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Latvia, 1997-1998 [1]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Susan Braden to Samuel Berger, re: Presidential Meeting with Baltic President Meri, Brazauskas and Ulmanis on January 16, 1998 (1 page)	01/09/1998	P1/b(1) VZ 9/21/2023
001b. briefing paper	From Samuel Berger, re: Meeting with Baltic Presidents (6 pages)	01/16/1998	P1/b(1) VZ 9/21/2023
001c. talking points	Points to be Made for Meeting with Estonian President Meri, Latvian President Ulmanis and Lithuanian President Brazauskas (3 pages)	ea. 01/1998	P1/b(1) VZ 9/21/2023
001d. report	U.S. Government Report (2 pages)	01/06/1998	P1/b(1)
001e. report	U.S. Government Report (1 page)	01/12/1998	P1/b(1)
001f. report	U.S. Government Report (2 pages)	01/06/1998	P1/b(1)
001g. report	U.S. Government Report (2 pages)	01/06/1998	P1/b(1)
001h. report	U.S. Government Report (2 pages)	12/30/1997	P1/b(1)
001i. report	U.S. Government Report (2 pages)	01/06/1998	P1/b(1)

COLLECTION:

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Latvia, 1997-1998 [1]

2011-1037-F
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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

January 8, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: STEPHEN J. FLANAGAN *SJF*

SUBJECT: U.S.-Latvia Treaty on Mutual Legal Assistance in
Criminal Matters

The Acting Secretary has forwarded the Legal Assistance Treaty between the United States and the Republic of Latvia for the President's transmission to the Senate.

Attached at Tab I is your memorandum to the President forwarding the transmittal message to the Senate (Tab A). The memo also forwards the State Department report on the treaty (Tab B) and the text of the Treaty (Tab C).

Concurrence by: James E. Baker ^{NLH for} and *MR* Mary Rudman

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memo to the President
Tab A Transmittal Message to the Senate
Tab B State's Memo to the President
Tab C Treaty Text

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
JOHN HILLEY

SUBJECT: U.S.-Latvia Treaty on Mutual Legal Assistance in
Criminal Matters

Purpose

To transmit to the Senate the U.S.-Latvia Treaty on Mutual Legal Assistance in Criminal Matters.

Background

The Acting Secretary has forwarded the Treaty between the United States and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters for your transmission to the Senate requesting its advice and consent to ratification.

Attached for signature is your transmittal message to the Senate (Tab A), which also forwards the State Department report on the Treaty (Tab B) and the text of the Treaty (Tab C).

The Treaty, signed at Washington on June 13, 1997, provides for mutual legal assistance in criminal matters. It will enhance our ability to investigate and prosecute a variety of offenses. The Treaty is designed to be self-executing and will not require implementing legislation.

RECOMMENDATION

That you sign the transmittal message at Tab A.

Attachments

Tab A Transmittal Message to the Senate
Tab B State's Report with Respect to the Treaty
Tab C Treaty Text

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, signed at Washington on June 13, 1997. I transmit also, for the information of the Senate, an exchange of notes which was signed the same date as the Treaty and which provides for its provisional application, as well as the Report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking offenses. The Treaty is self-executing. The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking of testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to restraint, confiscation, forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

Sincerely,

The Honorable Albert Gore, Jr.
President of the Senate
United States Senate
Washington, D.C. 20510

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DEPARTMENT OF STATE
WASHINGTON

December 30, 1997

The President:

I have the honor to submit to you the Treaty Between United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters ("the Treaty"), signed at Washington on June 13, 1997. I recommend that the Treaty be transmitted to the Senate for its advice and consent to ratification.

Also enclosed, for the information of the Senate, is an exchange of notes done at the time of signature of the Treaty. After consultation with Senate staff, the United States proposed and Latvia agreed to provisionally apply the terms of the Treaty, to the extent possible under our respective domestic laws, in order to provide a basis for immediate mutual assistance in criminal matters. Provisional application would cease upon entry into force of the Treaty.

The Treaty covers mutual legal assistance in criminal matters. In recent years, similar bilateral treaties have

The President,

The White House.

entered into force with a number of other countries. The Treaty with Latvia contains all essential provisions sought by the United States. It will enhance our ability to investigate and prosecute a range of offenses. The Treaty is designed to be self-executing and will not require new legislation.

Article 1 sets forth a non-exclusive list of the major types of assistance to be provided under the Treaty, including taking the testimony or statements of persons; providing documents, records and other items of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to restraint, confiscation, forfeiture of assets, restitution, and collection of fines; and rendering any other form of assistance not prohibited by the laws of the Requested State. The scope of the Treaty includes not only criminal offenses, but also proceedings related to criminal matters, which may be civil or administrative in nature.

Article 1(3) states that assistance shall be provided without regard to whether the conduct involved would constitute an offense under the laws of the Requested State.

Article 1(4) states explicitly that the Treaty is not intended to create rights in private parties to obtain,

suppress, or exclude any evidence, or to impede the execution of a request.

Article 2 provides for the establishment of Central Authorities and defines Central Authorities for purposes of the Treaty. For the United States, the Central Authority is the Attorney General or a person designated by the Attorney General. For Latvia, the Central Authority is the Prosecutor General or a person designated by the Prosecutor General. The article provides that the Central Authorities shall communicate directly with one another for the purposes of the Treaty. Article 3 sets forth the circumstances under which a Requested State's Central Authority may deny assistance under the Treaty. A request may be denied if it relates to a military offense that would not be an offense under ordinary criminal law. A further ground for denial is that the request relates to a political offense (a term expected to be defined on the basis of that term's usage in extradition treaties). In addition, a request may be denied if its execution would prejudice the security or similar essential interests of the Requested State, or if it is not made in conformity with the Treaty.

Before denying assistance under Article 3, the Central Authority of the Requested State is required to consult with its counterpart in the Requesting State to consider whether assistance can be given subject to such conditions as the Central Authority of the Requested State deems necessary.

If the Requesting State accepts assistance subject to these conditions, it is required to comply with the conditions.

If the Central Authority of the Requested State denies assistance, it is required to inform the Central Authority of the Requesting State of the reasons for the denial.

Article 4 prescribes the form and content of written requests under the Treaty, specifying in detail the information required in each request. The article permits other forms of requests in emergency situations but requires written confirmation within ten days thereafter unless the Central Authority of the Requested State agrees otherwise.

Article 5 requires the Central Authority of the Requested State to execute the request promptly or to transmit it to the authority having jurisdiction to do so. It provides that the competent authorities of the Requested State shall do everything in their power to execute a request, and that the courts or other competent authorities of the Requested State shall have authority to issue subpoenas, search warrants, or other orders necessary to execute the request. The Central Authority of the Requested State must make all arrangements for and meet the costs of representation of the Requesting State in any proceedings arising out of an assistance request.

Under Article 5(3), requests are to be executed in accordance with the laws of the Requested State except to the extent that the Treaty provides otherwise. However, the

method of execution specified in the request is to be followed except insofar as it is prohibited by the laws of the Requested State. Article 5(4) provides that if the Central Authority of the Requested State determines that execution of the request would interfere with an ongoing criminal investigation, prosecution, or proceeding in that State, it may postpone execution or, after consulting with the Central Authority of the Requesting State, impose conditions on execution. If the Requesting State accepts assistance subject to conditions, it shall comply with them.

Article 5(5) further requires the Requested State, if so requested, to use its best efforts to keep confidential a request and its contents, and to inform the Requesting State's Central Authority if the request cannot be executed without breaching confidentiality. This provides the Requesting State an opportunity to decide whether to pursue the request or to withdraw it in order to maintain confidentiality.

This article additionally requires the Requested State's Central Authority to respond to reasonable inquiries by the Requesting State's Central Authority regarding the status of the execution of a particular request; to report promptly to the Requesting State's Central Authority the outcome of its execution; and, if the request is denied, to inform the Requesting State's Central Authority of the reasons for the denial.

Article 6 apportions between the two States the costs incurred in executing a request. It provides that the Requested State shall pay all costs, except for the following items to be paid by the Requesting State: fees of expert witnesses, costs of translation, interpretation, and transcription, and allowances and expenses related to travel of persons pursuant to Articles 10 and 11.

Article 7 requires the Requesting State to comply with any request by the Central Authority of the Requested State that information or evidence obtained under the Treaty not be used for proceedings other than those described in the request without its prior consent. Further, if the Requested State's Central Authority asks that information or evidence furnished under this Treaty be kept confidential or be used in accordance with specified conditions, the Requesting State must use its best efforts to comply with the conditions. Once information is made public in the Requesting State in accordance with either of these provisions, no further limitations on use apply. Nothing in the article prevents the use or disclosure of information to the extent that there is an obligation to do so under the Constitution of the Requesting State in a criminal prosecution. The Requesting State is obliged to notify the Requested State in advance of any such proposed use or disclosure.

Article 8 provides that a person in the Requested State from whom testimony or evidence is requested pursuant to the Treaty shall be compelled, if necessary, to appear and testify or produce items and articles of evidence. The article requires the Central Authority of the Requested State, upon request, to furnish information in advance about the date and place of the taking of testimony or evidence pursuant to this Article.

Article 8(3) further requires the Requested State to permit the presence of persons specified in the request and to permit them to question the person giving the testimony or evidence. In the event that a person whose testimony or evidence is being taken asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting State, Article 8(4) provides that the testimony or evidence shall be taken and the claim made known to the Central Authority of the Requesting State for resolution by its authorities. Finally, in order to ensure admissibility in evidence in the Requesting State, Article 8(5) provides a mechanism for authenticating evidence that is produced pursuant to or that is the subject of testimony taken in the Requested State.

Article 9 requires that the Requested State provide the Requesting State with copies of publicly available records in the possession of government departments and agencies in the Requested State. The Requested State may further

provide copies of any documents, records or information in the possession of a government department or agency, but not publicly available, to the same extent and under the same conditions as it would provide them to its own law enforcement or judicial authorities. The Requested State has the discretion to deny such requests pursuant to this paragraph, entirely or in part. Article 9(3) provides that records produced pursuant to this Article shall, upon request, and without cost to the Requesting State, be authenticated under the provisions of the Convention Abolishing the Requirement of Legalization for Foreign Public Documents, dated October 5, 1961. The absence or non-existence of such records shall, upon request, be certified by an official responsible for maintaining them through the use of Form C. Article 9(3) also provides that no further authentication shall be necessary for admissibility into evidence in the Requesting State of official records pursuant to this Article where the official in charge of maintaining them authenticates the records through the use of Form C appended to this Treaty.

