

N° 3436.

**FINLANDE ET
UNION DES RÉPUBLIQUES
SOVIÉTIQUES SOCIALISTES**

**Convention concernant les rennes, et
protocole final. Signés à Helsinki,
le 4 juillet 1933.**

**FINLAND
AND UNION OF SOVIET
SOCIALIST REPUBLICS**

**Convention regarding Reindeer, and
Final Protocol. Signed at Hel-
sinki, July 4th, 1933.**

TEXTE SUÉDOIS. — SWEDISH TEXT.

N^o 3436. — KONVENTION¹ AGÅENDE RENAR MELLAN REPUBLIKEN FINLAND OCH SOCIALISTISKA RÅDSREPUBLICERNAS FÖRBUND. UNDERTECKNAD I HELSINGFORS, DEN 4 JULI 1933.

Finnish, Swedish and Russian official texts communicated by the Finnish Minister for Foreign Affairs. The registration of this Convention took place June 16th, 1934.

REPUBLIKEN FINLANDS PRESIDENT och SOCIALISTISKA RÅDSREPUBLICERNAS FÖRBUNDS VERKSTÄLLANDE CENTRALKOMMITTÉ, besjälade av önskan att genom överensstämmande åtgärder ordna förfarandet vid återlämnande av renar, som överskridit rikets gräns och inkommit på det andra rikets område, hava beslutat att ingå denna konvention samt för detta ändamål till sina fullmäktige utsett :

REPUBLIKEN FINLANDS PRESIDENT :

Ministern för utrikesärendena Antti HACKZELL, och

SOCIALISTISKA RÅDSREPUBLICERNAS FÖRBUNDS VERKSTÄLLANDE CENTRALKOMMITTÉ :

Utomordentliga sändebudet och befullmäktigade ministern Boris Jefimovitsch STEIN, vilka, efter att have meddelat varandra sina fullmakter, som befunnits i god och behörig form, överenskommit om följande :

Artikel 1.

MEDDELANDE OM FÖREKOMSTEN AV RENAR, TILLHÖRANDE DEN ENA FÖRDRAGSSLUTANDE PARTEN, PÅ DEN ANDRA FÖRDRAGSSLUTANDE PARTENS OMRÅDE OCH MYNDIGHETER, SOM HANDHAVA ÄRENDEN RÖRANDE ÖMSESIDIGT ÅTERLÄMNANDE AV RENAR.

Inkomma renar från den ena fördragsslutande partens område på den andras område, skall vederbörande myndighet i det rike, till vilket renar, tillhörande medborgare eller organisationer i det andra riket, inkommit efter erhållen kännedom om förhållandet, därom underrätta vederbörande myndighet i det andra riket genom telegram, telefon, post eller — där dessa kommunikationsmedel icke stå till buds — genom budskickning.

Nämnda myndighet skall härvid uppgiva de renars uppehållsort, som inkommit över rikets gräns, deras ungefärliga antal och märken.

Med « vederbörande myndighet » avses i denna artikel liksom i övriga bestämmelser i denna konvention å ena sidan vederbörande länsman eller andra av landshövding i Finland särskilt förordnade personer och å andra sidan personer, som särskilt förordnats av chefskapet för S. R. R. Förbunds gränsbevakning.

¹ The exchange of ratifications took place at Moscow, January 31st, 1934. Came into force March 3rd, 1934.

¹ TRANSLATION.

No. 3436. — CONVENTION BETWEEN THE REPUBLIC OF FINLAND AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING REINDEER. SIGNED AT HELSINKI, JULY 4TH, 1933.

THE PRESIDENT OF THE REPUBLIC OF FINLAND and THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS, being desirous of establishing uniform regulations for the two countries in respect of the return of reindeer which have crossed the frontier and entered the territory of the other country, have decided to conclude the present Convention and have for this purpose appointed as their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

M. Antti HACKZELL, Minister for Foreign Affairs ;

THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS :

M. Boris Efimovich STEIN, Envoy Extraordinary and Minister Plenipotentiary ;

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

Article 1.

