

No. 14020

**SWEDEN
and
NORWAY**

**Protocol on the construction and maintenance of reindeer
fences. Signed at Oslo on 9 February 1972**

Authentic texts: Swedish and Norwegian.

Registered by Sweden on 20 May 1975.

**SUÈDE
et
NORVÈGE**

**Protocole relatif à la construction et à l'entretien de clôtures
destinées à empêcher le passage des rennes. Signé à
Oslo le 9 février 1972**

Textes authentiques : suédois et norvégien.

Enregistré par la Suède le 20 mai 1975.

[TRANSLATION — TRADUCTION]

PROTOCOL¹ ON THE CONSTRUCTION AND MAINTENANCE OF REINDEER FENCES

In connexion with the conclusion of the Agreement between Sweden and Norway on the grazing of reindeer,² the Swedish and Norwegian Governments have, with reference to articles 42 and 43 of the Agreement, agreed on the following provisions concerning the construction and maintenance of reindeer fences:

Article 1

Fences shall be constructed as soon as possible before 1 May 1975 along the sections indicated in this article.

A. Troms county

1. *Tamok-Rosta*. Along the boundary indicated in article 1 (A) (1) of the Agreement from frontier marker No. 294 (Tri-State frontier marker) to a suitable place in Kitdalen (approximately 35 km).

2. *Anjavassdalen and Havgavuobmi*. Along the boundary indicated in article 1 (A) (4) of the Agreement from the southern tip of Sandelvatn to the southern tip of Moarsejavri, thence along the boundary indicated in article 1 (A) (3) of the Agreement to frontier marker No. 283 (approximately 50 km).

3. *Sarevuobmi*. Along the boundary indicated in article 1 (A) (1) of the Agreement from frontier marker No. 283 to frontier marker No. 280, thence along the international frontier to Leinavatn (approximately 29 km).

B. Nordland county

1. *In Ankenes and Ballangen communes*. (a) Along the boundary indicated in article 1 (B) (1) (b) of the Agreement from the outlet of the brook which discharges into Middagsvatn north of point 1262 to Forsvatn (approximately 5 km).

(b) From Forsvatn along the boundary indicated in article 1 (B) (1) (b) of the Agreement in a westerly direction to Langvatn (approximately 1 km).

2. *In Ballangen and Tysfjord communes*. From the southernmost inlet of Langvatn in a southerly direction past the lake at point 792 to Baugevatn (approximately 4 km).

3. *In Tysfjord commune*. (a) Along the boundary indicated in article 1 (B) (1) (b) of the Agreement from the south-eastern part of Baugevatn to Paurovatn (approximately 2 km).

(b) Along the boundary indicated in article 1 (B) (1) (b) of the Agreement from Paurovatn to Naidivatn (approximately 2 km).

4. *In Sörfold commune*. From the southern slope of south-eastern part of north Flatkjölen of frontier marker No. 241 in a southerly direction to Veiskivatn, thence to Kvitvatn, thence to Messingmalmvatn (approximately 8 km).

5. *In Rana commune*. Along the boundary indicated in article 1 (B) (3) (b) of the Agreement from Kvefsendalstjern to the international frontier approximately 1 km east of frontier marker No. 220 A (approximately 20 km).

¹ Came into force on 1 May 1972, the exchange of the instruments of ratification having been effected at Stockholm on 28 April 1972, in accordance with article 15.

² United Nations, *Treaty Series*, vol. 969, No. I-14021.

6. *In Hemnes commune.* Along the boundary indicated in article 1 (B) (4) of the Agreement from Grasvatn to Okstindbreen (approximately 2 km).

C. *Nordland and Nord-Trøndelag counties*

In Hattfjelldal and Røyrvik communes. Along the boundary indicated in article 1 (B) (6) of the Agreement from the confluence of Ranserelva and the brook from Rotnan to the international frontier at Östre Sipmeksjöen (approximately 26 km).

D. *Jämtland county*

In Frostviken commune. Along the boundary indicated in article 7 (C) (1) of the Agreement from Östra Sipmekejaure to Leipikvattnet, thence to Ankarvattnet (approximately 19 km).

Article 2

Fences shall be constructed before 1 May 1977 along the sections indicated in this article.

A. *Troms county*

Salvasskardet. Along the boundary indicated in article 1 (A) (6) of the Agreement on the following sections near Leinavatn:

- (a) From the international frontier for approximately 2 km;
- (b) From Buddugäsluokta to Avzeluokta;
- (c) From the inlet 1 km south-east of the mouth of Cuolbmaädno to Skierreluokta;
- (d) From Havgaluokta to Altevatn (in all approximately 10 km).

