

N° 4693.

ALLEMAGNE ET LETTONIE

Traité relatif au rapatriement en Allemagne des citoyens lettons de nationalité ethnique allemande, et protocole additionnel. Signés à Riga, le 30 octobre 1939.

Textes officiels allemand et letton communiqués par le ministre des Affaires étrangères de Lettonie. L'enregistrement a eu lieu le 2 mars 1940.

GERMANY AND LATVIA

Treaty regarding the Repatriation to Germany of Latvian Citizens ethnically of German Nationality, and Additional Protocol. Signed at Riga, October 30th, 1939.

German and Latvian official texts communicated by the Latvian Minister for Foreign Affairs. The registration took place March 2nd, 1940.

TRANSLATION.

No. 4693. — TREATY BETWEEN GERMANY AND LATVIA REGARDING THE REPATRIATION TO GERMANY OF LATVIAN CITIZENS ETHNICALLY OF GERMAN NATIONALITY. SIGNED AT RIGA, OCTOBER 30TH, 1939.

THE GOVERNMENT OF THE GERMAN REICH,
being desirous of bringing together, on the territory of the Reich, nationals ethnically of German nationality, and

THE LATVIAN GOVERNMENT,
which agrees to the repatriation of Latvian citizens ethnically of German nationality,

have decided :

(a) To effect this repatriation in a single operation, in virtue of which the group ethnically German shall cease to form part of the Latvian State ;

(b) To settle finally, by means of a Treaty, all questions relating thereto, whilst ensuring as satisfactory as possible a liquidation of property left in Latvia by the repatriated persons and avoiding, as far as possible, any adverse effects on the economic interests of the Latvian people and the Latvian State.

They have, for this purpose, appointed as their Plenipotentiaries :

THE GOVERNMENT OF THE GERMAN REICH :

M. Ulrich von Kotze, Envoy Extraordinary and Minister Plenipotentiary ;

THE LATVIAN GOVERNMENT :

M. Hermanis Apsīts, Minister of Justice ;

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions.

Article I.

The Latvian Government undertakes to release from the ties of Latvian nationality Latvian nationals ethnically of German nationality who shall, not later than December 15th, 1939, spontaneously announce their decision to renounce permanently Latvian nationality and to leave their place of residence in Latvia.

The Government of the German Reich undertakes to receive the aforementioned persons, when they shall have been released from the ties of Latvian nationality, with a view to their obtaining German nationality.

Article II.

Any citizen ethnically of German nationality who is over sixteen years of age may apply to be released from the ties of Latvian nationality.

In the case of married persons, each of the parties to the marriage shall be entitled to decide freely for himself or herself.

In the case of children under sixteen years of age, and also in the case of persons subject to guardianship, the initiative of the decision shall be taken by the legal representative, who may choose for them a nationality different from that which he chooses for himself.

An application for release from the ties of Latvian nationality may not be withdrawn.

Article III.

The Latvian authority competent to release the persons concerned from the ties of Latvian nationality shall, for that purpose, issue to repatriated persons a document which shall also constitute an authorisation to leave the country. As from the time when this document is issued to them, the persons concerned shall cease to possess Latvian nationality and, as from the same time, the undertaking assumed by the German Government, as specified in the second paragraph of Article I, shall become effective in regard to the persons whose names appear in the document.

Article IV.

As from the time when they receive the document releasing them from the ties of Latvian nationality, repatriated persons shall, for the purpose of leaving Latvia, be allowed a period of time which shall expire on December 15th, 1939. The Government of the German Reich shall arrange for the departure and shall be responsible for defraying all charges relating thereto, save in so far as such charges are payable by the repatriated persons.

The Latvian Government undertakes to place no obstacle in the way of repatriated persons and to afford them its assistance at the time of their departure.

Article V.

The communications and applications referred to in the present Treaty in regard to release from the ties of Latvian nationality shall be exempt from stamp duties and official charges.

Article VI.

The Latvian Government shall entrust to a special authority the duty of settling questions of a pecuniary nature arising out of repatriation.

For this purpose, the German Government shall, for its part, constitute in Latvia a joint-stock repatriation trust company (hereinafter referred to as UTAG) which shall be governed by the Latvian laws relating to joint-stock companies, subject to the derogations mentioned in the Additional Protocol.