Article 10 provides a mechanism for the Requesting State to invite the voluntary appearance in its territory of a person located in the Requested State or in a third State. The Requesting State shall indicate the extent to which the expenses will be paid. It also states that the Central Authority of the Requesting State has discretion to

determine that a person appearing in the Requesting State pursuant to this Article shall not be subject to service of process or be detained or subjected to any restriction of personal liberty by reason of any acts or convictions that preceded his departure from the Requested State. Any safe conduct provided for by this article ceases seven days after the Central Authority of the Requesting State has notified the Central Authority of the Requested State that the person's presence is no longer required, or if the person has left the Requesting State and voluntarily returns to it.

Article 11 provides for temporary transfer of a person in custody in the Requested State or in a third State to the Requesting State for purposes of assistance under the Treaty (for example, a witness incarcerated in the Requested State may be transferred to have his deposition taken in the presence of the defendant), provided that the person in question and the Central Authorities of both States agree. The article also provides for voluntary transfer of a person in the custody of the Requesting State to the Requested State for purposes of assistance under the Treaty (for example, a defendant in the Requesting State may be transferred for purposes of attending a witness deposition in the Requested State), if the person consents and if the Central Authorities of both States agree.

Article 11(3) further establishes both the express authority and the obligation of the receiving State to

maintain the person transferred in custody unless otherwise agreed by both Central Authorities. The return of the person transferred is subject to terms and conditions agreed to by the Central Authorities, and the sending State is not required to initiate extradition proceedings for return of the person transferred. The person transferred receives credit for time served in the custody of the receiving State. Where the receiving State is a third State, the Requesting State shall make all arrangements necessary to meet the requirements of this paragraph.

Article 12 establishes the authority of the Requested State to authorize transit through its territory of a person held in custody by a third State whose appearance has been requested by the Requesting State. The Requested State further has the authority and the obligation to keep the person in custody during transit. The Parties retain discretion to refuse to grant transit of their own nationals, however.

Article 13 requires the Requested State to use its best efforts to ascertain the location or identity of persons or items specified in a request.

Article 14 obligates the Requested State to use its best efforts to effect service of any document relating, in whole or in part, to any request for assistance under the Treaty. A request for the service of a document requiring a person to appear in the Requesting State must be transmitted

a reasonable time before the scheduled appearance. Proof of service is to be provided in the manner specified in the request.

Article 15 obligates the Requested State to execute requests for search, seizure, and delivery of any item to the Requesting State if the request includes the information justifying such action under the laws of the Requested State. It provides that, upon request, every official who has custody of a seized item is required to certify, through the use of Form D appended to the Treaty, the continuity of custody, the identity of the item, and any changes in its condition. No further certification is required. The certificate is admissible in evidence in the Requesting State. The article further provides that the Central Authority of the Requested State may impose terms and conditions deemed necessary to protect bona fide third party interests in items to be transferred.

Article 16 requires the Requesting State's Central Authority, upon request of its counterpart in the Requested State, to return any items, including documents and records, furnished to it in execution of a request as soon as possible.

Article 17 provides that, if the Central Authority of one Party becomes aware of proceeds or instrumentalities of offenses that are located in the other Party and may be forfeitable or otherwise subject to seizure under the laws

of that Party, it may so inform the Central Authority of the other Party. If the Party receiving such information has jurisdiction in this regard, it may present this information to its authorities for a determination whether any action is appropriate. The Central Authority of the Party receiving such information is required to inform the Central Authority that provided the information of any action taken.

Article 17 also obligates the Parties to assist each other to the extent permitted by their respective laws in proceedings relating to forfeiture of the proceeds and instrumentalities of offenses, restitution to victims of crime, and collection of fines imposed as sentences in criminal prosecutions. This may include action to temporarily immobilize the proceeds or instrumentalities pending further proceedings. The Party having custody over proceeds or instrumentalities of offenses is required to dispose of them in accordance with its laws. Either party may transfer all or part of such assets, or the proceeds of their sale, to the extent permitted by the transferring party's laws and upon such terms as it deems appropriate.

Article 18 states that assistance and procedures provided in the Treaty shall not prevent either Contracting Party from granting assistance to the other Party through the provisions of other applicable international agreements or through the provisions of its national laws. The Parties

may also provide assistance pursuant to any bilateral arrangement, agreement, or practice which may be applicable.

Article 19 provides that the Central Authorities shall consult, at times mutually agreed, to promote the most effective use of the Treaty, and may agree upon such practical measures as may be necessary to facilitate the Treaty's implementation.

Article 20 provides that the Treaty is subject to ratification and the instruments shall be exchanged as soon as possible. The Treaty enters into force upon the exchange of instruments of ratification. Article 20 further provides that either party may terminate the Treaty by written notice to the other party, termination to be effective six months following the date of notification.

A Technical Analysis explaining in detail the provisions of the Treaty is being prepared by the United States negotiating delegation, consisting of representatives from the Departments of Justice and State, and will be transmitted separately to the Senate Committee on Foreign Relations.

The Department of Justice joins the Department of State in favoring approval of this Treaty by the Senate as soon as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to be a stylized name or set of initials, located at the bottom right of the page.

**TREATY BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF LATVIA
ON
MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS**

TABLE OF CONTENTS

Article 1	Scope of Assistance
Article 2	Central Authorities
Article 3	Limitations on Assistance
Article 4	Form and Contents of Requests
Article 5	Execution of Requests
Article 6	Costs
Article 7	Limitations on Use
Article 8	Testimony or Evidence in the Requested State
Article 9	Records of Government Agencies
Article 10	Appearance outside the Requested State
Article 11	Transfer of Persons in Custody
Article 12	Transit of Persons in Custody
Article 13	Location or Identification of Persons or Items
Article 14	Service of Documents
Article 15	Search and Seizure
Article 16	Return of Items
Article 17	Assistance in Forfeiture Proceedings
Article 18	Compatibility with Other Treaties
Article 19	Consultation
Article 20	Ratification, Entry Into Force, and Termination
Forms:	
A	Certification of Business Records
B	Certification of Absence of Business Records
C	Certification of Absence of Official Records
D	Certification with Respect to Seized Items

The United States of America and the Republic of Latvia,

Desiring to improve the effectiveness of the law enforcement authorities of both countries in the investigation, prosecution, and prevention of crime through cooperation and mutual legal assistance in criminal matters,

Have agreed as follows:

Article 1
Scope of Assistance

1. The Contracting Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of offenses, and in proceedings related to criminal matters.

2. Assistance shall include:

- (a) taking the testimony or statements of persons;**
- (b) providing documents, records, and other items;**
- (c) locating or identifying persons or items;**
- (d) serving documents;**
- (e) transferring persons in custody for testimony or other purposes;**
- (f) executing searches and seizures;**
- (g) assisting in proceedings related to immobilization and forfeiture of assets; restitution; collection of fines; and**
- (h) any other form of assistance not prohibited by the laws of the Requested State.**

3. Assistance shall be provided without regard to whether the conduct that is the subject of the investigation, prosecution, or proceeding in the Requesting State would constitute an offense under the laws of the Requested State.

4. This Treaty is intended solely for mutual legal assistance between the Parties. The provisions of this Treaty shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

Article 2

Central Authorities

- 1. Each Party shall have a Central Authority to make and receive requests pursuant to this Treaty.**

- 2. For the United States of America, the Central Authority shall be the Attorney General or a person designated by the Attorney General. For Latvia, the Central Authority shall be the Prosecutor General or a person designated by the Prosecutor General.**

- 3. The Central Authorities shall communicate directly with one another for the purposes of this Treaty.**

Article 3

Limitations on Assistance

- 1. The Central Authority of the Requested State may deny assistance if:**
 - (a) the request relates to an offense under military law that would not be an offense under ordinary criminal law;**
 - (b) the request relates to a political offense;**
 - (c) the execution of the request would prejudice the security or similar essential interests of the Requested State; or**
 - (d) the request does not conform to the requirements of the Treaty.**

- 2. Before denying assistance pursuant to this Article, the Central Authority of the Requested State shall consult with the Central Authority of the Requesting State to consider whether assistance can be given subject to such conditions as it deems necessary.**

If the Requesting State accepts assistance subject to these conditions, it shall comply with the conditions.

3. If the Central Authority of the Requested State denies assistance, it shall inform the Central Authority of the Requesting State of the reasons for the denial.

Article 4

Form and Contents of Requests

1. A request for assistance shall be in writing except that the Central Authority of the Requested State may accept a request in another form in urgent situations. If the request is not in writing, it shall be confirmed in writing within ten days unless the Central Authority of the Requested State agrees otherwise. The request shall be in the language of the Requested State unless otherwise agreed.

2. The request shall include the following:

- (a) the name of the authority conducting the investigation, prosecution, or proceeding to which the request relates;
- (b) a description of the nature and subject matter of the investigation, prosecution, or proceeding, including a statement of the factual basis and applicable provisions of law for each offense ;
- (c) a description of the evidence, information, or other assistance sought; and
- (d) a statement of the purpose for which the evidence, information, or other assistance is sought.

3. To the extent necessary and possible, a request shall also include:

- (a) information on the identity and location of any person from whom evidence is sought;
- (b) information on the identity and location of a person to be served, that person's relationship to the proceeding, and the manner in which service is to be made;
- (c) information on the identity and suspected location of a person or item to be located;
- (d) a precise description of the place or person to be searched and of the item to be seized;
- (e) a description of the manner in which any testimony or statement is to be taken and recorded;
- (f) a description of the testimony or statement sought, which may include a list of questions to be asked of a person;
- (g) a description of any particular procedure to be followed in executing the request;
- (h) information as to the allowances and expenses to which a person asked to appear in the Requesting State will be entitled; and
- (i) any other information that may be brought to the attention of the Requested State to facilitate its execution of the request.

