

TREATY BETWEEN THE ESTHONIAN DEMOCRATIC REPUBLIC AND THE UKRAINIAN SOCIALIST SOVIET REPUBLIC, RESPECTING FUTURE RELATIONS, SIGNED AT MOSCOW, NOVEMBER 25, 1921

The ESTHONIAN DEMOCRATIC REPUBLIC of the one hand, and the UKRAINIAN SOCIALIST SOVIET REPUBLIC of the other, inspired by a sincere desire to establish on a solid basis, in conformity with the principles of law and justice, future relations which will ensure the advantages of peace for both Governments and their peoples, have resolved for this purpose, to enter into negotiations and have appointed as their Plenipotentiaries:

The GOVERNMENT OF THE ESTHONIAN DEMOCRATIC REPUBLIC:

M. Denis GEORGIÉVITCH VARES,
and M. Ferdinand-ADAMOVITCH VELLNER;

and

The GOVERNMENT OF THE UKRAINIAN SOCIALIST SOVIET REPUBLIC:
Georges MICHAÏLOVITCH KOTSIUBINSKI.

These representatives being assembled in the city of Moscow and having mutually examined the powers with which they were furnished, which were recognised to be in good and due form, agreed on the following terms:

Article 1.

The Esthonian Democratic Republic and the Ukrainian Socialist Soviet Republic established by the will of their peoples, shall mutually recognise each others independence, freedom and sovereignty and all the legal consequences resulting therefrom, together with the national frontiers which each of the Contracting Parties possesses in common with Russia and the other neighbouring States.

Article 2.

Esthonia and the Ukraine declare that the fact that their territory and peoples were formerly within the jurisdiction of the Russian Empire, shall not entail any mutual obligations on the part of the two Contracting Parties.

Article 3.

Both Contracting Parties undertake:

(1) To prohibit the presence of any army within their territories, other than their own national armies or the armies of friendly States with whom one of the Contracting Parties has concluded a military Convention, but who are not in an actual state of war with the other Contracting Party; also to forbid the recruiting and mobilisation within their territories of men for the armies of States, organisations or parties constituted for the purpose of waging war against the other Contracting Party.

(2) To forbid the formation and presence within their territories of any sort of organisation or party claiming to be the Government of the whole territory of the other Contracting Party or of part thereof, and also the representatives and officials of organisations and parties whose object is to overthrow the Government of the other Contracting Party.

(3) To prohibit Governments who are in an actual state of war with the other Contracting Party, or organisations and parties whose object is to engage in warfare against the other Contracting Party, the transport through their ports and through their territories of any kind of armed forces, military equipment, military technical material, artillery, intendance, engineer or air services, which might be employed in attacking the other Contracting Party or which is the property of the above-mentioned governments, organisations and parties.

(4) To prohibit, except in such cases as are provided for by international law, the passage through their ports and the navigation of their territorial waters by any war vessels, gunboats, torpedo boats, etc., belonging either to organisations or parties whose object is to wage war against the other Contracting Party or belonging to Governments which are in a State of war with the other Contracting Party and whose object is to attack the other Contracting Party, and such prohibition shall take effect immediately the Contracting Party, within whose territory the waters and ports in question are situated, becomes aware of such intentions.

Article 4.

Each of the Contracting Parties shall undertake to respect the flag and arms of the other party, as emblems of a friendly power. The designs on the flags and arms, and any changes in these designs, shall be communicated through diplomatic channels.

Article 5.

Should the perpetual neutrality of Esthonia receive international recognition, the Ukraine undertakes to recognise the fact and to guarantee its observance.

Article 6.

Within one year from the date of the ratification of this Treaty, any person who is a native of a place situated in Esthonian territory, but who resides in Ukrainian territory and who is aged 18 or over, may opt for Esthonian nationality. Similarly, persons not of Esthonian nationality who reside in Esthonian territory may opt for Ukrainian nationality.

