

RUSSO-MONGOLIAN AGREEMENT AND PROTOCOL

Signed at Urga on the 21st October (3rd November) 1912.

AGREEMENT.

In accordance with the desire unanimously expressed by the Mongolians to maintain the national and historic constitution of their country, the Chinese troops and authorities were obliged to evacuate Mongolian territory, and Djebzoun Damba-Khutukhta was proclaimed Ruler of the Mongolian people. The old relations between Mongolia and China thus came to an end.

At the present moment, taking into consideration the facts stated (above, as well as the mutual friendship which has always existed between the Russian and Mongolian nations, and in view of the necessity of defining exactly the system regulating trade between Russia and Mongolia;

The actual State Councillor Ivan Korostovetz, duly authorized for the purpose by the Imperial Russian Government; and

The protector of the ten thousand doctrines Sain-noin Khan Namnan-Souroun, President of the Council of Ministers of Mongolia;

The plenipotentiary Tchin-souzouktou Tzin-van Lama Tzerin Tchimet, Minister of the Interior

The plenipotentiary Daitzin-van Handa-dorji, of the rank of Khan-erdeni, Minister for Foreign Affairs

The plenipotentiary Erdeni Dalai Tzun-van Gombo-Souroun Minister of War

The plenipotentiary Touchetou Tzun-van Tcliakdorjab, Minister of Finance and

The plenipotentiary Erdeni Tzun-van Namsarai, Minister of Justice

Duly authorized by the Ruler of the Mongolian nation, by the Mongolian Government and by the ruling Princes, have agreed as follows

ARTICLE I

The Imperial Russian Government shall assist Mongolia to maintain the autonomous regime which she has established, as also the right to have her national army, and, to admit neither the presence of Chinese troops on her territory nor the colonization of her land by the Chinese.

ARTICLE 2.

The Ruler of Mongolia and the Mongolian Government shall grant, as in the past, to Russian subjects and trade the enjoyment in their possessions of the rights and privileges enumerated in the protocol annexed hereto.

It is well understood that there shall not be granted to other foreign subjects in Mongolia rights not enjoyed there by Russian subjects.

ARTICLE 3.

If the Mongolian Government finds it necessary to conclude a separate treaty with China or another foreign Power, the new treaty shall in no case either infringe the clauses of the present agreement and of the protocol annexed thereto, or modify them without the consent of the Imperial Russian Government.

ARTICLE 4.

The present amicable agreement shall come into force from the date of its signature.

In witness whereof the respective plenipotentiaries, having compared the two texts, Russian and Mongolian, of the present agreement, made in Duplicate, and having found the two texts to correspond, have signed them, have affixed thereto their seals, and have exchanged texts.

Done at Urga on the 21st October 1912, corresponding to the 24th day of the last autumn month of the 2nd year of the reign of the Unanimously Proclaimed, according to the Mongolian calendar.

**Protocol annexed to Russo-Mongolian Agreement
of the 21st October (3rd November 1912)**

By virtue of the enactment of the second article of the agreement, signed on this (late between Actual State Councillor, Ivan Korostovetz, Plenipotentiary of the Imperial Russian Government, and the President of the Council of Ministers of Mongolia, Sain-noin Khan Namnan-Souroun, the Protector of ten thousand doctrines the Plenipotentiary and Minister of the Interior, Tchin-souzouktou Tzin-van Lama Tzerin-Tchimet the Plenipotentiary and Minister for Foreign Affairs, Daitzin-van Handa-dorji of the rank of Khan-erdeni the Plenipotentiary and Minister of War, Erdeni Dalai Tzun-van Gombo-Souroun the Plenipotentiary and Minister of Finance, Tuuchetou Tzun-van Tchakdorjab and the Plenipotentiary and Minister of Justice, Erdeni Tzun-van Namsarai, on the authority of the Ruler of Mongolia, the Mongolian Government, and the Ruling Princes the above-named Plenipotentiaries have come to an agreement respecting the following articles, in which are set forth the rights and privileges of Russian subjects in Mongolia, some of which they already enjoy, and the rights and privileges of Mongolian subjects in Russia

ARTICLE I

Russians subjects, as formerly, shall enjoy the right to reside and move freely from one place to another throughout Mongolia; to engage there in every kind of commercial, industrial, and other business; and to enter into agreements of various kinds, whether with individuals, or finds, or institutions, official or private, Russian, Mongolian, Chinese, or foreign.