Article 5

Execution of Requests

1. The Central Authority of the Requested State shall promptly execute the request or, when appropriate, shall transmit it to the authority having jurisdiction to do so. The competent authorities of the Requested State shall do everything in their power to execute the request. The Courts or other competent authorities of the Requested State shall have authority to issue subpoenas, search warrants, or other orders necessary to execute the request.

2. The Central Authority of the Requested State shall represent or make arrangements for representation of the Requesting State in the execution in the Requested State of a request for assistance.

3. Requests shall be executed in accordance with the laws of the Requested State except to the extent that this Treaty provides otherwise. However, the method of execution specified in the request shall be followed except insofar as it is prohibited by the laws of the Requested State.

4. If the Central Authority of the Requested State determines that execution of a request would interfere with an ongoing criminal investigation, prosecution, or proceeding in that State, it may postpone execution, or make execution subject to conditions determined to be necessary after consultations with the Central Authority of the Requesting State. If the Requesting State accepts the assistance subject to the conditions, it shall comply with the conditions.

5. The Requested State shall use its best efforts to keep confidential a request and its contents if such confidentiality is requested by the Central Authority of the Requesting State. If the request cannot be executed without breaching such confidentiality, the Central Authority of the Requested State shall so inform the Central Authority of the Requesting State, which shall then determine whether the request should nevertheless be executed.

6. The Central Authority of the Requested State shall respond to reasonable requests by the Central Authority of the Requesting State on progress toward execution of the request.

7. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the outcome of the execution of the request. If execution of the request is denied, delayed or postponed, the Central Authority of the

Requested State shall inform the Central Authority of the Requesting State of the reasons for the denial, delay or postponement.

Article 6

Costs

The Requested State shall pay all costs relating to the execution of a request except for the following:

- (a) the fees of experts, unless otherwise agreed by both Central Authorities;**
- (b) the costs of interpretation, translation and transcription; and**
- (c) the allowances and expenses related to travel of persons travelling either in the Requested State for the convenience of the Requesting State or pursuant to Articles 10 and 11.**

Article 7

Limitations on Use

1. The Central Authority of the Requested State may require that the Requesting State not use any evidence or information obtained under this Treaty in any investigation, prosecution, or proceeding other than that described in the request without the prior consent of the Central Authority of the Requested State. In such situations, the Requesting State shall comply with the requirement.

2. The Central Authority of the Requested State may request that evidence or information furnished under this Treaty be kept confidential or be used only subject to terms and conditions that it may specify. If the Requesting State accepts the evidence or

information subject to such conditions, the Requesting State shall use its best efforts to comply with the conditions.

3. Nothing in this Article shall preclude the use or disclosure of evidence or information to the extent that there is an obligation to do so under the Constitution of the Requesting State in a criminal prosecution. The Requesting State shall notify the Requested State in advance of any such proposed use or disclosure.

4. Evidence or information that has been made public in the Requesting State in a manner consistent with paragraph 1 or 2 may thereafter be used for any purpose.

Article 8

Testimony or Evidence in the Requested State

1. A person in the Requested State from whom testimony or evidence is requested pursuant to this Treaty shall be compelled, if necessary, to appear and testify or produce items, including documents and records. A person who knowingly gives false testimony, either orally or in writing, in execution of a request shall be subject to prosecution in the Requested State in accordance with the criminal laws of that State.

2. Upon request, the Central Authority of the Requested State shall furnish information in advance about the date and place of the taking of the testimony or evidence pursuant to this Article.

3. The Requested State shall permit the presence of such persons as specified in the request during the execution of the request, and shall allow such persons to question the person giving the testimony or evidence.

4. If the person referred to in paragraph 1 asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting State, the testimony or evidence shall nonetheless be taken and the claim made known to the Central Authority of the Requesting State for resolution by the authorities of that State.

5. Evidence produced in the Requested State pursuant to this Article or that is the subject of testimony taken under this Article shall, upon request, be authenticated by an attestation including, in the case of business records, authentication in the manner indicated in Form A appended to this Treaty. The absence or non-existence of such records shall, upon request, be certified through the use of Form B appended to this Treaty. Records authenticated by Form A, or Form B certifying the absence of such records, shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

Article 9

Records of Government Agencies

1. The Requested State shall provide the Requesting State with copies of publicly available records, including documents or information in any form, in the possession of government agencies and judicial authorities in the Requested State.

2. The Requested State may provide copies of any records, including documents or information in any form, that are in the possession of a government department or agency in that State, but that are not publicly available, to the same extent and under the same conditions as such copies would be available to its own law enforcement or judicial authorities. The Requested State may in its discretion deny a request pursuant to this paragraph entirely or in part.

3. Records produced pursuant to this Article shall, upon request and without cost to the Requesting State, be authenticated under the provisions of the Convention Abolishing the Requirement of Legalization for Foreign Public Documents, dated 5 October 1961. The absence or nonexistence of such records shall, upon request, be certified by an official responsible for maintaining them through the use of Form C appended to this Treaty. Records authenticated under this paragraph, or Form C certifying the absence or nonexistence of such records, shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

Article 10

Appearance Outside the Requested State

1. When the Requesting State requests the appearance of a person in that State or a third State, the Requested State shall invite the person to appear before the appropriate authority in the Requesting State or in the third State. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the person's response.

2. The Requesting State shall indicate the extent to which the person's expenses will be paid. A person who agrees to appear may ask that the Requesting State advance money to cover these expenses. This advance may be provided through the Embassy or a consulate of the Requesting State.

3. The Central Authority of the Requesting State may, in its discretion, determine that a person appearing in the Requesting State pursuant to this Article shall not be subject to service of process, or be detained or subjected to any restriction of personal liberty, by reason of any acts or convictions that preceded the person's departure from the Requested State.

4. The safe conduct provided for by this Article shall cease after the Central Authority of the Requesting State has notified the Central Authority of the Requested State that the person's presence is no longer required, and that person, being free to leave, has not left within seven days or, having left, has voluntarily returned.

Article 11

Transfer of Persons in Custody

1. A person in the custody of the Requested State whose presence in the Requesting State or in a third State is sought for purposes of assistance under this Treaty shall be transferred from the Requested State to the Requesting State or to the third State for that purpose if the person consents and if the Central Authorities of both States agree.

2. A person in the custody of the Requesting State whose presence in the Requested State is sought for purposes of assistance under this Treaty may be transferred from the Requesting State to the Requested State if the person consents and if the Central Authorities of both States agree.

3. For purposes of this Article:

- (a) the receiving State shall have the authority and the obligation to keep the person transferred in custody unless otherwise agreed by both Central Authorities;
- (b) the receiving State shall return the person transferred to the custody of the sending State as soon as circumstances permit or as otherwise agreed by both Central Authorities;
- (c) the receiving State shall not require the sending State to initiate extradition or any other proceedings for the return of the person transferred; and

- (d) the person transferred shall receive credit for service of the sentence imposed in the sending State for time served in the custody of the receiving State.
- (e) where the receiving State is a third State, the Requesting State shall make all arrangements necessary to meet the requirements of this paragraph.

Article 12

Transit of Persons in Custody

1. The Requested State may authorize the transit through its territory of a person held in custody by a third State whose personal appearance has been requested by the Requesting State to give testimony or evidence or otherwise provide assistance in an investigation, prosecution, or proceeding.
2. The Requested State shall have the authority and the obligation to keep the person in custody during transit.
3. Each Party may refuse to grant transit of its nationals.

Article 13

Location or Identification of Persons or Items

If the Requesting State seeks the location or identity of persons or items in the Requested State, the Requested State shall use its best efforts to ascertain the location or identity.

Article 14

Service of Documents

1. The Requested State shall use its best efforts to effect service of any document relating, in whole or in part, to any request for assistance made by the Requesting State under the provisions of this Treaty.

2. The Requesting State shall transmit any request for the service of a document requiring the appearance of a person before an authority in the Requesting State a reasonable time before the scheduled appearance.

3. The Requested State shall return a proof of service to the Requesting State in the manner specified in the request.

Article 15

Search and Seizure

1. The Requested State shall execute a request for the search, seizure, and transfer of any item to the Requesting State if the request includes the information justifying such action under the laws of the Requested State.

2. Upon request, every official in the Requested State who has had custody of a seized item shall certify, through the use of Form D appended to this Treaty, the identity of the item, the continuity of its custody, and any changes in its condition. The certificates shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

3. The Central Authority of the Requested State may require that the Requesting State agree to the terms and conditions deemed necessary to protect third party interests in the item to be transferred.

Article 16

Return of Items

The Central Authority of the Requested State may require that the Central Authority of the Requesting State return, as soon as possible, any items, including documents and records, furnished to it in execution of a request under this Treaty.

Article 17

Assistance in Forfeiture Proceedings

1. If the Central Authority of one Party becomes aware of proceeds or instrumentalities of offenses that are located in the other Party and may be forfeitable or otherwise subject to seizure under the laws of that Party, it may so inform the Central Authority of the other Party. If the Party receiving such information has jurisdiction in this regard, it may present this information to its authorities for a determination whether any action is appropriate. These authorities shall issue their decision in accordance with the laws of their country. The Central Authority of the Party that received the information shall inform the Central Authority of the Party that provided the information of the action taken.

2. The Parties shall assist each other to the extent permitted by their respective laws in proceedings relating to the forfeiture of the proceeds and instrumentalities of offenses, restitution to the victims of crime, and the collection of fines imposed as sentences

in criminal prosecutions. This may include action to temporarily immobilize the proceeds or instrumentalities pending further proceedings.

3. The Party that has custody over proceeds or instrumentalities of offenses shall dispose of them in accordance with its laws. Either Party may transfer all or part of such assets, or the proceeds of their sale, to the other Party, to the extent permitted by the transferring Party's laws and upon such terms as it deems appropriate.

Article 18

Compatibility with Other Treaties

Assistance and procedures set forth in this Treaty shall not prevent either Party from granting assistance to the other through the provisions of other applicable international agreements, or through the provisions of its national laws. The Parties may also provide assistance pursuant to any bilateral arrangement, agreement, or practice that may be applicable.

Article 19

Consultation

The Central Authorities shall consult, at times mutually agreed to by them, to promote the most effective use of this Treaty. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of this Treaty.

