

N° 1136.

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## FINLANDE ET SUÈDE

Convention concernant les rennes  
dans les régions-frontière, avec  
protocole final, signés à Helsing-  
fors, le 9 mai 1925.

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## FINLAND AND SWEDEN

Convention concerning Reindeer in  
Frontier Districts, with Final  
Protocol, signed at Helsingfors,  
May 9, 1925.

<sup>1</sup> TRANSLATION.

## No. 1136. — CONVENTION BETWEEN FINLAND AND SWEDEN CONCERNING REINDEER IN FRONTIER DISTRICTS, SIGNED AT HELSINGFORS, MAY 9, 1925.

The Delegates appointed by FINLAND and SWEDEN having transmitted to their Governments a Draft Agreement concerning the arrangements with regard to reindeer in areas situated along the frontier between the two countries, THE PRESIDENT OF THE REPUBLIC OF FINLAND and HIS MAJESTY THE KING OF SWEDEN have decided to conclude a convention on this subject, and for that purpose have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

Dr. Karl Gustaf IDMAN, Doctor of Laws, Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF SWEDEN :

M. Arvid Gustaf RICHERT, Chargé d'Affaires *ad interim* in Finland,

Who having communicated their full powers, which were found in good and due form, have agreed upon the following Convention :

## CHAPTER I.

## AUTHORISATION GRANTED IN CERTAIN CASES TO SWEDISH LAPLANDERS TO DRIVE REINDEER THROUGH FINNISH TERRITORY.

*Paragraph 1.*

When moving annually with their herds for the purpose of exercising their grazing rights in the province (*Fylke*) of Troms in Norway, Swedish Laplanders may, during the periods hereinafter mentioned, cross Finnish territory, using the following tracks, viz.,

From April 28 to June 30, both dates inclusive, and from September 1 till October 3, both dates inclusive, a track which, starting from the district of Keinovuopio in Sweden, passes either east or west of Mount Peeravaara proceeds past Ailakasjärvi, and reaches the Norwegian frontier in the area between Maasselvaara and Tchappisjaure ; Laplanders shall also be allowed, between April 28 and May 20, to begin their journey across Finnish territory at Vittangi (Saarikoski) in Sweden, and meet the above-named track in the neighbourhood of Ailakasjärvi ;

From April 28 to May 20 a track which, starting at Keinovuopio, skirts the ice at Kilpisjärvi and leads *via* Siilasvuoma to the Norwegian frontier in the region east of frontier post No. 295.

*Paragraph 2.*

These tracks shall have a width of three kilometres except where limited by the configuration of the ground.

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<sup>1</sup> Translated by the Secretariat of the League of Nations.

Reindeer shall not be allowed to stray from the track, unless weather conditions, the presence of beasts of prey or other unavoidable circumstances render it impossible to keep them to the track.

*Paragraph 3.*

The route followed by the tracks referred to in first paragraph shall be prescribed in detail by the competent District Governor (*Landshövding*) in Finland, after the ground has been surveyed by Swedish and Finnish officials appointed for the purpose.

The tracks in question shall be staked out by order of the District Governor, a sufficient number of clearly visible marks being set up along the middle of the track and supplemented, where necessary, by a lesser number on the outer boundary lines. The cost of the staking out shall be borne by the Swedish Government.

*Paragraph 4.*

Before the journey through Finnish territory is begun, the Laplanders shall, both when the herds are being driven from Sweden to Norway and on their return, notify the person whom the Finnish authorities shall indicate to the Swedish District Governor as appointed to receive such notices.

The person to be notified of the movement of herds into Norway shall be resident in a place where the notice can easily reach him, and notice of the return of the herds shall be received at the Siilastupa mountain station at Kilpisjärvi or at such other inhabited place in the district as may be specified from time to time.

In the case of herds moving into Norway, notice shall be given not less than five days, and, in the case of returning herds not less than three days, before the journey through Finnish territory is begun. Such notice shall state the name of the Laplander, the number of reindeer in his charge, the approximate date when he will start and the track he proposes to follow. If no instructions are given as to the appointment referred to in the first paragraph above, notice shall not be required.

