

INFORMATION NOTE

**BORDER TREATY BETWEEN THE RUSSIAN FEDERATION AND THE
REPUBLIC OF LATVIA**

EXECUTIVE SUMMARY

Russia and Latvia started the border negotiations just after Latvia's independence in 1991. In 1997 the two countries completed their negotiations on the state border. Moscow and Riga had been expected to sign the treaty on 10 May 2005 but Russia refused to sign after the government of Latvia had adopted a unilateral explanatory declaration. The declaration made a reference to the Peace Treaty between Latvia and Russia of 11 August 1920, which was considered as territorial claims by the Russian side. According to the Peace Treaty, the Jaunlatgale/Abrene district (now Pytalovo district of Pskov Oblast of the Russian Federation) belonged to the Republic of Latvia, and became part of Russia (RSFSR) in 1944. Latvian government claimed that the Constitution of Latvia does not allow it to sign the prepared border treaty in any other way than by adopting the unilateral declaration (according to Article 1 of the Latvian Constitution the Abrene/Pytalovo district is part of Latvia). On 29 April 2005 Latvian Prime Minister Aigars Kalvitis stated that the declaration approved by the government did not present any territorial claims against Russia and that Latvia would respect the borders defined by the prepared and initialled treaty. At the EU/Russia Summit on 10 May 2005 Russian President Vladimir Putin called on the Latvian side to "stop political demagoguery and begin constructive work."

Border negotiations between Russia and Latvia started just after Latvia regained its independence. The two sides had different positions. Latvia wished to gain “historic justice” with recognition of the fact of Soviet occupation and its statehood continuity with the pre-war Republic of Latvia, which Russia could hardly accept. In 1997, Russia and Latvia completed the negotiations on the state border between the two countries. However, the signing of the treaty was postponed due to a variety of reasons, including Latvia's EU and NATO aspirations.

The treaty on the state border between the Republic of Latvia and the Russian Federation confirms the existing border between Russia and Latvia that is along the administrative border between the former Russian Soviet Federative Socialist Republic and the former Latvian Soviet Socialist Republic. The two countries had been expected to sign the treaty on 10 May 2005 in Moscow. Russia refused to sign as the government of Latvia unilaterally adopted an explanatory declaration. The Latvian side insisted on numerous occasions that the only issue was the recognition of the Soviet occupation and the Latvian statehood continuity by the Russian Federation (as legal successor of the Soviet Union). The government of Latvia said that it remained open to signing the border treaty as soon as possible.

Declaration (26 April 2005)

“By signing the border agreement with the Russian Federation, Latvia confirms its good will to promote good neighbourly relations with the Russian Federation and simultaneously expresses its satisfaction of the willingness of the Russian Federation to develop good neighbourly relation with Latvia.

Latvia declares that by Article 1 of this agreement it understands the de facto functioning line of demarcation dating from year 1990/1991, which is documented and technically described in the annex of the agreement. The only objective and subject of this agreement is to document the above mentioned line of demarcation in order to ensure and to facilitate its practical functioning in the interests of both countries and their residents as well as in the mutual interests of the European Union and the Russian Federation.

Latvia does not link this agreement with the broader issue of the elimination of the consequences of the illegal occupation of Latvia. Latvia declares that this agreement is not related and does not diminish, does not deprive the state of Latvia and its citizens of the rights and legal claims provided by the international law, including the Peace Treaty between Latvia and Russia of 11 August 1920, and by state law of the Republic of Latvia... ”

Peace Treaty between Latvia and Russia (Riga, 11 August 1920)

Article II

“...Russia recognises without objection the independence and sovereignty of the Latvian State and forever renounces all sovereign rights held by Russia in relation to the Latvian nation and land on the basis of the previous State legal regime as well as any international agreements... ”

Article III

“ The State border between Latvia and Russia shall extend:

From the Estonian border between the villages of Babina and Vymorsk, through the village of Vymorsk along the river Glubica, through Vashkova, then along the small river Opochna and the rivers Opochka and Vyada to Dubinina, from there by the shortest straight line to the river Kuhva, then along the river Kuhva and its tributary the river Pelega to Umernishi, from there in a straight line to its bend at Malaya Melnica, from there in a straight line to the river Utroja to the letter "v" on the sign "Kailova", along the river Utroja to the river Lzha bend which is located two versts North from the sign "Starina", then along the Lzha river and the administrative border between the Ludza,

Rezekne and Daugavpils regions and the Opochka, Sebez and Drisa regions to Pazina on the river Osunica, then in a straight line through Lake Beloje, Lake Chornoje, through the lake located between Vasileva and Mosishki through the large farm Saveiki to the delta of the small river that flows into the river Daugava between Koskovci and the large farm and village Novoje Selo, then along the river Daugava to the large farm Shafranovo”

