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TREATY SERIES, 1921.

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TRADE AGREEMENT BETWEEN HIS BRITANNIC MAJESTY'S GOVERNMENT AND THE GOVERNMENT OF THE RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC.

WHEREAS it is desirable in the interests both of Russia and of the United Kingdom that peaceful trade and commerce should be resumed forthwith between these countries, and whereas for this purpose it is necessary pending the conclusion of a formal general peace treaty between the Governments of these countries by which their economic and political relations shall be regulated in the future, that a preliminary agreement should be arrived at between the Government of the United Kingdom and the Government of the Russian Socialist Federal Soviet Republic, hereinafter referred to as the Russian Soviet Government.

The aforesaid parties have accordingly entered into the present agreement for the resumption of trade and commerce between the countries.

The present agreement is subject to the fulfilment of the following conditions, namely :—

- (a.) That each party refrains from hostile action or undertakings against the other, and from conducting outside of its own borders any official propaganda, direct or indirect, against the institutions of the British Empire or the Russian Soviet Republic respectively, and more particularly that the Russian Soviet Government refrains from any attempt by military or diplomatic or any other form of action or propaganda to encourage any of the peoples of Asia in any form of hostile action against British interests or the British Empire, especially in India and in the independent State of Afghanistan. The British Government gives a similar particular undertaking to the Russian Soviet Government in respect of the countries which formed part of the former Russian Empire and which have now become independent.
- (b.) That all British subjects in Russia are immediately permitted to return home, and that all Russian citizens in Great Britain or other parts of the British Empire who desire to return to Russia are similarly released.

It is understood that the term "conducting any official propaganda" includes the giving by either party of assistance or encouragement to any propaganda conducted outside its own borders.

The parties undertake to give forthwith all necessary instructions to their agents and to all persons under their authority to conform to the stipulations undertaken above.

Both parties agree not to impose or maintain any form of blockade against each other, and to remove forthwith all obstacles hitherto placed in the way of the resumption of trade between the United Kingdom and Russia in any commodities which may be legally exported from or imported into their respective territories or from any other foreign country, and not to exercise any discrimination against such trade, as compared with that carried on with any other foreign country, or to place any impediments in the way of banking, credit and financial operations for the purpose of such trade, but subject always to legislation generally applicable in the respective countries. It is understood that nothing in this article shall prevent either party from regulating the trade in arms and ammunition under general provisions of law which are applicable to the import of arms and ammunition from, or their export to foreign countries.

Nothing in this article shall be construed as overriding the provisions of any general international convention which is binding on either party by which the trade in any particular article is or may be regulated (as for example, the Opium Convention).

2. British and Russian ships, their masters, crews and cargoes shall, in ports of Russia and the United Kingdom 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, warehouses and generally all services, appliances and premises connected with merchant shipping.

Moreover, the British Government undertakes not to take part in, or to support, any measures restricting or hindering, or tending to restrict or hinder, Russian ships from exercising the rights of free navigation of the high seas, straits and navigable waterways, which are enjoyed by ships of other nationalities.

Provided that nothing in this article shall impair the right of either party to take such precautions as are authorised by their respective laws with regard to the admission of aliens into their territories.

3. The British and other Governments having already undertaken the clearances of the seas adjacent to their own coasts and also certain parts of the Baltic from mines for the benefit of all nations, the Russian Soviet Government on their part undertake to clear the sea passages to their own ports.

The British Government will give the Russian Soviet Government any information in their power as to the position of mines which will assist them in clearing passages to the ports and shores of Russia.

The Russian Government, like other nations, will give all information to the International Mine Clearance Committee about the areas they have swept, and also what areas still remain dangerous. They will also give all information in their possession about the minefields laid down by the late Russian Governments since the outbreak of war in 1914 outside Russian territorial waters, in order to assist in their clearance.

Provided that nothing in this section shall be understood to prevent the Russian Government from taking, or require them to disclose any measures they may consider necessary for the protection of their ports.

