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LETTONIE ET LITHUANIE

Convention consulaire, signée à Riga
le 12 juillet 1921.

LATVIA AND LITHUANIA

Consular Convention, signed at Riga,
July 12, 1921.

¹ TRADUCTION. — TRANSLATION.

No. 619. — CONSULAR CONVENTION ² BETWEEN LATVIA AND LITHUANIA, SIGNED AT RIGA ON JULY 12, 1921.

French official text communicated by the Latvian Minister for Foreign Affairs. The registration of this Convention took place May 31, 1924.

The REPUBLIC OF LATVIA, represented by M. SIEGFRIED MEIEROVICS, President of the Council, of the one part, and the LITHUANIAN REPUBLIC, represented by M. Joseph PURYCKIS, Minister for Foreign Affairs, of the other part, having decided to conclude a Consular Convention, have agreed upon the following provisions :

A. STATUS AND PRIVILEGES OF CONSULS.

(1) For the purposes of this Convention, the terms " consul " and " consular official " shall include all officers of the Consular Service who are called upon to perform the duties laid down in the consular regulations of the respective States, that is to say, Consuls-General, Consuls, Vice-Consuls and Consular Agents.

The Contracting States may empower both Consuls of the Consular Service (*consules missi*) and Honorary Consuls (*consules electi*) to perform consular duties. The provisions of this Convention shall apply to the last-named category only in so far as these persons may be authorised by the Consular regulations of the State which they represent to exercise the rights and to perform the duties enumerated in the subsequent articles.

Either of the Contracting Parties may appoint Consuls in all ports, cities and towns of the other party, with the exception of places to which it would not appear desirable to admit such officers. This restriction, however, shall not be applied to either of the Contracting Parties unless it is likewise applied to all other Powers.

2) Consuls shall be considered, on receiving their " exequatur " from the State to which they are accredited, to be official delegates of their Government, but unless invested with diplomatic Powers by letters of authority, they shall not be regarded as *ex officio* representatives of the Sovereign State.

(3) As regards the exercise of their office and the performance of their official duties, Consuls shall be assured of the widest co-operation and the most generous support from the country in which they are resident, in so far as such co-operation and support may be compatible with the ordinary laws of the country.

They shall also be entitled, so far as concerns their status and the performance of their official duties, to all privileges and prerogatives whatsoever enjoyed in the respective States by the Consular representatives of the most-favoured nation as regards their persons and the exercise of their office.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Riga, April 25, 1924.

(4) In order to obtain redress for any infringement, on the part of the authorities of their country of residence, of the treaties and agreements concluded between the two countries, Consuls shall be authorised to apply within their area to the judicial and administrative authorities of their country of residence, to ask them for information and to make proposals to them for the protection of the rights and interests of their fellow-countrymen. Should their complaints not be received with the attention to which they are entitled, Consular officials may, in the absence of a diplomatic representative of their country, apply directly to the Government of their country of residence.

(5) Consuls shall be entitled, in the buildings in which their offices are established, to display above their doors the arms and to fly the national flag of the State which they represent. They shall also be authorised to display on their carriages and on the livery of their servants, the badges of sovereignty of the State which they represent.

(6) Consuls who are nationals of the contracting party which has appointed them shall be immune from arrest or imprisonment in disputes upon matters of civil law, and from imprisonment before trial in respect of misdemeanours, always excepting acts regarded as felonies by the law of the country.

They shall be further exempt from military billeting and requisitioning and also, provided that they do not engage in commerce or carry on any trade in addition to their official duties, from personal or sumptuary requisitions and from all forced loans and taxes of a direct and personal nature. Such exemption shall not extend to customs duties, duties on consumption both general and local, or taxation affecting any landed property which Consuls may acquire or possess in their country of residence.

Consuls dealing with commercial matters shall not have recourse to their Consular privileges in order to evade commercial obligations.

In case of the arrest of a Consul or Consular official, the diplomatic representatives of his country shall be immediately notified by the Government of the country in which the arrest has taken place.

(7) Consuls shall not be bound to appear in person at a court of justice except in criminal cases. In civil cases they shall be asked to give their evidence in writing or in the form of a deposition before a magistrate.

(8) The Consular archives shall be inviolable. In no case and under no pretext shall local authorities have the right to examine or to seize any books, documents or Consular funds which they contain. Consuls shall keep all books and documents relating to the Consular Service separate from their commercial documents or other private papers.