The conditions and regulations which shall govern the exercise of such option shall be laid down in an Annex to the present Treaty.

Article 7.

The Governments of the two Contracting Parties undertake reciprocally to return all libraries, archives, scholastic material, documents, works of art and other property removed from Esthonian (or Ukrainian) territory during the late war and belonging to educational and scientific establishments; local, government or public institutions; religious communities and charitable societies, which are or were formerly established in Esthonian (or Ukrainian) territory, in so far as this property is in or shall come into the possession of the Government, or of Ukrainian (or Esthonian) Government institutions.

The Government of the Ukrainian Socialist Soviet Republic undertakes to restore to the Esthonian Government all archives and business documents belonging to private institutions and documents relating to property such as deeds of purchase or mortgage, contracts of lease, documents relating to financial transactions of every kind and so on, which may be important for determining the proprietary rights of Esthonian citizens, in so far as these documents were removed from Esthonian territory within the period 1914-

1917 and are in the possession of the Government or of the Government organs of the Ukrainian Socialist Soviet Republic.

The two Governments undertake reciprocally to restore all archives, libraries, museums and works of art which are of material, scientific, artistic or historic interest to Esthonia (or the Ukraine) and were removed from Esthonia into the Ukraine (or from the Ukraine into Esthonia) before the late war, in so far as they are the property of the Esthonian (or Ukrainian) nations and are in the possession of the Ukrainian Socialist Soviet Republic (or Esthonian) Governments and in so far as their restitution would occasion no essential loss to the archives, libraries, museums and picture galleries in the Ukraine (or in Esthonia) in which they are at present stored.

NOTE 1.

The cost of transporting the objects mentioned in Article 7 of this Treaty to the Ukrainian (or Esthonian) frontiers, shall be borne by the Government of the country which is restoring them.

NOTE 2.

With a view to affording Esthonia (or the Ukraine) every possible opportunity for giving effect to the provisions of Article 7 of the present Treaty, the Ukrainian (or Esthonian) Government shall undertake to furnish the Esthonian (or Ukrainian) Government with all necessary information for this enquiry and settlement and to co-operate in every way in conducting investigations with a view to the return of goods, archives, documents and so on.

NOTE 3.

All disputes which may arise in this connection shall be submitted to a Mixed Commission composed of an equal number of representatives of each of the Contracting Parties.

Article 8.

Esthonian nationals in the Ukraine and Ukrainian nationals in Esthonia shall enjoy the same rights as are in general accorded by the legislation of both Republics to foreigners who are nationals of friendly States.

Article 9.

The Government of the Ukrainian Socialist Soviet Republic shall permit Esthonian nationals who are proprietors of enterprises which have not been nationalised:

- (a) To direct and manage these enterprises, for their own profit, due regard being paid to the decrees and regulations promulgated in this connection by the Ukrainian Socialist Soviet Republic.
- (b) To liquidate these enterprises by disposing of them to other persons or institutions, provided that their scope and production is preserved intact and that the consent of the competent authorities is obtained — and
- (c) To transfer these enterprises abroad at their own expenses.

NOTE.

The Esthonian Government may, through its national commissioner for foreign affairs, address to the Ukrainian Council of National Economy a request that the question of the

nationalisation of private enterprises belonging to Estonian nationals may be re-considered. The decision of the Ukrainian Council for National Economy shall, however, be final.

Article 10.

The Government of the Ukrainian Socialist Soviet Republic shall undertake to draw up with the Government of the Estonian Republic a statement of requisitions made to Estonian nationals by the Soviet authorities entitled to carry out these requisitions, with the exception of such requisitions as were carried out in accordance with the decrees and regulations of the Ukrainian Socialist Soviet Republic.

NOTE.

All claims for payment for requisitions which have been carried out shall be examined and settled by the Mixed Commission composed of an equal number of representatives of both Parties.

Article 11.