Commentary by the Russian Foreign Ministry (28 April 2005)¹

*“...the text of the declaration does indeed mean the bringing forward of territorial claims against Russia, and deprives the treaty on the border state between our countries of its object and goal. The declaration means Latvia’s renunciation of the definition of the state border, which Riga designates as ‘border line’, and runs counter to international law, the principles of the Final Act of the Conference on Security and Cooperation in Europe, and the provisions of the Partnership and Cooperation Agreement between the Russian Federation and the European Union...**Signing the state border treaty with Latvia on the terms set unilaterally by Riga loses all sense. Russia will be ready to sign the treaty as soon as Latvia disavows its unacceptable declaration.**”*

Statement by Prime Minister of Latvia Aigars Kalvitis (29 April 2005)

*“Since regaining of independence governments of Latvia have consistently and clearly expressed readiness to sign the border treaty with Russia. **The declaration approved by the government does not present territorial claims against Russia.** This issue is not on the agenda of Latvian-Russian relations. **Latvia will respect the borders defined by the prepared and initialled treaty.** We are certain that a Latvia's and Russia's differing opinion on the historic matters of the 20th century is the reason for the exasperated rhetoric between both countries. The true intention of Latvia is to do everything to find a common opinion on this issue in the future and thus create the basis for new relations with Russia that would be based on principles of democracy and international law. Intended to serve this aim, the unilateral declaration of the government of Latvia on the Latvian-Russian border treaty marks the historical keystones that Latvia sees as the fundamental basis for relations with Russia in the future. Due to the complex questions concerning history and occupation in the 20th century, **the Constitution of Latvia does not allow the government of Latvia to sign the prepared border treaty in any other way than by adopting the mentioned unilateral declaration.** We are aware that at the moment, taking into account the processes in Russia, it is difficult to hope for a fast progress on the issue of occupation of the Baltic States; nevertheless, this does not allow us ignore our Constitution and history, which cannot be annulled or changed by decisions of the government. The government of Latvia once more reaffirms its willingness and readiness to sign the border treaty and at the same time invites the Russian side to an open and brave dialogue about history prior to or after the signing of the border treaty.”*

Article 1 of Satversme (Constitution of Latvia) reads as follows:

¹Russia already signed (24 October 1997) and ratified (21 May 2003) the border treaties with Lithuania. The similar treaties were signed between Russia and Estonia on 18 May 2005 and ratified by the Riigikogu (Estonian parliament) on 22 June. Moscow claimed that the ratification act adopted by the Riigikogu contained ‘unacceptable provisions’, such as reference to the Tartu Peace Treaty of 2 February 1920, Resolution of the Supreme Council on national independence of Estonia of 20 August 1991, Declaration of the Riigikogu on restoration of constitutional power of 7 October 1992. On 13 August Russia withdrew its signature from the border treaties.

*“The territory of the State of Latvia, within the borders established by international agreements, consists of Vidzeme, **Latgale**, Kurzeme and Zemgale.”*

According to Article 1, the Jaunlatgale/Abrene district (now Pytalovo district of Pskov Oblast of the Russian Federation) is part of the Latvian territory.

Article 77 of Satversme reads as follows:

“If the Saeima (parliament of Latvia) has amended the first, second, third, fourth, sixth or seventy-seventh Article of the Constitution, such amendments in order to come into force as law, shall be submitted to a national referendum.”

Abrene/Pytalovo district

Abrene was an administrative district in the Republic of Latvia with an area of 4292 km², formed in 1925 as the Jaunlatgale district, but was renamed Abrene in 1938. The district included the town of Balvi and Abrene and 14 villages, and the civil parishes. After Soviet Russia recognised Latvia's independence in August 1920, it proved difficult to draw the border line because of the multicultural character of the border lands. Once the border was negotiated, large communities of Latvians were left on the Russian side and large Russian and Belarusian communities were left on the Latvian side. Strategic concerns also played a part, because of an important railway junction within the Abrene district. According to the census of 1935, the population was as follows: 60.145 Latvians, 45.885 Russians, 1.558 Jews and 648 Belarusians. The town of Abrene itself had 1.242 inhabitants, 484 of them ethnic Latvians. In 1944, 6 eastern civil parishes, as well as the town of Abrene (a total area of 1293.6 km² with 35.524 inhabitants) were joined to the Russian Soviet Federative Socialist Republic. The former Abrene district is now part of the Russian Federation as the Pytalovo district of Pskov Oblast, bordering Latvia.

Statement by Russian President Vladimir Putin (EU-Russia Summit, 10 May 2005, Moscow)

“We are ready to sign the border agreements...with Latvia. We hope that they will not be accompanied by foolish territorial demands. In today's Europe, in the twenty-first century, when one country has territorial claims against another and at the same time wants to ratify a border treaty with that country, this is absolute nonsense...The Russian Federation lost tens of thousands of pieces of its historic territory as a result of the collapse of the Soviet Union. And are we now to divide everything again? Should we demand the territory of the Crimea and parts of the territory of other former Soviet Republics? How about giving back Klaipeda? Let's all start dividing Europe again. We are calling on Latvia's politicians to stop their political demagoguery and begin constructive work. Russia is ready for such work.”

