

N° 1836.

JAPON ET LETTONIE

Traité de commerce et de navigation,
signé à Berlin, le 4 juillet 1925, et
protocole y relatif, signé à Berlin,
le 7 avril 1927.

JAPAN AND LATVIA

Treaty of Commerce and Navigation,
signed at Berlin, July 4, 1925,
and Protocol relating thereto,
signed at Berlin, April 7, 1927.

No. 1836. — TREATY¹ OF COMMERCE AND NAVIGATION BETWEEN THE EMPIRE OF JAPAN AND THE REPUBLIC OF LATVIA. SIGNED AT BERLIN, JULY 4, 1925.

Texte officiel anglais communiqué par le directeur du Bureau impérial du Japon à la Société des Nations et le ministre des Affaires étrangères de Lettonie. L'enregistrement de ce traité a eu lieu le 30 août 1928.

HIS MAJESTY THE EMPEROR OF JAPAN and THE PRESIDENT OF THE LATVIAN REPUBLIC, being desirous of further facilitating and extending the commercial relations already existing between their respective countries, have determined to conclude a Treaty of Commerce and Navigation with this object, and have appointed as their Plenipotentiaries, that is to say :

HIS MAJESTY THE EMPEROR OF JAPAN :

His Excellency Monsieur Kumataro HONDA, His Imperial Majesty's Ambassador Extraordinary and Plenipotentiary to Germany ; and

THE PRESIDENT OF THE LATVIAN REPUBLIC :

His Excellency Monsieur Zigfrids A. MEIEROVICS, Minister for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :

Article I.

The subjects or citizens of each of the High Contracting Parties shall have full liberty to enter and sojourn in the territories of the other, and :

1. Shall, in all that relates to travel and residence, be placed in all respects on the same footing as native subjects or citizens.

2. They shall have the right, equally with native subjects or citizens, to carry on their commerce and manufacture, and to trade in all kinds of merchandise of lawful commerce, either in person or by agents, singly or in partnership with foreigners or native subjects or citizens.

3. They shall in all that relates to the pursuit of their industries, callings, professions, and educational studies be placed in all respects on the same footing as the subjects or citizens of the most favoured nation.

4. They shall be permitted to own or hire and occupy houses, manufactories, warehouses, shops, and premises which may be necessary for them and to lease land for resi-

¹ L'échange des ratifications a eu lieu à Berlin, le 25 août 1928.

dential, commercial, industrial, and other lawful purposes, in the same manner as the subjects or citizens of the most favoured nation.

5. They shall be at full liberty to acquire and possess every description of property, movable or immovable, which the laws of the country permit or shall permit the subjects or citizens of any other foreign country to acquire and possess, subject always to the conditions and limitations prescribed in such laws. They shall be permitted freely to use the property so acquired, in compliance with the laws of the country. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, under the same conditions which are or shall be established with regard to native subjects or citizens. They shall also be permitted, on compliance with the laws of the country, freely to export the proceeds of the sale of their property and their goods in general without being subjected as foreigners to other or higher duties than those to which subjects or citizens of the country would be liable under similar circumstances.

6. They shall enjoy constant and complete protection and security for their persons and property ; shall have free and easy access to the Courts of Justice and other tribunals in pursuit and defence of their claims and rights ; and shall have full liberty, equally with native subjects or citizens, to choose and employ lawyers and advocates to represent them before such Courts and tribunals ; and generally shall have the same rights as native subjects or citizens in all that concerns the administration of justice.

7. They shall not be compelled to pay taxes, fees, charges or contributions of any kind whatever, other or higher than those which are or may be paid by native subjects or citizens or the subjects or citizens of the most favoured nation.

It is understood, however, that the subjects or citizens of the High Contracting Parties shall have to conform themselves, in respect of the foregoing stipulations, to the special laws, ordinances and regulations of the country which are generally applicable to all foreigners alike.

Article II.

The subjects or citizens of each of the High Contracting Parties in the territories of the other shall be exempted from all compulsory military services, whether in the army, navy, national guard, or militia, including air forces ; from all contributions imposed in lieu of personal service ; and from all forced loans and military requisitions or contributions unless imposed on them equally with native subjects or citizens as owners, lessees, or occupiers of immovable property.

