

No. 2265

NORWAY
and
FINLAND

**Agreement (with annex) regarding fishing regulations for
the fishing area of the Tana river. Signed at Helsinki,
on 20 May 1953**

Official texts: Norwegian and Finnish.

Registered by Norway on 25 September 1953.

NORVÈGE
et
FINLANDE

**Accord (avec annexe) concernant la réglementation de la
pêche dans le Tana. Signé à Helsinki, le 20 mai 1953**

Textes officiels norvégien et finnois.

Enregistré par la Norvège le 25 septembre 1953.

[TRANSLATION — TRADUCTION]

No. 2265. AGREEMENT¹ BETWEEN NORWAY AND FINLAND REGARDING FISHING REGULATIONS FOR THE FISHING AREA OF THE TANA RIVER. SIGNED AT HELSINKI, ON 20 MAY 1953

The Government of Norway and the Government of Finland, having decided to conclude a new agreement regarding fishing in the fishing area of the Tana river, have for this purpose appointed duly authorized representatives, who have agreed as follows :

Article 1

Fishing regulations shall be issued in Norway and Finland, so far as possible simultaneously, for the fishing area of the Tana river, in Norway in accordance with the annexed Norwegian text,² and in Finland in accordance with the annexed Finnish text.³

The fishing regulations shall come into force in both countries on 22 May 1953.

Article 2

The fishing regulations shall remain in force until further notice. If either country desires to terminate or amend the regulations in force, notice to that effect shall be given to the other country at least one year before such termination or amendment takes effect.

Article 3

The competent Norwegian and Finnish district bailiffs and inspectors are authorized to communicate directly with each other if either of them becomes aware, either through personal observation or through information from a reliable source, that in the parts of the rivers forming the frontier fishing is taking or has taken place in the territory of the other country in violation of this Agreement or of the fishing regulations in force and under such conditions that the inspection authorities of the country concerned are presumably unaware of the fact.

If the competent district bailiff is informed by his own authorities that the fishing regulations have been waived as provided in article 18 of the Norwegian regulations and article 17 of the Finnish regulations at a place where the rivers form the frontier, he shall so notify the competent district bailiff of the other country.

¹ Came into force on 20 May 1953, by signature.

² See translation of Norwegian text, p. 182 of this volume.

³ See translation of Finnish text, p. 190 of this volume.

Article 4

A person desiring to fish with rod or hand-line in the part of the fishing area which forms the frontier must, before fishing begins, procure a fishing card entitling the holder to fish in the other country's territory also. Rowers must also be in possession of a valid fishing card.

A fishing card shall not exempt the holder from the obligation to comply with the regulations for the time being in force concerning entry, registration with the police, etc. An alien not having access to both countries without a viséd passport may not be granted a fishing card unless he proves that he is in possession of a viséd passport valid for both countries.

A fishing card may be procured upon payment of the following fees :

A person entitled to engage in fishing in the aforementioned part of the fishing area and residing permanently within the vicinity of that area shall, for the right to fish on the other side of the frontier, pay 2 kroner in Norway and 65 marks in Finland per calendar year.

A person not entitled to engage in such fishing but residing permanently within the river valleys of the fishing area, in the communes of Polmak, Karasjok and Utsjok, shall pay 4 kroner in Norway and 130 marks in Finland per calendar year.

All other persons shall pay 12 kroner in Norway and 390 marks in Finland per day. Fishing rights as mentioned in the preceding sentence shall not be granted to any person for more than seven days in any calendar year.

If the rate of exchange between the currencies of Norway and Finland changes, the county governor of Finnmark and the county authority of Lapland shall, each year before the end of April, jointly make the corresponding changes in the fees for fishing rights.

The fishing card must in either country be procured from the competent district bailiff or a person authorized by him. A person permanently residing in one of the aforesaid communes must, however, procure the card in his home district.

The fishing card shall have a Finnish and a Norwegian text. It shall be made out in the name of the person concerned and shall state the exact time for which it is valid. It shall also contain a provision to the effect that it must on demand be shown to the inspection authorities, including those of the other country.

All revenue from the issue of fishing cards shall be divided equally between the two countries. The apportionment shall be carried out by the county governor of Finnmark and the county authority of Lapland. The county governor and the county authority shall, by 1 November each year, forward

to each other a statement of account for the revenue from the fishing cards issued during the fishing season in the county concerned.

The county governor of Finnmark and the county authority of Lapland shall inform each other directly regarding the rules made in Norway and Finland for the issue of the aforementioned fishing cards.

Article 5

In the part of the fishing area which forms the frontier the competent Norwegian and Finnish district bailiffs shall jointly designate and mark the places where seine fishing is permitted. In other parts of the fishing area, the places for seine fishing shall be designated and marked by the competent district bailiff.

In August of each year, notice of new places for seine fishing shall be given by the competent district bailiff, in Norway to the county governor of Finnmark County and in Finland to the county authority of Lapland County.