Official position of the Russian Foreign Ministry concerning the occupation of the Baltic countries by the Soviet Union (4 May 2005)

“...The term ‘occupation’ cannot be used for a legal assessment of the situation in the Baltic countries in the late 1930s because there was no state of war between the USSR and the Baltic states and no military actions were being conducted, and the troops were introduced on the basis of an agreement and with the express consent of the authorities that existed in these Republics at the time. In addition, throughout the period when Latvia, Lithuania and Estonia were part of the Soviet Union, there were national bodies of power, with the exception of the time when that part of the USSR territory was occupied by Germany... These authorities, as represented by the Supreme Soviets of the corresponding Republics, made decisions in 1990 that led to their secession from the USSR. If one were to question the legitimacy of the power bodies of the Soviet period, the question arises of the legitimacy of the promulgation of independence by the Baltic Republics. Accordingly, any claims, including demands for material compensation for alleged damage, which was the result of what happened in 1940, are groundless.”

Unofficial translation

**Treaty between the Republic of Latvia and the Russian Federation
On the State Border of the Republic of Latvia and the Russian Federation**

The Republic of Latvia and the Russian Federation, hereafter “the Parties”, with due respect for the sovereignty and independence, equality and territorial unity of the other state, confirming their loyalty to UN and OSCE principles recognising the beneficial effect of the contractual demarcation of the state border between the Republic of Latvia and the Russian Federation on the further development of good neighbourly relations, based on the goodwill of the Parties, agree as follows:

Article 1

For the purposes of this Treaty the term “Latvia–Russia state border” (hereafter “state border” or “border” shall mean a line and the vertical surface coinciding with this line which divides the territories of two sovereign states – the Republic of Latvia and the Russian Federation (land, water, underground and air space).

Article 2

Pursuant to the norms of international law and on the basis of the Treaty reached during the negotiation process, the Parties have determined the state border between the Republic of Latvia and the Russian Federation. The Latvia–Russia state border has been determined in accordance with the “description of the state border of the Republic of Latvia and the Russian Federation” and is marked in red on “the delimitation map of the state border of the Republic of Latvia and the Russian Federation” (hereafter “the delimitation map”) on a scale of 1:50,000. The “description of the state border of the Republic of Latvia and the Russian Federation” (Appendix 1) and the delimitation map on a scale of 1:50,000 (Appendix 2) are both integral parts of this Treaty.

Article 3

On rivers (straightened river beds) or their main branches, brooks and ditches, the state border shall be marked in their middle. In determining the main branch of a river, the basic criteria shall be the water flow at average level.

Article 4

Any natural changes which may occur in borderland rivers, brooks or ditches, shall not change the physically demarcated Latvia–Russia state border line, or the ownership of islands, unless the Parties agree differently. The ownership of islands that have appeared in borderland rivers after the demarcation of the border shall be determined in accordance with the demarcated border line, whereas the ownership of islands which have appeared directly on the demarcated border line shall be determined by consultations between the Parties on the basis of justice and equality.

Article 5

In order to physically determine and demarcate the Latvia–Russia state border pursuant to this Treaty and prepare demarcation documents, the Parties shall establish, as soon as possible after the effective date of this Treaty and in accordance with the principle of parity, a mutual demarcation commission and instruct same to:

- elaborate and confirm the state border demarcation procedure;
- physically determine the exact location of the border line in accordance with this Treaty, the “description of the state border of the Republic of Latvia and the Russian Federation” and the delimitation map;
- establish working groups to demarcate the border and supervise their work;
- put up border signs;
- determine the precise location of the middle line for borderland rivers (straightened river beds) or their branches, brooks and ditches, and determine the precise location of the border line in lakes;
- determine ownership of river islands;
- draft border demarcation documents;
- address other issues related to border demarcation work.

The demarcation documents drawn up by the commission shall be certified by the Government of each Party. All costs relating to border demarcation shall be borne by the Parties in accordance with the principle of parity.

Article 6

The Republic of Latvia and the Russian Federation state border regime shall be provided in a separate Treaty.

Article 7

The point of contact of the state borders of the Republic of Latvia, the Russian Federation and the Republic of Estonia shall be provided in a separate Treaty between these three states. The point of contact of the state borders of the Republic of Latvia, the Russian Federation and the Republic of Belarus shall be provided in a separate Treaty between these three states.

Article 8

This Treaty shall be ratified and shall come into effect on the date articles of ratification are exchanged.

Signed on ___ _____ 200_ in duplicate, each in Latvian and Russian, and both texts shall have equal legal effect.

ON BEHALF OF THE REPUBLIC OF LATVIA

ON BEHALF OF THE RUSSIAN FEDERATION