NOTIFICATION OF THE PRESENCE OF REINDEER BELONGING TO ONE OF THE CONTRACTING PARTIES IN THE TERRITORY OF THE OTHER CONTRACTING PARTY.
 AUTHORITIES DEALING WITH MEASURES FOR THE RECIPROCAL RETURN OF THE REINDEER.

If reindeer from the territory of one of the Contracting Parties enter the territory of the other Party, the competent authority in the country into which reindeer belonging to nationals or organisations of the other country have entered shall, as soon as it is informed of this fact, notify the competent authority in the other country by telegram, telephone, post or — if such means of communication are not available — by messenger.

The authority in question shall in this case state the place where the reindeer which have come over the frontier are to be found, together with their approximate number and their marks.

In the present Article, as in the other provisions of the Convention, the term "competent authority" is intended to mean, on the one side, the competent head of the rural police (*länsman*) or other persons specially appointed by the District Governor (*landshövding*) in Finland and, on the other side, persons specially appointed by the heads of the frontier guards of the Union of Soviet Socialist Republics.

Article 2.

AREAS FOR WHICH THE COMPETENT AUTHORITIES ARE RESPONSIBLE.

The areas for which the competent authorities mentioned in Article 1 are responsible are determined in Finland by the District Governor (*landshövding*) and in the Union of Soviet

¹ Translated by the Secretariat of the League of Nations, for information.

Socialist Republics by the head of the frontier guards. These officials shall inform each other of the areas thus determined, together with the christian names, surnames and addresses of the competent authorities.

Article 3.

ARRANGEMENTS RELATIVE TO THE FETCHING OR DRIVING BACK OF REINDEER.

The owner, after receiving notice that his reindeer are to be found in the territory of the other Contracting Party, must immediately take steps either personally or through some person authorised by him to fetch and drive back the reindeer to their own country, while observing the provisions of Article 4 of the present Convention regarding the separating of reindeer.

The competent authority may take charge of the reindeer or have them driven back over the frontier. If the reindeer are driven back by the authorities, they shall be handed over to the owner, his authorised representative or the competent authority of the other country against a receipt.

Note : The frontier authorities of the two Contracting Parties shall decide after consultation in each individual case at what points the reindeer are to be handed over.

Article 4.

SEPARATION OF FOREIGN REINDEER FROM THOSE BELONGING TO THE COUNTRY BEFORE THEY ARE
FETCHED OR DRIVEN BACK.

The reindeer which are to be fetched or driven back are reindeer bearing marks and belonging to owners in the country from which the reindeer have come, together with unmarked fawns following hinds bearing these marks. Reindeer which have fawned in the territory of the other Contracting Party shall be returned together with the fawns.

Before the foreign reindeer are driven back, they shall be separated from the reindeer belonging to the country into which they have strayed in the presence of the competent authority or local reindeer owners. Nevertheless, the foreign reindeer may be immediately driven back if the competent authority or the above-mentioned owners declare that none of the reindeer should be retained in the country.

If the reindeer coming from the other country are intermingled with local reindeer under the charge of the reindeer owners of the district or their herdsmen, the latter shall assemble the reindeer and give the competent authority an opportunity of separating the reindeer which are to be returned to the territory of the other country from those which are to remain.

Article 5.

HANDING OVER OF THE REINDEER WHICH HAVE BEEN SEPARATED
FROM THOSE BELONGING TO THE OTHER PARTY.

Reindeer which have come from the territory of the other Contracting Party and which the authorities mentioned in Articles 3 and 6 of this Convention have not caused to be driven out of the country or regarding which the notification mentioned in Article 1 of the present Convention has not been made shall be either handed over to the competent authority in the other country or to their owners or to persons authorised by them at the time when the foreign reindeer are separated from the local reindeer and counted. The reindeer will be identified by means of the lists of reindeer marks or other reliable means of identification. The time and place for separating the foreign from the local reindeer and counting them must be communicated in writing to the competent authorities of the other Contracting Party at least two weeks earlier.