ARTICLE 2.

Russian subjects, as formerly, shall enjoy the right at all times to import and export, without payment of import and export dues, every kind of product of the soil and industry of Russia, Mongolia. and China, and other countries, and to trade freely in it without payment of any duties, taxes, or other dues. The enactments of this (2nd) article shall not extend to combined Russo-Chinese undertakings, or to Russian subjects falsely declaring themselves to be owners of wares not their property.

ARTICLE 3.

Russian credit institutions shall have the right to open branches in Mongolia, and to transact all kinds of financial and other business, whether with individuals, institutions, or companies.

ARTICLE 4.

Russian subjects may conclude purchases and sales in cash or by an exchange of wares (barter), and they may conclude agreements on credit. Neither khoshuns nor the Mongolian Treasury shall be held responsible for the debts of private individuals.

ARTICLE 5.

The Mongolian authorities shall not preclude Mongolians or Chinese from completing any kind of commercial agreement with Russian subjects, from entering into their personal service, or into commercial and industrial undertakings formed by them. No rights of monopoly as regards commerce or industry shall be granted to any official or private companies, institutions, or individuals in Mongolia. It is, of course, understood that companies and individuals who have already received such monopolies from the Mongolian Government previous to the conclusion of this agreement shall retain their rights and privileges until the expiry of the period fixed.

ARTICLE 6.

Russian subjects shall be everywhere granted the right, whether in towns or 'khoshuns', to hold allotments on lease, or to acquire them as their own property for the purpose of organizing commercial industrial establishments, and also for the purpose of constructing houses, shops, and stores. In addition, Russian subjects shall have the right to lease vacant lands for cultivation. It is, of course, understood that these allotments shall be obtained and leased for the above-specified purposes, and not for speculative aims. These allotments shall be assigned by agreement with the Mongolian Government in accordance with existing laws of Mongolia, everywhere excepting in sacred places and pasture lands.

ARTICLE 7

Russian subjects shall be empowered to enter into agreements with the Mongolian Government respecting the working of minerals and timber, fisheries, &c.

ARTICLE 8.

The Russian Government shall have the right, in agreement with the Government of Mongolia, to appoint consuls in those parts of Mongolia it shall deem necessary. Similarly, the Mongolian Government shall be empowered to have Government agents at those frontier parts of the Empire where, by mutual agreement, it shall be found necessary.

ARTICLE 9.

At points where there are Russian consulates, as also in other localities of importance for Russian trade, there shall be allotted, by mutual agreement between Russian consuls and the Mongolian Government, special factories for various branches of industry and the residence of Russian subjects. These factories shall be under the exclusive control of the above-mentioned consuls, or of the heads of Russian commercial companies if there be no Russian consul.

ARTICLE 10.

Russian subjects, in agreement with the Mongolian Government shall retain the right to institute, at their own cost, a postal service for the dispatch of letters and the transit of wares between various localities in Mongolia and also between specified localities and points on the Russian frontier. In the event of the construction of 'stages' and other necessary buildings, the regulations set forth in article 6 of this protocol must be duly observed.

ARTICLE 11.

Russian consuls in Mongolia, in case of need, shall avail themselves of Mongolian Government postal establishments and messengers for the dispatch of official correspondence, and for other official requirements, provided that the gratuitous requisition for this purpose shall not exceed one hundred horses and thirty camels per month. On every occasion, a courier's passport must be obtained from the Government of Mongolia. When travelling, Russian consuls, and Russian officials in general, shall avail themselves of the same establishments upon payment. The right to avail themselves of Mongolian Government 'stages' shall be extended to private individuals, who are Russian subjects, upon payment for the use of such 'stages' of amounts which shall be determined in agreement with the Mongolian Government.