*Paragraph 5.*

The herds shall be driven through the territory without unnecessary halts. When driving his herd a Laplander may not make a halt in Finnish territory for more than three days and nights at most, unless weather conditions, the presence of beasts of prey or other unavoidable circumstances prevent the completion of the journey within that time.

*Paragraph 6.*

For the conveyance of their personal effects by reindeer (flytting med raid) Swedish Laplanders may, no matter when the journey through Finnish territory takes place, make use of the tracks referred to in first paragraph, in addition to the track ordinarily used for such purposes or for the transport of other goods.

*Paragraph 7.*

During the journey, the Laplanders may take and use as fuel brush-wood, bushes and birch-trees growing alongside the track. The timber-cutting thus entailed must not, however, be done in a manner liable to destroy the forest or to prevent the re-growth of timber; and in no case shall clear felling be permissible.

Similarly the Laplanders may, while moving their herds, make use of any pasture-land lying on the track to feed their reindeer.

*Paragraph 8.*

In return for the benefits granted to Swedish Laplanders under the above provisions, and in repayment of the expenses incurred by the Finnish Government in supervising the observance of these provisions, the latter shall receive from the Swedish Government an annual payment of seven hundred Finnish gold marks, or five hundred Swedish gold crowns. If in any year no herds are driven across Finnish territory, this payment shall not be made; and the sheriff (Länsmann) concerned shall be advised in good time that no movement of the herds will take place.

If, when the route of the track is being fixed in Finnish territory near Keinovuopio it should prove impossible, without inconvenience to the Laplanders, to avoid taking it across hay-fields, the Swedish Government shall refund such sums as the Finnish Government may have to allow the owners of the said fields by way of compensation for damage caused by the passage of the Laplanders.

*Paragraph 9.*

Whilst the movement of the herds is in progress, all dogs belonging to the inhabitants of the districts shall be kept fastened up.

*Paragraph 10.*

If, when driving his herds in the manner described in paragraph 1, a Swedish Laplander takes a track across Finnish territory other than one of those mentioned, or uses one of the authorised tracks at another or for a longer time than that prescribed in paragraphs 1 and 5, or without giving notice of the journey as required by paragraph 4, he shall be subject, as regards his herds, to the regulations applying to reindeer of the one country trespassing in the territory of the other.

Laplanders infringing the provisions of paragraph 7 on timber-cutting, or the provisions of paragraph 9, shall be fined and ordered to pay damages, unless sentenced to a heavier penalty under general criminal law.

The amount of compensation which a Laplander is ordered to pay for damage to the forests along the track, as also any fines payable, under an enforceable judicial order, for infringement of the provisions regarding timber-cutting, shall be advanced from Swedish public funds through the agency of the Swedish District Governor. The amount of such compensation shall subsequently be recovered from the Laplander, and the order for the payment of the fine shall be executed in Sweden in accordance with the customary procedure for the execution of such orders.

*Paragraph 11.*

If, in proceedings taken on the grounds of an infringement of the provisions of paragraph 7 on timber-cutting, a person who is a Swedish national and is resident in Sweden is summoned to appear, the writ of summons shall be served through the agency of the competent Swedish District Governor, in accordance with the procedure customary in Sweden for the service of writs.

## CHAPTER II.

MEASURES TO BE ADOPTED IN DEALING WITH REINDEER OF ONE COUNTRY  
TRESPASSING IN ANOTHER.*Paragraph 12.*

If Finnish reindeer enter Swedish territory, or if, in any cases other than those covered by Chapter I, Swedish reindeer enter Finnish territory, the competent official of the country in which the reindeer are trespassing shall, immediately upon receiving information of the occurrence, advise the person competent to receive such notices in the other country, stating the whereabouts of the reindeer, their approximate numbers, and, if possible, the name of the owner.

This information shall be sent by telegram or telephone, or if this cannot be done, by messenger or letter. If the information is sent by telephone, or verbally by messenger, it shall be followed immediately by confirmation in writing.

If such a step is practicable, the owner of the reindeer shall also be informed of the occurrence.

