

N° 1330.

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## FINLANDE ET NORVÈGE

Convention de navigation, signée à Helsinki (Helsingfors), le 19 décembre 1925, et échange de notes de la même date.

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## FINLAND AND NORWAY

Convention of Navigation, signed at Helsinki (Helsingfors), December 19, 1925, and Exchange of Notes of the same date.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 1330. — NAVIGATION CONVENTION<sup>2</sup> BETWEEN FINLAND AND NORWAY. SIGNED AT HELSINKI (HELSINGFORS), DÉCEMBER 19, 1925.

*French official text communicated by the Finnish and Norwegian Ministers for Foreign Affairs. The registration of this Convention took place October 16, 1926.*

THE PRESIDENT OF THE FINNISH REPUBLIC, of the one part, and HIS MAJESTY THE KING OF NORWAY, of the other part, having decided to conclude a Navigation Convention with a view to facilitating commercial and maritime relations between the two countries, have appointed for this purpose as their Plenipotentiaries, that is to say :

THE PRESIDENT OF THE FINNISH REPUBLIC :

M. Karl Gustaf IDMAN, Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF NORWAY :

M. Halvard Huitfeldt BACHKE, His Envoy Extraordinary and Minister Plenipotentiary ;

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

*Article 1.*

Vessels sailing under the Finnish or Norwegian flag and provided with the papers required under the laws of their respective countries, to establish the nationality of their vessels, shall be considered by the other country as Finnish or Norwegian vessels, respectively.

Finnish or Norwegian tonnage certificates shall be reciprocally recognised in Norway and in Finland, in conformity with the provisions of the special agreement to be concluded as soon as possible between the two Contracting Parties.

*Article 2.*

Except as otherwise provided in the present Convention, Finnish vessels and their cargoes in Norway, and Norwegian vessels and their cargoes in Finland, irrespective of the place of departure or destination of the said vessels, and irrespective of the place of origin or destination of their cargoes, shall enjoy in all respects, upon entry, during their stay, and upon departure, the same treatment as national vessels and their cargoes.

This provision shall be applicable, *inter alia*, to :

(a) The mooring of vessels, their loading or unloading in ports, roadsteads, inlets or harbours, assistance given by ice-breakers and, in general, all stipulations and formalities to which merchant vessels and their cargoes may be subjected ;

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

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

<sup>2</sup> The exchange of ratifications took place September 20, 1926.

(b) Assistance and protection, favours and exemptions, in case of shipwreck, damage, or putting into port as a result of stress of weather or accident ;

(c) All kinds of tonnage, port, pilotage, lighthouse and quarantine duties, dues or charges of any denomination whatsoever, levied by or for the benefit of the State, public officials, communes, private persons or corporations or establishments of any kind, or on their behalf.

Similar privileges, facilities, immunities and favours which, under the circumstances mentioned in this Article, are or may hereafter be granted by one of the Contracting Parties to a third Power, may immediately and unconditionally be claimed by the other Party for its vessels and their cargoes.

Without prejudice to the other provisions of the present Article, and without modification of the provisions of the first paragraph, in so far as they concern pilotage rates, it is understood that the laws and regulations in force in each of the two countries concerning the obligation to employ pilots shall apply to the vessels of the other Contracting Party to the same extent to which, generally speaking, it is applicable to other foreign vessels.

#### Article 3.

The provisions contained in Article 2 shall not apply to :

(1) The coasting trade ;

(2) Navigation on natural or artificial inland waterways, in regard to which each of the Contracting Parties shall grant to vessels of the other Contracting Party and to their cargoes the same treatment as to the vessels of the most favoured nation and their cargoes; the duties to be levied on vessels and their cargoes shall not in such case, however, exceed the rate applicable to national vessels and their cargoes ;

(3) Special privileges which have been or may hereafter be granted in the two countries to national fisheries and their products ;

(4) The advantages which Norway has granted or may hereafter grant to Sweden in the Idefjord and Svinesund ;

(5) The advantages which Norway has granted to Sweden by the Conventions <sup>1</sup> of Karlstad, concluded on October 26, 1905 ;

(6) The privileges which Finland has granted to Sweden concerning the obligation to employ pilots, which privileges are mentioned in the Declaration of August 17, 1872, and in the Decree dated May 21, 1920, even in cases in which the privileges granted by the aforesaid Declaration may in future be extended so as to apply to Swedish vessels with a tonnage measurement up to 125 net registered tons.

The provisions of Article 2 shall not affect Article XVIII of the Treaty <sup>2</sup> of Commerce and Navigation, concluded on October 29, 1921, between Finland and Estonia.

