

AUTRICHE,  
GOUVERNEMENT  
DES SOVIETS DE RUSSIE  
ET GOUVERNEMENT  
DES SOVIETS D'UKRAINE

Accord signé à Vienne le 7 décembre 1921, avec un échange de notes concernant l'extension de l'application de la Convention au territoire entier de l'Union des Républiques Socialistes des Soviets. Vienne, le 8 septembre 1923.

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AUSTRIA, GOVERNMENT  
OF SOVIET RUSSIA AND  
GOVERNMENT OF  
THE SOVIETS OF UKRAINIA

Agreement signed at Vienna, December 7, 1921, together with an exchange of Notes concerning the extension of the application of the Convention to the whole territory of the Union of Socialist Soviet Republics. Vienna, September 8, 1923.

## TEXTE RUSSE. — RUSSIAN TEXT.

No. 515.

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*Official German, Russian and Ukrainian texts communicated by the Representative of the Austrian Federal Republic accredited to the League of Nations. The registration of this Agreement<sup>1</sup> took place November 5, 1923.*

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ПРАВИТЕЛЬСТВО РОССИЙСКОЙ СОЦИАЛИСТИЧЕСКОЙ ФЕДЕРАТИВНОЙ СОВЕТСКОЙ РЕСПУБЛИКИ, представленное

МЕЧИСЛАВОМ БРОНСКИМ-ВАРШАВСКИМ,

ПРАВИТЕЛЬСТВО УКРАИНСКОЙ СОЦИАЛИСТИЧЕСКОЙ СОВЕТСКОЙ РЕСПУБЛИКИ, представленное

МИХАИЛОМ ЛЕВИЦКИМ,

и ПРАВИТЕЛЬСТВО АВСТРИЙСКОЙ РЕСПУБЛИКИ, представленное

ИОГАННОМ ШОБЕРОМ,

воодушевленные желанием служить делу мира между Россией и Украиной, с одной стороны, и Австрией, с другой, и способствовать на основах взаимного благожелательства процветанию народов обеих сторон, заключают следующее временное соглашение :

*Статья 1.*

Круг деятельности существующих уже делегаций обеих сторон для попечения о военнопленных расширится таким образом, что им поручается защита интересов граждан их стран. К делегациям обеих сторон, которые впредь считаются Полномочными Представительствами Российской Социалистической Федеративной Советской Республики, Украинской Социалистической Советской Республики и Австрийской Республики, присоединяются торговые представительства для развития экономических сношений между их странами.

Место пребывания представительства — Вена, равно как Москва и Харьков.

Представительства Российской Социалистической Федеративной Советской Республики и Украинской Социалистической Советской Республики в Австрии признаются единственными представительствами Российского и Украинского государств в Австрии.

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<sup>1</sup> This agreement came into force on February 14, 1922.

TRADUCTIONS — TRANSLATIONS

<sup>1</sup> TRANSLATION.

No. 515. — AGREEMENT BETWEEN THE FEDERAL GOVERNMENT OF THE REPUBLIC OF AUSTRIA AND THE GOVERNMENTS OF THE RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC AND OF THE UKRAINIAN SOCIALIST SOVIET REPUBLIC, SIGNED AT VIENNA DECEMBER 7, 1921.

The GOVERNMENT OF THE REPUBLIC OF AUSTRIA, represented by  
Johann SCHOBER,

The GOVERNMENT OF THE RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC, represented by  
Mieczysław BRONSKI-WARSZAWSKI,

And the GOVERNMENT OF THE UKRAINIAN SOCIALIST SOVIET REPUBLIC, represented by  
Michael LEWITZKIJ,

being desirous of furthering peaceful relations between Austria and Russia and the Ukraine, and of promoting with mutual goodwill the prosperity of both peoples, have concluded the following provisional Agreement :

*Article 1.*

The sphere of activity of the delegations at present existing in both countries to supervise the welfare of prisoners of war shall be extended, and they shall be placed in charge of the interests of their respective nationals. The delegates of both countries, who will henceforth have the status of plenipotentiary representatives of the Republic of Austria, the Russian Socialist Federal Soviet Republic and the Government of the Ukrainian Socialist Soviet Republic respectively shall be attached to the trade delegations in order to promote economic relations between their countries.