*Paragraph 13.*

In both countries persons shall be appointed, in such numbers as may be desirable, to receive the information referred to in paragraph 12. Persons so appointed shall be authorised to receive, from a given area in the other country to be specified in each appointment, all notices of trespassing in that area, by reindeer belonging to his country.

The said persons shall be so chosen that notices will reach them with the least possible inconvenience or delay. The Finnish and Swedish District Governors concerned shall send each other particulars as to the names and addresses of such persons and the areas assigned to them.

*Paragraph 14.*

On receiving notice that his reindeer are trespassing in the other country, the owner shall immediately take steps in accordance with paragraph 13 to have them sent for and driven back out of the country to the district where they are kept.

The competent official may either take the reindeer in charge or drive them out. If they are driven out by the official of the country in which they are trespassing, they shall be handed over to the owner or to the competent official of the other country.

*Paragraph 15.*

If reindeer are to be fetched away or driven out, the only animals to be included shall be those bearing the marks used by the reindeer-owners of the country to which they belong, together with unmarked calves following females bearing such marks.

Before the reindeer are taken back, any which are to be left behind on this account shall be picked out from among the others in the presence of the competent official or of the reindeer-owners of the district ; but if the said official or owners declare that none of them should be retained the foreign reindeer shall be driven away forthwith.

Whenever foreign reindeer are intermingled with local reindeer under the charge of the reindeer-owners of the district or their herdsman, these shall assemble the animals and allow the person who is to drive back the foreign reindeer to single out those which he is entitled to take.

*Paragraph 16.*

If reindeer stay in a prohibited area, a grazing fee shall be paid for each reindeer and calf, excluding those under one year. The amount of such fee shall be 0.14 Finnish gold marks or 0.1 Swedish gold crowns per day.

If the return of the reindeer should be delayed through no fault of the owner, a reasonable deduction for such delay shall be made in assessing the amount payable.

If it is clear that the reindeer owner deliberately allowed his cattle to graze in a prohibited area in the other country, the grazing fees may be doubled; in such cases, however, the reindeer-owner shall be given an opportunity of stating his case.

*Paragraph 17.*

In addition to the grazing fee referred to in paragraph 16, an indemnity shall be payable in respect of the expenses entailed by the trespassing of the reindeer, such as the cost of transmitting information in accordance with paragraph 12, and of collecting, guarding, sorting and driving back the reindeer.

*Paragraph 18.*

If, on notice being given in accordance with paragraph 12, the reindeer reported remain a further ten days in the prohibited area, without any person arriving to fetch them away, penalty shall be due equivalent to 10 % of the mean value of the reindeer, excluding calves under one year.

This stipulation shall also apply in cases where a person arrives to fetch away the reindeer, but has not left within fifteen days of the sending of the notice under paragraph 12, unless weather conditions, the presence of beasts of prey, or failure on the part of the reindeer owner or herdsman to comply with the last sub-paragraph of paragraph 15, or other unavoidable circumstances prevent the return of the animals.

The mean value of the reindeer shall be fixed for each calendar year, by agreement between the competent Finnish and Swedish District Governors, such agreement to be concluded before the end of the preceding year on the basis of the current price of reindeer in the first half of December in that year.

*Paragraph 19.*

If the notice referred to in paragraph 12 is made to a person appointed to receive such information other than a sheriff (Länsmann) or "Lappfogde" (Swedish police official dealing with Laplanders' affairs), the notice shall be forwarded to the latter.

A record of the proceedings arising out of the presence in one country of reindeer belonging to the other shall be prepared by the competent official, and shall state the number and marks of the animals, together with the official's observations on the matter.

The record of the proceedings, together with the observations of the competent sheriff (Länsmann) in Finland or "Lappfogde" in Sweden, if they have not dealt with the case themselves, shall be transmitted to the Governor of the District together with all depositions and documentary evidence.

*Paragraph 20.*

The District Governor shall, after weighing the available evidence, assess the fee and compensation due under paragraphs 16 and 17, and the amount of the penalty payable under paragraph 18.