#### Article 4.

The vessels of one of the Contracting Parties entering the territory of the other Party with the sole object of completing their cargoes or of unloading some portion thereof shall be entitled, provided they comply with the laws and regulations of the respective States, to retain on board any portion of the cargo which is consigned to another port either in the same country or in another

<sup>1</sup> *British and Foreign State Papers*, Vol. 98, pages 820, 824, 826, 828 and 830.

<sup>2</sup> Vol. XIII, page 59, of this Series.

country, and to re-export such portion of the cargo without being liable to pay any Customs duty on the portion not unloaded except duty for supervision ; the latter shall, however, be levied at the lowest rate fixed for national vessels or vessels of the most favoured nation.

*Article 5.*

The following shall be exempt from all duties of loading or despatch in the ports of the other country :

(a) Vessels arriving from any port whatsoever which both enter and leave the harbour in ballast ;

(b) Vessels which either voluntarily or compelled by stress of weather or accident enter a port for the purpose of coaling ;

(c) Vessels which arrive from a port in the other country and subsequently call at one or more ports of the same country, either to land the whole or a portion of their cargoes or to complete or make up their cargoes, and which show that they have already paid the duties in question ;

(d) Vessels which enter a port, either voluntarily or compelled by stress of weather or accident, with a cargo, and which sail without having loaded or unloaded.

In the case of vessels compelled to put into harbour by stress of weather or accident, the following shall not be held to constitute unloading or loading : the unloading and loading of goods to enable the vessel to be repaired ; transhipment of goods from a vessel which is unseaworthy to another vessel, provided that the goods in the meantime remain under Customs seal as goods in transit. The purchase of the necessary stores for revictualling the crews and the sale of damaged goods shall not be regarded as loading or unloading if the sanction of the Customs Administration has been obtained.

*Article 6*

The consular representatives of each of the Contracting Parties shall receive from the local authorities of the other Contracting Party such assistance as may, under the laws in force, be given to them for the surrender of seamen and other members of the crew who have deserted from a vessel belonging to the Party represented.

The provisions of this Article shall not be applicable to seamen or other members of the crew who are nationals of the country in the territory of which the desertion took place.

*Article 7.*

If a vessel belonging to one of the Contracting Parties should be stranded or wrecked on the coasts of the other State, the local authorities shall inform the nearest consular representative of the country to which the vessel belongs and the latter shall have the right to give all necessary relief and assistance to the captain and the crew.

Goods salvaged from a stranded vessel shall not be subject to any Customs duties unless they are imported for consumption in the country.

*Article 8.*

The present Convention, which has been drawn up in French, shall be ratified and the ratifications shall be exchanged at Oslo as soon as possible.

The present Convention shall enter into force immediately upon the exchange of ratifications and shall remain in force for two years as from that date and for a further six months from the date on which it is denounced by one or other of the Contracting Parties.

In faith whereof the respective Plenipotentiaries, being duly authorised for that purpose, have signed the present Convention and have thereto affixed their seals.

Done at Helsingfors, in duplicate, on December the nineteenth, one thousand nine hundred and twenty-five.

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

(L. S.) H. H. BACHKE.

### EXCHANGE OF NOTES.

HELSINGFORS, *December 19, 1925.*

SIR,

By order and on behalf of my Government, I have the honour to inform you that the Norwegian Government, in order to comply with the recommendations made by the Finnish Government, will adopt the necessary measures with a view to establishing, in respect of traffic and transit on the lower part of the River Pasvik, a régime in conformity with the annexed Memorandum, safeguarding the interests of Finland as regards the traffic and transit in question, which régime shall be applied as from the date on which the Navigation Convention signed this day between Norway and Finland, shall come into force and until further notice.

I venture to add that the Royal Government stipulates as a condition for the entry into force of this régime, that the Norwegian recommendations set forth in the aforesaid Memorandum concerning the régime to be adopted for Norwegian traffic in Finnish territory at Pasvik be carried out by Finland. I therefore have the honour to state that, subject to this condition, the régime in question shall be put into application on the date of the entry into force of the Navigation Convention signed this day between our two countries, and, further, that the Norwegian Government has no intention of modifying the régime thus established during the original period of validity of the Convention as provided therein.

I have the honour to be, etc.

(Signed) H. H. BACHKE.

Doctor K. C. Idman,  
Minister for Foreign Affairs of the Finnish Republic,  
etc., etc., etc.,  
Helsingfors.

### MEMORANDUM

CONCERNING THE MEASURES TO BE ADOPTED AS REGARDS TRAFFIC AND TRANSIT ON THE LOWER PART OF THE RIVER PASVIK.

Goods and passengers transported from abroad by the Bök Fjord to Finnish territory in the Pasvik Valley, and *vice versa*, shall be exempt from transit and Customs duties.