Article VII.

In principle, repatriated persons may, at the time of their repatriation, take all their movable goods with them or they may have them exported not later than March 15th, 1940, after having passed them through the Customs.

If repatriated persons do not take their movable goods with them and do not have them exported, they shall be entitled to sell such goods themselves prior to their departure.

In the matter of movable goods, the objects referred to in the Additional Protocol may not be taken away or subsequently exported. Such objects alone may, not later than May 15th, 1940, be alienated by UTAG.

The period expiring on May 15th, 1940, which is allowed for alienation, shall not apply to securities.

Article VIII.

As from the date of departure of repatriated persons, the Latvian Government shall assume responsibility for the protection of landed property which is left by repatriated persons and has not been alienated. UTAG which, in virtue of the provisions of the present Treaty, shall, in respect of all their pecuniary interests, be the sole representative of repatriated persons who have emigrated, shall, on the same date, assume exclusive responsibility for the administration of such landed property and shall exercise the right to dispose of it in accordance with the provisions of the present Treaty.

Article IX.

Urban landed property left in Latvia by repatriated persons shall be surveyed in accordance with lists drawn up for that purpose. UTAG may, not later than December 31st, 1941, itself alienate such landed property.

During the period June 30th-December 31st, 1941, the two Governments shall draw up regulations concerning the liquidation of landed property that has not been alienated prior to December 31st, 1941. These regulations shall be based on the following principle, namely: on December 31st, 1941, the Latvian authority, or the organs appointed by that authority, shall, subject to the delivery of acknowledgments of debt to UTAG, take over, for the purpose of disposing freely thereof, all urban landed property not previously alienated. The valuation of such landed property shall be effected in accordance with principles of valuation determined by agreement.

Article X.

Rural landed property left in Latvia by repatriated persons shall be surveyed in accordance with lists drawn up for that purpose. On the basis of these lists, the Latvian authority and UTAG shall, not later than January 31st, 1940, determine by agreement the value of the landed property left in Latvia. This valuation shall be effected in accordance with special principles determined in agreement.

Should agreement concerning the value of any property not be reached between the Latvian authority and UTAG, the question shall be settled by agreement between the two Governments.

When rural landed property is valued, charges registered in the land register shall be deducted, provided that the amount of such charges does not exceed the amount of the valuation.

Article XI.

The Latvian authority shall transmit to UTAG acknowledgments of debt bearing the date of issue of January 31st, 1940, to an amount equivalent to the aggregate value of the rural landed property.

In return for the delivery of these acknowledgments of debt, UTAG shall place the whole of the landed property at the free disposal of the Latvian authority or of the organs appointed by that authority.

Charges entered in the land register shall be transferred to the Latvian authority only if the amount thereof does not exceed the amount of the valuation of the landed property in question.

Article XII.

Industrial and commercial undertakings of repatriated persons shall be surveyed by agreement between the two Governments in accordance with lists drawn up for that purpose. Undertakings thus surveyed which are of importance to German-Latvian commercial relations shall, by a joint decision of the two Governments, be exempted from the application of the present provisions. Such enterprises shall be the subject of special regulations drawn up by agreement between the two Governments. In regard to other undertakings, the decision shall be taken by the Latvian Government. The present provisions shall in no way prevent the conclusion of private agreements. If the Latvian Government decides in favour of liquidation, this shall be effected either by the owner or by UTAG in accordance with the general provisions of Latvian law.

Article XIII.

Landed property belonging to parishes or to non-profit-making societies and associations or other similar organisations shall be liquidated in accordance with Latvian law.

The provisions of the present Treaty relating to the movable property of physical persons shall, by analogy, apply to the movable property of such organisations.

Objects of cultural value, the exportation of which is not authorised, shall be transferred, in full ownership and without compensation, to the Latvian State.

Article XIV.

The place of domicile of a repatriated person shall, for the purposes of private law and of judicial procedure, be deemed to be such person's last place of domicile in Latvia, and, in doubtful cases, the capital, Riga.

Article XV.

UTAG shall assume responsibility for the aggregate amount of all hitherto unsettled claims of the Latvian State, autonomous administrations and all other juristic and physical persons against any repatriated person, except when such person is insolvent, and shall ensure the settlement thereof by means of the property it administers and the proceeds it derives from the sale thereof.

