

N° 4361.

FINLANDE ET NORVÈGE

Convention relative au nouveau règlement de la pêche dans le Tana (Tanaelva), signée à Oslo, le 21 avril 1938, et règlements y annexés.

FINLAND AND NORWAY

Convention regarding New Regulations for Fishing in the Tana River (Tanaelva), signed at Oslo, April 21st, 1938, and Regulations annexed thereto.

¹ TRANSLATION.

No. 4361. — CONVENTION BETWEEN FINLAND AND NORWAY REGARDING NEW REGULATIONS FOR FISHING IN THE TANA RIVER (TANAELVA). SIGNED AT OSLO, APRIL 21ST, 1938.

HIS MAJESTY THE KING OF NORWAY and THE PRESIDENT OF THE REPUBLIC OF FINLAND have decided to conclude a Convention regarding new fishery regulations for the fishing area of the Tana river, and for this purpose have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF NORWAY :

M. Halvdan KOHT, Minister for Foreign Affairs ;

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

M. Wäinö WUOLIJOKI, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Norway ;

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

Article 1.

In Norway and Finland fishery regulations shall be issued — as far as possible simultaneously — for the fishing area of the Tana river, in Norway in accordance with the annexed Norwegian text, and in Finland in accordance with the annexed Finnish text.

The fishery regulations shall come into force in both countries on May 1st, 1938.

Article 2.

The fishery regulations shall remain in force until further notice. Should one of the two countries desire to terminate the regulations in force, or to amend them, notice to this 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 (*lensmenn*) are authorised to enter into direct communication with each other if either of them has obtained information from a reliable source that fishing is taking or has taken place in the parts of the rivers forming the frontier on the territory of the other country in violation of the fishery regulations and under such conditions that the inspection authorities of the country concerned cannot be assumed to be aware of the fact.

Similarly, the competent district bailiffs shall communicate with each other if they are informed by their own authorities that the fishery regulations have been waived in accordance with the provisions in § 18 of the Norwegian Regulations or § 17 of the Finnish Regulations at a place at which the rivers form the frontier.

¹ Translated by the Secretariat of the League of Nations, for information.

Article 4.

In the part of the fishing area which forms the frontier persons not entitled to engage in fishing may obtain the right to fish with a rod or hand line. Such right may be acquired in either country against payment of the following amounts :

For persons living permanently within the river valleys of the fishing area in the communes of Polmak, Karasjok and Utsjok, 2 kr. in Norway and 23 marks in Finland, per calendar year.

For all other persons :

In Norway, 2 kr. per day, or 50 kr. per calendar year ; and in Finland, 23 marks per day, or 575 marks per calendar year.

Fishing cards issued in each of the two countries in accordance with these provisions shall be made out in the name of the person concerned, and shall state the exact time for which they are valid. They shall also contain a provision to the effect that they must be shown on demand, even to the inspection authorities in the other country.

The chief of police (*politimester*) at Vadsø and the district bailiff in the district of Petsamo shall be authorised to enter into direct communication with each other regarding the detailed rules laid down in their respective countries for the issue of the fishing cards in question.

Article 5.

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

Done at Oslo, in duplicate, this 21st day of April, 1938.

(L. S.) (Signed) Halvdan KOHT.

(L. S.) (Signed) W. WUOLIJOKI.

FISHERY REGULATIONS FOR THE FISHING AREA OF THE TANA RIVER.¹

CHAPTER I.

THE EXTENT OF THE FISHING AREA.

§ I.

Text of Norwegian Regulations.

The fishing area of the Tana river comprises the Norwegian parts of the Skiettsjamjokka, 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.

§ I.

Text of Finnish Regulations.

The fishing area of the Tana river comprises the Norwegian parts of the Skiettsjamjokka, Anarjokka, and the Tana river, 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.

§ 2.

Subject to the restrictions resulting from the following regulations, it is permissible to use the following tackle for catching salmon and sea trout : barriers with hook nets, and/or fish traps, seine nets, drift nets, bar nets, or rods and hand lines.

¹ The Norwegian and Finnish Regulations are not identical. The translations of the divergent passages are printed in two columns.

§ 3.

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

Breakwaters in the barriers shall consist for the most part of wood.

§ 4.

Text of Norwegian Regulations.

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

Hook nets, fish traps and connecting nets shall be taken on land before September 1st, and bundles of branches, posts and rams before September 15th. Should it be impossible to take up the tackle on account of frost or other natural phenomena, the posts remaining shall be marked by bundles of branches of such a height as to be always above the level of the water. Similarly, from August 1st inclusive, all posts below the level of the water, and the end posts of barriers, shall be marked by bundles of branches in the same manner.

§ 4.

Text of Finnish Regulations.

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

Hook nets, fish traps and connecting nets shall be taken on land before September 1st, and bundles of branches, posts and rams before September 15th. Should it be impossible to take up the tackle on account of accumulation of sand or other natural phenomena, the posts remaining shall be marked by bundles of branches of such a height as to be always above the level of the water. Similarly, from August 1st inclusive, all posts below the level of the water, and the end posts of barriers, shall be marked by bundles of branches in the same manner.