The delegations shall have their headquarters at Moscow and Kharkoff and at Vienna respectively.

The official representatives of the Russian Socialist Federal Soviet Republic and of the Ukrainian Socialist Soviet Republic in Austria shall be regarded as the sole representatives of the Russian and Ukrainian States in Austria.

*Article 2.*

The heads of the delegations shall enjoy the privileges and immunities granted to the heads of accredited missions. Until otherwise provided by a subsequent agreement, seven members of each delegation shall for the present enjoy the privileges and immunities granted to members of accredited missions, provided that they are not nationals of the State in which they are resident.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

As regards other persons who are employed by the delegations, and who are not nationals of the State in which they are resident, the contracting Governments undertake to pass the requisite administrative measures to ensure that :

(1) Any arrest of such persons shall immediately be notified to the central authority for foreign affairs of the State to which the delegation concerned is accredited, which authority must inform the head of the official delegation not later than 24 hours after the arrest has taken place.

(2) Such persons, and also members of their families, shall be exempt from labour obligations of any kind imposed in accordance with public law, and also from military duties and requisitions and war taxation.

*Article 3.*

Each Government shall undertake to see that the official delegation of the other Party obtains suitable offices and that its head and the privileged members of the staff are provided with suitable accommodation. The Government shall also undertake to afford every assistance in obtaining the material required for the work of the delegation.

*Article 4.*

The Austrian representatives in Russia and in the Ukraine shall be entitled to import the materials necessary for the exercise of their official duties and for the upkeep of their premises, and also the requisite foodstuffs and commodities for their staff up to the amount of 40 kilogrammes per person per month, free of customs duties and taxes.

The necessary import permit shall be granted by the Russian or Ukrainian delegation in the country despatching the consignment on presentation of a declaration of contents which must be certified, in the case of Austria, by the Austrian Ministry for Foreign Affairs and, in the case of other countries, by the Austrian representative in those countries.

*Article 5.*

The heads of the delegations shall be accredited to the central authority for foreign affairs of the country in which the delegation is resident.

*Article 6.*

The delegations shall receive the following Consular powers :

(1) They shall protect the interests of their nationals in accordance with international law.

(2) They shall issue passports, certificates of identity and visas.

(3) They shall draw up deeds, including wills and testaments, they shall legalise official or private documents and prepare and certify authentic translations and documents.

Both Contracting Parties undertake immediately to enter into negotiations for the conclusion of an agreement regarding the establishment of civil registers and marriage contracts.

*Article 7.*

Each delegation shall be entitled to use the telegraph stations and public post offices, without any restriction, for official communication with their Governments or the delegations of their Governments in other countries, both in clear and in cipher; they shall also be entitled to the establishment of courier services subject to special agreement.

*Article 8.*

Pending the conclusion of an agreement laying down in principle the rights of nationals of both Parties, the following provisions shall be in force:

(1) Russian and Ukrainian nationals resident in Austria, shall, as regards their persons and property, be treated in accordance with the provisions of international law and the ordinary laws of Austria.

(2) Austrian subjects residing at the date of the conclusion of the present Agreement within the territory of the Russian Socialist Federal Soviet Republic and the Ukrainian Socialist Soviet Republic shall, as former prisoners of war or interned civilians, retain the rights accorded under the supplementary Agreement concluded this day.

Nationals of the Austrian Federal Republic who cannot be regarded as prisoners of war or interned civilians shall be treated in Russia and in the Ukraine in accordance with the current provisions in force regarding foreigners.

(3) The Russian and Ukrainian Governments shall guarantee the inviolability of all property taken into Russia or the Ukraine or acquired in those countries by Austrian nationals who enter Russian or Ukrainian territory for purposes of trade under the terms of this Agreement, and in conformity with the passport regulations, provided that the Austrian nationals in question acquire such property and use it in accordance with the special agreements concluded with the competent authorities of the Russian Socialist Federal Soviet Republic and the Ukrainian Socialist Soviet Republic. The inviolability of this property shall be assured by special letters of safe-conduct issued by the Russian or Ukrainian Governments, provided that the holder of the letter of safe-conduct is not liable to any claims in respect of legal transactions which he may have entered into with the Russian Socialist Federal Soviet Republic or the Ukrainian Socialist Soviet Republic after the conclusion of the present Agreement.