Creditors born in Latvia shall have a first claim to payment.

In regard to fiscal claims of the State and of autonomous administrations, the debtor shall be entitled to lodge an appeal. All other claims shall be submitted for the examination of a joint German-Latvian Committee which, after deciding whether such claims are well founded or not, shall allow or reject them.

Any claims which are payable by instalments and which have not been completely settled at the time of the liquidation of UTAG shall be paid within a period of not more than ten years or guarantees for their payment within that period shall be furnished.

Article XVI.

Not later than May 31st, 1940, UTAG shall transmit to the Latvian authority statements of all claims and contractual rights of repatriated persons which were not settled prior to their departure. The provisions of the present Treaty which relate to pecuniary questions shall not apply to any claims and contractual rights which were not specified in a communication made within the prescribed period.

Article XVII.

All amounts in cash and all assets collected in virtue of the provisions of the present Treaty shall be paid in or transferred to an account opened for that purpose in the Latvijas Banka. As soon as UTAG has been constituted, it shall take over this account. Payments effected from this account shall be made only in Latvia and such payments shall be authorised only if they are essential to the carrying-out of the repatriation operations. Any authorisations necessary for this purpose must be duly obtained.

Securities also shall be deposited in the name of UTAG in the Latvijas Banka ; they may, as far as possible, be converted into cash.

On application being made by UTAG, the Latvijas Banka shall draw up and transmit to it acknowledgments of debt which shall bear as date of issue the date of the first day of the quarter following the application and which shall be for an amount equivalent to the sums credited to the account of UTAG and not required by the latter for the purpose of pursuing its activities.

The German Clearing Fund and the Latvijas Banka shall by agreement settle the technical details of the arrangements necessary for effecting the transfer.

Article XVIII.

The transfer of funds accumulated in the special account in the Latvijas Banka shall, in principle, be effected by means of supplementary exports of Latvian goods to Germany.

The Government of the German Reich declares that, in principle, it is prepared to discuss any other possible means of transfer which the Latvian Government may propose to it and to present proposals itself.

Until the question of the transfer has been finally settled, the provisions of the temporary transfer agreement shall be applied.

Article XIX.

The Latvian Government shall not be held responsible for any losses that repatriated persons may suffer as a consequence of the repatriation of the group ethnically German.

Article XX.

The provisions of the present Treaty shall apply also, by analogy, to nationals of the German Reich who leave Latvia for the purpose of settling in Germany on the occasion of the repatriation provided for in the present Treaty.

Article XXI.

In the absence of any provisions to the contrary in the present Treaty, the general provisions of Latvian law shall be applied.

Article XXII.

The contracting Governments reserve the right to settle the details of the provisions concerning certain matters in an Additional Protocol which shall be annexed to the present Treaty and shall be signed at the same time as the present Treaty.

Article XXIII.

The present Treaty shall be ratified and the instruments of ratification shall be exchanged as soon as possible in Berlin.

It shall come into force on the date of the exchange of the instruments of ratification.

The Contracting Parties have agreed to apply the provisions of the present Treaty provisionally as from the date of the signature thereof.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done in duplicate in the German and Latvian languages.

RIGA, *October 30th*, 1939.

H. APSĪTS.

U. VON KOTZE.

ADDITIONAL PROTOCOL

Ad Article I.

§ 1.

Any person who establishes his nationality :

- (a) By means of a repatriation authorisation issued by the German Legation, or
 - (b) By means of any other recognised document,
- shall be deemed to be ethnically of German nationality.

§ 2.

If, in exceptional cases, the competent Latvian authority finds and satisfactorily establishes the fact that an applicant, although claiming to be ethnically of German nationality is, in fact, ethnically of Latvian nationality, the nationality of the person concerned shall be finally determined by means of a decision reached by agreement between the Latvian Government and the German Legation.

If, in the case of married persons, one of the parties to the marriage is ethnically of German nationality, the competent Latvian authority shall not base any claim on the fact that the other party to the marriage is or relatives living with the parties to the marriage are ethnically of Latvian nationality.

§ 3.

