

No. 11073

**UNION OF SOVIET SOCIALIST REPUBLICS
and
GERMAN DEMOCRATIC REPUBLIC**

**Treaty regulating the nationality of persons having dual
nationality. Signed at Berlin on 11 April 1969**

Authentic texts: Russian and German.

Registered by the Union of Soviet Socialist Republics on 4 May 1971.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Traité réglementant la nationalité des personnes ayant la
double nationalité. Signé à Berlin le 11 avril 1969**

Textes authentiques: russe et allemand.

Enregistré par l'Union des Républiques socialistes soviétiques le 4 mai 1971.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE UNION OF SOVIET SOCIALIST
REPUBLICS AND THE GERMAN DEMOCRATIC REPUB-
LIC REGULATING THE NATIONALITY OF PERSONS
HAVING DUAL NATIONALITY

The Union of Soviet Socialist Republics and the German Democratic Republic,

Considering that there are a number of persons in their territory whom both Parties, in accordance with their legislation, regard as their nationals, and

Desiring to eliminate the existing cases of dual nationality on the basis of the free choice of nationality by the persons concerned and to prevent cases of dual nationality from arising in the future,

Have decided to conclude this Treaty and for this purpose have appointed as their plenipotentiaries :

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics :

Pëtr Andreevich Abrasimov, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics to the German Democratic Republic;

The Chairman of the Council of State of the German Democratic Republic :

Oskar Fischer, Deputy Minister for Foreign Affairs of the German Democratic Republic,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

Persons whom both Contracting Parties, in accordance with their legislation, regard as their nationals may, under this Treaty, opt for the nationality of either Contracting Party.

Article 2

1. The persons referred to in article 1 shall have the right to opt for the nationality of one of the Contracting Parties within one year after the entry into force of this Treaty.

¹ Came into force on 13 February 1970, i.e. 30 days after the exchange of the instruments of ratification, which took place at Moscow on 14 January 1970, in accordance with article 15 (1).

2. Persons who maintain their residence in the territory of one of the Contracting Parties and who opt for the nationality of the other Contracting Party shall file a declaration to that effect, in duplicate, with the diplomatic or consular mission of the Contracting Party for whose nationality they opt.

3. Persons who are resident in the territory of a third State shall file their declaration of option with the diplomatic or consular mission or the Ministry of Foreign Affairs of the State for whose nationality they opt.

4. Persons who have filed a declaration of option shall be regarded as nationals of the Contracting Party for whose nationality they opt.

Article 3

1. Persons who fail to file a declaration of option with the authorities referred to in article 2 within one year after the entry into force of this Treaty shall be regarded as nationals of the Contracting Party in whose territory they maintain their residence at that time.

2. Where the persons referred to in paragraph 1 are resident outside the territory of the Contracting Parties they shall, upon the expiry of one year after the entry into force of this Treaty, be regarded as nationals of the Contracting Party in whose territory they maintained their residence before going abroad.

Article 4

1. The parents of a person under full age born before the entry into force of this Treaty and having the nationality of both Contracting Parties may agree, within one year after the entry into force of this Treaty, to opt on his behalf for one of the two nationalities.

If the person under full age has completed his fourteenth year by that date, his consent shall be required.¹

2. In the case of a person under full age born after the entry into force of this Treaty one of whose parents is a national of one Contracting Party and the other a national of the other Contracting Party, the parents may, within one year after the birth of the child, agree to opt on his behalf for the nationality of one of the Contracting Parties.

¹ In the authentic Russian text this sentence appears as a separate sub-paragraph of article 4 (1). In the authentic German text, it comes immediately after the preceding sentence.

Article 5

1. Where the parents of a person under full age opt on his behalf for the nationality of the State in whose territory they maintain their residence, they shall file a declaration of option with the competent State authorities within the time-limit specified in article 4.

2. Where the parents do not maintain their joint residence in the territory of the Contracting Party for whose nationality they opt, the declaration of option shall be filed with the diplomatic or consular mission of the Contracting Party concerned.

3. Where the parents maintain their joint residence in the territory of a third State, the declaration of option regarding the nationality of a person under full age shall be filed with the diplomatic or consular mission or the Ministry of Foreign Affairs of the Contracting Party for whose nationality they opt.

4. The declaration of option shall be filed in duplicate. If the declaration is not filed by the parents in person, their signatures shall be duly authenticated.