Moveable property left on the death of a national of one of the Contracting Parties, and situated in the territory of the other Party, shall be placed in the care of the Consul, or an official of the deceased person's Government and questions of succession, or concerning the partition of the property shall be governed by the laws of the country of the deceased person.

Article 12.

The Contracting Parties shall undertake, immediately after the instruments of ratification of the present Treaty have been exchanged, to conclude a Treaty regarding Commerce and Transit, and a Postal and Telegraphic Convention.

Article 13.

Until the conclusion of the Commercial Treaty, relations between Estonia and the Ukraine shall be governed, in commercial matters, by the following principles, which shall form the basis of the future Commercial Treaty:

(a) Goods exported from, or consigned to the territory of one of the Contracting Parties, in transit through the territory of the other Contracting Party, shall not be subjected, in the territory of the Contracting Party through which they are passing, to any import or export duties, or to any transit dues.

(b) The freight charges on the goods in transit referred to in sub-section (a), shall not be higher than those of the tariffs for similar goods of the country in which they are in transit.

(c) Vessels of the Estonian and Ukrainian Mercantile Marine shall be entitled to make use of the ports of the Contracting Parties in the same way as merchant vessels of other friendly States.

Article 14.

Diplomatic and Consular relations between the Contracting Parties shall be established immediately after the ratification of the present Treaty.

After the ratification, both parties shall be bound immediately to conclude a Consular Convention, and, until this Convention is concluded, the rights and responsibilities of

Consuls shall be determined by means of Decrees promulgated in this connection by each of the Contracting States, and in accordance with the general procedure of International Law.

Article 15.

(1) Immediately after the ratification of the present Treaty, the Estonian Government shall grant an amnesty to Ukrainian nationals and persons who have opted for the Ukrainian nationality, and the Ukrainian Government shall do the same for Estonian nationals and persons who have opted for Estonian nationality, whether they belong to the military or civil population, who are undergoing punishment for any kind of political or disciplinary offence. Moreover, persons who are released from imprisonment must immediately quit the country in which they were imprisoned. If sentence for these offences has not already been passed, proceedings shall be stayed.

Persons who commit the above-mentioned offences after the signature of the present Treaty shall not be included in the amnesty.

NOTE.

If the release from imprisonment of persons who are thus entitled to be released constitutes a danger to public security, these persons shall not be released, but they shall be handed over to the other Contracting Party, if that Party so requires.

(2) Persons who are under arrest or who are undergoing trial, or who are detained on accusation for crimes or misdemeanours committed before the signature of this Treaty, or who are serving sentence for such offences, shall immediately be handed over to their Government at the latter's request.

When extradition takes place the documents concerning the case shall also be handed over.

Article 16.

The settlement of questions of public or private law, which may arise between nationals of the Contracting Parties, and also the settlement of all private disputes between the two States or between one of the States and a national of the other State, shall be submitted to a mixed Commission composed of an equal number of representatives of both Parties, which shall be set up immediately after the ratification of the present Treaty. The constitution, rights and responsibilities of this Commission shall be established by a Convention to be concluded later between the two Contracting Parties.

Article 17.

The present Treaty has been drawn up in Estonian, Ukrainian and Russian. In questions of interpretation all three texts shall be authentic.

Article 18.

The present Treaty shall be ratified within one month from the date of its signature, and shall enter into force immediately it has been ratified.

The exchange of the instruments of ratification shall take place in the City of Moscow.

Wherever in the present Treaty reference is made to the date of ratification, this shall be taken to refer to the moment when the instruments of ratification are exchanged.

In witness whereof the Plenipotentiaries of the two Contracting Parties have signed the present Treaty in duplicate and have affixed their seal thereto.

Moscow, this twenty-fifth day of November of the year nineteen hundred and twenty-one.

(L. S.) D. VARES.

(L. S.) FERD. VELLNER.

(L. S.) G. KOTSIUBINSKI.

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