

N° 199.

ALLEMAGNE ET POLOGNE

Traité au sujet du règlement des
questions d'option, signé à Dantzig
le 8 novembre 1920.

GERMANY AND POLAND

Treaty concerning the regulation of
option questions, signed at Danzig,
November 8, 1920.

TEXTE ALLEMAND. — GERMAN TEXT.

No. 199. — VERTRAG ZWISCHEN DEM DEUTSCHEN REICHE UND DANZIG ÜBER DIE REGELUNG VON OPTIONSFRAGEN ¹, VOM 8. NOVEMBER 1920.

Texte officiel allemand communiqué par le Ministère des Affaires étrangères d'Allemagne² et par le représentant de la Pologne auprès de la Société des Nations. L'enregistrement de ce traité a eu lieu le 7 janvier 1922.

German official text communicated by the German Ministry for Foreign Affairs² and by the Polish Representative accredited to the League of Nations. The registration of this Treaty took place on January 7, 1922.

Der Reichs- und Staatskommissar, Wirklicher Geheimer Oberregierungsrat FOERSTER, als Vertreter des DEUTSCHEN REICHS, und der stellvertretende Vorsitzende des Staatsrates für das Gebiet der künftigen FREIEN STADT DANZIG, Oberregierungsrat VON KAMEKE, als Vertreter des Oberkommissars für das Gebiet der künftigen Freien Stadt Danzig, schliessen auf Grund der ihnen erteilten Vollmachten folgenden Vertrag über die Regelung von Optionsfragen.

Artikel 1.

Als wohnhaft im Gebiete der zukünftigen Freien Stadt Danzig im Sinne der Bestimmungen der Artikel 105 und 106 des Friedensvertrages³ sind diejenigen Personen anzusehen, die in dem genannten Gebiet ihren Wohnsitz im Sinne des Par. 7 Bürgerlichen Gesetzbuchs am 10. Januar 1920 gehabt haben. Die vertragschliessenden Teile sind darüber einverstanden, dass bei deutschen Reichsangehörigen, die am 10. Januar 1920 einen solchen Wohnsitz sowohl im Danziger Gebiet als auch in Deutschland gehabt haben, für die Anwendung der Bestimmungen der Artikel 105 und 106 des Friedensvertrages über den Erwerb der Danziger Staatsangehörigkeit und über das Optionsrecht, der Wohnsitz in Deutschland ausser Betracht bleibt.

Artikel 2.

Die Option erfolgt durch Abgabe einer Erklärung gegenüber der zuständigen Behörde.

Zuständig zur Entgegennahme der Erklärungen sind für die im Deutschen Reiche oder im Gebiete der Freien Stadt Danzig sich aufhaltenden Optionsberechtigten in Stadtkreisen die Ortspolizeibehörde, in Landkreisen der Landrat des Aufenthaltsortes, im übrigen die diplomatischen und konsularischen Vertreter des Deutschen Reichs oder Danzigs.

Wenn die Option vor einer Behörde erklärt wird, die ausserhalb des Gebietes der Freien Stadt Danzig ihren Sitz hat, so ist die gemäss Artikel 105 des Friedensvertrages erlangte Anwartschaft auf die Danziger Staatsangehörigkeit durch eine Bescheinigung nachzuweisen, die von der zur Ausstellung von Heimatscheinen zuständigen Danziger Behörde ausgestellt wird.

Die Erklärung muss zu Protokoll oder in gerichtlich oder notariell beglaubigter Form erfolgen, über die Erklärung ist von der sie entgegennehmenden Behörde ein Ausweis zu erteilen, worin auch die in den Besitz der gewählten Staatsangehörigkeit gelangenden Familienmitglieder aufgeführt werden sollen.

Die ordnungsmässig erfolgte Abgabe der Erklärung bewirkt den Erwerb der gewählten Staatsangehörigkeit unter Verlust der Anwartschaft aus Artikel 105 des Friedensvertrages oder der auf Grund dieses Artikels erworbenen Staatsangehörigkeit.

¹ L'échange des ratifications a eu lieu à Varsovie le 17 décembre 1921.

² Voir note à la page 60, volume II.

³ Le texte de ce traité n'a pas encore été reproduit par le Secrétariat.

¹ Ratifications exchanged at Warsaw, December 17, 1921.

² See foot-note page 60, vol. II.

³ The text of this treaty has not been reproduced by the Secretariat.

¹ TRANSLATION.

No. 199. — TREATY BETWEEN THE GERMAN REICH AND DANZIG CONCERNING THE REGULATION OF OPTION QUESTIONS, SIGNED AT DANZIG, NOVEMBER 8, 1920.