In the above respects the subjects or citizens of each of the High Contracting Parties shall not be accorded in the territories of the other less favourable treatment than that which is or may be accorded to the subjects or citizens of the most favoured nation.

Article III.

The dwellings, warehouses, manufactories, and shops of the subjects or citizens of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto used for lawful purposes, shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers, or accounts except under the conditions and with the forms prescribed by the laws for native subjects or citizens.

Article IV.

Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents in all the ports, cities, and places of the other, except in those where it may not be convenient to recognise such officers. This exception, however, shall not be made in regard to one of the High Contracting Parties without being made likewise in regard to all other Powers.

Such Consuls-General, Consuls, Vice-Consuls, and Consular Agents, having received exequaturs or other sufficient authorisations from the Government of the country to which they are appointed, shall have the right to exercise their functions, and to enjoy the privileges, exemptions, and immunities which are or may be granted to the Consular officers of the most favoured nation. The Government issuing exequaturs or other authorisations has the right in its discretion to cancel the same on explaining the reasons for which it thought proper to do so.

Article V.

In case of the death of a subject or citizen of one of the High Contracting Parties in the territories of the other, without leaving at the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent Consular officer of the State to which the deceased belonged shall, upon fulfilment of the necessary formalities, be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the law of the country in which the property of the deceased is situated.

The foregoing provision shall also apply in case of a subject or citizen of one of the High Contracting Parties dying outside the territories of the other, but possessing property therein, without leaving any person there entitled to take charge of and administer the estate.

It is understood that in all that concerns the administration of the estates of deceased persons any right, privilege, favour, or immunity which either of the High Contracting Parties has actually granted, or may hereafter grant, to the Consular officers of any other foreign State shall be extended immediately and unconditionally to the Consular officers of the other High Contracting Party.

Article VI.

There shall be between the territories of the two Contracting Parties reciprocal freedom of commerce and navigation.

The subjects or citizens of each of the two Contracting Parties shall have liberty freely to come, with their ships and cargoes to all places and ports in the territories of the other, to which subjects or citizens of that Party are, or may be, permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of commerce and navigation as are or may be enjoyed by subjects or citizens of that Party.

Article VII.

Articles, the produce or manufacture of the territories of one of the Contracting Parties imported into the territories of the other, from whatever place arriving, shall not be subject to other or higher duties or charges than those paid on the like articles, the produce or manufacture of the territories of any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the importation of any article, the produce or manufacture of the territories of either of the Contracting Parties into the territories of the other, from whatever place arriving,

which shall not equally extend to the importation of the like articles being the produce or manufacture of the territories of any other foreign country.

The only exceptions of this general rule shall be in the case of the sanitary or other prohibitions occasioned by the necessity of securing the safety of persons or of cattle, or of plants useful to agriculture.

Article VIII.

Articles, the produce or manufacture of the territories of either of the Contracting Parties, exported to the territories of the other shall not be subjected to other or higher duties or charges than those paid on the like articles exported to any other foreign country. Nor shall any prohibition or restriction be imposed on the exportation of any article from the territories of either of the Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like article to any other foreign country.

Article IX.

The stipulations of the present Treaty with regard to the mutual accord of the treatment of the most favoured nation apply unconditionally to the treatment of commercial travellers and their samples. The Chambers of Commerce, as well as such other Trade Associations and other recognised Commercial Associations in the territories of the Contracting Parties as may be authorised in this behalf, shall be mutually accepted as competent authorities for issuing any certificates that may be required for commercial travellers.

Articles imported by commercial travellers as samples, shall, in the territories of each of the Contracting Parties, be temporarily admitted free of duty on compliance with the Customs regulations and formalities established to assure their re-exportation or the payment of the prescribed Customs duties if not re-exported within the period allowed by law. But the foregoing privilege shall not extend to articles which, owing to their quantity or value, cannot be considered as samples, or which, owing to their nature, could not be identified upon re-exportation.

The determination of the question of the qualification of samples for duty-free admission rests in all cases exclusively with the competent authorities of the place where the importation is effected.

Article X.

No internal duties levied for the benefit of the State, local authorities or corporations which affect, or may affect, the production, manufacture or consumption of any article in the territories of either of the Contracting Parties, shall for any reason be a higher or more burdensome charge on articles, the produce or manufacture of the other, than on similar articles of native origin.