If the competent authority of the other Contracting Party, the owners of the reindeer or their authorised representatives fail to attend at the time appointed for separating the foreign from the local reindeer and counting them, the reindeer which have come from the territory of the other Contracting Party shall be sold and the proceeds, after deducting the costs of collecting and herding the animals, shall be despatched together with an official record and vouchers, from Finland through the intermediary of the competent District Governor (*landshövding*) to the competent head of the frontier guards in the Union of Soviet Socialist Republics and from the Union of Soviet Socialist Republics through the competent head of the frontier guards to the competent District Governor (*landshövding*) in Finland.

Article 6.

CONFISCATION OF THE VALUE OF THE REINDEER.

If the reindeer are not fetched within thirty days after the receipt of the notification referred to in Article 1 of the present Convention, 10 per cent of the average value of the reindeer retained (fawns under one year not being included) shall be confiscated and the reindeer shall be returned by the competent authority to their own country, where they shall be handed over against a receipt to the competent authority in that country for return to the owners or their authorised representatives.

If the number of reindeer is less than ten, none shall be confiscated.

The average value of reindeer is fixed at the same amount in each country. It is fixed in Swiss gold francs for each calendar year in consultation with the competent District Governor (*landshövding*) in Finland and the competent head of the frontier guards in the Union of Soviet Socialist Republics before the close of the previous year on the basis of the prices which have been current for reindeer during the first half of December of the said year in each country.

Article 7.

GRAZING FEES.

If reindeer stay in the territory of the other country a grazing fee of 0.05 Swiss gold francs per day shall be paid for each reindeer, not including fawns under one year.

The grazing fee shall not be paid on reindeer confiscated in accordance with Article 6 of the present Convention.

If the delay in returning the reindeer is not due to the fault of the owner, the fee shall be correspondingly reduced.

If the reindeer owner has deliberately allowed his reindeer to graze in the territory of the other country, he shall be responsible under the laws of his own country. The competent authority in the country in whose territory reindeer have thus been driven to pasture may in such case increase the grazing fee to a maximum of twice the sum; the increase in the grazing fee shall not depend on the above-mentioned responsibility; in cases where the grazing fee is increased, the owner of the reindeer shall be given an opportunity of stating his case.

Article 8.

COSTS.

Costs involved by the stay of the reindeer in the other country, namely, the expenses of the notification in accordance with Article 1 of the present Convention, together with expenses for collecting, herding, separating the reindeer from the local herds and driving them back, mentioned in Article 4, shall be refunded. These expenses shall be calculated in accordance with the local daily wages in force at the time and the actual costs.

Article 9.

COMPENSATION.

Damage caused by reindeer or their herdsman during the stay in the territory of the other Contracting Party shall be made good.

Article 10.

CALCULATION OF THE COSTS AND THE AMOUNT OF COMPENSATION.

No compensation for costs or damage (Articles 8 and 9) shall be paid if no notification of the presence of the reindeer in the other country has been made in accordance with Article 1, and the compensation for costs and damage together may not exceed 5 per cent of the average value of the reindeer involved in each case as fixed in accordance with Article 6.

The damage caused by the reindeer by eating or trampling on the lichen, grass, leaves and young trees situated in pasture where reindeer usually graze is regarded as being made good by the payment of the grazing fee and is not taken into consideration in fixing the compensation.

Article 11.

METHOD OF ESTIMATING REPORTED DAMAGE.

Any person desiring to obtain the payment of compensation mentioned in Article 9 of the present Convention shall apply to the competent authority in his own country as early as possible and not later than twenty days after the damage was done ; otherwise he forfeits the right to compensation.

The competent authority together with two expert valuers shall estimate the damage reported.

The competent authority of the other country shall be entitled either personally or through a representative to be present when the valuation takes place and to defend the interests of the owner and also to conclude a friendly settlement. If the reindeer owner or herdsman is present, he may defend his own case. The valuing authority shall inform the competent authority in the other country in good time, if possible by telegram, of the hour and place when the valuation is to take place. If it appears probable that the damage reported has been entirely or partly caused by reindeer of the country, the owners or herdsman concerned shall also be convened.

Article 12.†

RULES TO BE OBSERVED AND INFORMATION TO BE SUPPLIED WHEN ESTIMATING THE REPORTED DAMAGE.