Article 20

Ratification, Entry Into Force, and Termination

1. This Treaty shall be subject to ratification, and the instruments of ratification shall be exchanged as soon as possible.

2. This Treaty shall enter into force upon the exchange of instruments of ratification.

3. Either Party may terminate this Treaty by means of written notice to the other Party. Termination shall take effect six months following the date of notification.

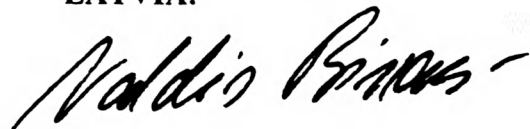
IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

DONE at Washington this thirteenth day of June, 1997, in duplicate, in the English and Latvian languages, both texts being equally authentic.

**FOR THE UNITED STATES OF
AMERICA:**



**FOR THE REPUBLIC OF
LATVIA:**



Form A

CERTIFICATION OF BUSINESS RECORDS

I, _____ (name) _____, having been advised as a witness that a false attestation subjects me to a penalty of criminal punishment, attest as follows:

I am employed by/associated with _____ (name of business from which documents are sought) _____ in the position of _____ (business position or title) _____ and by reason of my position am authorized and qualified to make this attestation.

Each of the records attached hereto is a record in the custody of the above-named business that:

- (A) was made, at or near the time of the occurrence of the matters set forth therein, by, or from information transmitted by, a person with knowledge of those matters;
- (B) was kept in the course of a regularly conducted business activity;
- (C) was made by the business as a regular practice; and,
- (D) if not an original record, is a duplicate of the original.

_____ (date of execution) _____

_____ (place of execution) _____

_____ (signature) _____

Form B

CERTIFICATION OF ABSENCE OF BUSINESS RECORDS

I, _____(name)_____, having been advised as a witness that a false attestation subjects me to a penalty of criminal punishment, attest as follows:

I am employed by/associated with _____(name of business from which documents are sought)_____ in the position of _____(business position or title)_____ and by reason of my position am authorized and qualified to make this attestation.

As a result of my employment/association with the above-named business, I am familiar with the business records it maintains. The business maintains business records that are:

- (A) made, at or near the time of the occurrence of the matters set forth therein by, or from information transmitted by, a person with knowledge of those matters;
- (B) kept in the course of a regularly conducted business activity; and
- (C) made by the business as a regular practice.

Among the records so maintained are records of individuals and entities that have accounts or otherwise transact business with the above-named business. I have made or caused to be made a diligent search of those records. No records have been found reflecting any business activity between the business and the following individuals and entities:

_____.

If the business had maintained an account on behalf of or had participated in a transaction with any of the foregoing individuals or entities, its business records would reflect that fact.

_____(date of execution)_____

_____(place of execution)_____

_____(signature)_____

Form C

CERTIFICATION OF ABSENCE OF OFFICIAL RECORDS

I, _____(name)_____, having been advised as a witness that a false attestation subjects me to a penalty of criminal punishment, attest as follows:

1. _____(name of public authority)_____ is a government office or agency of _____(country)_____ and is authorized by law to maintain official records setting forth matters that are authorized by law to be reported and recorded or filed;
2. records of the type described below set forth matters that are authorized by law to be reported and recorded or filed, and such matters regularly are recorded or filed by the above-named public authority;
3. my position with the above-named public authority is _____(official title)_____;
4. in my official capacity I have made, or caused to be made, a diligent search of the above-named public authority's records for the records described below; and
5. no such records have been found to exist therein.

Description of documents:

_____(signature)_____

(Official Seal or Stamp)

_____(date)_____

Form D

CERTIFICATION WITH RESPECT TO SEIZED ITEMS

I, _____(name)_____, having been advised as a witness that a false attestation subjects me to a penalty of criminal punishment, attest as follows:

1. My position with the Government of _____(country)_____ is _____(official title)_____;

2. I received custody of the items listed below from _____(name of person)_____ on _____(date)_____ at _____(place)_____; and

3. I relinquished custody of the items listed below to _____(name of person)_____ on _____(date)_____ at _____(place)_____ in the same condition as when I received them (or, if different, as noted below).

Description of items:

Changes in condition while in my custody:

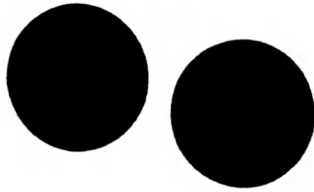
_____(date of execution)_____

_____(place of execution)_____

(Official Seal or Stamp)

_____(signature)_____

January 9, 1998



ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: STEPHEN J. FLANAGAN *SJF*

FROM: SUSAN R. BRADEN *SB*

SUBJECT: Presidential Meeting with Baltic Presidents Meri, Brazauskas and Ulmanis on January 16, 1998

Attached at Tab I is your memorandum to the President forwarding briefing material and talking points for his meeting with Baltic Presidents Lennert Meri, Guntis Ulmanis and Algirdas Brazauskas on January 16, 1998.

Concurrences by: Ki Fort *KF SF* and Nancy McEldowney *UMF SF*

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

- Tab I Memo to the President
- Tab A Points to be Made
- Tab B Scenario
- Tab C Biographies
- Tab D Secretary of State Memo to the President
- Tab E Partnership Charter

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E.O. 13526
White House Guidelines, May 16, 2017
By *W* NARA, Date *6/6/2023*
2016-03/4-01-3

TAB I

THE WHITE HOUSE

WASHINGTON

MEETING WITH BALTIC PRESIDENTS

DATE: January 16, 1998

LOCATION: Cabinet Room

TIME: 1:40 p.m.

FROM: SAMUEL BERGER

I. PURPOSE

- Underscore our commitment to advancing the integration of Estonia, Latvia and Lithuania's into Western institutions and to strengthening our bilateral relations.
- As a symbol of this commitment, sign the Charter of Partnership, which codifies the terms of the relationship and maps out the road ahead.
- Reaffirm our commitment to keep NATO's door open and support their efforts to become members of NATO. Also note our support for their accession, on appropriate terms, to the EU and WTO.
- Applaud Baltic efforts to develop friendly relations with their neighbors, particularly Russia, and offer support for expanded cooperation between Russia and northeastern Europe in areas where there is common ground.

II. BACKGROUND

The Baltic Presidents see this visit as a **truly historic occasion** both because of the Charter signing and because it will be the last time they, as key figures in their countries' post-communist transformations, will be together with you in the White House. Valdas Adamkus, a Lithuanian-American former EPA official in Chicago, will replace Brazauskas, who chose not to seek reelection, next month. Meri, nearly 70, is unlikely to stand for another term, and Ulmanis, whose second term expires next year, probably won't run again.

These very different men -- the urbane and intellectual Meri, the earthy, former Communist Brazauskas, and the

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Reason: 1.5(b,d)

Declassify on: 1/9/08

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2016-0314-M-1 (1,47)

6/12/2023 VZ

centrist, business-like Ulmanis -- have succeeded in putting their states at the forefront of the reform movement in Central Europe. Over the past four years, they have successfully used their positions to forward democratic reform, continue the transition to market-oriented economies, move closer to Western institutions, and enhance relations with their neighbors, including Russia.

All three leaders believe that **the United States is key to their full reintegration into the West.** For over fifty years, successive U.S. Administrations maintained a strong policy of non-recognition of their forcible incorporation into the Soviet Union. We then played a critical role in helping them implement democratic and free market reforms and strengthen their security and sovereignty. The Charter of Partnership you will sign during this visit symbolizes how far they have come since 1991 and expresses our commitment to help them complete this journey.

The Charter is a political statement of common principles and a framework for the expansion of our relations. Most importantly to the Baltics, it affirms that they are part of our vision for a new Europe and will not be left out or discriminated against due to history or geography.

- On NATO, it builds on the Madrid Summit, stating that **the United States welcomes Baltic aspirations and supports their efforts to join NATO.** It also recalls Madrid's caveat that aspirants must be able to assume the responsibilities of membership and that Allies must agree inclusion of any new members would serve overall European stability. **It does not pre-commit us to Baltic membership or extend any surrogate security guarantees.**
- The Baltic states reaffirm their commitment to continue market-oriented reforms. The four governments pledge to enhance joint efforts to promote cooperative relations throughout the Baltic region, including with Russia.
- The Charter notes the progress of existing bilateral working groups on defense and establishes a new working group on trade, investment, and related fields. It also establishes a Partnership Commission of senior officials, who will hold annual stock-taking meetings.

Moving Ahead Along. As evidence of our commitment to pursuing Charter goals, you will announce at the signing ceremony the establishment of a **Baltic-American Partnership Fund** -- using \$7.5 million of our assistance money and **matching funds from George Soros** -- whose charter will be to foster the development on non-governmental organizations in these states. Also during their visit here, Charlene Barshefsky will sign a bilateral investment treaty with Lithuania (Estonia and Latvia have accords already), Bob Rubin will sign **treaties against double taxation** with all three states, and Attorney General Reno and FBI Director Freeh will announce enhanced **cooperation** among the three in administration of **justice and combating organized crime**.

Likely Topics

NATO Membership. The Baltic Presidents will raise their aspirations for NATO membership. They all hope there will be a second tranche of new members in 1999, and at least Lithuania believes it is well on the way to qualifying. Lithuania, with the largest population, has, in fact, devoted the most resources and made the greatest progress of the three in building its armed forces. But even they have very limited capabilities to work with NATO in defense of their territory or in peacekeeping missions elsewhere.

While continuing to advance the public line that all Baltic states belong in NATO, both Tallinn and Riga realize that they won't be ready militarily to join soon and that most Allies have serious reservations about their membership because of Russian objections. Thus, they have focused their efforts on joining the EU. In their meeting with you, the presidents will accept the view that it is premature to discuss the "next tranche" and that the Charter does not commit the United States to support their bid. However, **they will seek reaffirmation that NATO's door remains open, and, as Strobe has put it, that we are working seriously to help them walk through that door.**

- You should urge them to focus on taking advantage of the many programs we and the Allies are offering, including \$18 million in military assistance next year, to help them enhance their security, ability to work with NATO, and preparations for membership. You might remind them that the Charter is neither a security guarantee nor a firm commitment to support their membership.

