

N° 450.

DANEMARK
ET RÉPUBLIQUE
DES SOVIETS DE RUSSIE

Accord préliminaire signé à Moscou
le 23 avril 1923.

DENMARK
AND SOVIET REPUBLIC
OF RUSSIA

Preliminary Agreement, signed at
Moscow, April 23, 1923.

No. 450. — DANISH-RUSSIAN PRELIMINARY AGREEMENT ¹, SIGNED AT MOSCOW, APRIL 23, 1923.

Texte officiel anglais communiqué par le Ministre de Danemark à Berne. L'enregistrement de cet accord a eu lieu le 3 juillet 1923.

The GOVERNMENT OF DENMARK and the GOVERNMENT OF THE RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC deeming it desirable in the interest both of Denmark and Russia that the commercial relations between the two countries shall be safeguarded and further developed, and it being necessary for this purpose — pending the establishment of normal economic and political relations — that a temporary Agreement should be arrived at between the two Governments, the following Agreement has been concluded between the

DANISH GOVERNMENT, represented by

M. Julius CLAN, Envoy Extraordinary and Minister Plenipotentiary, and the

GOVERNMENT OF THE RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC, hereinafter referred to as the RUSSIAN SOVIET GOVERNMENT, represented by

M. Maxim LITWINOFF, Deputy People's Commissary for Foreign Affairs,

which Representatives have communicated to each other their respective full powers, found in good and due form.

Article 1.

(1) For the purpose of giving proper effect to this Agreement and for the purpose of protecting the interests of their nationals, both Governments agree to grant admittance to their respective territories to a Delegation of the other Government consisting of one or several Official Representatives and necessary assistants (trade agents, secretaries, clerks, etc.) to a number to be mutually agreed upon. The Official Representatives, Trade Agents, their assistants and secretaries shall be nationals of the country they represent.

(2) The Official Representatives shall in the exercise of their functions have free access to the Foreign Minister of the country wherein they reside. They shall further be at liberty to communicate freely with their own Government and with official representatives of their Government in other countries by post, by telegraph and by wireless telegraphy, also in cipher, and to receive and dispatch couriers with sealed bags subject to a limitation of 10 kg. pr. week, which bags shall be exempt from examination. Such couriers shall be nationals of the country of the Delegation. The Official Representatives shall also have right to receive, by couriers and mail, periodicals and books published in their own country for their personal use and for the benefit of their staff in reasonable quantities. The telegrams and radiotelegrams of the Official

¹ L'échange des ratifications a eu lieu à Moscou le 15 juillet 1923.

¹ TRADUCTION. — TRANSLATION.No. 450. — ACCORD PRÉLIMINAIRE DANO-RUSSE², SIGNÉ A MOSCOU
LE 23 AVRIL 1923.

English official text communicated by the Danish Minister at Berne. The registration of this agreement took place July 3, 1923.

Le GOUVERNEMENT DE DANEMARK et le GOUVERNEMENT DE LA RÉPUBLIQUE SOCIALISTE FÉDÉRATIVE DES SOVIETS DE RUSSIE, considérant qu'il était désirable, dans l'intérêt du Danemark aussi bien que de la Russie, de protéger et de développer les relations commerciales entre les deux Pays, et qu'à cet effet et en attendant l'établissement de relations économiques et politiques normales, il était nécessaire qu'un accord provisoire intervînt entre les deux Gouvernements, l'Accord suivant a été conclu entre le

GOUVERNEMENT DANOIS représenté par

M. Julius CLAN, Envoyé extraordinaire et Ministre plénipotentiaire, et le

GOUVERNEMENT DE LA RÉPUBLIQUE SOCIALISTE FÉDÉRATIVE DES SOVIETS DE RUSSIE, désigné dans le présent Document sous le titre de GOUVERNEMENT RUSSE DES SOVIETS, représenté par

M. Maxim LITWINOFF, Commissaire-adjoint du peuple aux Affaires étrangères.

Ces représentants ont échangé leurs pleins pouvoirs respectifs qui ont été reconnus en bonne et due forme.

Article 1.

1. Afin d'assurer l'exécution du présent Accord et de protéger les intérêts de ses ressortissants, chacun des deux Gouvernements s'engage à accorder l'accès de son territoire à une Délégation de l'autre Gouvernement, composée d'un ou de plusieurs Représentants officiels et du personnel nécessaire (agents commerciaux, secrétaires, employés, etc.), dont le nombre sera fixé par accord réciproque. Les Représentants officiels, Agents commerciaux, leur personnel auxiliaire et leurs secrétaires devront être des ressortissants du pays qu'ils représentent.

