

## ESTHONIE ET LETTONIE

Convention au sujet du tracé sur le terrain de la frontière entre les deux Etats, des droits des citoyens de la zone limitrophe et sur la situation des propriétés immobilières partagées par la ligne frontière. Instruction à la commission mixte relative au tracé sur le terrain de la frontière entre l'Esthonie et la Lettonie, signées à Riga le 19 octobre 1920.

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## ESTHONIA AND LATVIA

Convention regarding the delimitation on the spot of the frontier between the two States, and also regarding the rights of the citizens in the frontier zone and the status of immovable property intersected by the frontier line. Instructions to the Mixed Commission for the delimitation on the spot of the frontier between Esthonia and Latvia, signed at Riga, October 19, 1920.

## TEXTE RUSSE. — RUSSIAN TEXT.

№ 437. — КОНВЕНЦИЯ<sup>1</sup> МЕЖДУ ЛАТВІЕЙ И ЭСТИ ОБЪ УСТАНОВЛЕНІИ И ПРОВЕДЕНІИ ВЪ НАТУРЪ ГОСУДАРСТВЕННОЙ ГРАНИЦЫ МЕЖДУ НАЗВАННЫМИ РЕСПУБЛИКАМИ, О ПРАВАХЪ ГРАЖДАНЪ ОДНОЙ ИЗЪ ДОГОВАРИВАЮЩИХСЯ СТОРОНЪ НА ТЕРРИТОРИИ ДРУГОЙ И О ПОЛОЖЕНІИ НЕДВИЖИМОСТЕЙ, ПЕРЕСЪКАЕМЫХ ПОГРАНИЧНОЙ ЛИНИЕЙ, ПОДПИСАННАЯ ВЪ РИГЪ 19-го ОКТЯБРЯ 1920 Г.

*Texte officiel russe communiqué par le Ministre des Affaires étrangères de Lettonie. L'enregistrement de cette Convention a eu lieu le 16 juin 1923.*

*Official Russian text communicated by the Latvian Minister for Foreign Affairs. The registration of this Convention took place June 16, 1923.*

ЛАТВІЯ съ одной стороны и ЭСТИ съ другой признали нужнымъ заключить нижеслѣдующій договоръ и для сего назначили уполномоченными :

ПРАВИТЕЛЬСТВО РЕСПУБЛИКИ ЛАТВІИ :

Зигфрида Мейеровица и Юлія Фельдмана.

ПРАВИТЕЛЬСТВО ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКИ ЭСТИ :

Александра Геллатъ и подполковника Гинном, Арнольдъ

Означенные уполномоченные, съѣхавшись въ Ригѣ, по взаимномъ предъявленіи своихъ полномочій, признанныхъ составленными въ надлежащей формѣ и полномъ порядкѣ, согласились въ нижеслѣдующемъ :

*Статья 1.*

Не предрѣшая вопроса объ установленіи постоянной границы между обѣими республиками, обѣ стороны соглашаются признать чертою разграниченія между республиками Латвіей и Эсти пограничную линію, установленную рѣшеніемъ третейскаго судьи полк. Таллента отъ 1—3 іюля 1920 г.

*Статья 2.*

Граница между обѣими республиками проводится въ натурѣ смѣшанной пограничной комиссіей, въ которую входятъ по 3 члена съ каждой стороны и наносится ею на 2 карты, масштабомъ полверсты въ дюймѣ, изъ коихъ каждая сторона получаетъ по одному экземпляру.

Работа этой смѣшанной комиссіи происходитъ согласно прилагаемой при семъ инструкціи ; на основаніи послѣдней же должны быть окончательны разрѣшены самой же комиссіей и всѣ затрудненія, могущія возникнуть при фактическомъ проведеніи границы въ натурѣ.

*Примѣчаніе.* Расходы по проведенію смѣшанной комиссіей государственной границы по установленіи ихъ комиссіей и утвержденіи правительствами обѣихъ сторонъ, ложатся на обѣ договаривающіяся стороны въ равныхъ доляхъ.