B. *Nordland county*

1. *In Ankenes commune.* (a) Along the boundary indicated in article 1 (B) (1) (a) of the Agreement;

- (1) From the lake at point 1111 to Nordre Coarvvejavtre, from the southern tip of the latter lake to Søndre Coarvvejavtre, from the south-western inlet of the latter lake to the nearest inlet of Vannaksvatn (approximately 4 km);

- (2) From the southern tip of Iptovatn to the international frontier directly north of Rarkajaure (approximately 4 km).

(b) Along the international frontier from Rarkajaure to the south-easternmost inlet of Kjårdavatn, from the northern tip of Kjårdavatn along the boundary indicated in article 1 (B) (1) (b) of the Agreement of the southern tip of Middagsvatn (approximately 6 km).

2. *In Saltdal commune.* Along the boundary indicated in article 1 (B) (3) (a) of the Agreement:

- (a) In Skaitidalen from the south-western slope of Tausafjell towards Graddiselva (approximately 5 km);
- (b) From a suitable place at Graddiselva, approximately 1 km west of the international frontier, to the international frontier (approximately 1 km).

3. *In Rana commune.* Along the boundary indicated in article 1 (B) (3) (b) of the Agreement from the confluence of Virvasselva and Blerekelva to Kvefsendalstjern (approximately 12 km).

4. *In Hemnes commune.* Along the boundary indicated in article 1 (B) (4) of the Agreement from the southernmost reaches of Okstindbreen to frontier marker No. 215 (approximately 15 km).

5. *In Hattfjelldal commune.* (a) Along the entire boundary indicated in article 1 (B) (5) (b) of the Agreement (approximately 15 km).

(b) Along the international frontier from Harvatn to the boundary indicated in article 1 (B) (6) of the Agreement, along that boundary to the confluence of Ranserelva and the brook from Rotnan (approximately 30 km).

Article 3

Fences shall be constructed before 1 May 1979 along the sections indicated in this article.

A. Troms county

Anjavassdalen. Along the boundary indicated in article 1 (A) (4) of the Agreement from a suitable place in Beinelvadalen to the southern tip of Sandelvatn (approximately 30 km).

B. Norrbotten county

In Jokkmokk commune. From Slapejaure lake to the international frontier at the western tip of Numirjaure lake (approximately 7 km).

C. Nordland county

1. *In Hamarøy commune.* From the end point of the fence described in the preceding paragraph along the international frontier to frontier marker No. 244 A (approximately 5 km).

2. *In Sörfold commune.* (a) From Sorjasjavre at point 770 to Langvatn, approximately 2 km west of the international frontier at frontier marker No. 243 (approximately 2 km).

(b) Along certain sections between Trollaldalen and frontier marker No. 242 (approximately 7 km).

Article 4

When the Maunu grazing district referred to in article 7 (A) (1) of the Agreement is brought into use for the grazing of Norwegian reindeer, a fence shall be constructed as necessary along the district boundary from Kelottijärvi to Muonioälven.

Article 5

A fence may be constructed in the Havgavuobmi grazing district in Troms county along one of the following sections:

1. From the point where the Swedish fence to be constructed between the Lapp towns of Lainiovuoma and Saarivuoma reaches the international frontier between frontier markers Nos. 284 and 284 A, through Julusvaggi, along Julusjåkka and Divielva to a suitable point on the latter river (approximately 22 km).
2. From the point where the Swedish fence to be constructed between the Lapp towns of Lainiovuoma and Saarivuoma reaches the international frontier between frontier markers Nos. 284 and 284 A, along the north side of Råggastatjaeggi and the pond at point 625, thence in a westerly direction to Havgajåkka, along that brook to its confluence with Divielva (approximately 12 km).

The Norwegian authorities shall decide which of these alternatives is to be adopted and shall inform the Swedish Department of Agriculture of their decision not later than two months after the entry into force of this Protocol.

The fence referred to in this article may be constructed only as a continuation of the Swedish fence which is to be constructed between the Lapp towns of Lainiovuoma and Saarivuoma.

Article 6

The time-limits for construction of the fences referred to in articles 1-3 may be extended by reason of unfavourable weather conditions, a shortage of labour or materials, or other significant unforeseen circumstances.

Article 7

The precise course of the fences shall be determined jointly by the competent Farm Board and reindeer breeding inspector. Minor deviations from the courses indicated in articles 1-5 may be made when called for by the nature of the terrain or desirable for purposes of environmental protection.

The Farm Board and reindeer breeding inspector shall prepare a report on the course determined by them. The report shall be accompanied by map annexes.

Article 8

1. Norway shall construct, pay for and maintain the fences referred to in:

- article 1 (B) (1) (a), (B) (1) (b), (B) (2), (B) (3) (a), (B) (3) (b), (B) (4) and (B) (5) (the part which is not to be constructed by Sweden; see below);
- article 2 (B) (1) (a) (1), (B) (1) (a) (2) and (B) (1) (b);
- article 3 (C) (2) (b).