*Paragraph 21.*

Before the District Governor gives a decision under paragraph 20, he shall, whenever possible, ascertain to whom the reindeer belong.

The decision shall, however, without giving the name, merely summon "the reindeer owner concerned" to pay the amount assessed.

*Paragraph 22.*

Any damage caused by the presence in one country of reindeer belonging to the other, whether by the animals themselves or by the accompanying herdsmen, shall also be made good.

*Paragraph 23.*

The expenses referred to in paragraph 17 shall not be payable and no compensation shall be payable for the damage caused by reindeer, as provided in paragraph 22, unless the presence in one country of reindeer belonging to the other has been notified in the manner prescribed in paragraph 12. If no such notice has been given, the person claiming compensation as aforesaid must as quickly as possible report the presence of the reindeer to the competent official in his own country, in order that the information may be duly transmitted to the official of the other country; otherwise the said claimant is liable to forfeit his right to compensation.

*Paragraph 24.*

If any person wishes to claim compensation under paragraph 22 for damage caused by reindeer in Sweden, he shall apply for that purpose to the local "Landsfiskal" (provincial public prosecutor). The latter, together with two jurymen (*Nämndemänn*) appointed by himself, shall inspect the damage. The Finnish sheriff (*Länsmann*) shall be present or shall be represented at the proceedings, and shall speak on behalf of the reindeer owners concerned, being further empowered to effect a settlement on their behalf. If the reindeer owner attends as a party to the proceedings, he shall conduct his own case. The "Landsfiskal" shall inform the sheriff (*Länsmann*) in good time — by telegram or telephone if possible — as to when and where the proceedings will take place. If there is reason to believe that part or all of the reported damage has been caused by Swedish reindeer, the competent Swedish police official shall also be summoned.

The "landsfiskal" and jurymen shall be required to assess the damage; and they shall make a written statement on oath that to the best of their knowledge and belief their assessment is correct.

If they find that both Finnish and Swedish reindeer are responsible for the damage they shall mention the fact, but shall estimate only the damage which can be regarded as caused by Finnish reindeer.

If neither the sheriff (*Länsmann*) nor his deputy is present at the proceedings, a copy of the record of the proceedings shall be sent to him forthwith by the "Landsfiskal".

Should the claimant or the sheriff (*Länsmann*), or the reindeer owner, if the latter conducts his case, be dissatisfied with the award given, he may appeal to the courts within ninety days of the proceedings.

The "Landsfiskal" and jurymen shall receive an allowance in accordance with existing regulations regarding travelling allowances. In cases where the damage is caused by Finnish reindeer, this allowance shall be paid in the same manner as that prescribed for compensation; otherwise it shall be payable by the claimant.

*Paragraph 25.*

In dealing with questions of compensation payable under paragraph 22 for damage caused by Swedish reindeer in Finland, the provisions generally governing claims for compensation for damage caused by reindeer shall apply, subject to the conditions laid down in that paragraph as also in paragraph 26.

The Swedish "Lappfogde" shall be present or shall be represented at the proceedings which are held for the purpose here considered, and he shall speak on behalf of the reindeer owners concerned; he shall further be empowered to effect a settlement on their behalf. If the reindeer owner gives notice that he is a party to the proceedings, he must conduct his own case. The sheriff (Länsmann) shall inform the "Lappfogde" in good time — by telegram or telephone if possible — of the date and place of the proceedings.

If neither the "Lappfogde" nor his deputy is present at the proceedings, a copy of the record of the proceedings shall be sent to him forthwith by the sheriff (Länsmann).

*Paragraph 26.*

In proceedings taken under paragraphs 24 and 25, particulars shall be obtained and placed on record of any circumstances which may affect the question of compensation, such as the time when, and the manner in which, the damage was caused, the extent, situation and nature of the place where the damage was done, and the approximate number of reindeer concerned.

In the assessment of damage, account shall be taken of the nature and fertility of the ground, and the extent to which local reindeer contributed to the damage.

In the proceedings, steps shall be taken to ascertain, if possible, the name of the person owning the animals which caused the damage.