*Приложеніе.* Инструкція для смѣшанной комиссіи по проведенію въ натурѣ государственной границы между Латвіей и Эсти.

<sup>1</sup> L'échange des ratifications a eu lieu le 24 mars 1921.

<sup>1</sup> The exchange of ratifications took place March 24, 1921.

<sup>1</sup> TRANSLATION.

No. 437. — CONVENTION BETWEEN ESTHONIA AND LATVIA REGARDING THE DELIMITATION ON THE SPOT OF THE FRONTIER BETWEEN THE TWO STATES, AND ALSO REGARDING THE RIGHTS OF THE CITIZENS IN THE FRONTIER ZONE AND THE STATUS OF IMMOVABLE PROPERTY INTERSECTED BY THE FRONTIER LINE, SIGNED AT RIGA OCTOBER 19, 1920.

ESTHONIA on the one hand and LATVIA on the other have found it necessary to conclude an agreement and for this purpose have appointed as Plenipotentiaries :

The GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF ESTHONIA :

M. Alexander HELLAT, and  
Lieutenant-Colonel Arnold HINNO.

The GOVERNMENT OF THE REPUBLIC OF LATVIA :

M. Zigfrid MEIEROVICZ, and  
M. Julius FELDMANS.

The above-mentioned Plenipotentiaries, after their arrival at Riga and the communication of their powers, which were found in good and due form, have agreed as follows :

*Article 1.*

Without definitely deciding the question of the frontier line between the two Republics, both Parties agree to recognise as the frontier line between Esthonia and Latvia the line established by the Arbitrator, Colonel Tallent, on July 1, 1920.

*Article 2.*

The frontier line between the two Republics shall be traced on the spot by a Mixed Frontier Commission, composed of three members of each Party and shall be shown by them on two maps (scale  $\frac{1}{2}$  verst to the inch) of which each Party shall receive a copy.

The work of this Commission shall be carried out according to instructions annexed hereto. All differences which may arise during the actual demarcation of the frontier line must be decided by the Commission on the basis of the above-mentioned instructions.

*Note.* The total expenses incurred in the delimitation of the frontier line on the spot is to be decided by the Mixed Commission, ratified by the Governments of both parties and borne in equal proportion by the Contracting Parties.

*Annex.* The instructions for the Mixed Commission for the delimitation on the spot of the international frontier line between Esthonia and Latvia.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

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

*Article 3.*

The frontier line shall be marked on the spot by visible signs. Independently of this both Parties by mutual agreement or each Party separately may put obstacles to impede the crossing of the frontier all along the line or at some given part thereof, as deemed necessary.

*Article 4.*

In order to cross the frontier, customs and crossing offices have been established at the following places :

- a) Customs Offices .....
- b) Crossing Offices .....

As the development of relations between the two States may necessitate an increase in the number of these offices, both Parties reserve the right to establish new customs offices. Should one Party propose to open a new office at a certain time and place, the other Party must be informed one month before its opening, after which the office may begin its activities. New crossing offices can only be opened by mutual agreement between the two Parties.

*Article 5.*

The crossing of the frontier anywhere but at the established points shall be prohibited. Temporary exemption from this rule for proprietors of immovable property intersected by the frontier line and also for the members of their households and their workers is indicated in Article 17.

*Note.* Regulations for the crossing of the frontier at the Custom-houses and crossing points as well as for the persons inhabiting the frontier zones shall be compiled by a Special Commission at Walk. This Commission shall be composed of three members from each Party and its decisions shall be ratified by the Governments of both Parties.

*Article 6.*

Esthonian-born subjects who have lived within the Latvian frontiers previously and up to July 17, 1920, and Latvian-born subjects having resided within the Esthonian frontiers within the same dates, shall have the right to opt for their nationality—*i.e.* Esthonians—Esthonian and Latvians—Latvian—within two years from the date of the ratification of this Agreement. For this purpose they must be obliged to make a written declaration of their desire to the Consul of the country of which they wish to become citizens and must receive an acknowledgment of same from the Consul. Persons who have refused the right of option before the publication of this Agreement shall still have the right to opt.