2. Les Représentants officiels, dans l'exercice de leurs fonctions, auront libre accès auprès du Ministre des Affaires étrangères du Pays dans lequel ils résident. De plus, ils auront pleine liberté de communiquer avec leur propre Gouvernement et avec les Représentants officiels de leur Gouvernement dans d'autres Pays par poste, télégraphe et télégraphie sans fil, même en langage chiffré, et de recevoir et d'expédier des courriers, avec des sacs de dépêches cachetés, jusqu'à concurrence de 10 kilogrammes par semaine ; ces sacs de dépêches ne seront soumis à aucune visite. Ces courriers devront être des ressortissants du pays de la Délégation. Les Représentants officiels auront également le droit de recevoir, soit par courrier, soit par la poste, un nombre raisonnable de périodiques et de livres publiés dans leur propre pays et destinés à leur propre usage ou à celui de leur

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Moscow, July 15, 1923.

Representatives shall enjoy any right of priority over private messages which is generally accorded to the messages of official representatives of other foreign Governments in both countries respectively.

(3) The Official Representatives shall be the competent authorities to issue passports and other documents of identity and nationality, to grant visas, legalise documents and perform other duties of this kind which belong to official representatives of the other foreign Governments in the country in question.

(4) The Official Representatives as well as their personnel of their own nationality admitted to the respective territories in pursuance of this Agreement within the territories of the other Party shall enjoy such immunity as to persons, private property, residence and offices and exemption from taxation as is usually granted to the diplomatic representatives of other countries and their personnel in accordance with international law.

(5) The Official Representative of the Russian Socialist Federal Soviet Republic shall be regarded as the only representative of the Russian State.

(6) The Official Representatives of both Countries shall have the right to use the flag and other official emblems of their States.

Article 2.

Both Parties agree by every means to facilitate trade between the two countries ; such trade shall be carried on in conformity with the legislation in force in each country. Trade between the two countries shall not be subjected to other restrictions or other or higher duties than those imposed on the trade with any other country. Denmark shall, however, not be entitled to claim the special rights and privileges accorded by Russia to a country which has recognised or may recognise Russia *de jure*, unless Denmark is willing to accord to Russia the corresponding compensations as the country in question, due regard being taken to clause 4 of the Danish Law of May 31, 1922.

Article 3.

(1) Both Governments declare that they will not initiate or support any step with a view to attach or take possession of any funds, goods, movable or immovable property, or ships belonging to the other Party.

(2) The Delegations shall be at liberty to enter into every sort of commercial, credit and financial transactions in connection with trade under this Agreement, but subject always to any legislation generally applicable in the country in question.

(3) Contracts entered into by the Delegations shall be subject to the laws of the country in which the contracts are signed. Disputes respecting such contracts shall be brought before the proper court in the said country, unless otherwise agreed upon. The Delegations are for these purposes entitled to appear before the court of the country with legal effect as plaintiffs and defendants and enjoy in all respects the rights of persons having a legal status. Writs of summons and other documents shall be considered as duly served when delivered to a member of the staff of the Delegation denominated by the Official Representatives or in the absence of such member to any member of the staff, if not otherwise agreed upon.

(4) As long as the present Agreement is in force property belonging to the Russian Soviet Government shall enjoy in Denmark the immunity extended under international law to the property of other friendly Governments. The previous stipulation does not, however, apply in case of legal actions arising in connection with contracts, acts and events, taking place under this Agreement.

The Russian Soviet Government gives a corresponding guarantee as regards property belonging to the Danish Government.

Article 4.

(1) In order to facilitate and develop the commercial relations between the two countries the two Parties undertake to grant admittance to their respective territories to nationals of the other Party for the purpose of carrying on commercial and industrial activities and for other justifiable purposes, subject always to the existing regulations in force in the respective countries regarding the admission of foreigners.

(2) Persons admitted to the respective territories for the purpose of carrying on trade, etc., are entitled to enter into any sort of commercial, credit and financial transactions in connection with the trade under this Agreement in accordance with the laws of the country. They shall enjoy the same protection, rights, privileges and facilities, including the right to compete for concessions, renting factories, etc., as are granted to nationals of any other country. In this respect Denmark shall, however, not be entitled to claim the special rights and privileges accorded by Russia to a country which has recognised or may recognise Russia *de jure*, unless Denmark is willing to accord to Russia the corresponding compensations as the country in question, due regard being taken to clause 4 of the Danish Law of May 31, 1922.

(3) They shall be exempt from all compulsory service whatsoever, whether civil, naval, military or other, and from any contribution, whether pecuniary or in kind, imposed as an equivalent for personal service.

(4) Funds, goods, movable or immovable property, belonging to the nationals of the one country, lawfully imported into or acquired in the other country, shall not be subjected therein to requisition or any other compulsory appropriation on the part of the Government or of any local authorities without full compensation.

Article 5.

(1) The Official Representatives and the members of the Delegations shall be bound to refrain from conducting, supporting or encouraging any political propaganda against the institutions of Denmark and Russia respectively.

(2) The Official Representatives and the members of the Delegation of either Party shall abstain from entering into any service or receiving any commission from the Government, firms or private persons of any other country than their own.

Article 6.

Passports, documents of identity, powers of attorney and similar documents issued or certified by the competent authorities in either country shall be treated in the other country as if they were issued or certified by the authorities of a recognised foreign Government.

Article 7.