B. PARTICIPATION OF THE STATE OF RESIDENCE IN THE CARRYING-OUT OF CONSULAR DUTIES.

(9) In case of the desertion of a member of the crew from a vessel of the country which the Consul represents, the country of residence shall be bound, at the request of the Consul, to use all means in its power to ensure the discovery of the deserter, to arrest him and to deliver him to the captain.

If, however, the deserter has rendered himself amenable to the courts by any act committed ashore, the competent local authorities may require his surrender to be postponed until such time as judgment shall have been delivered and the sentence of the court carried out.

The provision of this article may be suspended in the case of seamen who are nationals of the country in which they desert.

(10) The judicial and Customs authorities shall not carry out any official act or perquisition on board commercial vessels of one of the contracting States without giving such previous notice to the Consul of the State interested as shall enable him to be present.

(11) In all cases in which the Consul is empowered, in conformity with the regulations of the State which he represents, to intervene as arbiter or mediator in a dispute between the captain

and the crew of a vessel of the State which he represents, the local authorities shall abstain from interference as long as public peace and public order or the interests of third parties are not threatened.

They shall, however, be bound in virtue of Article 3 to assist the Consul if he requests them to do so.

(12) In case of the decease of a national of one of the contracting States in the territory of another contracting State, the following procedure shall be observed :

- (a) In case of the decease of a national of one of the contracting States in another country or in the neighbourhood of a place in which a Consul of the country of the deceased resides, the competent local authorities shall at once notify the Consul. Similarly, if the Consular agent be the first to be informed of the decease, he shall notify the local authorities.

The Consular Authorities shall affix the seals, whether as part of the official routine or at the request of the parties interested, to all effects, goods and papers of the deceased, after notifying the competent local authorities in time to enable them also to be present and to affix their own seals. The removal of the seals affixed by either party shall be carried out in concert with the local authorities. If, however, the local authorities do not present themselves within a period of forty-eight hours from the moment of receiving the invitation to be present at the removal of the seals, the Consular Authorities may carry out this procedure alone. On the removal of the seals, the agents shall draw up an inventory of all goods and effects of the deceased in the presence of the local authorities, if the latter have answered the summons. The local authorities shall sign the minutes drawn up in their presence, but may claim no reimbursement for their attendance at these proceedings.

- (b) The competent local authorities shall make the announcements which are customary in the country or are prescribed by law regarding the issue of probate and the summoning of heirs or creditors, and shall inform the Consular Authorities of their publication, without prejudice to the right of the Consular Authorities to issue similar notice.
- (c) The Consular Authorities may decide that personal property the preservation of which would of itself entail heavy charges on the estate shall be sold at public auction in the form prescribed by the laws and customs of the country.
- (d) The Consular Authorities shall hold in trust, subject to the laws of the country, the effects and objects of value included in the inventory, the sum total of recovered debts and revenues and the proceeds of the sale (if any) of the personal property until the expiration of ten months from the date of the last notification made by the local authorities announcing the issue of probate or, failing such notification, until the expiration of twelve months from the date of decease. The Consular Authorities shall be entitled to collect immediately from the estate the cost of medical attendance and of the funeral of the deceased, the wages of his servants, rent, legal costs, Consular expenses and similar charges, together with any expenses entailed by the maintenance of the family of the deceased.
- (e) In conformity with the provisions of the preceding article, the Consular Authorities shall have the right to take all necessary steps for the preservation of the real and personal estate of the deceased, and any steps which they may consider desirable in the interests of the heirs. They may administer the estate either in person or through a representative nominated by them and acting on their behalf. They shall have the right to require the restitution of all objects of value belonging to the deceased which may be either in the safe keeping of the public authorities or in the hands of private individuals.
- (f) If, during the period specified in Article (d), any claims which may be advanced by, nationals of the country or by nationals of a third Power should lead to a dispute, the courts of law of the country shall have the exclusive right of deciding such

claims, provided that they do not relate to the testamentary dispositions or to any claim to the estate.

If the estate of the deceased shows a deficit, the creditors may, as far as the laws of the country permit, require the competent local authorities to form themselves into a properly constituted body, after which all papers, effects or other personality composing the property shall be delivered to the proper local authorities or to the official assignees; nevertheless, it shall remain the duty of the Consular Authorities to protect the interests of their fellow-countrymen.