4. Each party may nominate such number of its nationals as may be agreed from time to time as being reasonably necessary to enable proper effect to be given to this agreement, having regard to the conditions under which trade is carried on in its territories, and the other party shall permit such persons to enter its territories, and to sojourn and carry on trade there, provided that either party may restrict the admittance of any such persons into any specified areas, and may refuse admittance to or sojourn in its territories to any individual who is *persona non grata* to itself, or who does not comply with this agreement or with the conditions precedent thereto.

Persons admitted in pursuance of this article into the territories of either party shall, while sojourning therein for purposes of trade, be exempted from all compulsory services whatsoever, whether civil, naval, military or other, and from any contributions whether pecuniary or in kind imposed as an equivalent for personal service and shall have right of egress.

They shall be at liberty to communicate freely by post, telegraph and wireless telegraphy, and to use telegraph codes under the conditions and subject to the regulations laid down in the International Telegraph Convention of St. Petersburg, 1875 (Lisbon revision of 1908).

Each party undertakes to account for and to pay all balances due to the other in respect of terminal and transit telegrams, and in respect of transit letter mails in accordance with the provisions of the International Telegraph Convention and Regulations and of the Convention and Regulations of the Universal Postal Union respectively. The above balances when due shall be paid in the currency of either party at the option of the receiving party.

Persons admitted into Russia under this agreement shall be permitted freely to import commodities (except commodities, such as alcoholic liquors, of which both the importation and the manufacture are or may be prohibited in Russia) destined solely for their household use or consumption to an amount reasonably required for such purposes.

5. Either party may appoint one or more official agents, to a number to be mutually agreed upon, to reside and exercise their functions in the territories of the other, who shall personally enjoy the rights and immunities set forth in the preceding article, and also immunity from arrest and search provided that either party may refuse to admit any individual as an official agent who is *persona non grata* to itself, or may require the other party to withdraw him should it find it necessary to do so on grounds of public interest or security. Such agents shall have access to the authorities of the country in which they reside for the purpose of facilitating the carrying out of this agreement, and of protecting the interests of their nationals.

Official agents shall be at liberty to communicate freely with their own Government and with other official representatives of their Government in other countries by post, by telegraph and wireless telegraphy in cypher, and to receive and despatch couriers with sealed bags subject to a limitation of 3 kilog. per week which shall be exempt from examination.

Telegrams and radiotelegrams of official agents shall enjoy any right of priority over private messages that may be generally accorded to messages of the official representatives of foreign Governments in the United Kingdom and Russia respectively.

Russian official agents in the United Kingdom shall enjoy the same privileges in respect of exemption from taxation, central or local, as are accorded to the official representatives of other foreign Governments. British official agents in Russia shall enjoy equivalent privileges, which, moreover, shall in no case be less than those accorded to the official agents of any other country.

The official agents shall be the competent authorities to visa the passports of persons seeking admission, in pursuance of the preceding article, into the territories of the parties.

6. Each party undertakes generally to ensure that persons admitted into its territories under the two preceding articles shall enjoy all protection, rights and facilities which are necessary to enable them to carry on trade, but subject always to any legislation generally applicable in the respective countries.

7. Both contracting parties agree simultaneously with the conclusion of the present Trade Agreement to renew exchange of private postal and telegraphic correspondence between both countries, as well as despatch and acceptance of wireless messages and parcels by post, in accordance with the rules and regulations which were in existence up to 1914.

8. Passports, documents of identity, powers of attorney, and similar documents issued or certified by the competent authorities in either country for the purpose of enabling trade to be carried on in pursuance of this agreement shall be treated in the other country as if they were issued or certified by the authorities of a recognised foreign Government.

9. The British Government declares that it will not initiate any steps with a view to attach or to take possession of any gold, funds, securities or commodities not being articles identifiable as the property of the British Government which may be exported from Russia in payment for imports or as securities for such payment, or of any movable or immovable property which may be acquired by the Russian Soviet Government within the United Kingdom.