Danish and Russian ships, their masters, crews and cargoes shall, in ports of Russia and Denmark respectively receive in all respects the treatment, privileges, facilities, immunities and protections which are usually accorded by the established practice of commercial nations to foreign merchant ships, their masters, crews and cargoes, visiting their ports, including the facilities usually accorded in respect of coal and water, pilotage, berthing, dry docks, cranes, repairs, warehouse

and generally all services, appliances and premises connected with merchant shipping. Such treatment, privileges, facilities, immunities and protections shall in no case be less than that accorded to any other country. In this respect Denmark shall, however, not be entitled to claim the special rights and privileges accorded by Russia to a country which has recognised or may recognise Russia *de jure*, unless Denmark is willing to accord to Russia the corresponding compensations as the country in question, due regard being taken to clause 4 of the Danish Law of May 31, 1922.

Article 8.

Free transit of goods from and to the other country will be permitted on the same conditions as from and to any other country. In this respect Denmark shall, however, not be entitled to claim the special rights and privileges accorded by Russia to a country which has recognised or may recognise Russia *de jure*, unless Denmark is willing to accord to Russia the corresponding compensations as the country in question, due regard being taken to clause 4 of the Danish Law of May 31, 1922.

Article 9.

The transport of goods belonging to the nationals of either country will be granted on the same conditions as apply to goods belonging to nationals of any other country. In this respect Denmark shall, however, not be entitled to claim the special rights and privileges accorded by Russia to a country which has recognised or may recognise Russia *de jure*, unless Denmark is willing to accord to Russia the corresponding compensations as the country in question, due regard being taken to clause 4 of the Danish Law of May 31, 1922.

Article 10.

Both Contracting Parties agree, simultaneously with the conclusion of the present Agreement, to renew, if not already done, exchange of private postal and telegraphic correspondence between both countries, as well as dispatch and acceptance of wireless messages, in accordance with the existing international post and telegraph regulations. As regards telegraphy in cipher, the provisions of Article 1 herein shall apply

Article 11.

The Contracting Parties mutually pledge themselves to help the respective Delegations in finding residences and premises necessary for carrying on their work.

Article 12.

The R. S. F. S. R. shall not be entitled on the strength of the stipulations of this Agreement to claim the benefits accorded by Denmark to Norway and Sweden, or either of these countries, as long as these benefits are not granted to any third country.

The stipulations of this Agreement shall not entitle Denmark to claim the special benefits accorded by the R. S. F. S. R. to States bordering on Russia in Asia.

Article 13.

The present Agreement may be terminated by either of the Contracting Parties by giving six (6) months' notice. In the event of this Agreement being terminated either by notice or by mutual agreement, the Official Representatives and other members of the Delegations shall be allowed to remain in the country where they have been residing during a period necessary for the complete winding up of their commercial transactions, such period not to exceed six (6) months after the termination of the Agreement.

Article 14.

Provided that within three months from the date of the ratification of this Agreement by Denmark the Government of Iceland, in conformity with the Danish-Icelandic Union Act of November 30, 1918, give their sanction, this Agreement shall, after due ratification, be valid between Iceland and Russia, due regard being taken to the fact that Denmark, in conformity with the said Union Act, is entrusted with the safeguard of Iceland's foreign affairs.

Article 15.

The present Agreement shall be ratified.

The ratifications shall be exchanged in Moscow within eight (8) weeks from the day of the signature.

The Agreement shall enter into force on the day of the exchange of the ratifications.

This Agreement is drawn up and signed in the English language. The English text shall be considered authentic.

Done in duplicate at Moscow, April 23, 1923.

(Signed) J. CLAN.

(Signed) MAXIM LITVINOFF.

PROTOCOL.

The undersigned, who have met this day in order to sign the above Preliminary Agreement, have agreed upon the following :

In view of the relations existing between Denmark and Iceland, based on the Danish-Icelandic Union Act of November 30, 1918, it is understood, as a matter of course, that the stipulations of the Agreement shall not entitle Russia to claim the special benefits which have actually been granted, or which may hereafter be granted, by Denmark to Iceland, or by Iceland to Denmark.

The present Protocol shall have effect as long as the Preliminary Agreement above referred to remains in force.

Done in duplicate at Moscow, April 23, 1923.

(Signed) J. CLAN.

(Signed) MAXIM LITVINOFF.

DECLARATION RESPECTING CLAIMS.

At the moment of signing the preceding Danish-Russian Preliminary Agreement either Party declares that it maintains all its own claims and those of its nationals against the other Party in respect of property or rights or in respect of obligations incurred by the existing or former Governments of either Party, and that the aforesaid Agreement shall in no way predetermine nor prejudice any existing claims for the payment of compensation or the effecting of restitution, nor in any way place such claims in a less favourable position than the claims of the Government or the nationals of any other country.

In witness whereof, the undersigned have signed this Declaration.

Done in duplicate at Moscow, April 23, 1923.

(Signed) J. CLAN.

(Signed) MAXIM LITVINOFF.

Certifié pour copie conforme:

Copenhague, le 28 juin 1923.

Georg COHN,
*chef du Service Danois
de la Société des Nations.*
