

N° 159.

ALLEMAGNE
ET LA RÉPUBLIQUE DES
SOVIETS DE RUSSIE

Arrangement provisoire relatif à l'extension des pouvoirs accordés à leurs délégations respectives pour l'assistance des prisonniers de guerre, signé à Berlin le 6 mai 1921.

GERMANY
AND THE SOVIET REPUBLIC
OF RUSSIA

Provisional Agreement on the extension of the Sphere of Activity of their Mutual Delegations engaged in the Assistance to Prisoners of War, signed at Berlin, May 6, 1921.

¹ TRANSLATION.

No. 159. — PROVISIONAL AGREEMENT BETWEEN THE GERMAN REICH AND THE RUSSIAN SOCIALIST FEDERATIVE SOVIET REPUBLIC ON THE EXTENSION OF THE SPHERE OF ACTIVITY OF THEIR MUTUAL DELEGATIONS ENGAGED IN THE ASSISTANCE TO PRISONERS OF WAR, SIGNED AT BERLIN MAY 6, 1921.

THE GERMAN GOVERNMENT, represented by :

- (1) The Permanent Under-Secretary for Foreign Affairs, Herr Gustav BEHRENDT ;
- (2) Permanent Councillor (Wirklicher Legationsrat) in the Ministry for Foreign Affairs, Baron Ago von MALTZAN ;
- (3) Permanent Councillor (Wirklicher Legationsrat) in the Ministry for Foreign Affairs, M. Friedrich GAUS, D. J.

and THE RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC, represented by :

Herr Aron SCHEINMANN,

animated by the desire to serve the cause of peace between Germany and Russia and seeking in a spirit of mutual goodwill to promote the prosperity of both peoples,
conclude the following provisional Agreement :

Article 1.

The spheres of activity of the Delegations for the care of prisoners of war, which already exist in both countries, shall be extended so that the Delegations shall be entrusted with the protection of the interests of their own nationals. Commercial representatives shall be attached to the Delegations of both Parties for the furtherance of economic relations. Until the complete resumption of normal relations, the Delegations shall be known as the " German Representatives in Russia " and the " Representatives of the Russian Socialist Federal Soviet Republic in Germany." The Representatives shall have their seats in Moscow and Berlin respectively.

The Representatives of the R. S. F. S. R. in Germany shall be recognised as the only body representing the Russian State in Germany.

Article 2.

The official heads of the Representatives shall enjoy the privileges and immunities granted to the heads of accredited missions. Until the conclusion of a further agreement, seven of the Representatives shall further enjoy the privileges and immunities granted to members of accredited missions, unless they are nationals of the State in which they are resident.

With regard to persons who are employed by the Representatives, and who are not nationals of the State in which they are resident, both Governments pledge themselves to take appropriate administrative measures in order that

¹ Translated by the Secretariat of the League of Nations.

(1) Domiciliary visits shall be carried out only after notification by the central authority for Foreign Affairs of the State where such persons are resident ; and, provided there is no danger in delay, in the presence of a representative of this authority and a duly authorised delegate of the Representatives.

(2) The fact of apprehension or arrest shall at once be communicated to the central authority for Foreign Affairs of the State where the person is resident ; this authority, shall advise the head of the Representatives of such apprehension or arrest within twenty-four hours at the latest.

(3) These persons and members of their families shall be immune from compulsory labour of any kind imposed by the law of the land and from military and war burdens.

Article 3.

Each Government shall guarantee that the Representatives of the other Contracting Party shall be provided with suitable official premises and that the head of the Representatives and their staff shall be provided with suitable dwellings. The Government undertakes further to render every assistance in obtaining the material necessary for the work of the Representatives.

Article 4.

The German Representatives in Russia are entitled to import, free from customs and other duties, the materials required for carrying on their work and also for the upkeep of their premises, together with foodstuffs and other necessaries for the use of the German staff, up to 40 kg. per person per month.

The necessary import licence shall be granted by the Russian Representative in the country from which the consignment is made on the production of a complete list of the articles which must be certified by the Foreign Office in Germany, and in the case of other countries, by the German Representatives resident there.

Article 5.

The heads of the Representatives shall be accredited to the Central Authority for Foreign Affairs of the State in which the Representatives reside. The Representatives shall deal directly with the above-mentioned authority ; and in the case of commercial affairs they shall also have direct access to the other central authorities.

Article 6.

The Representatives shall be invested with the following consular powers :

- (1) Protection of the interests of their nationals in accordance with the customs of international law ;
- (2) Issue of passports, identity cards and official descriptions ;
- (3) Reception, authentication and attestation of documents.

Both Contracting Parties undertake to commence negotiations at once for the conclusion of an agreement regarding the registration of the civil status and marriage contracts.

Article 7.

The Representatives of each Contracting Party are entitled to make use of wireless stations and public postal arrangements to carry on unrestricted official communication in clear and in cipher with their government and with the Representatives of their government in other countries, and they are further entitled to a courier service after the conclusion of a special agreement.