If the inspection on the spot shows that the reindeer of the country have also contributed to the damage, this fact shall be mentioned in the official record and the damage done by the reindeer of the other country shall be valued separately.

At the same time, information shall be obtained regarding the circumstances which may affect the question of compensation, such as the time and manner in which the damage was caused, the extent of the damage, the situation and nature of the place, and the probable number of reindeer which have caused the damage.

In estimating the damage, consideration shall be given to the nature and fertility of the soil and to the fact that other domestic animals may also have contributed to the damage.

When the valuation is being made, the owner or owners of the reindeer which have caused the damage shall so far as possible be ascertained.

Article 13.

OFFICIAL RECORDS.

Records shall be kept by the competent authority of the operations necessitated by the presence of foreign reindeer in the territory of the other Contracting Party; these records shall contain the following information :

- (1) As far as possible, the time and place at which the reindeer from the other country were observed, their number and marks (Articles 3, 4 and 5 of the present Convention) ;
- (2) Whether the reindeer have been placed under guard and, if so, when this took place and in what manner the supervision was organised (Article 3) ;
- (3) Whether the reindeer were driven out of the country and to whom they were handed over in the other country and the date when this took place (Articles 3, 5 and 6) ;
- (4) Whether the reindeer were fetched back and, if so, when and by whom (Article 3) ;
- (5) Whether the foreign reindeer were separated from the reindeer of the country and, if so, when this operation was concluded (Article 4) ;
- (6) Whether it was decided to confiscate the value of the reindeer and the result thereof (Article 6) ;
- (7) Whether, and if so when, in what manner and to whom the notification was made (Article 1) ;
- (8) The number of reindeer and the period for which the grazing fee is to be paid and the circumstances taken into consideration when fixing the total amount of the grazing fee (Article 7) ;
- (9) The total costs (Articles 8 and 10) ;
- (10) Whether the reindeer and their herdsman have done any damage and, if so, to whom and the nature and extent of the damage (Articles 9 and 12) ;
- (11) Whether the owner or the competent authority of the other country was present in person or was represented by a person authorised thereto when the valuation was made, and what verbal or written statement they may have made (Article 11) ;
- (12) Whether a friendly settlement was reached (Article 11) ;
- (13) Whether at the time of valuation (Articles 16 and 18), any payments were made in respect of fees (Article 7), refund of costs (Article 8), confiscated sums (Article 6) and compensation for damage (Article 9), and, if so, the nature and the amount of such payments ;
- (14) Any other circumstances which may affect the question ; and
- (15) The opinion of the person who made the valuation.

The official records shall be signed by the official in charge of the proceedings, and in the case mentioned under Article 12 of the present Convention it is also signed by the two valuers.

Article 14.

The competent authority shall as soon as possible send the official records together with vouchers, in Finland to the competent District Governor (*landshövding*) and in the Union of Soviet Socialist Republics to the competent head of the frontier guard.

The competent *landshövding* in Finland and the competent head of the frontier guard in the Union of Soviet Socialist Republics shall immediately send to each other a copy of the official records received. A copy of the official records stating the circumstances which preceded the return of the reindeer shall be sent to the other Contracting Party at the same time as the reindeer are handed over to it.

Article 15.

Any reindeer owner who is required to pay the grazing fees (Article 7), refund of costs (Article 8), the value of confiscated reindeer (Article 6) or compensation (Article 9), together with the competent authority or authorised representative who has defended the interests of the owner (Article 11), may appeal not later than 60 days after notification of the decision, in Finland to the competent *landshövding* and in the Union of Soviet Socialist Republics to the competent head of the frontier guard. The owner or his authorised representative shall send the appeal to the competent authority in their own country who shall forward it without delay, in Finland to the competent *landshövding* and in the Union of Soviet Socialist Republics to the competent head of the frontier guard. The latter shall send the appeals received to each other and enclose any remarks which they may desire to make. They may also lodge an appeal themselves if they so desire.

If the plaintiff is dissatisfied with the decision, he is also entitled to appeal within 60 days after the valuation has taken place, in Finland to the competent *landshövding* and in the Union of Soviet Socialist Republics to the competent head of the frontier guard.