*Note.* Persons having resided within the territory of one of the Contracting Parties and having been obliged to leave their residence owing to the World War or to the ensuing Civil War shall have the right of opting within the indicated time if they returned after July 17, 1920, and before October 1, 1920.

*Article 7.*

Up to the time of the making of such declarations, Esthonian-born subjects residing in Latvian territory or Latvian-born subjects residing in Esthonian territory shall be nationals of the State in which they reside regardless of their original nationality.

*Note.* This rule shall not apply to persons in possession of passports for proceeding abroad issued by the State in favour of which they desire to opt before the ratification of this Agreement.

*Article 8.*

Wives shall adopt the nationality of their husbands and children under the age of 18 years that of their parents.

Children adopted before the age of 18 years shall assume the nationality of the person by whom they were adopted.

Female nationals of either of the Contracting States married to nationals of the other State and having thus taken the nationality of the latter shall have the right to resume their former nationality one year after the date of divorce.

*Article 9.*

The Parties shall mutually bind themselves not to take on their own territory any repressive or other action against nationals who have opted for the nationality of the other Party, except such measures as it may be necessary to take in the interest of the State against persons residing in its territory, including its own nationals.

*Article 10.*

Persons who have exercised the right to opt may, if they so desire, within one year from the date of the declaration of their wish to opt, leave their present residence for the State in favour of which they have opted and shall have the right to take with them all their movable property without any payment or duty whatsoever except transport expenses to be reckoned according to the regular tariff.

Refugees and persons permanently resident in one State who are, however, nationals of the other, on returning to their own country for permanent residence, shall enjoy, within one year from the date of the ratification of this Agreement, the same rights with regard to the transport of their movable property as the persons above mentioned.

When transporting their property across the frontier the persons indicated above shall be required to produce a certificate issued by the Consul of the State in favour of which they have opted, certifying their right to transport their property according to the conditions set out in the following clause of the present Agreement.

*Article 11.*

The Contracting Parties shall mutually bind themselves not to impede the transportation of the above-mentioned property by any prohibition whatsoever, except in cases where the property is not owned by the persons who have exercised the right to opt for use in their households or for the needs thereof.

*Article 12.*

Persons having availed themselves of the right to opt shall retain their rights over the immovable property in the State of their present residence under the same conditions as the nationals thereof.

*Article 13.*

Persons possessing immovable property within the frontiers of one of the Contracting Parties and residing in the other, and persons possessing immovable property intersected by the frontier line, shall have, within one year from the ratification of the present Agreement, the right to opt for the nationality of the State in which the property is situated according to the conditions set out in Article 6 of this Agreement.

*Article 14.*

If the persons indicated in Article 13 do not avail themselves of the right to opt, they shall be considered to be nationals of the State in which they reside.

*Article 15.*

Declarations by minors and persons under guardianship of their desire to opt must be presented by their guardians or legal representatives within the specified time.

*Article 16.*

The proprietors of land and immovable property generally which is intersected by the frontier line, the members of their households and their employees shall have the right to cross the frontier within the limits of their property with their agricultural implements, saddle, harness, etc. and also to transport during the harvest all the produce of their land to their farms ; this regulation to remain in force until the liquidation of that part of the immovable property which is situated in the other State. The above-mentioned persons must carry with them passes issued in stipulated form.

*Article 17.*

The proprietors of immovable property intersected by the frontier line who have been sentenced by the courts for smuggling, or for aiding and abetting such smuggling, or for concealing smugglers or smuggled goods, shall forfeit in perpetuity the rights indicated in the foregoing clause and, within three months after the coming into force of the decision of the court, must liquidate that part of their immovable property which is situated outside the limits of the State in which they reside.

*Article 18.*

The proprietors of immovable property intersected by the frontier line shall be obliged to liquidate, within two years from July 17, 1920, that part of the said property which is intersected by the frontier line in such a manner that the property owned by them is situated on one side of the international frontier only. Should this property not be liquidated within the time specified, the State in which it is situated has the right to expropriate it at a reasonable price.

