

No. 22367

**FINLAND
and
NORWAY**

Convention on the construction and maintenance of reindeer fences and other measures to prevent reindeer from entering the territory of the other country. Signed at Helsinki on 3 June 1981

Authentic texts: Finnish and Norwegian.

Registered by Finland on 27 September 1983.

**FINLANDE
et
NORVÈGE**

Convention relative à la construction et à l'entretien de barrières et à l'adoption d'autres mesures destinées à empêcher les rennes de pénétrer sur le territoire de l'autre pays. Signée à Helsinki le 3 juin 1981

Textes authentiques : finnois et norvégien.

Enregistrée par la Finlande le 27 septembre 1983.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE REPUBLIC OF FINLAND AND THE KINGDOM OF NORWAY ON THE CONSTRUCTION AND MAINTENANCE OF REINDEER FENCES AND OTHER MEASURES TO PREVENT REINDEER FROM ENTERING THE TERRITORY OF THE OTHER COUNTRY

The Government of the Republic of Finland and the Government of the Kingdom of Norway, wishing to renew and extend the provisions of the Convention of 18 March 1952 between Finland and Norway to provide for the construction and maintenance of reindeer fences and for other measures to prevent reindeer from crossing the frontier between the two countries,² have agreed on the following text of a new Convention:

CHAPTER I. DUTY TO EXERCISE SURVEILLANCE

Article 1. DUTY TO EXERCISE SURVEILLANCE

Finnish and Norwegian reindeer owners shall be required to ensure that their reindeer are at all times kept under proper surveillance to prevent them, as far as possible, from entering the territory of the other country.

CHAPTER II. FENCES

Article 2. LOCATION OF FENCES TO BE ERECTED

In order to prevent reindeer from crossing the frontier, a fence shall be erected and maintained along the route extending from the triple frontier cairn between Finland, Norway and Sweden (frontier cairn No. 294) to the triple frontier cairn between Finland, Norway and the Union of Soviet Socialist Republics at Muothavarre (Krokfjell).

On the aforesaid route the fence shall be continuous except for the route from Angeli to State frontier cairn No. 343.

The fence shall follow the State frontier. The Reindeer Fence Commission to be appointed in accordance with article 5 may decide that the fence may, in special cases, deviate up to a distance of 2 kilometres from the State frontier wherever necessary in order to avoid excessive expenditure on its erection or maintenance or in order to ensure the effectiveness of the fence. Where the deviation would exceed a distance of 2 kilometres the decision of the Reindeer Fence Commission shall be approved by an exchange of notes between the two countries. In deciding whether the fence shall depart from the State frontier, care shall be taken that the reindeer owners in one country are not deprived of pasturage to a substantially greater extent than reindeer owners in the other country.

¹ Came into force on 19 May 1983, i.e., 30 days after the date (18 April 1983) on which the Contracting Parties informed each other of the completion of their constitutional requirements, in accordance with article 25.

² United Nations, *Treaty Series*, vol. 188, p. 187.

Article 3. FENCE LINE AS BOUNDARY

On the routes along which a fence is erected between the two countries, the fence line shall constitute the decisive boundary for the purpose of all questions dealt with in this Convention.

*Article 4. WORK SPECIFICATION AND RESPONSIBILITY FOR ERECTION
AND MAINTENANCE*

The fence shall be erected and maintained in accordance with the work specification established by the Reindeer Fence Commission to be appointed in accordance with article 5.

Norway shall erect and maintain the fence along the following routes:

1. From the triple frontier cairn at Troms (frontier cairn No. 294) to frontier cairn No. 316.
2. From the mouth of the river Nuolasjoka to Angeli.
3. From frontier cairn No. 353 to the frontier cairn between Finland, Norway and the Union of Soviet Socialist Republics at Muothavarre (Krokfjell).

Finland shall erect and maintain the fence along the following routes:

1. From frontier cairn No. 316 to the mouth of the river Nuolasjoka.
2. From frontier cairn No. 343 to frontier cairn No. 353.

Either country may, for its own account and in such manner as it considers appropriate, heighten or reinforce the fence. No such work shall diminish the stability of the fence.