The competent *landshövding* in Finland shall decide appeals made by owners in the Union of Soviet Socialist Republics, their authorised representatives and the competent head of the frontier guard, and by Finnish plaintiffs, while the competent head of the frontier guard in the Union of Soviet Socialist Republics shall decide appeals made by the Finnish reindeer owners, their authorised representatives and the competent *landshövding*, and by plaintiffs in the Union of Soviet Socialist Republics. If further information is deemed to be required, the person making the appeal shall furnish it before a decision is taken.

Article 16.

PERSONS COMPETENT TO TAKE DECISIONS.

The competent *landshövding* in Finland and the competent head of the frontier guard in the Union of Soviet Socialist Republics shall, on the basis of the official records, the vouchers and other information at their disposal, fix the amount of the grazing fee fixed by the competent authority in the country in question (Article 7), the costs (Article 8), the confiscated average of the reindeer (Article 6) and the compensation (Article 9).

If the owner or his authorised representative pays the above-mentioned sum to the plaintiff or the competent authority without waiting for a decision in the case, no further measures shall be taken.

Article 17.

PROCEDURE RELATING TO THE DECISION.

Before the decision mentioned in Article 16 of the present Convention is given, the competent *landshövding* in Finland and the competent head of the frontier guard in the Union of Soviet Socialist Republics shall, if possible, ascertain to whom the reindeer belong.

The decision, however, shall merely contain an obligation on the part of the "owner of the reindeer in question", without mentioning the name of a particular owner, to pay the amount fixed.

Article 18.

The amounts the payment of which is due under Articles 6, 7, 8 and 9 of the present Convention, if they are not paid to the competent authority or plaintiff when the valuation is made, shall be advanced by the competent *landshövding* in Finland from the funds of the Finnish State to the competent head of the frontier guard in the Union of Soviet Socialist Republics or by the latter from the public funds of the Union of Soviet Socialist Republics to the competent *landshövding* in Finland, according to whether the amounts are payable by the former or latter Contracting Party. The officials in question shall for this purpose communicate to each other their decisions regarding the above-mentioned payments, together with the explanations and vouchers relating thereto.

The amounts paid in this manner shall, as far as possible, be recovered from the owners in question by the *landshövding* in Finland or the head of the frontier guard in the Union of Soviet Socialist Republics.

The refund of sums advanced out of public funds may not be demanded, even if it has been impossible to recover them from the owners.

Article 19.

The competent *landshövding* in Finland and the competent head of the frontier guard in the Union of Soviet Socialist Republics shall, within one year after the present Convention comes into force, send each other a list of the reindeer marks registered in the frontier districts of each country.

If it is found that identical marks are used in both countries, measures shall be taken to change such marks by common agreement between the authorities in question.

The authorities mentioned in the first paragraph of the present Article shall jointly agree upon the new reindeer marks to be adopted.

The frontier districts mentioned in the present Convention are deemed to be the zones on each side of the frontier from which the reindeer are liable to move towards the frontier. Each Contracting Party shall decide itself the width of these zones.

Article 20.

REINDEER NOT COVERED BY THE PROVISIONS OF THE CONVENTION.

The provisions of the present Convention shall not apply to draught or pack reindeer used on journeys to the other country or to reindeer intended for slaughter and driven over the frontier to the territory of the other country in accordance with the legal provisions.

Article 21.

REINDEER FENCES.

If it is considered necessary to erect and maintain fences in order to prevent reindeer from crossing the frontier, the competent authorities of the Contracting Parties mentioned in Article 1 of the present Convention shall conclude an agreement for the purpose. Each Party shall undertake to pay half the costs involved.

Such fences or traps for reindeer which cross the frontier from the other country may not be erected by private persons.

Article 22.

FRONTIER DISTRICT OCCUPYING AN EXCEPTIONAL POSITION.