§ 5.

Seine nets may be used only at the places hitherto used for the purpose, and the distance between the place at which the seine net is cast out and the place at which it is taken in may not exceed 250 metres, measured on the bank of the river. If a casting place is destroyed through a change in the river-bed, a new casting place may be used instead. Information to this effect shall be sent immediately to the competent district official.

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

§ 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 the drift net may come nearer any part of the 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 June 15th inclusive to April 30th inclusive drift nets may not be used.

§ 7.

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

§ 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.

§ 9.

Text of Norwegian Regulations.

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 is forbidden from July 25th inclusive to April 30th inclusive to fish or kill salmon or sea trout or to use, to lay out or to allow permanent tackle to remain in position for catching such fish. Notwithstanding this provision, sea trout (*Komse*) may be caught with seine nets in August below Guldholmen.

In the part of the fishing area lying south of the above-mentioned boundary, it is forbidden from September 1st inclusive to April 30th inclusive to fish or kill salmon or sea trout or to use, or to lay out or to allow permanent tackle to remain in position for catching such fish. At other times during the year, no tackle may be used, laid out or allowed to remain in position in this part of the fishing area for fishing salmon or sea trout, except that such fish may be caught there from 6 p.m. on Saturday until midnight on Sunday. All knotted tackle — including connecting 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.

§ 9.

Text of Finnish Regulations.

It is forbidden from September 1st inclusive to April 30th inclusive to fish or kill salmon or sea trout or to use, to lay out or to allow permanent tackle to remain in position for catching such fish.

At other times during the year, no tackle may be used, laid out or allowed to remain in position for fishing salmon or sea trout, so that it may be possible to catch such fish from 6 p.m. on Saturday until midnight on Sunday.

All knotted tackle — including connecting 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.

CHAPTER III.

THE CATCHING OF OTHER FISH.

§ 10.

For the purpose of catching fresh-water trout, red char, grayling, gwyniad, vendace, pike, perch and burbot, bar nets alone may be used in the river, while during the period from the breaking up of the ice until August 31st inclusive, rods and hand lines may alone be used.

For the lakes it is permissible to catch such fish with bar nets, seine nets, fish traps, lines and other tackle with hooks.

In fishing for grayling and gwyniad with bar nets it shall be permissible from August 1st inclusive until the ice forms to use a breakwater, made of posts and bundles of branches, not exceeding 4 metres in length. The breakwater shall be taken up and put on land as soon as the fishing is terminated. As regards the posts and rams the provision of § 4 shall apply.

§ 11.

The mesh of tackle used for catching the kinds of fish mentioned in § 10 shall not be 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 permitted to catch vendace in lakes with bar nets of a mesh down to 20 mm.

Fish traps, including connecting nets, may not exceed 1.5 metres in height at any place.

CHAPTER IV.

MISCELLANEOUS PROVISIONS.

§ 12.

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

§ 13.

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

§ 14.

It is at all times forbidden to catch or kill salmon or sea trout less than 25 cm. in length or fresh-water trout, red char, gwyniad 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.

Should such fish have been caught, they must be immediately returned to the water. The same applies to salmon caught in the annual close season and in the weekly close period if it has not been caught with rod or hand line.

§ 15.

No part of barriers or bar nets may be fixed over the middle of the river-bed either in the main stream or in subsidiary streams which generally contain water all the summer. If such tackle is laid out from opposite banks either immediately opposite each other or within a distance of 120 metres, along the river, no part of the tackle may be fixed nearer the middle of the bed than one-tenth of the width of the river or current at the midsummer water-level.

§ 16.

Text of Norwegian Regulations.

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

Text of Norwegian Regulations.

§ 17.

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

§ 18.

The provisions laid down in the present fishery regulations shall not prevent the inspector of fresh-water fishery, when applying 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 in incubators.

§ 19.

Breaches of the above provisions shall be punishable by a fine. Fishing tackle which is put to an unlawful use and fish which is caught unlawfully, or the value of such tackle or such fish, may be confiscated.

Text of Finnish Regulations.

§ 16.

The person duly instructed to supervise the observance of the present regulations shall enjoy the same rights and the same legal protection as inspectors and police officials; certificates issued by him shall have the same value as evidence as that conferred on certificates issued by inspectors in general, in virtue of Chapter 17, Article 11, of the Code of Legal Procedure.

§ 17.

The provisions laid down in the present fishery regulations shall not apply to fishing for scientific purposes or in order to catch fish for breeding, which shall be authorised by the Department of Agriculture under conditions which shall prevent abuse.

§ 18.

Breaches of the provisions of the present fishery regulations shall be punishable in accordance with the general law.

§ 20. — § 19.

Knotted tackle which is proved to have been procured before the issue of the present fishery regulations but the mesh of which does not comply with the provisions may, so far as the size of the mesh is concerned, be used for five years from the date when the provisions come into force. During the same period, it shall also be permissible in the period from August 1st inclusive to September 30th inclusive to use in the river nets which can be proved to have been procured before the issue of the regulations for the purpose of catching grayling or gwyniad at places to which such fish were driven before the end of 1937.