Investment, EU and WTO. The Baltic economies are all still in transition, but Estonia and Latvia are the furthest along. U.S. investment in the region has been slow to develop, now totaling about \$550 million, only 19 percent of all their foreign investment.

- **Estonia** has made steady progress across the board and in 1996 became the first Central European country to "graduate" from our assistance program Support for East European Democracy (SEED). In December, it was the only Baltic state invited to commence EU accession talks.
- **Latvia** is close to getting an offer from the EU to begin accession talks. Its strong progress was slowed by lagging privatization and a 1995 banking crisis.
- **Lithuania** has made steady progress in privatization but has suffered from very slow growth (linked to taxation policies and a lagging financial sector).

Regarding the WTO, Latvia has been the most aggressive of the three in pursuing this goal. Its bid, however, **is being held up over the issue of audiovisual services, which pits us against the EU and puts Latvia and the other two Baltic EU aspirants in between.** The EU is insisting that Latvia make no commitment to open its market to audiovisual services. While ready to accept Latvia's adoption of current (51 percent foreign) EU content restrictions, we want Riga to go no further and believe this is a significant concession.

- You should tell the Presidents that we are very supportive of their accession to the EU and the WTO -- on defensible terms -- and hope the audiovisual issue with the EU can be resolved soon. You might also note our interest in expanding trade and investment.

Russians & Hansa. The Baltic leaders cooperate well with each other and most of their neighbors. **The Nordics and the United States** have supported several initiatives that promote regional security and compatibility with NATO, including the Baltic Peacekeeping Battalion (Baltbat). The Nordics have extensive trade and investment in the region.

Lithuanian-Russian relations are the best of the three, in large part because Russian speakers account for only 8 percent of the population. In October, Presidents Yeltsin

and Brazauskas signed a demarcation agreement of the land border with Kaliningrad. Vilnius remains concerned, however, about transit through Lithuania from this heavily-militarized Russian province to its west.

Latvia and Estonia, which have much larger ethnic Russian communities, maintain normal but cool relations with Russia. Estonia and Latvia have not reached border agreements, primarily because of Moscow's linkage of conditions on the treatment of the Russian-speaking minorities (29 and 33 percent respectively). They have, however, begun practical cooperation with Russia on such problems as border controls and countering crime.

In August 1994, with your intervention, Russia withdrew its troops from Latvia **except for about 800 technicians who stayed to operate the Skrunda missile early-warning radar facility** until it shuts down this August. Russia has allowed agreed inspections of this facility. But Latvia is concerned that departure of the technicians and the commencement of dismantlement may be slowed due to construction delays in the essential replacement facility in Belarus. Based on political signs and available intelligence, **we expect Russia to abide fully by the terms of the agreement with Latvia, which Yeltsin has previously affirmed to you.**

In December, as part of an emerging "charm offensive," **President Yeltsin** floated the notion of enhanced economic cooperation with the Baltic states, but linked it to Baltic neutrality and offers of **joint security guarantees**. The Balts promptly rejected the latter notions, making clear that they aspire to be members of NATO.

- Rather than fight Moscow on Baltic membership in NATO, we have sought to focus on areas where there is a common ground. Madeleine and Strobe have told their Russian interlocutors, that we must agree to disagree on NATO, but we want to help promote expanded cooperation between northeastern Europe and northern Russia (as existed in Hanseatic period) in trade, energy development, the environment, and combating transnational problems such as organized crime. You should encourage the Baltic Presidents to pursue a similar tack as a way to show Moscow that Baltic integration will create opportunities.

III. PARTICIPANTS

See Scenario at Tab B.

IV. PRESS PLAN

See Scenario at Tab B.

V. SEQUENCE

See Scenario at Tab B.

Attachments

Tab A	Points to be Made
Tab B	Scenario
Tab C	Biographies
Tab D	Secretary of State Memo to the President
Tab E	Summary of The Charter of Partnership

TAB A

POINTS TO BE MADE FOR MEETING WITH
ESTONIAN PRESIDENT MERI, LATVIAN PRESIDENT ULMANIS AND
LITHUANIAN PRESIDENT BRAZAUSKAS

Partnership Charter

- Charter important for United States, Estonia, Latvia and Lithuania because it marks how far we have come toward our shared goal of building a new Europe and advancing your integration into West. Also maps out clear directions for road ahead.
- Charter makes clear our "real, profound and enduring interest" in independence, sovereignty, and territorial integrity and security of your countries.
- Can be very proud of your individual and collective efforts to advance goals of Charter even before it was completed. Need to keep working to promote respect for rights of all citizens and deal with legacy of past.
- Together, you are creating facts of integration on ground through your participation in PFP, IFOR, and host of regional initiatives.
- Charter gives us many opportunities to expand and improve relations in both security and economic fields. Events of last few days -- signing of double tax treaties, initiatives on justice and organized crime, and creation of Baltic-American Partnership Fund - show that we are already moving to build on this framework.

NATO Enlargement

- Welcome your desire and support your efforts to become members of NATO. Want to underscore that NATO's door will remain open.
- Your membership will depend on satisfaction of NATO principles, including your ability to contribute to overall security.
- First round of enlargement will not be last. But it's too soon to talk about next steps. We must all focus on getting first round "right" and securing Senate ratification. Welcome your help in this regard. The

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Reason: 1.5(b,d)
Declassify On: 1/9/08

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2014-0656-M (1.52)
4/27/2022 VZ

stronger our success in integrating Poland, Hungary, and Czech Republic, easier next steps will be.

- This is good time to make use of intensified dialogue, Partnership for Peace enhancements and Euro-Atlantic Partnership Council to deepen your engagement with Alliance.
- We are committed to helping you advance these goals in more systematic ways. Fully support work of our military experts to assess needs of your countries' armed forces and help you develop realistic defense plans. We will increase our security assistance next year and work closely with other donor states.

EU/WTO Accession

- Support each of your efforts to join EU, but recognize decisions will be made by Europeans.
- We support your accession to WTO on appropriate terms. Will be as flexible as can; hope EU will do same.
- As Ambassador Barshevsky explained, we will continue to work with EU on what we think is reasonable compromise on audiovisual content that is consistent with goals of EU Broadcast Directive and protects our interest in maintaining an open market.

Relations with Neighbors

- Applaud effort to develop cooperative relationship with each other, Nordics, and Russia.
- Especially pleased with your joint effort to promote regional security and interoperability with NATO through participation in Baltic Peacekeeping Battalion (Batlbat), Baltic Sea Squadron (Baltron), and regional airspace initiative (Baltnet).
- Now it's time to explore in detail opportunities for building economic and other non-security cooperation throughout Baltic region. Am fully committed to enhancing our involvement in Nordic/Baltic and Baltic/Russian cooperative ventures.

Russia

- Encouraged by recent signature of Kaliningrad border agreement between Presidents Brazauskas and Yeltsin in Moscow.
- Agreement meets one of fundamental responsibilities in relationship between neighboring states, establishment of common borders in mutually satisfactory manner. With border agreements in place, Lithuania and Russia can move on to other areas of cooperation.
- Hope Russia will sign similar agreements with Estonia and Latvia soon. Pleased that Estonia and Latvia are committed to expanding practical cooperation with Russia on common concerns.
- Know Latvia concerned that Russia may delay departure from Skrunda radar facility. We expect Russia to abide fully by terms of agreement with Latvia. Have strong indications that Russia intends to do so.
- Note Russia has proposed security guarantees to you. As we stated publicly, agree sovereign states have right to choose their own security orientation, including whether or not to become member of an Alliance. Your choice is clear.
- Want to work with you and Nordics to expand cooperation between northern Europe and Russia in areas where we all have common interests. Charter notes increased cooperation in economic development, trade, environmental arena as well as in fight against organized crime. As you have heard in meetings earlier this week, we are ready to move on this agenda in practical ways.

TAB B

SCENARIO TO BE PROVIDED

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001d. report	U.S. Government Report (2 pages)	01/06/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Central and Eastern European Affairs (Flanagan, Stephen)
OA/Box Number: 1785

FOLDER TITLE:

Latvia, 1997-1998 [1]

2011-1037-F
ke2181

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001e. report	U.S. Government Report (1 page)	01/12/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Central and Eastern European Affairs (Flanagan, Stephen)
OA/Box Number: 1785

FOLDER TITLE:

Latvia, 1997-1998 [1]

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Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001f. report	U.S. Government Report (2 pages)	01/06/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Central and Eastern European Affairs (Flanagan, Stephen)
OA/Box Number: 1785

FOLDER TITLE:

Latvia, 1997-1998 [1]

2011-1037-F
ke2181

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001g. report	U.S. Government Report (2 pages)	01/06/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Central and Eastern European Affairs (Flanagan, Stephen)
OA/Box Number: 1785

FOLDER TITLE:

Latvia, 1997-1998 [1]

2011-1037-F
ke2181

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001h. report	U.S. Government Report (2 pages)	12/30/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Central and Eastern European Affairs (Flanagan, Stephen)
OA/Box Number: 1785

FOLDER TITLE:

Latvia, 1997-1998 [1]

2011-1037-F
ke2181

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001i. report	U.S. Government Report (2 pages)	01/06/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Central and Eastern European Affairs (Flanagan, Stephen)
OA/Box Number: 1785

FOLDER TITLE:

Latvia, 1997-1998 [1]

2011-1037-F
ke2181

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SECRETARY OF STATE MEMO
TO PRESIDENT TO BE PROVIDED

BALTIC CHARTER SUMMARY

The Charter of Partnership is a political statement of common principles that will guide the deepening of mutual cooperation and advance common objectives, including Baltic integration into the European and transatlantic communities. It makes clear the Baltic states are part of the U.S. vision for a new Europe and that they will not be left out or discriminated against due to factors of history or geography.

- It notes that the United States has a "real, profound, and enduring" interest in their security and independence of the three Baltic states.

The Charter begins with expression of commitments by the four governments to shared principles and a common vision for a secure, prosperous, and undivided Europe. It notes how U.S.-Baltic cooperation can contribute to the integration of the Baltic states.