The provisions contained in the Navigation Convention, signed this day between Norway and Finland, concerning the national treatment of vessels of the two Contracting Parties, shall also be applicable to Finnish vessels transporting goods and passengers as referred to above.

The same right shall also be applicable to goods in transit transported over the ice from a vessel at the edge of the ice to Finnish territory, and *vice versa*.

Barges, boats and other small craft which are used for the transport of goods and passengers in transit to the Finnish territory of the Pasvik Valley and proceeding from a vessel which is anchored or moored off Elvenes at a distance not exceeding 600 metres from the bridge of Elvenes, and conversely, shall be exempt from the payment of duties, always excepting the payment of the ordinary duties for the use of the harbour, quays or other port installations.

Persons who, in conformity with the above-mentioned provisions, cross Norwegian territory, shall be duly furnished with official documents permitting them to enter Finland. It is understood that the Finnish authorities shall draw up an official list of the papers with which a Finnish national must be supplied in such a case, which list will be submitted to the Norwegian Government together with copies of the prescribed forms. It is also understood that the documents shall not be drawn up solely in the Finnish language.

Small Finnish craft transporting goods and passengers which maintain a regular service between the Finnish territories in the neighbourhood of the Arctic buan and the River Pasvik and pass through Norwegian maritime territory, shall, as a general rule, if they have no cargo or passengers for Norwegian territory, be exempted, during the time that they are in harbour at Elvenes, from any Customs examination and from the payment of all charges except the usual charges for the use of the harbour, quays or other port installations, provided, however, that notice of this regular traffic be given beforehand to the competent Norwegian authorities and that the vessels in question anchor or moor at a distance not exceeding 600 metres from the bridge near Elvenes; Norway at the same time retains full liberty to supervise this traffic and to adopt any measures considered necessary to prevent contraband and other illicit traffic.

The above-mentioned reservation concerning supervision shall also apply to all the other facilities to which reference has been made. It is agreed that the Norwegian Customs Authorities shall be informed on each occasion of the general transport of passengers and goods.

Norway shall establish at Elvenes a Customs office which shall be authorised to carry out the necessary Customs formalities upon entry and exit.

The Norwegian Government stipulates as a condition for this Arrangement that the Finnish Government shall adopt the necessary measures for establishing an arrangement satisfactory to Norway, to come into force on the same date, by which vessels, goods and passengers proceeding from one Norwegian territory to another which pass *via* that part of the Pasvik situated below the Skoltefoss Rapids and belonging to Finland alone, or else through the neighbouring Finnish territory situated west of the Pasvik and east as far as a line drawn between boundary stone No. 36r and Lake Sundvannet (Salmijärvi), will enjoy the corresponding right to national treatment and the right to be treated in all respects as provided for in the above-mentioned Arrangement to be made on the Norwegian side for Finnish traffic and transit.

Finland shall retain full liberty to supervise this traffic and to adopt any measures considered necessary to prevent contraband and all other illicit traffic.

HELSINGFORS, *December 19, 1925.*

SIR,

I have the honour to acknowledge receipt of your Note of to-day's date, in which you inform me that the Norwegian Government, in order to comply with the recommendations made by the Finnish Government, will adopt the necessary measures with a view to establishing, in respect of traffic and transit on the lower part of the River Pasvik, a régime in conformity with the Memorandum annexed to your above-mentioned Note safeguarding the interests of Finland as regards the traffic and transit in question, which régime shall be applied as from the date on which the Navigation Convention, signed this day between Finland and Norway, shall come into force and until further notice.

You added that the Royal Government stipulated as a condition for putting this régime into force that the Norwegian recommendations set forth in the aforesaid Memorandum concerning the régime to be adopted for Norwegian traffic in Finnish territory at Pasvik be carried out by Finland, and you stated that, subject to such condition, the régime in question should be put into application on the date of the entry into force of the Navigation Convention signed this day between our two countries, and, further, that the Norwegian Government has no intention of modifying the régime thus established during the original period of validity of the Convention as provided for therein.

With reference to this communication, I have the honour to inform you on behalf of the Government of the Republic that the Government will comply with the Norwegian recommendations set forth in the Memorandum and to state that the régime in question shall be applied on the date of the entry into force of the Navigation Convention signed this day between Finland and Norway, and, further, that the Government of the Republic has no intention of modifying the régime thus established during the original period of validity of the Convention as provided therein.

I have the honour to be, etc.

(Signed) K. G. IDMAN.

M. H. H. Bachke,  
Envoy Extraordinary and Minister Plenipotentiary  
of His Majesty the King of Norway,  
etc. etc. etc.,  
Helsinki.

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