Article 5. REINDEER FENCE COMMISSION

For the purpose of overseeing the construction and maintenance of the fence sections referred to in article 4, a four-member Finnish-Norwegian Reindeer Fence Commission shall be appointed. Each Government shall appoint two members for a four-year period. The office of chairman shall be held by a Finn and a Norwegian in alternate years. Lots shall be drawn to determine which country shall occupy the chair on the first occasion.

The Reindeer Fence Commission shall establish the work specification for the construction and maintenance of the frontier fence and shall ensure that the fence is constructed and maintained in accordance with the work specification.

The competent administrative authority for reindeer management in each of the two countries shall be responsible for designating a sufficient number of persons to carry out inspections of the fence and to undertake repairs on their journeys of inspection. Defects that cannot be so remedied shall be repaired as soon as possible and the person concerned shall submit a written report on the defect to the Reindeer Fence Commission.

Each country shall defray the costs of its own members on the Reindeer Fence Commission.

If a unanimous decision cannot be reached in the Reindeer Fence Commission, the matter shall be referred to the Arbitral Commission referred to in article 24 for a final decision.

Article 6. CONSTRUCTION AND INSPECTION

Action with a view to the construction of the fences to be erected under this Convention shall be commenced during the calendar year following the entry into force of the Convention in accordance with article 25.

Each country shall be entitled to appoint an inspector to oversee and inspect the construction and maintenance of the fence. The inspector shall also see that the area along the fence line is kept tidy and that other uses and traffic in connection with the Convention are in compliance with the rules in force in the country concerned.

The inspector shall report cases of neglect or damage to the Reindeer Fence Commission in writing.

CHAPTER III. CROSSING OF THE FRONTIER BY REINDEER

Article 7. CROSSING OF THE FRONTIER. NOTIFICATIONS AND OFFICIAL STATEMENTS

Where reindeer belonging to one country are found to have entered the territory of the other country, the district bailiff shall, as soon as possible, so notify the competent district bailiff of the other country. The notification shall contain information on the estimated number of reindeer, the point at which the frontier was crossed and the time and place at which the reindeer were returned. The notification shall be transmitted by telegram or telephone, or, if this is impossible, by letter. If the notification is made by telephone, it shall be confirmed in writing as soon as possible.

Where there has been such mingling of herds that the district bailiff deems it necessary to separate them, he shall give instructions to that effect in the notification. At the same time or as soon as possible thereafter he shall give special notice of the time and place for such separation.

If damage has been caused for which compensation is payable under article 12, the district bailiff shall investigate the damage and determine the amount of the compensation. Consideration shall be given to the question whether reindeer belonging to the country have contributed to the damage.

An official statement shall be drawn up containing an account of the circumstances connected with the crossing of the frontier by the reindeer. The statement shall contain a detailed description of the nature of the damage and its extent and an estimate of the cost involved. The statement shall be signed by the district bailiff and one witness from each country.

Article 8. RETURN OF REINDEER

If Finnish reindeer enter Norwegian territory or Norwegian reindeer enter Finnish territory and crossing of the frontier is extensive or has continued for a long period or if there has been any mingling of Finnish and Norwegian reindeer herds, the competent district bailiff of the country in which the reindeer are present shall ensure that the reindeer are driven back to the country to which they belong as soon as possible.

Where crossing of the frontier has not been extensive or is of recent occurrence and the reindeer owners on both sides of the frontier so agree, the reindeer may be driven back to the country to which they belong by the herdsmen. Such agreements between reindeer owners may be concluded in writing. Notification of crossings of frontier shall be sent as soon as possible to the competent district bailiffs of the two countries. Where such return of reindeer has taken place, the provisions of articles 7, 11 and 13 shall not apply.

Article 9. DUTY TO FETCH BACK REINDEER

If the reindeer have not been driven back to the country in which they belong, in accordance with the second paragraph of article 8, the competent district bailiff of the country to which the reindeer belong shall be required to ensure that the reindeer are fetched back without delay as soon as he has received the notification mentioned in article 7.

If they are to be separated, the reindeer shall be fetched back on the date appointed for such separation.