The county governor of Finnmark county and the county authority of Lapland county may jointly modify decisions taken jointly by the district bailiffs under the first sentence of the first paragraph. Decisions in regard to places for seine fishing in other parts of the fishing area may be similarly made by the county governor in Norway and the county authority in Finland.

Article 6

This Agreement cancels the Convention between Norway and Finland regarding new regulations for fishing in the Tana river of 21 April 1938,¹ as amended on 13 June 1949.²

The present Agreement may be terminated by either country at one year's notice.

DONE in duplicate in the Norwegian and Finnish languages, both texts being equally authentic.

Helsinki, 20 May 1953.

(Signed) Ralf TÖRNGREN

(Signed) T. SEIPPEL

¹ League of Nations, *Treaty Series*, Vol. CLXXXVIII, p. 231.

² United Nations, *Treaty Series*, Vol. 34, p. 9.

[TRANSLATION OF THE NORWEGIAN TEXT]

FISHING REGULATIONS FOR THE FISHING AREA OF THE TANA RIVER

CHAPTER I

THE EXTENT OF THE FISHING AREA

Article 1

The fishing area of the Tana river comprises the Norwegian parts of the Skiettsjamokka, Anarjokka and the Tana river as far as its mouth, together with the tributaries flowing into these rivers as far up as salmon are known to go.

CHAPTER II

THE CATCHING OF SALMON AND SEA TROUT

Article 2

Subject to the restrictions resulting from the following provisions, the following tackle may be used for catching salmon and sea trout: barriers with hook nets, or fish traps, seine nets, drift nets, bar nets, and rods and hand-lines.

Article 3

Knotted tackle, including hook nets, fish traps of any construction and connecting nets, may not have a mesh smaller than 58 mm. between the knots, counting from the middle of each knot when the tackle is wet.

Article 4

No person entitled to fish may use more than two barriers.

Hook nets, fish traps and connecting nets shall be taken on land before 1 September, and sticks, posts and trestles before 15 September. If in a particular case the tackle cannot be taken up on account of gravel deposits or other natural obstacles, the posts remaining shall be marked by bundles of branches of such a height as to be always above the level of the water. From 1 August onwards, all posts below the level of the water, and the end post of barriers, shall be marked by bundles of branches in the same manner.

Article 5

In the part of the fishing area lying above the mouth of the Levajokka, fishing with seine nets shall be permitted only at the places specially designated and marked for seine fishing. Below (to the north of) the mouth of the Levajokka, all fishing with seine nets shall be prohibited.

The distance between the place where a seine net is cast out and the place where it is taken in may not exceed 250 metres measured along the bank of the river.

Seine nets may not exceed 100 metres in length, and not more than four boats may be used in casting out a seine net.

From 1 August to 30 April inclusive seine nets may not be used.

Article 6

Drift nets may not exceed 45 metres in length, and when in use the distance between two drift nets shall at no point be less than 200 metres.

When in use, no part of a drift net may come nearer any part of a barrier than 100 metres. Drifting may not take place for a greater distance than 500 metres at one time, and only one boat may be used.

From 15 June to 19 May inclusive, drift nets may not be used.

Article 7

Seine nets or drift nets may not be drawn against artificial barriers (*goldem*).

Article 8

Bar nets may not exceed 30 metres in length, and, when fishing is being carried on with this tackle, artificial breakwaters may not be used.

Article 9

In the part of the fishing area lying north of the present southern boundary of zone 7 in the Tana district (near Rødbergnes), which boundary must be clearly marked on both sides of the river, it shall be unlawful, from 25 July to 30 April, to fish or kill salmon or sea trout or to use or lay out tackle for such fish or to allow the tackle to remain in position for catching fish. Notwithstanding this provision, sea trout (*komse*) may be caught, until 31 August inclusive, with rod or hand-line or with ordinary bar nets having a mesh not smaller than 30 mm. or larger than 45 mm. between the knots, counting from the middle of each knot when the tackle is wet.

In the aforesaid part of the fishing area, no tackle designed for the fishing of salmon or sea trout may be used, laid out or left in position for catching fish from 6 a.m. on Saturday until midnight on Sunday. All knotted tackle, except connecting nets in barriers, shall during this period be taken on land or suspended above the water.

In the part of the fishing area lying south of the above-mentioned boundary, it shall be unlawful from, 1 September to 30 April inclusive, to fish or kill salmon or sea trout or to use or lay out tackle for such fish or allow the tackle to remain in position for catching fish. During the remainder of the year, no tackle designed for the fishing of salmon or sea trout may in this part of the fishing area be used, laid out or left in position for catching such fish from 6 p.m. on Friday to 6 p.m. on Monday. All knotted tackle—including connecting nets, hook nets and fish traps in barriers—shall during this period be taken on land or suspended above the water.

The provision regarding the weekly close period shall not apply to fishing with rod or hand-line.

CHAPTER III

THE CATCHING OF OTHER FISH

Article 10

For the purpose of catching fresh-water trout, red char, crayling, fresh-water herring, vendace, pike, perch and burbot, only bar nets without breakwaters and, during the period from the breaking-up of the ice until 31 August inclusive, rods and hand-lines may be used in the river. In addition, burbot may be caught with hook tackle and fish traps while the rivers are ice-bound.