In the frontier district situated north of the parallel passing through frontier mark No. 90 at Korvatunturi, the following provisions shall not apply on account of the exceptional natural conditions prevailing there :

(1) The provision in Article 3 of the present Convention to the effect that the owner, after receiving notice that his reindeer are to be found in the other country, must either personally or through his authorised representative immediately fetch and drive the reindeer back to the territory of his own country; instead of this provision, it has been decided that the reindeer must be fetched and driven from these districts when natural conditions permit ;

(2) The provision in Article 6 regarding the time within which the reindeer must be fetched and driven back before a part of the value of the reindeer can be confiscated ; instead it has been decided that the time-limit allowed for fetching the reindeer in this district shall be ninety days and for driving out the reindeer one hundred and twenty days ;

(3) The provision in Article 7 regarding the grazing fee, which is not payable in these districts ;

(4) In the Fishers' Peninsula, the owners of the reindeer, their authorised representatives and the herdsmen may, when searching for the animals, cross the frontier in accordance with the simplified rules fixed by the local supervisory commission.

Article 23.

TEXTS OF THE CONVENTION.

The present Convention is drawn up in duplicate in Finnish, Swedish and Russian, and the texts are equally authentic for the interpretation of the Convention.

Article 24.

RATIFICATION OF THE CONVENTION.

The present Convention shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Moscow.

Article 25.

ENTRY INTO FORCE AND PERIOD OF VALIDITY OF THE CONVENTION.

The present Convention shall come into force thirty days after the exchange of ratifications and shall remain in force until the expiry of two years after it has been denounced by either of the Contracting States.

In faith whereof the Plenipotentiaries of the Contracting States have signed the present Convention and have thereto affixed their seals.

Done at Helsinki on July 4th, 1933.

(L. S.) A. HACKZELL.

(L. S.) B. STEIN.

FINAL PROTOCOL.

When proceeding this day to sign the Convention between the Republic of Finland and the Union of Soviet Socialist Republics concerning reindeer, the Plenipotentiaries of the Contracting Parties agreed on the following provisions which refer to the Articles of the Convention mentioned below :

Ad Article 1.

The written communications transmitted by messenger are handed over at points of the frontier where written communications between the frontier authorities of Finland and the Union of Soviet Socialist Republics are usually exchanged.

Ad Article 3.

During the time that draught or pack reindeer which have crossed the frontier remain in the territory of the other Contracting Party, the competent authority shall see that such reindeer are not used for the purpose of transport.

Ad Articles 4 and 5.

Until the marking of reindeer becomes compulsory in the Union of Soviet Socialist Republics, the provisions of Articles 4 and 5 shall be extended to apply also to unmarked reindeer coming from the Union of Soviet Socialist Republics to Finland or *vice versa*.

Ad Article 6.

On the basis of the agreement between the parties concerned, 10 per cent of the reindeer themselves may be confiscated in each case instead of a sum equivalent to the value of the reindeer.

Ad Article 21.

(a) The erection of reindeer fences shall not predetermine the frontier line, which, as is known, had not yet been demarcated on the date of the conclusion of the present Convention.

(b) The Contracting Parties recognise here and now the necessity of erecting the said fences so that the work required for the purpose may be begun as early as possible, from the south on the side of the Union of Soviet Socialist Republics, in the territory of the Pistojärvi Village Council in the Uhtua district (the place known as Sarvikivi), which on the Finnish side corresponds to the point where the boundaries of the communes of Suomussalmi and Kuusamo join the frontier of the country, and the work must be terminated at Tolvantojärvi in the territory of the Village Council of Rukajärvi in the Kiestinki district on the side of the Union of Soviet Socialist Republics, which corresponds to the point where the Tuntsajoki intersects the frontier for the first time. In accordance herewith the necessary instructions shall be given to the persons mentioned in Article 1 of the present Convention, who are requested to carry out this work as soon as possible.

(c) If reindeer fences already exist on the section of the frontier mentioned in the preceding paragraph, the cost of their erection shall be divided up in accordance with the principles established in Article 21, if the competent authorities in both countries mutually agree that these fences serve their purpose.

This Final Protocol is drawn up in duplicate in Finnish, Swedish and Russian, and all texts are equally authentic for the interpretation of the Protocol.

HELSINKI, July 4th, 1933.

(L. S.) A. HACKZELL.

(L. S.) B. STEIN.