

N° 4360.

FINLANDE ET NORVÈGE

Convention relative au nouveau règlement de la pêche dans le Pasvik (Pasvikelva), signée à Oslo, le 21 avril 1938, et règlements y annexés.

FINLAND AND NORWAY

Convention regarding New Regulations for Fishing in the Pasvik River (Pasvikelva), signed at Oslo, April 21st, 1938, and Regulations annexed thereto.

¹ TRANSLATION.

No. 4360. — CONVENTION BETWEEN FINLAND AND NORWAY REGARDING NEW REGULATIONS FOR FISHING IN THE PASVIK RIVER (PASVIKELVA). SIGNED AT OSLO, APRIL 21ST, 1938.

HIS MAJESTY THE KING OF NORWAY and THE PRESIDENT OF THE REPUBLIC OF FINLAND have decided to conclude an Agreement regarding new fishery regulations for the fishing area of the Pasvik river, and for that purpose have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF NORWAY :

M. Halvdan KOHT, Minister for Foreign Affairs ;

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

M. Wäinö WUOLIJOKI, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Norway ;

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

Article 1.

In Norway and Finland fishery regulations shall be issued — as far as possible simultaneously — for the fishing area of the Pasvik river, in Norway in accordance with the annexed Norwegian text and in Finland in accordance with the annexed Finnish text.

The fishery regulations shall come into force in both countries on May 1st, 1938.

Article 2.

The fishery regulations shall remain in force until further notice. Should one of the two countries desire to terminate the regulations in force or to amend them, notice to this effect shall be given to the other country at least one year before such termination or amendment takes effect.

Article 3.

The chief of police (*politimester*) at Sør-Varanger or a person authorised by him, and the district bailiff (*kronofogden*) in the district of Petsamo or a person authorised by him, shall meet at the respective places in order to demarcate the closed areas above and below the salmon stairs. Should the chief of police or the district bailiff so desire, the boundary in the lakes below the mouths of the streams within which it is forbidden to use standing tackle shall be determined and demarcated in the same manner.

Article 4.

The chief of police at Sør-Varanger and the district bailiff in the district of Petsamo are authorised to enter into direct communication with each other if either of them has obtained information from a reliable source that fishing is taking or has taken place in the territory of the other country below the Grense waterfall in violation of the fishery regulations, and under such conditions that the inspection authorities of the country concerned cannot be assumed to be aware of the fact.

Similarly, the chief of police or the district bailiff shall communicate with each other if they are informed by their own authorities that the fishery regulations have been waived in accordance with the provisions in § 9 of the regulations.

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

Article 5.

As soon as the question of the right to fish in the fishing area of the Pasvik river has been settled by legal provisions in both countries, an attempt shall be made to obtain uniform provisions for the part of the fishing area which forms the frontier in respect of the conditions under which persons not entitled to fish may, on obtaining a fishing card, use fishing rods and hand lines.

Article 6.

An attempt shall be made to improve the effectiveness of the salmon stairs in the Hare waterfall. The Finnish authorities shall prepare a proposal with an estimate of costs for such arrangements as are considered necessary in this connection.

Done at Oslo, in duplicate, this 21st day of April, 1938.

(L. S.) (Signed) Halvdan KOHT.

(L. S.) (Signed) Wäinö WUOLIJOKI.

FISHERY REGULATIONS FOR THE FISHING AREA OF THE PASVIK RIVER.¹

§ 1.

Text of Norwegian Regulations.

The fishing area of the Pasvik river comprises the part of the river and of the lakes which it forms belonging to Norway.

§ 1.

Text of Finnish Regulations.

The fishing area of the Pasvik river comprises the part of the river and of the lakes which it forms belonging to Finland.

§ 2.

Within the fishing area it is permitted in fishing for burbot to use bar-nets, seine nets, fyke nets, fish traps, hooks and barriers. The use of other tackle, including fish gigs, and also the use of lime, explosives, poisonous substances or electric current as means of catching fish are prohibited.

Text of Norwegian Regulations.

In the part of the river lying below the frontier north of Boris Gleb as far as the outlet of the river near the group of islands at Elvenes, it is forbidden to fish with the use of other tackle than bar-nets and hooks. For a distance of 200 metres outside this group of islands it is permissible only to fish with hooks.

In the waters from the Hare waterfall down to the national frontier south of Boris Gleb the use of seine nets is forbidden.

Text of Finnish Regulations.

In the part of the river lying below the Koltta-köngäs waterfall, it is forbidden to fish with the use of other tackle than bar-nets and hooks.

In the waters from the Jäniskoski waterfall to the Kolttaköngäs waterfall, the use of seine nets is forbidden.

§ 3.

It is forbidden to use knotted tackle of a smaller mesh than 35 mm. between the knots counting from the middle of each knot when the tackle is wet. In the waters from the Hare waterfall down to the frontier south of Boris Gleb it is also forbidden to use nets with larger mesh than 45 mm. between the knots.

¹ The Norwegian and Finnish regulations are not identical. The translations of the divergent passages are printed in two columns.