At the request of the Latvian Government, the German Legation shall likewise grant authorisation for the repatriation of Latvian citizens who are ethnically of German nationality but who, by reason of their lack of legal capacity, are unable to express their will either themselves or through their legal representatives ; similarly, it shall, at their own request, grant such

authorisation to persons who are in prison in a state of arrest pending trial or in execution of a sentence and to indigent and sick persons, whether residing in institutions or not, if the persons concerned are able to establish satisfactorily the fact that they are ethnically of German nationality.

In doubtful cases, a decision shall be taken by agreement between the Latvian Government and the German Legation.

Ad Article II.

At the request of the persons concerned, the competent Latvian authorities shall release from their service obligations soldiers and officials of the State, communes and parishes who are ethnically of German nationality.

Ad Article III.

The following shall be the authorities competent to grant release from the ties of Latvian nationality :

- In Latvia, the Latvian Minister of the Interior ;
- In other countries, the Latvian diplomatic and consular representatives.

Ad Article IV.

The following persons shall be released from the obligation to leave Latvia after acquiring German nationality, namely, persons who are indispensable either for the maintenance of industrial and commercial undertakings or for other reasons and to whom the Latvian Government and the German Legation by agreement decide to grant authorisation to remain in Latvia.

Ad Article VI.

The administration of UTAG shall be entrusted exclusively to nationals of the German Reich. The Latvian Government anticipates that UTAG, being a joint-stock company constituted for the purposes of repatriation and, consequently, not working on its own behalf, will, so far as it is itself concerned, be exempted from taxation in so far as it is not engaged in profit-making activities. Detailed provisions to this effect shall be embodied in the statutes of UTAG.

Ad Article VII.

§ 1.

The taking away and the exportation of the following shall be prohibited, namely :

- (1) Any sum of Latvian money exceeding 50 lats per emigrant entitled to submit a declaration ;
 - (2) Foreign currency, foreign exchange and other foreign means of payment and precious metals ;
 - (3) Securities, unless issued by German organisations, it being understood that the term " securities " shall be interpreted according to the provisions of Latvian law ;
 - (4) Military weapons of every description, accessories thereof and munitions therefor, telescopes and prismatic field-glasses ;
 - (5) Motor-vehicles and accessories thereof ;
- Note.* The exportation of used motor-cycles shall be authorised. Motor-cars for the conveyance of passengers may be exported only with the special authorisation of the Ministry of Finance ;
- (6) Agricultural and industrial machinery and machinery used by craftsmen, except such machinery for use by craftsmen as is not fitted up and may be taken away by the craftsmen themselves ;
 - (7) Movable goods which are definitely of the nature of merchandise ;

(8) Pedigree cows and stud horses registered in herd-books and stud-books, except with the special authorisation of the Ministry of Agriculture ;

(9) Fodder in quantities in excess of those required during transport ;

(10) Furniture and household utensils in quantities in excess of those which would be taken in a normal removal ;

(11) Articles of precious metals and precious stones which the repatriated persons did not possess prior to October 6th, 1939 ;

(12) Hospital equipment and medical outfits except the accessories of portable medical outfits ;

(13) Radiological and diathermic apparatus and optical outfits acquired during the last five years ;

(14) Pharmaceutical laboratories, equipment and apparatus of chemical and pharmaceutical undertakings and also medicaments, the quantities of medicaments it will be necessary to carry on board vessels at the time of the repatriation being determined by the Latvian pharmacies administration ;

(15) The following articles of cultural value :

(a) Archæological antiquities discovered in the territory at present belonging to Latvia ;

(b) Documents which belong or have belonged to the archives of the State or of a commune ;

(c) Archives relating to the economic and juridical life of a commune, parish, town or other part of the territory at present belonging to Latvia or of an autonomous personal administration or corporation ;

(d) Historical monuments and relics concerning history of the life and culture of Latvia, which relate to a former Latvian sovereign or statesman or have belonged to such a person, if the said monuments and relics are at present the property or are in the possession of a juristic person ;

(e) Maps and plans relating to Latvia which were produced before the middle of the nineteenth century ;

(f) Bibliographical rarities relating to the Baltic countries or printed in Latvia ;

(g) Scientific libraries belonging to juristic persons ;

(h) Collections of coins and medals which are the property or are in the possession of juristic persons or are entrusted to them for safe-keeping ;

(i) Documents and collections constituted in Latvia concerning folklore and ethnography, if such documents do not relate to the Germans ;