The produce or manufacture of either of the Contracting Parties imported into the territories of the other, and intended for warehousing or transit, shall not be subjected to any internal duty. It is understood that ordinary charges for the handling of goods in the ports are not within the scope of this Article and may be levied.

Article XI.

The establishment and the activities of limited liability and other companies and associations, commercial, industrial, financial, forwarding, navigation and assurance are based on the laws and regulations of the Contracting Party in the territories of which they may be situated.

It is understood that this Article does not give the right to impose by the enactment of laws or otherwise special conditions on companies of either of the Contracting Parties operating in the territories of the other involving treatment less favourable than that which is applied to foreign companies operating in those territories.

Each of the Contracting Parties undertakes to place no obstacle in the way of any company (duly organized in accordance with the laws of the other) which may desire to carry on in its territories, whether through the establishment of branches or otherwise, commercial, industrial, insurance, banking or other description of business which the subjects or companies of any foreign country are or may be permitted to carry on.

Article XII.

Limited liability and other companies and associations, commercial, industrial and financial, already or hereafter to be organised in accordance with the laws of either Contracting Party, and registered in the territories of such Party, are authorised, in the territories of the other, to exercise their rights and to appear in the Courts either as plaintiffs or defendants, subject to the laws of such other Party.

Article XIII.

Each of the Contracting Parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other ; and such vessels, their cargoes and passengers, shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than, national vessels and their cargoes and passengers or the vessels, cargoes and passengers of the most favoured nation.

Article XIV.

The provisions of this Treaty relating to the mutual concession of national treatment in matters of navigation do not apply to the coasting trade, in respect of which the subjects and vessels of the Contracting Parties shall enjoy most-favoured-nation treatment under the condition of reciprocity, if such condition is required by the laws of the country or by the terms of an agreement by which special concessions in that respect may be granted to any third country.

Japanese and Latvian vessels may, nevertheless, proceed from one port to another, either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad, or of taking on board the whole or part of their cargoes or passengers for a foreign destination.

It is also understood that, in the event of the coasting trade of either Party being reserved to national vessels, the vessels of the other Party, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the former Party of passengers holding through tickets or merchandise consigned on through bills-of-lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their passengers and cargoes shall enjoy the full privileges of this Treaty.

Article XV.

In all that regards the stationing, loading and unloading of vessels in the ports, docks, roadsteads and harbours of the territories of the Contracting Parties, no privilege or facility shall be granted by either Party to vessels of any other foreign country or to national vessels which is not equally granted to vessels of the other Party.

Article XVI.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other analogous duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the vessels of either Contracting Party shall enjoy in the ports of the territories of the other treatment at least as favourable as that accorded to national vessels or the vessels of any other foreign country.

Article XVII.

Any vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, such vessel, and all parts thereof and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners of such vessel, goods, merchandise, etc., or to their agents when claimed by them. If there are no such owners or agents on the spot, then the vessel, goods, merchandise, etc., referred to shall, in so far as they are the property of a subject or citizen of the other Contracting Party, be delivered to the Consular officer of that Contracting Party in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of that Contracting Party, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel.

The Contracting Parties agree, moreover, that merchandise saved shall not be subjected to the payment of any Customs duty unless cleared for internal consumption.

In the case of a vessel either being driven in by stress of weather, run aground, or wrecked, the respective Consular officers shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose in order to afford the necessary assistance to their fellow-countrymen.

Article XVIII.

All vessels which, according to Japanese law, are to be deemed Japanese vessels, and all vessels which, according to Latvian law, are to be deemed Latvian vessels, shall for the purpose of this Treaty be deemed Japanese and Latvian vessels respectively.

Article XIX.

The competent Consular officers of each of the High Contracting Parties in the territories of the other shall have exclusive charge of the internal order of the merchant vessels of their nation and shall alone take cognizance of differences, which may arise, either at sea or in the territorial

waters of the other Party, between the captains, officers and crews, and particularly in reference to the adjustment of wages and execution of contracts. But in the event of any disturbance or disorder on board a merchant vessel of either Contracting Party in the territorial waters of the other, of a nature to cause or to be likely to cause, in the opinion of the competent authorities of the place where the disturbance or disorder occurs, a breach of the peace or trouble in such waters or on shore, the territorial authorities shall, in such case, have jurisdiction.