*Article 9.*

The Austrian Government shall guarantee to Russian and Ukrainian vessels, and the Russian and Ukraine Governments shall guarantee to Austrian vessels, within their respective territorial waters and ports, treatment in accordance with the usages of international law. Should the Austrian Government hereafter grant to Russian and Ukrainian vessels used for purposes of trade, on account of their status as Government vessels, any special privileges in respect of shipping dues, the Russian and Ukrainian Governments shall accord the same privileges to Austrian merchant-vessels.

In all cases, however, a vessel belonging to one of the Contracting Parties shall be liable to payment in the ports of the other party of any claims directly connected with the vessel in question, such as, for example, harbour dues, repair charges, claims for compensation arising out of collisions, etc.

*Article 10.*

The Contracting Parties shall at once take all necessary measures to promote the speedy resumption of public postal and telegraph traffic and of banking transactions, and to protect such traffic and transactions by special agreements.

*Article 11.*

The Austrian delegations in Russia and the Ukraine shall, through their trade delegations, look after the economic interests of the Republic of Austria and of its nationals.

The Russian and Ukrainian trade delegations in Austria, in their capacity as official trade offices, shall, for purposes of legal transactions in Austrian territory, be regarded as the duly accredited representatives of the Russian and Ukrainian Governments respectively. These Governments shall recognise as binding upon them all legal transactions conducted either by the heads of the delegations or the heads of the trade delegations, or by any person granted full powers by these heads.

*Article 12.*

The Russian and Ukrainian Governments undertake not to conclude, without inserting arbitration clauses, any legal transactions effected with Austrian nationals, firms and legal persons in the territory of the Russian Socialist Federal Soviet Republic and the Ukrainian Socialist Soviet Republic, and of States which are associated with these Republics by virtue of a State import and export scheme.

As regards legal transactions effected in Austria, and the economic consequence arising therefrom, the Russian and Ukrainian Governments shall recognise Austrian law, and, in the case of liabilities under private law, these Governments shall accept Austrian jurisdiction and compulsory execution; this shall only hold good, however, in the case of liabilities arising out of legal transactions with Austrian nationals, firms and legal persons effected after the conclusion of the present Agreement. The right of the Russian and Ukrainian Governments to add arbitration clauses in the case of legal transactions concluded in Austria shall not be affected thereby.

In general, the property of the Russian and Ukrainian Governments in Austria shall enjoy the protection of customary international law. In particular, it shall not be subject to Austrian jurisdiction and compulsory execution in all cases not provided for under paragraph 1.

*Article 13.*

The delegations of the Contracting Parties shall be entitled to consult any experts whose assistance may be necessary for carrying out their economic duties.

Applications for the admission of experts, which must be supported by a full statement of reasons, shall be forwarded by the central authorities of one State to the Delegation of the other State and shall be dealt with with the least possible delay.

*Article 14.*

The delegations of the Contracting Parties and the persons employed by them shall, in carrying out their work, strictly confine themselves to the duties devolving upon them in accordance with the present Agreement. In particular, they shall be required to refrain from any kind of agitation or propaganda against the Government or the State organisations of the country in which they are temporarily resident.

*Article 15.*

Pending the conclusion of a commercial treaty, the present Agreement shall constitute the foundation upon which economic relations between the Contracting Parties shall be based, and shall be interpreted in a spirit of mutual goodwill with a view to the furtherance of economic relations.

*Article 16.*

The present Agreement, the German, Russian and Ukrainian texts of which are equally authentic, shall only become operative subject to the Contracting Governments' approval, which shall be communicated by means of diplomatic Notes. The Agreement shall come into force on the day on which official notification of such approval has been reciprocally exchanged.

The present Agreement may be denounced by either Party at six months' notice.

If the Agreement is denounced and is not superseded by another Agreement, either of the Contracting Parties shall be entitled, upon the expiration of the period of notice, to appoint a Commission consisting of five members for the purpose of winding up commercial transactions which are already in progress. The members of the Commission shall be regarded as agents without diplomatic status. They shall complete the winding up of the transactions in question not later than six months after the expiration of the present Agreement.

In faith whereof the plenipotentiaries of the Contracting Parties have signed the present Convention and have thereto affixed their seals.