The Imperial and State Commissioner, Privy Councillor FOERSTER, representing the German Empire, and the Deputy President of the Council of State of the territory of the future Free City of Danzig, Privy Councillor VON KAMEKE, representing the High Commissioner for the territory of the future Free City of Danzig, being duly authorised, herewith conclude the following Treaty for the regulation of questions relating to options :

Article 1.

Such persons shall be considered resident in the territory of the future Free City of Danzig, in accordance with the regulations of Articles 105 and 106 of the Treaty of Peace, as shall have had their domicile in the said territory in conformity with § 7 of the Civic Law Code of January 10, 1920. The Contracting Parties are agreed that with regard to German nationals who, on January 10, 1920, had such domicile both in Danzig territory and in Germany, the provisions of Articles 105 and 106 of the Treaty of Peace regarding the acquisition of nationality in the Free City of Danzig and the right of option for domicile in Germany, shall not apply.

Article 2.

The option is exercised by means of a declaration made to the competent authorities. The following shall be competent to receive the declarations of those who enjoy the right of option and who are residing in the German Empire or in the territory of the Free City of Danzig : in urban districts, the local police authorities, in rural districts the sheriff of the place of residence, and in other cases the diplomatic or consular representatives of the German Empire or of Danzig. If the declaration of option is made before any authority outside the territory of the Free City of Danzig, reversion of the nationality of the Free City of Danzig, according to Article 105 of the Treaty of Peace, shall be authenticated by a certificate issued by the Danzig authorities competent to issue certificates of naturalisation.

The declaration must be drawn up in the form of a protocol, or in an authenticated legal or notarial form, and the authority receiving such declaration must issue a voucher in which shall also be entered the members of the family who have obtained the nationality thus opted. When such a declaration is duly submitted the nationality opted for is, ipso facto, obtained ; at the same time the right of reversion provided for in Article 105 of the Treaty of Peace, and the nationality obtained in virtue of that Article are lost.

Article 3.

In the case of orphans under 18 years of age, minors over 18 years of age who are supposed to be incapable of managing their own affairs, and of such persons as have been put under trustees or temporary guardianship, their legal representatives shall exercise the right of opting.

¹ Translated by the Secretariat of the League of Nations.

Persons on whose behalf their parents, guardians, or other legal representatives have exercised the right of opting, shall be entitled to the right of revoking such option within the period during which it can be exercised, provided they have reached the age of 18 before this period expires, or the reasons for legal representation have lapsed before the period expires. The regulations of Article 2 of this Convention shall be equally applicable to the exercise of the right to revoke.

Article 4.

The right of opting lapses by waiver of the right duly declared according to Article 2. The waiver covers the same class of persons as would have been affected by the exercise of the right of option.

The regulations of Article 3 shall be equally applicable to the waiver. The exercise of the right to revoke laid down in Article 3, § 2, shall be regarded as an exercise of the right of opting.

Article 5.

The Government of the Free City of Danzig shall establish in Danzig a central office to collect declarations of option. The competent German and Danzig authorities for the reception of options or waivers of option, as defined in Article 2, § 2, and Article 4, must send to this collecting office, at the time of issue, a copy of the vouchers issued by them, as provided in Article 2, § 3, and Article 4. The Government of the Free City of Danzig shall furnish the German Government with a quarterly list, the first to be sent on February 1st, 1921, containing the names of the persons who have exercised or waived the right of option.

Article 6.

Persons who, in accordance with Article 106, § 3, of the Treaty of Peace, transfer their residence to the territory of the German Empire, must not, in the exercise of the right to take with them their movable property, guaranteed to them in Article 106, § 4, of the Treaty of Peace, be subjected to any export prohibition or other legislative or administrative measures; in particular, they must not be subjected to any conversion of money claims, compulsory changing of money or seizure of securities.

Article 7.

Disputes as to the interpretation and execution of the provisions of this Treaty shall be settled by a Commission consisting of one national of each of the Contracting Parties, which shall meet in Danzig as required.

In all cases where the two members of the Commission do not agree, the dispute shall be settled by a neutral arbitrator, who shall be appointed by agreement between the two Contracting Parties.

Article 8.

This Treaty shall be ratified and the ratifications shall be exchanged as soon as possible at Danzig. The Treaty comes into force on the day of exchange of ratifications.

DANZIG, November 8, 1920.

The German Imperial State Commissioner :
(Signed) FOERSTER.

The Deputy President of the Council of State :
(Signed) KAMEKE.