- In that context, the Charter notes the goal of Baltic integration into European and transatlantic institutions, such as the European Union, OSCE, the World Trade Organization and NATO.
- On NATO, the Charter recalls the Madrid Summit Communique language recognizing the Baltic states as aspiring members, and notes that the United States welcomes Baltic aspirations and supports their efforts to join NATO. It also reaffirms U.S. policy that NATO's partners can become members as each aspirant proves itself able and willing to assume the responsibilities and obligations of membership, and as NATO determines that the inclusion of these nations would serve European stability and the strategic interests of the Alliance.

The Charter affirms a shared commitment to promotion of harmonious and equitable relations among individuals belonging to diverse ethnic and religious groups. The Charter stresses the promotion of close cooperative relationships throughout the Baltic region, in particular to the enhancement of bilateral relations among the Baltic states and neighboring states.

The Charter takes note of the progress of existing bilateral working groups on security and military affairs, and establish a new working group on economic reform, trade, investment and

related fields. Each year these groups will review progress on our bilateral objectives and set the agenda for the year ahead.

- The Charter also establishes a "Partnership Commission," headed by a senior State Department official, to review annually the activities of the independent military and economic bilateral working groups.

What the Charter Isn't.

While the Charter welcomes Baltics aspirations for NATO membership, it in no way pre-commits the United States to Baltic membership. The Baltic states will have to meet the same criteria and standards expected of other states.

Neither does the Charter offer "back-door" security guarantees. The Baltic governments understand, and have said so publicly, that such guarantees can only come through NATO membership. The Charter is not an alternative to NATO membership, nor is it an effort to regionalize the security of the Baltic states.

**A CHARTER OF PARTNERSHIP
AMONG THE UNITED STATES OF AMERICA
AND THE REPUBLIC OF ESTONIA, REPUBLIC OF LATVIA, AND
REPUBLIC OF LITHUANIA**

Preamble

The United States of America, the Republic of Estonia, the Republic of Latvia, and the Republic of Lithuania, hereafter referred to as Partners.

Sharing a common vision of a peaceful and increasingly integrated Europe, free of divisions, dedicated to democracy, the rule of law, free markets, and respect for the human rights and fundamental freedoms of all people;

Recognizing the historic opportunity to build a new Europe, in which each state is secure in its internationally-recognized borders and respects the independence and territorial integrity of all members of the transatlantic community;

Determined to strengthen their bilateral relations as a contribution to building this new Europe, and to enhance the security of all states through the adaptation and enlargement of European and transatlantic institutions;

Committed to the full development of human potential within just and inclusive societies attentive to the promotion of harmonious and equitable relations among individuals belonging to diverse ethnic and religious groups;

Avowing a common interest in developing cooperative, mutually respectful relations with all other states in the region;

Recalling the friendly relations that have been continuously maintained between the United States of America and the Republic of Estonia, the Republic of Latvia, and the Republic of Lithuania since 1922;

Further recalling that the United States of America never recognized the forcible incorporation of Estonia, Latvia, and Lithuania into the USSR in 1940 but rather regards their statehood as uninterrupted since the establishment of their independence, a policy which the United States has restated continuously for five decades;

Celebrating the rich contributions that immigrants from Estonia, Latvia, and Lithuania have made to the multi-ethnic culture of the United States of America, as well as the European heritage enjoyed by the United States as a beneficiary of the contributions of intellectuals, artists, and Hanseatic traders from the Baltic states to the development of Europe; praising the contributions of U.S. citizens to the liberation and rebuilding of Estonia, Latvia and Lithuania.

Affirm as a political commitment declared at the highest level, the following principles and procedures to guide their individual and joint efforts to achieve the goals of this Charter.

Principles of Partnership

The United States of America has a real, profound and enduring interest in the independence, sovereignty, and territorial integrity, and security of Estonia, Latvia, and Lithuania.

The United States of America warmly welcomes the success of Estonia, Latvia, and Lithuania in regaining their freedom and resuming their rightful places in the community of nations.

The United States of America respects the sacrifices and hardships undertaken by the people of Estonia, Latvia, and Lithuania to re-establish their independence. It encourages efforts by these states to continue to expand their political, economic, security, and social ties with other nations as full members of the transatlantic community.

The Partners affirm their commitment to the rule of law as a foundation for a transatlantic community of free and democratic nations, and to the responsibility of all just societies to protect and respect the human rights and civil liberties of all individuals residing within their territories.

The Partners underscore their shared commitment to the principles and obligations contained in the United Nations Charter.

The Partners reaffirm their shared commitment to the purposes, principles, and provisions of the Helsinki Final Act and subsequent OSCE documents, including the Charter of Paris and the documents adopted at the Lisbon OSCE Summit.

The Partners will observe in good faith their commitments to promote and respect the standards for human rights embodied in the above-mentioned Organization for Security and Cooperation in Europe (OSCE) documents and in the Universal Declaration on Human Rights. They will implement their legislation protecting such human rights fully and equitably.

The United States of America commends the measures taken by Estonia, Latvia, and Lithuania to advance the integration of Europe by establishing close cooperative relations among themselves and with their neighbors, as well as their promotion of regional cooperation through their participation in fora such as the Baltic Assembly, Baltic Council of Ministers, and the Council of Baltic Sea States.

Viewing good neighborly relations as fundamental to overall security and stability in the transatlantic community, Estonia, Latvia, and Lithuania reaffirm their determination to further enhance bilateral relations between themselves and with other neighboring states.

The Partners will intensify their efforts to promote the security, prosperity, and stability of the region. The Partners will draw on the points noted below in focusing their efforts to deepen the integration of the Baltic states into transatlantic and European institutions, promote cooperation in security and defense, and develop the economies of Estonia, Latvia, and Lithuania.

A Commitment to Integration

As part of a common vision of a Europe whole and free, the Partners declare that their shared goal is the full integration of Estonia, Latvia, and Lithuania into European and transatlantic political, economic, security and defense institutions. Europe will not be fully secure unless Estonia, Latvia, and Lithuania each are secure.

The Partners reaffirm their commitment to the principle, established in the Helsinki Final Act, repeated in the Budapest and Lisbon OSCE summit declarations, and also contained in the OSCE Code of Conduct on Politico-Military Aspects of Security, that the security of all states in the Euro-Atlantic community is indivisible.

The Partners further share a commitment to the core principle, also articulated in the OSCE Code of Conduct and reiterated in subsequent OSCE summit declarations, that each state has the inherent right to individual and collective self-defense as well as the right freely to choose its own security arrangements, including treaties of alliance.

The Partners support the vital role being played by a number of complementary institutions and bodies -- including the OSCE, the European Union (EU), the West European Union (WEU) the North Atlantic Treaty Organization (NATO), the Euro-Atlantic Partnership Council (EAPC), the Council of Europe (COE), and the Council of Baltic Sea States (CBSS) -- in achieving the partners' shared goal of an integrated, secure, and undivided Europe.

They believe that, irrespective of factors related to history or geography, such institutions should be open to all European democracies willing and able to shoulder the responsibilities and obligations of membership, as determined by those institutions.

The Partners welcome a strong and vibrant OSCE dedicated to promoting democratic institutions, human rights, and fundamental freedoms. They strongly support the OSCE's role as a mechanism to prevent, manage, and resolve conflicts and crises.

Estonia, Latvia, and Lithuania each reaffirm their goal to become full members of all European and transatlantic institutions, including the European Union and NATO.

The United States of America recalls its longstanding support for the enlargement of the EU, affirming it as a core institution in the new Europe and declaring that a stronger, larger, and outward-looking European Union will further security and prosperity for all of Europe.

The Partners believe that the enlargement of NATO will enhance the security of the United States, Canada, and all the countries in Europe, including those states not immediately invited to membership or not currently interested in membership.

The United States of America welcomes the aspirations and supports the efforts of Estonia, Latvia, and Lithuania to join NATO. It affirms its view that NATO's partners can become members as each aspirant proves itself able and willing to assume the responsibilities and obligations of membership, and as NATO determines that the inclusion of these nations would serve European stability and the strategic interests of the Alliance.

The United States of America reiterates its view that the enlargement of NATO is an on-going process. It looks forward to future enlargements, and remains convinced that not only will NATO's door remain open to new members, but that the first countries invited to membership will not be the last. No non-NATO country has a veto over Alliance decisions. The United States notes the Alliance is prepared to strengthen its consultations with aspirant countries on the full range of issues related to possible NATO membership.

The Partners welcome the results of the Madrid Summit. They support the Alliance's commitment to an open door policy and welcome the Alliance's recognition of the Baltic states as aspiring members of NATO. Estonia, Latvia, and Lithuania pledge to deepen their close relations with the Alliance through the Euro-Atlantic Partnership Council, the Partnership for Peace, and the intensified dialogue process.

The Partners underscore their interest in Russia's democratic and stable development and support a strengthened NATO-Russia relationship as a core element of their shared vision of a new and peaceful Europe. They welcome the signing of the NATO-Russia Founding Act and the NATO-Ukraine Charter, both of which further improve European security.

Security Cooperation

The Partners will consult together, as well as with other countries, in the event that a Partner perceives that its territorial integrity, independence, or security is threatened or at risk. The Partners will use bilateral and multilateral mechanisms for such consultations.

The United States welcomes and appreciates the contributions that Estonia, Latvia, and Lithuania have already made to European security through the peaceful restoration of independence and their active participation in the Partnership for Peace. The United States also welcomes their contributions to IFOR, SFOR, and other international peacekeeping missions.

Building on the existing cooperation among their respective ministries of defense and armed forces, the United States of America supports the efforts of Estonia, Latvia, and Lithuania to provide for their legitimate defense needs, including development of appropriate and interoperable military forces.

The Partners welcome the establishment of the Baltic Security Assistance Group (BALTSEA) as an effective body for international coordination of security assistance to Estonia's, Latvia's and Lithuania's defense forces.

The Partners will cooperate further in the development and expansion of defense initiatives such as the Baltic Peacekeeping Battalion (BaltBat), the Baltic Squadron (Baltron), and the Baltic airspace management regime (BaltNet), which provide a tangible demonstration of practical cooperation enhancing the common security of Estonia, Latvia, and Lithuania, and the transatlantic community.

The Partners intend to continue mutually beneficial military cooperation and will maintain regular consultations, using the established Bilateral Working Group on Defense and Military Relations.