2. Sweden shall construct, pay for and maintain the fences referred to in:

- article 1 (A) (1), (A) (2), (A) (3), (B) (5) (a 2 km-long section beginning at frontier marker No. 220 (A)), (B) (6), (C) and (D);
- article 2 (A), (B) (2) (a), (B) (2) (b), (B) (3), (B) (4), (B) (5) (a) and (B) (5) (b);
- article 3 (A), (B), (C) (1), and (C) (2) (a);
- article 5.

3. Sweden shall construct and maintain the fence referred to in article 4. The cost shall be divided equally between Sweden and Norway.

Where advisable with a view to the efficient execution of the work, some other apportionment of obligations to construct, pay for and maintain fences along certain sections may be fixed by agreement between the Swedish Department of Agriculture and the Norwegian Department of Agriculture.

Article 9

With regard to the construction of the fence and related matters, the provisions of article 5 of the Protocol between Sweden and Norway on the construction and maintenance of reindeer fences along certain sections of the international frontier (Jämtland county and Nord-Trøndelag and Sör-Trøndelag counties)¹ shall apply as appropriate. Other provisions concerning the construction of the fences and related matters may, however, be established by agreement between the Swedish Department of Agriculture and the Norwegian Department of Agriculture when this is desirable for purposes of environmental protection or for other reasons.

The fences shall be provided with the necessary gates and overpass bridges.

Article 10

When construction of a fence has been completed, it shall be checked and approved jointly by the competent Farm Board and reindeer breeding inspector.

¹ See p. 319 of this volume.

Article 11

Where the construction or maintenance of a fence requires work to be carried out in the other country, the authorities of the country in question shall grant the necessary authorization.

Article 12

Work connected with the construction or maintenance of the fences may be carried out by Swedish or Norwegian authorities or by private contractors.

Article 13

Work carried out in connexion with the construction or maintenance of the fences by Swedish authorities or contractors on Norwegian soil or by Norwegian authorities or contractors on Swedish soil shall be regarded from the standpoint of employment conditions, as having been carried out in such authorities' or contractors' own country.

Goods intended for use in the work referred to in this Protocol may be transported free of customs duty and tax from one country to the other by or on behalf of the authority or contractor carrying out the work. In the case of machinery, tools, materials and other articles not used up in the course of the work, exemption from customs duty and tax shall be granted only if the goods are taken back or exported after use.

Article 14

Before construction of the fences referred to in articles 1, 2 or 4 is completed, the following exceptions to articles 52 and 57 of the Agreement shall apply in relation to grazing fees.

1. Where Swedish reindeer illegally cross the boundary of a grazing district in Norway during the authorized grazing period for the district or illegally cross the international frontier between 1 May and 15 September or illegally enter the grazing districts referred to in article 7 of the Agreement and the illegal stay is terminated within 10 days after the person responsible for the reindeer has learned of the said stay by means of a special communication or in some other manner, the following provisions shall apply:

— Where the illegal stay occurs during the first year of the term of the Agreement, no grazing fee shall be assessed. Thereafter, a grazing fee may be assessed in the following proportions of the amounts specified in article 52 of the Agreement:

- (a) During the second year, 30 per cent;
- (b) During the third year, 50 per cent;
- (c) During the fourth year, 60 per cent;
- (d) During the fifth year, 80 per cent.

2. The provisions of paragraph 1 shall apply as appropriate where Norwegian reindeer illegally cross the boundary of a grazing district in Sweden, even in places where no fence is to be constructed, or illegally cross the international frontier during the period when Norwegian reindeer breeding operations are under way in the frontier areas, or illegally enter the grazing districts referred to in article 1 of the Agreement during the period when the district in question may be used for grazing of Swedish reindeer.

3. The provisions of paragraphs 1 and 2 shall not apply:

(a) Where essentially the same reindeer illegally cross the reindeer pasture bound-

daries once again in essentially the same place within 14 days after the reindeer have been driven back to an authorized grazing district;

- (b) Where reindeer illegally stay in the other country and such stay would also not have been authorized under the 1919 Convention on reindeer pastures, as amended in 1949.¹

Article 15

This Protocol shall be ratified, and the instruments of ratification shall be exchanged at Stockholm not later than on 28 April 1972.

The Protocol shall enter into force on 1 May 1972 and shall remain in force until 30 April 2002.

The Protocol has been drawn up in duplicate in the Swedish and the Norwegian languages, both texts being equally authentic.

Oslo, 9 February 1972.

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¹ United Nations, *Treaty Series*, vol. 196, p. 19.