In lakes, such fish may be caught with bar nets, seine nets, fish traps, lines and other tackle with hooks.

Article 11

The mesh of tackle used for catching the kinds of fish mentioned in article 10 shall be not less than 30 mm. or more than 45 mm. between the knots, counting from the middle of each knot when the tackle is wet. It shall, however, be permissible to catch vendace in lakes with bar nets of a mesh down to 20 mm.

Fish traps, including connecting nets, may not anywhere exceed 1.5 metres in height.

CHAPTER IV

MISCELLANEOUS PROVISIONS

Article 12

Nets of metal wire or of nylon or similar synthetic materials may not be used in tackle.

The use of tackle other than that mentioned in chapters II and III, including fish-gigs, or the use of lime, explosives, poisonous substances or electric current as a means of catching fish shall be prohibited. It shall, however, be permissible to use gaffs, fish-axes or spoon nets as auxiliary tackle for lawful fishing.

Article 13

Objects calculated to frighten fish may not be placed in or over the water or on the river bed.

Article 14

It shall be unlawful to catch or kill salmon or sea trout less than 25 cm. in length, or fresh-water trout, red char, fresh-water herring or grayling less than 20 cm. in length, measured from the tip of the snout to the end of the central part of the tail fin.

If such fish are caught, they shall immediately be released. The same shall apply to salmon of any size caught in the annual closed season or in the weekly closed period otherwise than with rod or hand-line.

Article 15

No part of barriers or bar nets may be fixed over the centre line of the channel in the main stream or in subsidiary streams which generally contain water all summer. In addition, the outer part of a barrier may not at any point extend to within less than 10 metres of the opposite bank. If such tackle is laid out from opposite banks either immediately opposite each other or within a distance of 120 metres reckoned along the river, at least one-fifth of the width of the stream must be clear, with the result that no part of the tackle may be fixed nearer the centre line of the channel than one-tenth of the width of the river or stream at the average summer water-level.

Article 16

Within an area at the outlet of the Tana river from Smalfjordnes to Stangenes, bag nets or similar tackle may not be laid out to catch salmon. The bar nets (hook nets and circle nets) now used in this area may be retained to the same extent and in the same numbers at the same places as hitherto.

Article 17

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

Article 18

The present Fishing Regulations shall not prevent the inspector of fresh-water fishing, subject to such provisions as he considers necessary in order to avoid abuses from permitting fishing for scientific purposes or in order to catch fish for breeding.

Article 19

Breaches of the aforementioned provisions shall be subject to penalties. Fishing tackle unlawfully used and fish unlawfully caught, or the value of such tackle and fish, may be confiscated.

Article 20

These regulations shall come into force on 22 May 1953, on which date the Royal Resolution of 22 April 1938 concerning fishing regulations for the fishing area of the Tana river shall be repealed.

Notwithstanding the provisions of article 5, first paragraph, second sentence, seine fishing may be carried on at the hitherto permissible places in the fishing area below the mouth of the Levajokka for two years after the entry into force of the present Fishing Regulations.

[TRANSLATION OF THE FINNISH TEXT]

FISHING REGULATIONS FOR THE FISHING AREA OF THE TANA RIVER

Article 1

The fishing area of the Tana river comprises the Norwegian parts of the Skiettsjam-jokka, Anarjokka and the Tana river, together with the tributaries flowing into these rivers as far up as salmon are known to go.

[For articles 2 to 8, see pp. 182 and 184 of this volume]

Article 9

It shall be unlawful, from 1 September to 30 April inclusive, to fish or kill salmon or sea trout or to use or lay out tackle for such fish or allow the tackle to remain in position for catching fish.

During the remainder of the year, no tackle designed for the fishing of salmon or sea trout may be used, laid out or left in position for catching such fish from 6 p.m. on Friday to 6 p.m. on Monday. All knotted tackle—including connecting nets, hook nets and fish traps in barriers—shall during this period be taken on land or suspended above the water.

The provision regarding the weekly closed period shall not apply to fishing with rod or hand-line.

[For articles 10 to 15, see pp. 186 and 188 of this volume.]

Article 16

Any person duly authorized to supervise the observance of these regulations shall have the same rights and legal protection as a police officer.

Article 17

These regulations shall not apply to such fishing carried on for scientific or fish-breeding purposes as the Board of Agriculture, subject to the conditions which it prescribes to prevent abuses, has permitted.

Article 18

Breaches of these regulations shall be subject to ordinary legal penalties. The confiscation of prohibited fishing tackle, fishing tackle unlawfully used or fish unlawfully caught, or the value of such fish or tackle, shall be subject to the regulations otherwise in force concerning such matters.

Article 19

These regulations shall come into force on 22 May 1953.

Notwithstanding the provisions of article 5, seine fishing may be carried on at the hitherto permissible places in the fishing area below the mouth of the Levajokka for two years after the entry into force of the present Fishing Regulations.