It will not take steps to obtain any special legislation not applicable to other countries against the importation into the United Kingdom of precious metals from Russia whether specie (other than British or Allied) or bullion or manufactures, or the storing, analysing, refining, melting, mortgaging or disposing thereof in the United Kingdom, and will not requisition such metals.

10. The Russian Soviet Government undertakes to make no claim to dispose in any way of the funds or other property of the late Imperial and Provisional Russian Governments in the United Kingdom. The British Government gives a corresponding undertaking as regards British Government funds and property in Russia. This article is not to prejudice the inclusion in the general treaty referred to in the preamble of any provision dealing with the subject matter of this article.

Both parties agree to protect and not to transfer to any claimants pending the conclusion of the aforesaid treaty any of the above funds or property which may be subject to their control.

11. Merchandise, the produce or manufacture of one country, imported into the other in pursuance of this agreement, shall not be subjected therein to compulsory requisition on the part of the Government or of any local authority.

12. It is agreed that all questions relating to the rights and claims of nationals of either party in respect of patents, trade marks, designs, and copyrights in the territory of the other party shall be equitably dealt with in the treaty referred to in the preamble.

13. The present agreement shall come into force immediately and both parties shall at once take all necessary measures to give effect to it. It shall continue in force unless and until replaced by the treaty contemplated in the preamble so long as the conditions laid down both in the articles of the agreement and in the preamble are observed by both sides. Provided that at any time after the expiration of twelve months from the date on which the agreement comes into force, either party may give

notice to terminate the provisions of the preceding articles, and on the expiration of six months from the date of such notice those articles shall terminate accordingly.

Provided also that if as the result of any action in the courts of the United Kingdom dealing with the attachment or arrest of any gold, funds, securities, property or commodities not being identifiable as the exclusive property of a British subject, consigned to the United Kingdom by the Russian Soviet Government or its representatives, judgment is delivered by the court under which such gold, funds, securities, property or commodities is held to be validly attached on account of obligations incurred by the Russian Soviet Government, or by any previous Russian Government before the date of the signature of this agreement, the Russian Soviet Government shall have the right to terminate the agreement forthwith.

Provided also that in the event of the infringement by either party at any time of any of the provisions of this agreement or of the conditions referred to in the preamble, the other party shall immediately be free from the obligations of the agreement. Nevertheless, it is agreed that before taking any action inconsistent with the agreement the aggrieved party shall give the other party a reasonable opportunity of furnishing an explanation or remedying the default.

It is mutually agreed that in any of the events contemplated in the above provisos, the parties will afford all necessary facilities for the winding up in accordance with the principles of the agreement of any transactions already entered into thereunder, and for the withdrawal and egress from their territories of the nationals of the other party and for the withdrawal of their movable property.

As from the date when six months' notice of termination shall have been given under this article, the only new transactions which shall be entered into under the agreement shall be those which can be completed within the six months. In all other respects the provisions of the agreement will remain fully in force up to the date of termination.

14. This agreement is drawn up and signed in the English language. But it is agreed that as soon as may be a translation shall be made into the Russian language and agreed between the parties. Both texts shall then be considered authentic for all purposes.

Signed at London, this 16th day of March, 1921.

R. S. HORNE.
L. KRASSIN.

Declaration of Recognition of Claims.

At the moment of signature of the preceding Trade Agreement both parties declare that all claims of either party or 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 country shall be equitably dealt with in the formal general peace treaty referred to in the preamble.

In the meantime and without prejudice to the generality of the above stipulation the Russian Soviet Government declares that it recognises in principle that it is liable to pay compensation to private persons who have supplied goods or services to Russia for which they have not been paid. The detailed mode of discharging this liability shall be regulated by the treaty referred to in the preamble.

The British Government hereby makes a corresponding declaration.

It is clearly understood that the above declarations in no way imply that the claims referred to therein will have preferential treatment in the aforesaid treaty as compared with any other classes of claims which are to be dealt with in that treaty.

Signed at London, this 16th day of March, 1921.

R. S. HORNE.
L. KRASSIN.