The decision awarding the plaintiff compensation for damage shall not, however, give the name of the reindeer-owner, but shall summon the "Finnish reindeer-owner concerned" or the "Swedish reindeer-owner concerned" to pay compensation for the damage.

*Paragraph 27.*

If reindeer are fetched away without due observance of the provisions of paragraph 15, the competent District Governor may, after procuring evidence, impose a special fine of 35–420 Finnish gold marks or 25–300 Swedish gold crowns; but such action may not be taken unless there is reason to believe that reindeer of the other country were among those taken away.

*Paragraph 28.*

If the amount, payment of which has been ordered in accordance with paragraphs 20, 26 and 27 on account of Finnish reindeer having trespassed in Sweden, is not paid forthwith to the official concerned or to the plaintiff, the Swedish District Governor shall transmit to the Finnish District Governor the order requiring payment of the sum stipulated, together with the depositions and documentary evidence relating thereto; and this sum shall be paid from Finnish public funds through the agency of the Finnish District Governor.

The above shall apply *mutatis mutandis*, in cases where the amount due on account of Swedish reindeer having trespassed in Finland is not paid forthwith to the official concerned or to the plaintiff.



The amount payable in this manner shall be recovered from the reindeer-owner unless in any particular case the Finnish District Governor concerned agrees that the whole or part of the sum should properly be charged to the Treasury.

*Paragraph 29.*

The term "competent official" in this chapter shall be taken to mean the competent sheriff (Länsmann) in Finland or "Lappfogde" in Sweden, and also the persons appointed to receive information as prescribed in paragraph 13.

CHAPTER III.

DURATION OF THE VALIDITY OF THE CONVENTION.

*Paragraph 30.*

The present Convention, which has been drawn up in the Finnish and Swedish languages, both texts being authentic, shall be ratified by the President of the Finnish Republic, subject to the approval of the Finnish Parliament, and by His Majesty the King of Sweden, subject to the approval of the Swedish Parliament. It shall come into force ten days after the exchange of ratifications, and shall remain in force for a period of two years counting from the date on which either of the countries denounces it.

Done in duplicate at Helsingfors, May 9, 1925.

(L. S.) K. G. IDMAN.

(L. S.) ARVID RICHERT.

FINAL PROTOCOL.

In connection with the signing to-day of the Convention concerning reindeer in frontier districts, the undersigned Representatives have agreed upon the following stipulations:

(1) The officials responsible for carrying the provisions of this Convention into effect, and also the frontier-district inhabitants, shall be entitled, on payment of the usual charges, to make use of the postal, telegraph and telephone services and other means of communication available in the frontier district for the purpose of sending and receiving reports and writs of summons as provided in this Convention; the Swedish authorities shall consider and carry into effect measures to link up, at suitable points along the frontier, the Finnish and Swedish telephone lines serving the frontier districts in question.

(2) The inhabitants living near the frontier in the Enontekis district shall be allowed to proceed with their own reindeer or horses as far as the section of railway from Boden to the frontier for the purpose of disposing of their produce and making necessary purchases, such produce to be allowed entry into Sweden duty-free. Persons wishing to exercise the right to import goods into Sweden as provided above, must show the police authorities in Sweden a certificate issued by the sheriff (Länsmann) of the Enontekis district, stating on each occasion the quantity and nature of the goods to be imported and their place of origin. The only identity document necessary

to enable the holder to stay in Sweden shall be a passport issued by the sheriff (Länsmann) and the Swedish authorities may not require these passports to be endorsed. The persons in question shall enjoy rights co-extensive with those of nationals as regards the use of pasture-land for feeding draft and pack reindeer used for transport purposes.

Similar rights shall be granted, subject to the above conditions, to the inhabitants of the Karesuando district in regard to the sale and purchase of goods in the district of Enontekis.

In faith whereof, the undersigned Representatives have drawn up the present Final Protocol, which shall be regarded as an integral part of the Convention.

Done in duplicate at Helsingfors, May 9, 1925.

(L. S.) K. G. IDMAN.

(L. S.) ARVID RICHERT.