Article 10. SEPARATION

The district bailiff at the place where the separation is to take place shall be required to see that it is carried out by the appointed time. The owner of the reindeer with which the foreign reindeer have mingled must assist in such separation, either personally or through a representative. An official statement concerning the separation shall be drawn up and shall indicate, *inter alia*, the number of foreign reindeer and, as far as possible, all marks on the reindeer.

An extract from the official statement shall be sent as soon as possible to the competent district bailiff of the country to which the reindeer belong.

The reindeer owners of the country to which the reindeer belong who take custody of the separated reindeer shall be required to acknowledge receipt thereof in writing. A duplicate of this receipt shall be forwarded together with the extract from the official statement to the district bailiff of the country to which the reindeer belong.

Article 11. PAYMENT FOR UNLAWFUL GRAZING

When a notification has been sent in accordance with article 7, the country which the reindeer have entered shall be entitled to claim payment for the illicit stay amounting to not more than 5 per cent of the value of the animals counted.

If the reindeer are found in the country after 20 days have elapsed from the date of the notification referred to in article 7, the case shall be treated as a fresh crossing of the frontier. In the event of a separation, the time-limit shall be counted from the date set for the separation.

Article 12. COMPENSATION FOR DAMAGE

Compensation shall be payable for damage caused to the inhabitants of one country by reindeer belonging to the other country or by the owners or herdsmen of the reindeer, and for damage caused to the State through the fact that the owners or herdsmen have taken timber from State forests. Compensation may not, however, be claimed for damage caused in State forests by persons who have come into the country, after receipt of the notification, to drive or fetch the reindeer back, if the damage caused is unavoidable.

Article 13. REIMBURSEMENT OF ADMINISTRATIVE COSTS

The costs of journeys of officials, witnesses and authorized persons and of rounding up, counting, driving back, surveillance and separation, despatch of notifications in accordance with article 7 and other action taken in connection with crossing of the frontier by reindeer, shall be refunded in an amount to be established in Finland by the county administration and in Norway by the county governor. The amount shall not exceed 5 per cent of the value of the reindeer counted.

Article 14. BASIS FOR CALCULATION OF THE VALUE

The value according to which payments under article 11 and reimbursement under article 13 are to be calculated shall be established on the basis of the previous year's average prices for reindeer intended for slaughter in the country in which the crossing of the frontier took place.

Article 15. PAYMENT OF COMPENSATION AND COSTS

Not later than three months after the receipt of the extract mentioned in article 17 the county administration in Finland and the county governor in Norway shall establish the amounts payable under article 11. These amounts and the compensation payable under articles 12 and 13 shall be paid out of the public funds of the country to which the reindeer belong.

At the end of each half year the county administration and the county governor shall communicate to each other the amounts claimed and settle accounts with each other.

If a reindeer owner wilfully or negligently causes his reindeer to cross the frontier the county administration in Finland or the county governor in Norway shall determine the extent to which the reindeer owner shall be required to reimburse the State for the payment made to the other country under this Convention.

Amounts received as aforesaid shall be used for the benefit of reindeer management.

Article 16. MAINTENANCE OF A REGISTER ON CROSSINGS OF THE FRONTIER

The competent district bailiff or the persons authorized under article 18 to act on his behalf shall be responsible for keeping a register approved by the county administration in Finland or the county governor in Norway. All matters connected with crossing of the frontier by reindeer shall be entered in chronological order in the register. The following information shall be given:

1. A verbatim transcription of notifications sent in accordance with article 7, with an exact statement as to when and in what manner they were sent;
2. Notifications received to the effect that reindeer of the country concerned have entered the other country, with an exact reproduction of the contents of the notification and the statement as to when and how it was received;
3. A statement of the measures taken as a result of the notification mentioned in subparagraph 2;
4. A specification of the costs the refund of which may be claimed, wholly or partly, from the other country under article 15.

Article 17. EXCHANGE OF EXTRACTS OF OFFICIAL STATEMENTS AND THE REGISTER

An extract of the official statement mentioned in article 7 shall be sent in Finland to the county administration and in Norway to the county governor. This shall take place as soon as possible after the proceedings are completed.