Article 8.

The following provisions shall hold good until a treaty, which shall **definitely** settle the rights of nationals of both parties, has been concluded :

(1) The provisions of the Agreement¹ of April 19, 1920, the Supplementary Agreement² of July 7, 1920, and the Supplementary Agreement of to-day's date shall apply in the case of Russian prisoners of war and civilians interned in Germany. Moreover, Russian nationals at present in Germany shall be dealt with, as regards their persons and property, in accordance with international law and German legislation in general.

(2) German nationals resident in the territory of the R. S. F. S. R. on the conclusion of this Agreement shall retain, as former prisoners of war or interned civilians, the rights conferred by the Supplementary Agreement of to-day's date.

(3) As regards German nationals who shall proceed to the territory of the other party for purposes of trade, in accordance with this Agreement and in consideration of the legal regulations laid down for passports, the inviolability of all the property which they take with them, as well as that which they have acquired in Russia shall be guaranteed by the R. S. F. S. R. in so far as the acquisition and employment of such property are in accordance with the arrangements specially entered into with the competent organs of the R. S. F. S. R. The inviolability of this property shall be assured by special safe-conduct from the R. S. F. S. R. except as regards claims made upon the holder of the safe-conduct in connection with legal business which he has entered into with the R. S. F. S. R. after the conclusion of this Agreement.

Article 9.

The Russian Government shall grant permission to persons, who were formerly German nationals, but who have lost their German nationality, to leave the country together with their wives and children provided that they furnish proof that they are leaving to take up their residence in Germany.

Article 10.

The German Government undertakes to treat Russian shipping and the Russian Government undertakes to treat German shipping in their respective territorial waters and harbours in accordance with the usages of international law. In so far as any special privileges might be granted to Russian shipping (as Government shipping) employed in commerce, with respect to navigation dues, the Russian Government shall grant the same privileges to German merchant shipping.

In any case, however, a ship of one Contracting Party can be made responsible in the harbours of the other Party for such payments as are directly connected with this ship, as, for example, harbour dues, cost of repairs, claims for compensation arising out of collisions.

Article 11.

Both Governments shall immediately take all steps to reestablish at an early date communication by means of the public post, telegraphs and wireless telegraphy, and shall guarantee this communication by special agreements.

Article 12.

The German Representatives in Russia shall, by means of their commercial representatives, safeguard the economic interests of the German Empire and its nationals.

The Russian commercial Representatives in Germany shall in their capacity as a national trading office, be regarded as the authorised representatives for legal matters on German territory, of the Russian Government. The latter recognises all legal transactions as binding, which shall be entered into either by the head of the Representatives or the head of the commercial representatives, or, finally by any persons duly authorised by either of the persons aforementioned.

¹ See volume II, pages 63 and following of this „Series”.

² „ II, » 85 » »

Article 13.

The Russian Government undertakes to insert an arbitration clause in all legal transactions with German nationals, German firms and German corporate bodies in the territory of the R.S.F.S.R. and of the States connected with it by an import and export regime established by Government. In respect of legal transactions concluded in Germany and their economic consequences, the Russian Government shall be subject to German law ; in respect of obligations under private law it shall be subject to German jurisdiction and legal penalties, but only in so far as the obligations arise out of legal business entered into with German nationals, German firms and German corporate bodies, after the conclusion of this Agreement. The right of the Russian Government to insert arbitration clauses in legal transactions entered into in Germany remains unaffected. Moreover, property of the Russian Government in Germany shall enjoy, in Germany, protection in accordance with international law. In respect of all cases not referred to in § 1 this property shall not be subject to German jurisdiction and legal penalties.

Article 14.

The Representatives of both Parties are entitled to consult experts as required for carrying out their administrative work.

Applications, giving full reasons for permission to invite experts, shall be lodged by the Central Authority with the Representatives of the other State and shall be dealt with as matters of urgency.

Article 15.

The Representatives of both Parties, and persons employed by them, must confine their activities strictly to the business which is permitted to them in accordance with this Agreement. It shall be specially incumbent on them to refrain from any agitation or propaganda against the government or the institutions of the State in which they are resident.

Article 16.

Until a subsequent commercial treaty has been concluded, this Agreement shall form the basis of the economic relations between both countries and shall be interpreted in a spirit of mutual good-will for the promotion of economic relations.

Article 17.

This Agreement shall come into operation on the day of its signature. The Agreement can be denounced by either Party giving three months' notice.

If the Agreement is denounced and is not replaced by another Agreement, either of the Contracting Parties shall be entitled, on the expiration of the period of denunciation, to set up a Committee consisting of five members for winding up such business transactions as have been initiated. The members of the Committee shall be considered as agents, but shall have no diplomatic position and shall complete the winding up of all transactions, at latest, within six months after the expiration of this Treaty.

BERLIN, *May 6, 1921.*

(Signed) GUSTAV BEHRENDT.

(Signed) SCHEINMANN.

(Signed) FRHR. AGO VON MALTZAN.

(Signed) GAUS.