- (g) If, at the expiration of the period specified in Article (d), no claim has been presented against the estate, the Consular Authorities shall, after paying and regulating, in accordance with the scale in force in the country, all charges and accounts encumbering the estate, shall take final possession of it, liquidate and make it over to the legal heirs. They shall be accountable only to their own Government in this matter.
- (h) In all questions relating to the reception of claims, the administration and the liquidation of the estate of nationals of either of the two countries in the other, the Consuls concerned shall be legally empowered to act on behalf of the heirs and shall be recognised officially as furnished with full powers to that effect, without the obligation of proving their authority by a power of attorney. The Consular Authorities may deal with the proper authorities of the country either in person or through the agency of a representative empowered by the laws of the country. They may, in all circumstances affecting the estate, protect the interests of the heir, and they may intervene in connection with claims brought against that estate. They shall, however, be obliged, if there are any testamentary executors or agents representing the heirs, to notify them of all claims brought against the estate in order that the testamentary executors or the heirs may urge their objections to such claims.

It follows that Consuls, in their capacity of agents for their fellow-countrymen, shall not be liable to any personal action in matters affecting the estate.

- (i) The right of inheritance and the partition of the estate of the deceased shall be settled according to the laws of his country.

All disputes affecting the right of inheritance and the partition of the estate shall be resolved by the courts of law of the proper authorities of that country in conformity with the laws in force therein.

- (k) In case of the death of a national of one of the contracting States in another contracting State in a place distant from the residence of a Consul of his country, it shall be the duty of the competent local authorities to draw up, in conformity with the laws of the country, an inventory of the estate of the deceased and to affix their seals. Certified copies of the documents in question shall be forwarded at the earliest possible moment, together with the death certificate and all papers proving the nationality of the deceased, to the Consular authority nearest to the place where the estate is situated.

The competent local authorities shall take all steps prescribed by the laws of the country in connection with the estate of the deceased, and the estate shall be made over, as soon as possible after the expiration of the period specified in Article (d), to the Consular Authority above-mentioned or to his representative.

It follows that, from the moment when a competent Consular Authority or his representative arrives at the place where the estate is situated, the local authorities who have intervened in the meanwhile shall be bound to act in conformity with the provisions of that article.

- (l) The provisions of the present Convention shall also apply to the estate of nationals of either of the two countries who have died outside the territory of the other country and have left real or personal property therein.

(m) Consuls of either country shall be solely responsible for the inventory and for all acts involved by the upkeep and the liquidation of the estates of seamen, passengers and other travellers of their nation dying in the other country, whether ashore or on board a vessel.

(13) Consuls shall, in virtue of their office, be responsible for the temporary custody and guardianship of the widows and children under age of nationals of the State which the Consuls represent who may die in their area, and in this capacity they may take all necessary steps admissible under the local laws to protect the interests of surviving relatives and of the estate.

(14) Consuls shall have the right, in so far as the laws and regulations of their country permit :

(a) To receive and certify the unilateral judicial acts and testamentary dispositions of their fellow-countrymen, and also agreements made between nationals of their own country or between the latter and nationals or other inhabitants of the country of their residence ; and also agreements between persons of the latter class relating to landed estates situated within the territory of the country which the Consul represents or to business to be transacted therein ;

(b) To translate and certify all documents received from the authorities or officials of their country.

All such documents, together with copies, extracts and translations, when certified by the above-mentioned Consular Authorities and sealed with the official seal of the Consulate, shall have the same force and the same authority in each of the two countries as if they had been received and certified by a commissioner for oaths or other public or judicial officer belonging to one or the other of the two countries, provided that they shall be subject to stamp duty and to the other duties and taxes by law established in the country in which they are to be executed.

(15) Consuls shall be entitled, within the limits within which they are authorised by the laws of the contracting party which appointed them, to perform the marriages of nationals of that party according to the laws in force therein.

This provision shall not apply to marriages in which one of the parties is a national of the contracting party in which the Consul resides. The latter shall at once notify the local authorities of all marriages which he has performed in virtue of the previous provision.

(16) Consuls shall be entitled to register all births and deaths of the contracting party which appointed them, in conformity with the laws and regulations of that party.

The persons concerned shall nevertheless be bound, to notify the local authorities of births and deaths in accordance with the laws of the country.

C. RATIFICATION AND DURATION OF VALIDITY.

(17) This Convention shall come into force immediately on ratification by the contracting States.

(18) The duration of this Convention shall not be limited. Either contracting State shall have the right to denounce the Convention upon giving notice six months in advance to all other contracting States.

In faith whereof the present Convention was signed in duplicate at Riga this twelfth day of July 1921.

(Signed) Z. A. MEIEROVICS.

(Signed) Dr PURYCKIS.