationals. Option by a husband shall cover his wife, and option by parents shall cover their children under 18 years of age.

#### Article 8.

##### *Effect of the Declaration of Option.*

The two Contracting Parties agree that a declaration of option made in accordance with the provisions of the Treaty of Peace of Versailles and of the present Treaty is a unilateral act of the person opting, which establishes his legal status, and that the certificate to be issued by the authorities concerning such act has only a declaratory value.

#### Article 9.

##### *Declarations of Option.*

(1) The two Contracting Parties agree that the decision as to declarations of option shall be within the exclusive competence of the State in favour of which the right of option is exercised in each individual case.

(2) The declarations of option shall be handed to the competent authorities. In the case of persons desiring to opt for Czechoslovak nationality, the authorities competent to deal with declarations of option shall be the diplomatic representatives of the Czechoslovak Republic at Berlin and, conversely in the case of persons who desire to opt for German nationality, the diplomatic representatives of the German Empire at Prague.

(3) The Czechoslovak Government agrees that, for the period during which declarations of option may be submitted, a plenipotentiary shall be appointed from among the German diplomatic representatives at Prague whose office shall be at Troppau and who shall be authorised to receive declarations of option in favour of Germany from the districts specified in paragraphs 1 and 5 of Article 83 ; it shall be his duty to communicate such declarations to the Czechoslovak Government without delay. The Czechoslovak Government shall be entitled to withdraw this permission at any time.

(4) The German Government and the Czechoslovak Government shall communicate to each other every month, through diplomatic channels, a list of the declarations of option received by

the authorities mentioned in Section 2. The form and contents of these lists shall be determined by agreement between the competent central authorities of the two Parties.

*Article 10.*

*Form of the Declarations of Option and Instructions for their Presentation.*

Declarations of option shall be submitted to the competent authorities in writing or in the form of a protocol. The authorities concerned shall, in return, issue a certificate stating that they have received the declaration and indicating the members of the family who are covered by the declaration of option.

*Article 11.*

*Handing in of Declarations of Option in respect of Minors and other Persons deprived of the Management of their Affairs.*

(1) In the case of orphans under 18 years of age and of minors over 18 years of age in whose care the conditions establishing the status of minority are realised, and in the case of persons who have been deprived of the management of their affairs or placed under temporary control (tutelage), the option shall be exercised by their legal representative.

(2) Persons whose parents, guardians or other legal representatives have exercised the right of option on their behalf may, if they should reach the age of eighteen before the period allowed for option expires, revoke such option, or if, before the expiration of this period, the grounds for legal representation have ceased to exist. The provisions of Article 9 of the present Treaty shall be equally applicable to revocations of option.

*Article 12.*

*Protection of the Rights of Optants.*

(1) The two Contracting Parties shall not promulgate any laws or decrees or take any other measures — except such as are of a general character and are also applicable to their own nationals and the nationals of other States residing in their territory — which would in any way prejudice the right of optants to retain landed property in the country whose nationality they renounce.

(2) Persons who, in accordance with paragraph 3 of Article 85 of the Treaty of Peace, transfer their residence to the territory of the State for which they have opted, shall not be subjected by the State which they are leaving to any measures of prohibition or other legal or administrative restrictions limiting the right conferred on them by Article 85, paragraph 4, second sentence, of the Treaty to carry their movable property with them. In particular, no export duties of any kind shall be imposed upon them in connection with the removal of such property. The Contracting Parties reserve the right to conclude special agreements with regard to the taxation of such optants.

(3) Persons who have transferred their residence to the territory of the State for which they have opted, and who, in accordance with Article 85, paragraph 4, first sentence, of the Treaty of Peace, have retained landed property in the territory of the State against which they have opted, shall be entitled temporarily to take up their residence in the territory of the latter State for the purpose of administering their landed property situated therein. Rights of all kinds over industrial undertakings shall be regarded as landed property within the meaning of this Article and of Article 85, paragraph 4, first sentence, of the Treaty of Peace.

*Article 13.**Nationalisation.*

The two Contracting Parties mutually guarantee that they will not admit nationals of the other State to nationality in their State, except where such admission is based upon the provisions of the Treaty of Peace of Versailles, until the other State has released the person to be thus admitted from its nationality. Release from their former nationality, may not be refused to persons who prove that they have transferred, or are about to transfer, their residence to the territory of the other Party. Release from nationality shall be considered as non-valid if the person to whom it has been granted retains or resumes his residence in his former country of domicile within a period of six months after notice of discharge has been issued.

## SETTLEMENT OF DISPUTES.

*Article 14.*

(1) A Mixed Commission, and  
(2) A permanent Court of Arbitration  
shall be established for the settlement of differences or disputes with regard to the interpretation and application of the provisions contained in the present Treaty.

*Article 15.*

The Mixed Commission shall consist of two representatives appointed by each of the Contracting Governments.

*Article 16.*

(1) The Commission shall only deal with cases submitted to it by one of the Governments through the Delegations concerned.

(2) The Commission shall only make use of written evidence in all cases submitted to it.

(3) Should it be impossible to reach an agreement by this method, the Commission shall meet in joint conference in order to arrive at such agreement, a member of each Delegation acting alternately as Chairman. The place of meeting shall be decided upon by the two Chairmen. If no agreement is reached on this point, the Commission shall meet alternately at Prague and at Berlin; the first meeting shall be held at Prague.

*Article 17.*

Should the Mixed Commission not succeed in settling a dispute, the latter shall be referred to the Court of Arbitration.

*Article 18.*

(1) The Court of Arbitration shall consist of one arbitrator, appointed by each of the Contracting Parties, and a third arbitrator to act as Chairman.

(2) The Chairman shall be elected by the arbitrators. Should no agreement be reached on this point the diplomatic representative of the Kingdom of the Netherlands at Berlin or at Prague shall be requested by the Government of the State in which the Court of Arbitration is to meet to act as Chairman himself or to appoint a Chairman.

*Article 19.*

The Court of Arbitration shall be permanent and shall meet alternately at Berlin and at Prague; the first meeting shall take place at Berlin.

*Article 20.*

The two Contracting Parties undertake to afford every facility to the Court of Arbitration in the prosecution of its enquiries and to furnish it with all the necessary documentation. They undertake further to give the Court of Arbitration every legal assistance by means of their tribunals and officials, in particular with regard to the transmission of official communications and to the obtaining of evidence.

*Article 21.*

- (1) The Court of Arbitration shall determine its own procedure and regulations ;
- (2) The decisions of the Court of Arbitration shall be taken by a majority. The Chairman shall vote last ; in the event of equality of votes, the Chairman shall have the casting vote.

*Article 22.*

Each Government shall pay the whole of the fees of the arbitrator appointed by it and half the fees of the Chairman, which shall be fixed by a special agreement between the two Governments.

*Article 23.*

*Ratification.*

- (1) The present Treaty shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Prague ;
- (2) The Treaty shall come into force on the date on which the instruments of ratification are exchanged ;
- (3) The present Treaty shall be drawn up in duplicate, one copy in the Czechoslovak and one in the German language. Both texts shall be authentic. Both States shall publish both the authentic texts of the ratified Treaty in their official collection of laws.

Done at Prague on June 29, one thousand nine hundred and twenty.

For the German Reich :  
(L. S.) VON STOCKHAMMERN.

For the Czechoslovak Republic :  
(L. S.) Prof. Dr HOBZA.