*Note.* The Mixed Commission appointed to trace the frontier line on the spot (Article 2) can, in exceptional cases, decide that certain extensive and well-managed farms, the

value of which would be depreciated by being divided by the frontier line, should remain undivided. In this case Article 16 should apply to these farms and should remain permanently in force. Under the same conditions the Mixed Commission may grant farmers the right to utilize the annexed meadow- and forest-lands which are adjacent to their farms but are situated within the frontier of the other State.

Registers for properties which are intersected by the frontier line shall be kept by each State respectively and debts relating to these properties shall be borne proportionately by each part thereof.

*Article 19.*

The decisions of the Courts of one or the other State with reference to cases arising out of the transference of territory from the jurisdiction of one State to that of the other as a result of the establishment of the frontier shall remain in force, but any amnesty which may be granted in consequence thereof shall be applicable to such decisions. Nationals who, being inhabitants of the above territories, are serving sentences must be handed over to the other State with all documents concerning their case.

*Article 20.*

From July 1, 1920, the Governments of Esthonia and Latvia shall have the right to collect land taxes from the estates intersected by the frontier line in such a way that the frontier line serves as a limit beyond which taxes may not be levied, *i.e.* independently of whether the estate so intersected belongs to private persons the right of collecting taxes belongs to the State within the frontiers of which the portion of the Estate is situated.

*Article 21.*

The principle indicated in the above clause must serve as guiding for the collection of communal duties and taxes.

*Article 22.*

All documents, maps, notes, deeds regarding property, archives, and all documents regarding the property of the respective States or of private persons or companies, which are in the records of either of the Contracting Parties will be returned by either Party to the State to which they belong by right of ownership.

If such documents should be of importance to both States, the State to which they belong shall retain the original document, but a certified copy of same shall be given to the other State.

*Article 23.*

Should the articles in this Agreement be at variance with those of the General Convention between the Powers who took part in the Riga Conference, priority will be given to the latter Convention should it be drawn up.

*Article 24.*

The present Agreement must be ratified as soon as possible and the exchange of the instruments of ratification must take place at Riga.

In confirmation whereof the Plenipotentiaries of both States have set their signatures hereto.

RIGA, October 19, 1920.

(Signed) A. HELLAT.

(Signed) Lieutenant-Colonel HINNOM.

(Signed) ZIGFRID MEIEROVICS.

(Signed) JULES FELDMANS.

INSTRUCTIONS TO THE MIXED COMMISSION FOR THE DELIMITATION ON THE SPOT OF THE FRONTIER BETWEEN ESTHONIA AND LATVIA.

*(Annex to article 2 of the Convention.)*

(1) A Mixed Commission will be formed on the basis of the Agreement of October 19, 1920, regarding the State frontier between the Esthonian and Latvian Democratic Republics.

(2) The Frontier Commission shall be composed of three members from each State. At the general meetings of the Commission the Chair will be occupied by a member of each State in turn. Experts may be included on the staff of the Commission, the presence of an officer of the Engineers being obligatory. This officer must have at his disposal the necessary men for the tracing and building of the frontier, and a surveying detachment and staff (triangulators, topographers and draughtsmen) for the drawing of the frontier map.

(3) The Commission shall trace the frontier on the spot according to the decision of the Arbitrator and may, with the consent of both Parties, introduce certain changes of a local character for the following purposes: to straighten the frontier line; to reunite farms which had been divided by the Arbitrator; and to make the most reasonable use of the channels of communication.

(4) The territorial concessions connected with the changes in the frontier line mentioned in Clause 3 are to be granted on the principle of compensation. Should it be impossible to reach an agreement, the frontier line shall be maintained as established by the Arbitrator.

*Note.* — Separate farms situated close to the frontier may, at the request of the owners thereof, be joined to the other State on the principle of reciprocity provided that such action is not at variance with the conditions set out in Clause 3 of the present instructions.