Article 6

Where the parents fail to file a declaration or to reach agreement regarding the choice of nationality of a person under full age within the time-limit specified in article 4, or where a child who has reached the age of 14 years does not consent to the change of nationality, the nationality of such child shall be determined as follows :

—If born before the entry into force of this Treaty, he shall be a national of the Contracting Party in whose territory he is resident on the date of the expiry of the time-limit specified in article 4;

—If born after the entry into force of this Treaty, he shall be a national of the Contracting Party in whose territory he is born;

—If born or resident in the territory of a third State, he shall be a national of the Contracting Party in whose territory his parents maintained their residence before going abroad;

—If born or resident in the territory of a third State, and if his parents had no joint residence in the territory of either Contracting Party before going abroad, he shall be a national of the Contracting Party of which his mother is a national.

Article 7

1. Where the parents are not married to each other, or where their marriage is dissolved or annulled before the entry into force of this Treaty, and they fail

to file a written declaration, or to reach agreement, regarding the choice of nationality of their child under full age within the time-limit specified in article 4, such child shall have the nationality of the parent in whose custody he has been placed.

2. Where the marriage of the parents is dissolved or annulled after the entry into force of this Treaty and before the expiry of the time-limit specified in article 4, and they have failed to file a declaration, or to reach agreement, regarding the choice of nationality of their child under full age within the time-limit specified in article 4, the child shall have the nationality of the parent in whose custody he has been placed.

3. Where the parents are married but reside separately and they fail to file a declaration, or to reach agreement, regarding the choice of nationality of their child under full age within the time-limit specified in article 4, the child shall have the nationality of the parent in whose custody he has been placed.

Article 8

1. A person under full age whose parents are dead, or the whereabouts of whose parents is unknown, or whose parents have been deprived of parental authority, shall retain the nationality of the Contracting Party in whose territory he is resident on the date of the expiry of the time-limit for filing a declaration as specified in article 4 of this Treaty.

2. A person under full age, one of whose parents is dead or the whereabouts of one of whose parents is unknown on the date of the expiry of the time-limit specified for the filing of a declaration, shall retain the nationality of the other parent.

Article 9

1. Nationality chosen in accordance with the provisions of this Treaty shall be effective :

—In the case of persons born before the entry into force of this Treaty, from the date on which the declaration is filed with the competent authorities specified herein ;

—In the case of persons born after the entry into force of this Treaty, from the date of their birth.

2. In cases where no declaration is filed, or no agreement is reached between parents regarding the choice of nationality of their child, nationality shall be effective upon the expiry of the time-limits specified in articles 2 and 4 of this Treaty.

Article 10

Declarations of option filed pursuant to this Treaty and documents issued in connexion therewith shall not be subject to any taxes.

Article 11

1. Each of the Contracting Parties shall, not later than six months after the expiry of the time-limit specified in articles 2 and 4 of this Treaty, submit to the other Contracting Party, through the diplomatic channel, lists of persons who have opted for its nationality, together with the requisite particulars and addresses.

The Contracting Parties shall, within the first three months of each year, communicate to each other, through the diplomatic channel, lists of children born after the entry into force of this Treaty in respect of whom the parents have filed a declaration of option during the preceding year.

2. One copy of each declaration shall be attached to such lists.

Article 12

Persons who reside in the territory of one Contracting Party after opting for the nationality of the other Contracting Party in accordance with this Treaty shall have the status of aliens.

Article 13

After the entry into force of this Treaty, neither Contracting Party shall, without the consent of the competent authorities of the other Contracting Party, grant its nationality to persons who are nationals of the latter.

Article 14

Any questions which may arise between the Contracting Parties in the interpretation and application of this Treaty shall be settled through the diplomatic channel.

Article 15

1. This Treaty shall be subject to ratification and shall enter into force on the expiry of 30 days after the exchange of the instruments of ratification, which shall take place at Moscow as soon as possible.

2. This Treaty is concluded for an indefinite period and shall remain in force until the expiry of six months after the date of its denunciation by either of the Contracting Parties.

3. This Treaty shall be published by the Contracting Parties.

DONE at Berlin on 11 April 1969 in two copies, each in the Russian and German languages, the two texts being equally authentic.

For the Union of Soviet
Socialist Republics :

[P. ABRASIMOV]

For the German Democratic
Republic :

[O. FISCHER]