Similarly, an extract from the register mentioned in article 16 shall be sent every six months.

CHAPTER IV. MISCELLANEOUS PROVISIONS

Article 18. DELEGATION OF POWERS

The county administration in Finland and the county governor in Norway may authorize one or more experts to perform the duties assigned to the district bailiff under articles 7 to 10 of this Convention.

The county administration and the county governor shall communicate to each other the names and addresses of the persons so authorized.

Article 19. PACK AND DRAUGHT REINDEER. USE OF MIGRATION ROUTES

The provisions of this Convention shall not apply to pack or draught reindeer used by the habitants of Finland and Norway on journeys in the other country. Such reindeer, however, may not graze in such areas as lie in the vicinity of dwelling places and are designated by the authorities of the country in question.

A reindeer owner when migrating may use such migration routes over the territory of the other country as are determined by the Reindeer Fence Commission. It shall be prohibited to allow reindeer to graze in the territory of the other country during such migration.

The Convention shall not apply to reindeer intended for slaughter which have been lawfully brought into the country under proper surveillance.

Where there are special reasons for so doing, the competent district bailiff of the other country may give permission for persons responsible for the inspection and maintenance of the fence to use the territory of the other country.

Article 20. USE OF CROSS-COUNTRY VEHICLES

In the performance of the duties arising from this Convention, appropriate cross-country vehicles may be used without regard to the State frontier in so far as such use does not conflict with the rules in force in each country concerning motorized vehicle traffic in the wilderness. The regulations in force in the country of the driver shall apply to the vehicle and the driver.

Article 21. LIST AND REGISTRATION OF REINDEER MARKS

The Reindeer Owners' Association in Finland and the Reindeer Management Administration in Norway shall, upon request, send each other a list of the reindeer marks registered in the frontier districts of each country.

It shall be prohibited to register in one country new marks that can easily be mistaken for marks previously registered in the other country.

New marks submitted for registration shall be sent to the registration authority of the other country before they are registered. If that Authority has any comments to make concerning the proposed registration, notice to that effect shall be given forthwith.

Article 22. PENS

The two countries shall be required, each in its own territory, to erect and maintain pens at places designated by the Reindeer Fence Commission.

Article 23. PENALTIES

Any person who wilfully or negligently damages a fence or pen, or opens a gate in such fences without taking care to close it securely, shall be punishable by a fine

unless the ordinary criminal law of the country concerned provides for a more severe penalty.

The offender shall be obliged to pay compensation for the damage caused.

Article 24. ARBITRAL COMMISSION

Any dispute regarding the interpretation or application of this Convention may be submitted by either country to a three-member Arbitral Commission. Each country shall elect one member while the chairman shall be elected jointly by the two countries. If they do not agree, the Swedish Government shall be requested to appoint a chairman. The chairman may not be a Finnish or a Norwegian national.

The Arbitral Commission shall appoint the time and place of its meetings and shall draw up its rules of procedure after the chairman has obtained a statement from both countries. It shall itself establish the amount of its remuneration and the manner in which this amount and the other costs for the proceedings shall be divided between the two countries.

Article 25. ENTRY INTO FORCE

This Convention shall enter into force 30 days after the date on which the Contracting Parties inform each other through the diplomatic channel that their respective constitutional requirements for the entry into force of the Convention have been fulfilled.

The Convention shall remain in force for 10 years from the date of entry into force. Unless it is denounced two years before the expiry of the aforesaid period it shall remain in force for further successive periods of 10 years.

Notice of denunciation in accordance with this article shall be given through the diplomatic channel and in writing.

On the date of entry into force of this Convention, the Convention of 18 March 1952 between Finland and Norway to provide for the construction and maintenance of reindeer fences and for other measures to prevent reindeer from crossing the frontier between the two countries shall cease to have effect.

This Convention was done at Helsinki on 3 June 1981, in duplicate in the Finnish and Norwegian languages, both texts being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized for the purpose, have signed this Convention and have thereto affixed their seals.

For the Finnish Government:

PAAVO VÄYRYNEN

For the Norwegian Government:

CHRISTIAN BERG-NIELSEN