(j) Artistic objects (pictures, sculptures, works of graphic arts and objects of decorative art) which were produced in Latvia and which relate to Latvia and also those which do not play a part in the life of the group ethnically German, if such objects are at present the property or are in the possession of official museums or museums maintained by private associations ;

(k) Collections relating to physical and natural sciences which are the property or are in the possession of juristic persons and are concerned with the Baltic region ;

(l) Teaching equipment of schools ;

Books belonging to school libraries, purchased or presented by the Latvian State, communal associations or the Cultural Fund,

Minutes of meetings, archives, books and records and also the reports on pupils of German schools maintained by the State or by communal associations, in so far as the pupils are not repatriated to Germany. All these provisions shall be applied in accordance with agreements made between the German Government and the Latvian Government.

Note 1. The exportation of the following shall, nevertheless, be permitted, namely :

- (a) Family records not presenting any special importance in regard to the history of Latvia ;
 - (b) Equipment and records of former German students' associations and of former students ;
 - (c) Archives of non-profit-making associations which record the internal life of such associations ;
 - (d) Family pictures and portraits and also private heraldic documents ;
 - (e) With the authorisation of the Historical Monuments Administration, objects of cultural value such as, for instance, duplicate copies of scientific books, maps and plans ;
 - (f) Parish registers and communal registers of German churches and communes and also copies, photo-copies and duplicates of the registers of mixed communes ;
- In the matter of entries in parish and communal registers, photo-copies or hand-made copies shall be placed by each Party at the disposal of the other ;

In the matter of entries recorded in the parish registers of German communes between 1834 and 1921, of which no copies exist, photo-copies or hand-made copies shall, if such registers do not remain in Latvia, be produced free of charge by the German authorities before the registers are exported ;

- (g) Articles used in the services in German churches and communities ;
- (h) Altar and other ornaments of German churches and communities.

Note 2. Objects and collections included in the inventories of the Historical Monuments Administration, the exportation of which is authorised in virtue of the foregoing regulations, may not be exported until the entries concerning them have been removed from the list of monuments and relics placed under the protection of the State.

Note 3. Copies of objects the exportation of which is prohibited may be made and exported.

Note 4. The execution of the rules embodied under (15) above, and in particular the apportionment of archives (sub-paragraph (b)), libraries (sub-paragraph (g)), collections of coins and medals (sub-paragraph (h)) and artistic objects (sub-paragraph (i)), shall be entrusted to a joint committee.

§ 2.

The period of time allowed for exportation, expiring on March 15th, 1940, shall be prolonged to an extent equal to the period during which maritime transport is prevented by ice.

Ad Article XI.

Should special obstacles of a legal nature prevent the immediate liquidation of any rural landed property, the two Governments shall, by a special agreement, determine the date of liquidation.

Charges entered in the land register which are not transferred to the Latvian authority shall be cancelled.

Ad Article XIII.

In the case of organisations of the character mentioned in Article XIII the liabilities of which exceed the aggregate value of the immovable and movable property, the movable property also shall be included for the purpose of serving as a guarantee.

The Latvian State shall be responsible for the debts attaching to property the ownership of which has been transferred to it only up to the amount of the real value at which the property has been taken over.

Ad Article XVII.

The acknowledgments of debt which are to be transmitted to UTAG shall be bonds of the Latvijas Banka ; they shall bear no interest and shall be drawn up in lats and in Reichsmarks

at the rate of at least 48.80 Reichsmarks for 100 lats. It shall further be provided in the bonds that, in the event of a variation in the exchange-rate between the two currencies, the German Government and the Latvian Government shall, by agreement, fix another rate, so as to take account of the fact that the sums entered on the bonds represent real property of constant value.

For the rest, the Latvijas Banka shall agree with UTAG regarding the form of the bonds in question.

The same provisions shall apply to the acknowledgments of debt mentioned in Articles IX and XI.

Ad Article XX.

The provisions of this Article shall apply also to cases of emigration prior to the signature of the present Treaty.

Ad Article XXI.

Leases, rents and all contracts for service of a private character shall terminate on the day of the emigration, unless the parties thereto agree otherwise.

RIGA, *October 30th*, 1939.

H. Apsīrs.

U. VON KOTZE.