In the case of fishing tackle consisting of netting, the distance between the knots or the corners of the meshes shall not be less than 40 mm.

In the case of fyke nets or other tackle made of wooden sticks, branches, roots, bark or other similar material, the distance between the sticks may not be less than 30 mm. and the distance between the straps may not be less than 150 mm.

Fish traps, including the connecting nets, may not be higher at any part than 1.5 metres.

§ 4.

It is at all times forbidden to catch or kill salmon, trout (both sea trout and fresh-water trout), gwyniad or grayling less than 25 cm. in length, measured from the tip of the snout to the end of the central part of the tail fin.

Should such fish have been caught, they must be immediately returned to the water.

§ 5.

Text of Norwegian Regulations.

All fishing is forbidden :

1. At the Hare waterfall, within an area bounded above the fall by a straight line drawn from a mark cut on the Norwegian side of the river about 100 metres above the fall to the end point of the trolley line on the Finnish side, and a line below the fall drawn from a mark cut on the Finnish side about 150 metres from the lowest outlet of the salmon stairs across the stream to a mark cut on the Norwegian side. In the part of this area situated below a mark fixed about 50 metres from the foot of the fall on the Norwegian side, rod fishing shall be permitted in the month of July, but only with flies or worms.

2. At the Skolte waterfall, within an area bounded on the south by a line from the place at which the road from Boris Gleb now ends across the stream to a mark cut on the opposite bank of the river, and in the north by the frontier south of Boris Gleb.

With the exception mentioned in the provision under (1), in the case of fishing with rod or hand line, no part of the tackle may enter the closed area.

§ 5.

Text of Finnish Regulations.

All fishing is forbidden :

1. At the Hare waterfall, within an area bounded above the fall by a straight line drawn from a mark cut on the Norwegian side of the river about 100 metres above the fall to the end point of the trolley line on the Finnish side, and a line below the fall drawn from a mark cut on the Finnish side about 150 metres from the lowest outlet of the salmon stairs across the stream to a mark cut on the Norwegian side.

2. At the Skolte waterfall within an area bounded upstream by a line across the stream from the place at which the road from Boris Gleb now ends, and downstream by a straight line from a notch made in a stone situated about 90 metres from the lower end of the salmon stairs across the stream to a notch made in a stone on the opposite bank.

In the case of fishing with rod or hand line, no part of the tackle may enter the closed area.

§ 6.

In the other parts of the fishing area, it is forbidden to catch salmon, trout (both sea trout and fresh-water trout) and gwyniad in the period from September 15th inclusive to October 31st inclusive ; but these kinds of fish may be caught at all times of the year in the following lakes formed by the Pasvik river, *i. e.*, Grensevatn, Fjærvatn, Vaggetemvatn, Hassetjønn, Langvatn, Svanvatn, Bjørnvatn, and Klistervatn.

§ 7.

Besides the lakes mentioned in § 6 and the Fossevatn, in the streams which constitute the frontier one-sixth of the width lying nearest the frontier at the midsummer level of water shall be kept open as a fishing stream. In other waterways, the fishing stream shall be one-third of the width of the waterway at the place where it is deepest.

In the fishing stream it is forbidden to use other fishing tackle than seine nets and hooks.

In the lakes mentioned in § 6 and also in the Fossevatn, it is forbidden to use standing tackle within a distance of 200 metres from the mouth of the fishing stream.

Text of Norwegian Regulations.

§ 8.

Fishing inspectors shall be considered on the same footing as police officials in respect of any insulting language or action used against them.

§ 9.

The provisions laid down in the present fishery regulations shall not prevent the inspector of fresh-water fisheries, while applying the provisions which he considers necessary in order to avoid abuse, from permitting fishing for scientific purposes or in order to catch fish for breeding in incubators.

§ 10.

Breaches of the above provisions shall be punishable by a fine. Fishing tackle which is put to an unlawful use and fish which is caught unlawfully, or the value of such tackle or fish, may be confiscated.

§ 11.

With the exception of nets with a smaller mesh than 30 mm. between the knots, fishing tackle which is lawful according to the rules applied hitherto, and which is proved to have been procured before the issue of the present rules, may be used until the end of the year 1942 notwithstanding the general provisions of the present regulations regarding fishing tackle the use of which is permissible within the fishing area.

Text of Finnish Regulations.

§ 8.

The person duly instructed to supervise the observance of the present regulations shall enjoy the same rights and the same legal protection as inspectors and police officials ; certificates issued by him shall have the same value as evidence as that conferred on certificates issued by inspectors in general, in virtue of Chapter 17, Article 11, of the Code of Legal Procedure.

§ 9.

The provisions laid down in the present fishery regulations shall not prevent the Department of Agriculture, while applying the provisions which it considers necessary in order to avoid abuse, from permitting fishing for scientific purposes or in order to catch fish for breeding in incubators.

§ 10.

Breaches of the provisions of the present fishery regulations shall be punishable in accordance with the general law.