Article XX.

The Consular officers of each of the Contracting Parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

Provided that this stipulation shall not apply to subjects or citizens of the Contracting Party in whose territory the desertion takes place.

Article XXI.

The subjects or citizens of each of the Contracting Parties shall have in the territories of the other the same rights in regard to patents for inventions, trade marks and designs, and copyright in literary and artistic works as their respective laws do now or may hereafter grant to their own subjects or citizens.

Article XXII.

Latvia agrees on condition of reciprocity to recognise and protect all rights in any industrial, literary or artistic property belonging to Japanese subjects in force, or which but for the War or Revolution in Russia would have been in force in any part of her territories before transfer to Latvia, and for the purpose of renewal of such rights the proper extension of time will be accorded.

It is understood that for the purposes of the above provisions Latvia may require proof of title and also registration of such rights in Latvia.

Article XXIII.

This Treaty shall not be deemed to confer any right or to impose any obligation in contravention of any general International Convention to which either His Majesty the Emperor of Japan or the President of the Latvian Republic is or hereafter may be a party.

Article XXIV.

Except as otherwise expressly provided in this Treaty, the Contracting Parties agree that, in all matters relating to commerce, navigation and industry, any privilege, favour or immunity which either Contracting Party has actually granted, or may hereafter grant, to the ships and subjects or citizens of any other foreign State, shall be extended simultaneously and unconditionally, without request and without compensation to the ships and subjects or citizens of the other, it being their intention that the commerce, navigation and industry of each Party shall be placed in all respects on the footing of the most favoured nation.

Article XXV.

The provisions of the present Treaty shall not apply to :

(1) The treatment which is or shall be given to the national fishing industries of the High Contracting Parties ;

(2) The advantages which Japan has or shall have granted in regard to fish and aquatic products taken in foreign waters in the vicinity of Japan ;

(3) The advantages which Japan has or shall have granted to China or the Union of Soviet Socialist Republics in regard to the Customs Tariff with the sole object of encouraging specific, regional economic relations therewith ;

(4) The benefit of any Customs preferences or other facilities of whatever nature which are, or may be, granted by Latvia in favour of the Union of Soviet Socialist Republics, Finland, Esthonia or Lithuania in regard to the Union of Soviet Socialist Republics', Finnish, Esthonian or Lithuanian goods respectively so long as such preferences or facilities are not extended by Latvia to any other foreign country.

Article XXVI.

The stipulations of the present Treaty shall be applicable to all the territories and possessions belonging to or administered by either of the High Contracting Parties.

Article XXVII.

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Berlin. It shall enter into operation on the tenth day after the day of the exchange of ratifications and remain in force until the expiration of six months after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same, and no longer.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done at Berlin, in duplicate, this fourth day of July, 1925.

(L. S.) K. HONDA.

(L. S.) Z. A. MEIEROVICS.

PROTOCOL.

With reference to the Treaty of Commerce and Navigation between Japan and Latvia signed on the 4th of July, 1925, the undersigned :

Harukazu NAGAOKA, His Majesty's Ambassador Extraordinary and Plenipotentiary to Germany ; and

Dr. Oskars VOITS, Envoy Extraordinary and Minister Plenipotentiary of Latvia to Germany,

duly authorized by their respective Governments have agreed as follows :

(1) *To Article VI.*

It is understood that the second paragraph of this Article shall not be so interpreted as to permit the subjects or citizens of either of the two Contracting Parties to come with ships and cargoes to places or ports in the territories of the other Contracting Party which are not or may not be open to foreign commerce.

(2) *To Article VII.*

It is understood that the Contracting Parties agree to dispense generally with the obligation to produce certificates of origin. But if in either country there exist in respect of any articles of import more than one rate of Customs duty, certificates of origin may, in such cases, be exceptionally required, in order to establish in favour of the imports from the other country, the lowest rates of duty.

(3) *To Articles VII and VIII.*

It is understood that the provisions of these Articles shall not be applicable when the prohibition or restriction regarding importation or exportation :

- (1) Would apply to articles which constitute a State monopoly ;
- (2) Has reference to the safety of the State.

Done at Berlin, in duplicate, this 7th day of April, 1927.

H. NAGAOKA.
Dr. O. VOITS.