Economic Cooperation

The Partners affirm their commitment to free market mechanisms as the best means to meet the material needs of their people.

The United States of America commends the substantial progress its Baltic Partners have made to implement economic reform and development and their transition to free market economies.

Estonia, Latvia, and Lithuania emphasize their intention to deepen their economic integration with Europe and the global economy, based on the principles of free movement of people, goods, capital and services.

Estonia, Latvia, and Lithuania underscore their commitment to continue market-oriented economic reforms and to express their resolve to achieve full integration into global economic bodies, such as the World Trade Organization (WTO) while creating conditions for smoothly acceding to the European Union.

Noting this objective, the United States of America will work to facilitate the integration of Estonia, Latvia and Lithuania with the world economy and appropriate international economic organizations, in particular the WTO and the Organization for Economic Cooperation and Development (OECD), on appropriate commercial terms.

The Partners will work individually and together to develop legal and financial conditions in their countries conducive to international investment. Estonia, Latvia, and Lithuania welcome U.S. investment in their economies.

The Partners will continue to strive for mutually advantageous economic relations building on the principles of equality and non-discrimination to create the conditions necessary for such cooperation.

The Partners will commence regular consultations to further cooperation and provide for regular assessment of progress in the areas of economic development, trade, investment, and related fields. These consultations will be chaired at the appropriately high level.

Recognizing that combating international organized crime requires a multilateral effort, the partners agree to cooperate fully in the fight against this threat to the world economy and political stability. Estonia, Latvia, and Lithuania remain committed to developing sound legislation in this field and to enhance the implementation of this legislation through the strengthening of a fair and well-functioning judicial system.

The U.S.-Baltic Relationship

In all of these spheres of common endeavor, the Partners, building on their shared history of friendship and cooperation, solemnly reaffirm their commitment to a rich and dynamic Baltic-American partnership for the 21st century.

The Partners view their partnership in the areas of political, economic, security, defense, cultural, and environmental affairs as contributing to closer ties between their people and facilitating the full integration of Estonia, Latvia and Lithuania into European and transatlantic structures.

In order to further strengthen these ties, the Partners will establish a Partnership Commission chaired at the appropriately high level to evaluate common efforts. This Commission will meet once a year or as needed to take stock of the Partnership, assess results of bilateral consultations on economic, military and other areas, and review progress achieved towards meeting the goals of this Charter.

In order to better reflect changes in the European and transatlantic political and security environment, signing Partners are committed regularly at the highest level to review this agreement.

FOR THE UNITED STATES
OF AMERICA:

FOR THE REPUBLIC
OF ESTONIA:

FOR THE REPUBLIC
OF LATVIA:

FOR THE REPUBLIC
OF LITHUANIA

Washington D.C.

January 16, 1998

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

July 22, 1998

ACTION

MEMORANDUM FOR GLYN T. DAVIES

FROM:

STEPHEN J. FLANAGAN *SJF*

SUBJECT:

Statement of Administration Policy on HR-3460
Governing International Fishery Agreement Between
the United States and Latvia and Reauthorization
of the Northwest Atlantic Fisheries Convention
Act and the Atlantic Tunas Convention Act

Attached at Tab I is your memorandum to James Jukes, providing
NSC concurrence to subject document.

Concurrences by: Mara Rudman *MR*, Mary DeRosa *CA/for*

RECOMMENDATION

That you sign the memo at Tab A.

Attachments

Tab I Memo to OMB

Tab A Incoming correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

MEMORANDUM FOR JAMES J. JUKES

FROM: GLYN T. DAVIES

SUBJECT: Statement of Administration Policy on HR-3460
Governing International Fishery Agreement Between
the United States and Latvia and Reauthorization
of the Northwest Atlantic Fisheries Convention
Act and the Atlantic Tunas Convention Act

The NSC concurs with no changes.

Attachment
Tab A Incoming correspondence

Total Pages: _____


LRM ID: JAW363

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Monday, July 20, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference 

OMB CONTACT: Jeffrey A. Weinberg

SUBJECT: PHONE: (202)395-3457 FAX: (202)395-3109
Statement of Administration Policy on HR3460 Governing International Fishery Agreement Between the United States and Latvia and Reauthorization of the Northwest Atlantic Fisheries Convention Act and the Atlantic Tunas Convention Act

DEADLINE: 3PM Thursday, July 23, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: HR 3460 was reported, as amended, by the House Resources Committee on July 14th. The text of the reported version is enclosed. The draft SAP has been prepared in anticipation of House floor action.

DISTRIBUTION LIST**AGENCIES:**

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114-STATE - Paul Rademacher - (202) 647-4463
117 and 340-TRANSPORTATION - Tom Herlihy - (202) 366-4687
128-US Trade Representative - Fred Montgomery - (202) 395-3475

EOP:

Ken Schwartz
Louisa Koch
Chris Botnick
Christine J. Lindsey
Chuck Brain
Kate P. Donovan
Jim Murr

LRM ID: JAW363 **SUBJECT:** Statement of Administration Policy on HR3460 Governing International Fishery Agreement Between the United States and Latvia and Reauthorization of the Northwest Atlantic Fisheries Convention Act and the Atlantic Tunas Convention Act

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Jeffrey A. Weinberg Phone: 395-3457 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3457

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

- ___ Concur
- ___ No Objection
- ___ No Comment
- ___ See proposed edits on pages _____
- ___ Other: _____
- ___ FAX RETURN of ___ pages, attached to this response sheet

DRAFT -- NOT FOR RELEASE

July 20, 1998
(House)

H.R. 3460 - Fishery Agreement and Reauthorizations
(Saxton (R) New Jersey)

The Administration supports House passage of H.R. 3460. The bill would: approve the governing fishery agreement between the United States and the Republic of Latvia; and reauthorize, with amendments, the Northwest Atlantic Fisheries Act and the Atlantic Tunas Convention Act.

* * * * *

HR 3460 RH

Union Calendar No. 346

105th CONGRESS

2d Session

H. R. 3460

[Report No. 105-613]

To approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES**March 12, 1998**

Mr. SAXTON (by request) introduced the following bill; which was referred to the Committee on Resources

July 14, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 12, 1998]

A BILL

To approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH LATVIA.

Norwithstanding section 203 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the Government of the Republic of Latvia, as contained in the message to Congress from the President of the United States dated February 3, 1998, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

SEC. 2. REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

(a) REAUTHORIZATION- Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking for each of and all that follows through the end of

the sentence and inserting 'for each fiscal year through fiscal year 2001.'

(b) MISCELLANEOUS TECHNICAL AMENDMENTS- *The Northwest Atlantic Fisheries Convention Act of 1995 is further amended--*

- (1) in section 207(e) (16 U.S.C. 5606(e)), by striking 'sections' and inserting 'section';*
- (2) in section 209(c) (16 U.S.C. 5608(c)), by striking 'chapter 17' and inserting 'chapter 171'; and*
- (3) in section 210(6) (16 U.S.C. 5609(6)), by striking 'the Magnuson Fishery' and inserting 'the Magnuson-Stevens Fishery'.*

(c) REPORT REQUIREMENT- *The Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.) is further amended by adding at the end the following:*

SEC. 212. ANNUAL REPORT.

'The Secretary shall annually report to the Congress on the activities of the Fisheries Commission, the General Council, the Scientific Council, and the consultative committee established under section 208.'

(d) NORTH ATLANTIC FISHERIES ORGANIZATION QUOTA ALLOCATION PRACTICE- *The Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.) is further amended by adding at the end the following:*

SEC. 213. QUOTA ALLOCATION PRACTICE.

(a) IN GENERAL- *The Secretary of Commerce, acting through the Secretary of State, shall promptly seek to establish a new practice for allocating quotas under the Convention that--*

- (1) is predictable and transparent;*
- (2) provides fishing opportunities for all members of the Organization; and*
- (3) is consistent with the Straddling Fish Stocks Agreement.*

(b) REPORT- *The Secretary of Commerce shall include in annual reports under section 212--*

- (1) a description of the results of negotiations held pursuant to subsection (a);*
- (2) an identification of barriers to achieving such a new allocation practice; and*
- (3) recommendations for any further legislation that is necessary to achieve such a new practice.*

(c) DEFINITION- *In this section the term 'Straddling Fish Stocks Agreement' means the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.'*

SEC. 3. REAUTHORIZATION OF THE ATLANTIC TUNAS CONVENTION ACT OF 1975.

(a) REAUTHORIZATION- *Section 10(4) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h(4)) is amended by striking 'For fiscal year 1998,' and inserting 'For each of fiscal years 1998, 1999, 2000, and 2001.'*

(b) MISCELLANEOUS TECHNICAL AMENDMENTS- (1) *The Atlantic Tunas Convention Act of 1975 is further amended--*

(A) *in section 2 (16 U.S.C. 971), by redesignating the second paragraph (4) as paragraph (5);*

(B) *in section 5(b) (16 U.S.C. 971c(b)), by striking 'fisheries zone' and inserting 'exclusive economic zone';*

(C) *in section 6(c)(6) (16 U.S.C. 971d(c)(6))--*

(i) *by designating the last sentence as subparagraph (B), and by indenting the first line thereof; and*

(ii) *in subparagraph (A)(iii), by striking 'subparagraph (A)' and inserting 'clause (i)';*

(D) *by redesignating the first section 11 (16 U.S.C. 971 note) as section 13, and moving that section so as to appear after section 12 of that Act;*

(E) *by amending the style of the heading and designation for each of sections 11 and 12 so as to conform to the style of the headings and designations of the other sections of that Act; and*

(F) *by striking 'Magnuson Fishery' each place it appears and inserting 'Magnuson-Stevens Fishery'.*

(2) *Section 3(b)(3)(B) of the Act of September 4, 1980 (Public Law 96-339; 16 U.S.C. 971i(b)(3)(B)), is amended by inserting 'of 1975' after 'Act'.*

Union Calendar No. 346

105th CONGRESS

2d Session

H. R. 3460

[Report No. 105-613]

A BILL

To approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes.