ARTICLE 12.

Russian subjects shall be granted the right to sail their own merchant-vessels on, and to trade with the inhabitants along the banks of, those rivers and their tributaries which, running first through Mongolia, subsequently enter Russian territory. The Russian Government shall afford the Government of Mongolia assistance in the improvement of navigation on these rivers, the establishment of the necessary beacons, &c The Mongolian Government authorities shall assign on these rivers places for the berthing of vessels, for the construction of wharves and warehouses, for the preparation of fuel, &c., being guided on these occasions by the enactments of article 6 of the present protocol.

ARTICLE 13.

Russian subjects shall have the right to avail themselves of all land and water routes for the carriage of wares and the droving of cattle, and, upon agreement with the Mongolians authorities, they may construct, at their own cost, bridges, ferries, &c with the right to exact a special due from persons crossing over.

ARTICLE 14.

Travelling cattle, the property of Russian subjects, may stop for the purpose of resting and feeding. In the event of prolonged halts being necessary, the local authorities shall assign proper pasturage areas along travelling cattle routes, and at cattle markets. Fees shall be exacted for the use of these pasturing areas for periods exceeding three months.

ARTICLE 15.

The established usage of the Russian frontier population harvesting (hay), as also hunting and fishing, across the Mongolian border shall remain in force in the future without any alteration.

ARTICLE 16.

Agreements between Russian subjects and institutions on the one side and Mongolians and Chinese on the other may be concluded verbally or in writing, and the contracting parties may present the agreement concluded to the local Government authorities for certification. Should the latter see any objection to certifying the contract, they must immediately notify tile fact to a Russian consul and the misunderstanding which has arisen shall be settled in agreement with him.

It is hereby laid down that contracts respecting real estate must be in written form, and presented for certification and confirmation to the proper Mongolian Government authorities and a Russian consul. Documents bestowing rights to exploit natural resources require the confirmation of the Government of Mongolia. In the event of disputes arising over agreements concluded verbally or in writing, the parties may settle the matter amicably with the assistance of arbitrators selected by each party. Should no settlement be reached by this method, the matter shall be decided by a mixed legal commission.

There shall be both permanent and temporary mixed legal commissions. Permanent commissions shall be instituted at the places of residence of Russian consuls, and shall consist of the consul, or his representative, and a delegate of the Mongolian authorities of corresponding rank. Temporary commissions shall be instituted at places other than those already specified, as cases arise, and shall consist of representatives of a Russian consul and the prince of that 'khoshun' to which the defendant belongs or in which he resides. Mixed commissions shall be empowered to call in as experts persons with a knowledge of the case from among Russian subjects, Mongolians and Chinese. The decisions of mixed legal commissions shall be put into execution' without delay,

in case of Russian subjects through a Russian consul and in case of Mongolians and Chinese through the prince of the 'khoshun' to which the defendant belongs or in which lie is resident.

ARTICLE 17.

The present protocol shall come into force from the date of its signature. In witness whereof, the respective plenipotentiaries, finding, upon comparison of the two parallel texts of the present protocol - Russian and Mongol - drawn up in duplicate, that the texts correspond, have signed each of them, affixed their seals, and exchanged texts.

Executed at Urga, the 21st October 1912 (o.s.), and by the Mongolian calendar, on the twenty-fourth day of the last autumn moon, in the second year of the administration of the 'Unanimously Proclaimed'

In the original follow the signature of M. Korostovetz, Minister Plenipotentiary; and in the Mongol language the signatures of the President of the Mongolian Council of Ministers, and the Plenipotentiaries, the Ministers of the Interior, Foreign Affairs, War, Finance, and of Justice.