Done in triplicate.

VIENNA, *December 7, 1921.*

(L. S.) SCHOBER

(L. S.) BRONSKI.

(L. S.) M. LEWIZKY.

EXCHANGE OF NOTES, DATED SEPTEMBER 8, 1923, BETWEEN THE AUSTRIAN REPUBLIC AND THE UNION OF SOCIALIST SOVIET REPUBLICS REGARDING THE APPLICATION OF THE GOVERNMENT AGREEMENT OF DECEMBER 7, 1921, TO THE TERRITORY OF THE UNION OF SOCIALIST SOVIET REPUBLICS.

FEDERAL CHANCERY.  
39951/18.

VIENNA, *September 8, 1923.*

Whereas the Russian Socialist Federal Soviet Republic, the Ukrainian Socialist Soviet Republic, the White Russian Socialist Soviet Republic and the Trans-Caucasian Socialist Federal Soviet Republic (consisting of the Socialist Soviet Republics of Azerbaijan, Georgia and Armenia) have amalgamated and formed a single Federal State known as "The Union of Socialist Soviet Republics", and whereas it is desirable that the treaty relations constituted by the Government Agreement of December 7, 1921, between the Austrian Republic of the one part and the Russian Socialist Federal Soviet Republic and the Ukrainian Socialist Soviet Republic of the other part, should be extended so as to apply to the entire territory of the aforesaid Federal State:

The undersigned Austrian Federal Minister for Foreign Affairs has the honour, on behalf of the Austrian Federal Government, to make the following declaration to the Plenipotentiary Representative of the Union of Socialist Soviet Republics in Vienna:



The Austrian Federal Government and the Government of the Union of Socialist Soviet Republics have agreed that the Agreement between the Federal Government of the Austrian Republic and the Governments of the Russian Socialist Federal Soviet Republic and the Ukrainian Socialist Soviet Republic of December 7, 1921, shall, as from to-day, be applicable as between the Austrian Republic and the Union of Socialist Soviet Republics.

The undersigned Austrian Federal Minister for Foreign Affairs hopes to receive a declaration in similar terms from the Plenipotentiary Representative of the Union of Socialist Soviet Republics, and has the honour, etc.,

(Signed) GRÜNBERGER.

To Herr Michael LEWITZKI,  
Plenipotentiary of the Union of Socialist  
Soviet Republics in  
Vienna.

PLENIPOTENTIARY REPRESENTATIVE  
OF THE UNION OF SOCIALIST SOVIET REPUBLICS.

VIENNA, *September 8, 1923.*

Whereas the Russian Socialist Federal Soviet Republic, the Ukrainian Socialist Soviet Republic, the White Russian Socialist Soviet Republic and the Trans-Caucasian Socialist Federal Soviet Republic (consisting of the Socialist Soviet Republics of Azerbaijan, Georgia and Armenia) have amalgamated and formed a single Federal State known as "The Union of Socialist Soviet Republics", and whereas it is desirable that the treaty relations constituted by the Government Agreement of December 7, 1921, between the Russian Socialist Federal Soviet Republic and the Ukrainian Socialist Soviet Republic of the one part and the Austrian Republic of the other part, should be extended so as to apply to the entire territory of the aforesaid Federal State :

The undersigned Plenipotentiary Representative of the Union of Socialist Soviet Republics in Vienna has the honour to make the following declaration on behalf of the Government of the Union of Socialist Soviet Republics to the Austrian Federal Minister for Foreign Affairs :

The Government of the Union of Socialist Soviet Republics and the Austrian Federal Government have agreed that the Agreement between the Governments of the Russian Socialist Federal Soviet Republic and the Ukrainian Socialist Soviet Republic and the Federal Government of the Austrian Republic of December 7, 1921, shall, as from to-day, be applicable as between the Union of Socialist Soviet Republics and the Republic of Austria.

The undersigned Plenipotentiary Representative of the Union of Socialist Soviet Republics hopes to receive a declaration in similar terms from the Austrian Federal Minister for Foreign Affairs, and has the honour, etc.

(Signed) M. LEWITZKY.

To Dr. Alfred GRÜNBERGER,  
Austrian Federal Minister  
for Foreign Affairs,  
Vienna.