(5) The Commission must endeavour to make a frontier zone which is clear, easily visible and unchangeable. For this it is necessary that the frontier line be as far as possible straight and that the apexes of the angles be determined partly by the use of a net triangles and partly by means of polygon lines, in the latter case measuring the angles with the theodolite and the distance by tapemeasure.

(6) The frontier line as established must be definite. All doubts and ambiguities must be removed by an inspection to be undertaken by the Mixed Commission.

(7) The apexes of the angles of the new frontier must be temporarily marked by the Mixed Commission while visiting the frontier. The apexes must be chosen in such a manner as to give the longest possible straight line. The Mixed Commission must give a full description of the points forming a break in the frontier line. The final marking of the apexes of the angles is to be carried out by the surveying detachment.

(8) All the principle apexes are to be marked on the spot by the Frontier Commission by means of artificial mounds having a diameter of one sashen and a height of 2 arshen. Beneath



the hillocks at a depth of  $1\frac{1}{2}$  arshens below the surface a centre-piece must be made of imperishable material and walled in with bricks. Above this centre-piece an iron post must be erected, around which the hillock must be built with stones bound together with cement and finally covered with earth. Around the hillock a small ditch must be made. The arms of the State are to be shown at the top of the post and beneath them must be marked the number of the frontier post. The frontier line shall extend along a straight line from one hillock to the other. On the spot the frontier is to be marked by a frontier zone of 2 arshens. Similar iron posts and hillocks are also to be erected at the main high-roads and rivers where the crossing of the frontier has been established. Along the line of the frontier at a distance of one kilometre from each other, hillocks are to be erected around wooden posts, the base being of stone saturated with cement. The hillocks are to be surrounded by a ditch.

The frontier line passing in the centre of a river is to be determined by perpendiculars from the headline of the polygons on both sides of the river. The boundary from one post to the other is to be marked where possible by means of mounds of earth with hedges on both sides. In forest regions gaps, 6 sashens wide, must be cut on the frontier. The trigonometric nets serve as basis for the surveying of a new frontier zone and the points of same must be calculated on the basis of co-ordinates. For the preliminary outlining of the frontier line on the map mensular surveying must be carried out on a scale of  $\frac{1}{2}$  verst to the inch. The apexes of the angles of the frontier line as well as all details of the zone along both sides of the frontier to a distance of 250 sashens must be shown on the map.

*Note.* -- All forest material obtained by the making of the gaps in the forest regions for the demarcation of the frontier will be equally divided between both parties.

(9) New frontier maps to the scale of  $\frac{1}{2}$  verst to the inch must be made on the basis of calculated co-ordinations of polygon points of a special dimension and on the basis of maps outlined by means of mensular surveying. Explanations of the particular signs used on the map must be given as well as detailed descriptions of the spot on which these particular signs are to be placed. All inscriptions on the maps, except titles and signs, must be in the Esthonian and Latvian languages. Two copies of the frontier maps must be made on the best quality paper and signed by the members of the Mixed Commission to serve as originals for the State agreement and ratification.

(10) After completing the demarcation, measurement and drawing of the frontier map, the frontier zone must be visited and agreed to by the Frontier Commission. The frontier map will be compared with the actual line and any doubts arising will be settled on the spot. The final record will be composed on visiting the frontier.

(11) The expenses incurred by the building of the frontier, surveying and composing of the frontier map will be borne by both States in equal proportion.

(12) The preserving immune of the new frontier marks up to the time of ratification of the agreement and acceptance of the frontier line is the duty of the Frontier Guard according to instructions of the Mixed Commission. The expenses thus incurred will be borne in equal portions by both States.

(13) The Mixed Commission is responsible for the fulfilment of Clause XVIII of the Agreement on the Establishment of the State Frontier between Esthonia and Latvia.

RIGA, October 19, 1920.

(Signed) A. HELLAT.

(Signed) Lieutenant-Colonel HINNOM.

(Signed) ZIGFRID MEIEROVICS.

(Signed) JULES FELDMANS.