July 14, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

END

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9803572
RECEIVED: 18 MAY 98 10

TO: PRESIDENT

FROM: BERGER
STEIN, L
WH EXECUTIVE CLERK

DOC DATE: 24 JUN 98
SOURCE REF:

KEYWORDS: LATVIA
CONGRESSIONAL
CM

LEGAL ISSUES
TREATIES

PERSONS:

SUBJECT: CONVENTION BTW US & LATVIA FOR AVOIDANCE OF DOUBLE TAXATION &
PREVENTION OF FISCAL EVASION

ACTION: PRESIDENT SGD PER WH EXEC CLERK DUE DATE: 23 MAY 98 STATUS: C

STAFF OFFICER: FLANAGAN

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
FLANAGAN
NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY: NSDRS

DOC 3 OF 3

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9803572

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 FLANAGAN	Z 98051810 PREPARE MEMO FOR BERGER
002 BERGER	Z 98061917 FWD TO PRESIDENT FOR SIGNATURE
002 STEIN, L	Z 98062215 FOR SIGNATURE
002	X 98062914 KERRICK SGD MEMO
002	X 98062914 ORIGINAL NOT RETURNED TO NSC/RMO
003 PRESIDENT	Z 98062512 FOR SIGNATURE
003	X 98062914 PRESIDENT SGD PER WH EXEC CLERK

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 980624	VICE PRESIDENT
003 980624	WH CHIEF OF STAFF

UNCLASSIFIED

**National Security Council
The White House**

PROOFED BY: _____ LOG # 3572
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG SMD A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>JP</u> Cosgriff	<u>1</u>	<u>ICP 6/18</u>	<u>[Signature]</u>
Rice			
Davies			
Kerrick	<u>2</u>	<u>@ 6/22</u>	<u>(SIP)</u>
Steinberg		<u>COM</u>	
Berger		<u>COM</u>	
Situation Room			
West Wing Desk	<u>3</u>	<u>TMA 6.22</u>	<u>greenhouse</u>
Records Mgt.			

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS:

'98 JUN 18 PM 6:53

Exec Sec Office has diskette NO

Dean, Susan W.

From: Dean, Susan W.
Sent: Friday, June 26, 1998 2:52 PM
To: Flanagan, Stephen J.; Brown, Keirn C.; Baker, James E.; Rudman, Mara E.
Cc: @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @EXECSEC - Executive Secretary; @UP - APNSA Special Assistants; @WWD - West Wing Desk; @CEE - Central/Eastern Europe; @EUROPE - European Affairs
Subject: Package 3572 -- Convention with Latvia [UNCLASSIFIED]

Package 3572, Convention Between the U.S. and the Republic of Latvia for the Avoidance of Double Taxation and Prevention of Fiscal Evasion, was signed by the President today (June 26, 1998), per the White House Executive Clerk.

The Clerk's office will dispatch to the Hill today.

THE WHITE HOUSE

WASHINGTON

June 24, 1998

ACTION

MEMORANDUM FOR THE PRESIDENT

President sgd per WH
Executive Clerk 6/26/98 SWP

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER (K) rm
LARRY STEIN JSSSUBJECT: Convention Between the United States and the
Republic of Latvia for the Avoidance of Double
Taxation and Prevention of Fiscal EvasionPurpose

Transmit the Convention to the Senate.

Background

This Convention will be the first taxation treaty between the United States and Latvia and is similar to the tax treaties between the United States and OECD nations, and the other two Baltic republics. Your letter transmits the Convention, signed at Washington on January 15, 1998. It also transmits the report of the Department of State concerning the Convention.

RECOMMENDATION

That you sign the transmittal message at Tab A.

Attachments

Tab A Transmittal Letter to the Senate
Tab B Report from Department of State
Tab C Treaty

cc: Vice President
Chief of Staff

TO THE SENATE OF THE UNITED STATES:

I transmit herewith for Senate advice and consent to ratification the Convention Between the United States of America and the Republic of Latvia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on January 15, 1998. Also transmitted is the report of the Department of State concerning the Convention.

This Convention, which is similar to tax treaties between the United States and OECD nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

THE WHITE HOUSE,

3572

S/S 9808362

DEPARTMENT OF STATE
WASHINGTON

May 15, 1998

The President:

I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to ratification, the Convention Between the United States of America and the Republic of Latvia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on January 15, 1998 ("the Convention").

This Convention will be the first such Convention between the United States of America and the Republic of Latvia. This Convention is similar to the tax treaties between the United States and OECD nations. It provides for maximum rates of tax to be applied to various types of income, protection from double taxation of income, exchange of information, and contains rules making its benefits unavailable to persons that are engaged in treaty shopping. The proposed withholding rates, while in some respects higher than those in the U.S. model, are the same as those in many other Latvian tax treaties. Like other U.S. tax conventions, this Convention provides rules specifying when income that arises in one of the countries and is attributable to residents of the other country may be taxed by the country in which the income arises (the "source" country).

In many respects, the rates under the new Convention are the same as those in many recent U.S. tax treaties, including some with OECD countries. Pursuant to

RAY 15 12 19

The President,
The White House.

Article 10, dividends from direct investments are subject to tax by the source country at a rate of five percent. The threshold criterion for direct investment is ten percent, consistent with other modern U.S. treaties, in order to facilitate direct investment. Other dividends are generally taxable at 15 percent. Under Article 12, royalties for the use of industrial, commercial, or scientific equipment derived and beneficially owned by a resident of a Contracting State are subject to a five-percent tax by the source country; all other royalties are subject to tax at a maximum rate of ten percent.

Under Article 11 of the proposed Convention, interest arising in one Contracting State and owned by a resident of the other Contracting State is subject to taxation by the source country at a maximum rate of ten percent. However, interest earned on trade credits and on government debt, including debt guaranteed by government agencies, is exempt from taxation by the source country.

The reduced withholding rates described above do not apply if the beneficial owner of the income is a resident of one Contracting State who carries on business in the other Contracting State in which the income arises and the income is attributable to a permanent establishment or fixed base. If the income is attributable to a permanent establishment, it will be taxed as business profits, and, if the income is attributable to a fixed base, it will be taxed as independent personal services.

The maximum rates of withholding tax described in the preceding paragraphs are subject to the standard anti-abuse rules for certain classes of investment income found in other U.S. tax treaties and agreements.

The taxation of capital gains, described in Article 13 of the Convention, generally follows the rule of recent U.S. tax treaties, the U.S. model and the OECD model. Gains on real property are taxable in the country in which the property is located, and gains from the sale of personal property are taxed only in the State of residence of the seller, unless attributable to a permanent establishment or fixed base in the other State.

Article 7 of the proposed Convention generally follows the standard rules for taxation by one country of the business profits of a resident of the other. The non-residence country's right to tax such profits is generally limited to cases in which the profits are attributable to a permanent establishment located in that country. The source country may, however, tax sales or activities as though they were performed by a permanent establishment if it is ascertained that such activities were structured with the intent to avoid taxation in the State in which the permanent establishment is situated. As do all recent U.S. treaties, this Convention preserves the right of the United States to impose its branch taxes in addition to the basic corporate tax on a branch's business.

Consistent with U.S. treaty policy, Article 8 of the proposed Convention permits only the country of residence to tax profits from international carriage by ships or aircraft and income from the use, maintenance, or rental of containers used in international traffic. This reciprocal exemption also extends to income from the rental of ships and aircraft if the rental income is incidental to income from the operation of ships and aircraft in international traffic. However, income from the international rental of ships and aircraft that is

non-incident to operation of ships and aircraft is taxed at the rate of five percent as a royalty paid for the use of the equipment.

Like several U.S. treaties, the proposed Convention with Latvia (at Article 21) provides that income derived from the offshore exploration for and exploitation of the seabed and sub-soil is taxable by the source State if the activities are carried on for more than 30 days in any 12-month period.

The taxation of income from the performance of personal services under Articles 14 through 17 of the new Convention is essentially the same as that under recent U.S. treaties with OECD countries.

Article 23 of the proposed Convention contains significant anti-treaty-shopping rules making its benefits unavailable to persons engaged in treaty-shopping.

The proposed Convention also contains rules necessary for its administration, including rules for the resolution of disputes under the Convention and for exchange of information (Article 27).

The Convention would permit the General Accounting Office and the tax-writing committees of Congress to obtain access to certain tax information exchanged under the Convention for use in their oversight of the administration of U.S. tax laws.

This Convention is subject to ratification. In accordance with the provisions of Article 29, it will enter into force when the Governments notify each other through diplomatic channels that their constitutional requirements for entry into force have been met. They will have effect for payments made or credited on or after the first day of January following entry into force with respect to taxes withheld by the source country; with

respect to other taxes, the Convention will take effect for taxable periods beginning on or after the first day of January following the date on which the Convention enters into force.

The proposed Convention (like those with Estonia and Lithuania) provides at Article 29 that the appropriate authorities of the two Contracting States will meet within five years to discuss the application of the proposed Convention to income derived from new technologies.

The proposed Convention will remain in force indefinitely unless terminated by one of the Contracting States, pursuant to Article 30. That Article provides that either State may terminate the Convention by giving prior notice through diplomatic channels at least six months before the end of any calendar year.

The Department of the Treasury and the Department of State cooperated in the negotiation of the Convention. It has the full approval of both Departments.

Respectfully submitted,

Madeline Albright

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEINSUBJECT: ~~Transmission to the Senate of the Convention~~
Between the United States and the Republic of
Latvia for the Avoidance of Double Taxation and
Prevention of Fiscal EvasionPurpose

the Convention to
To transmit ~~to~~ the Senate, ~~the Convention between the United~~
~~States and the Republic of Latvia for Avoidance of Double~~
~~Taxation and Prevention of Fiscal Evasion.~~

Background

transmits the *It*
~~Attached at Tab A is your letter to the Senate transmitting the~~
~~Convention, between the United States and the Republic of Latvia,~~
signed at Washington on January 15, 1998. ~~Also transmitted is~~
the report of the Department of State concerning the Convention.

This Convention will be the first taxation treaty between the
United States and Latvia and is similar to the tax treaties
between the United States and OECD nations, *and the other two*
Baltic republics

RECOMMENDATIONThat you sign the transmittal message ~~to the Senate~~ at Tab A.Attachments

Tab A Transmittal Letter to the Senate
Tab B Report from Department of State
Tab C Treaty

cc: Vice President
Chief of Staff