

Convention Between The Republic Of Finland And The Russian Socialist Federal Soviet Republic Concerning The Maintenance Of River Channels And The Regulation Of Fishing On Water Courses Forming Part Of The Frontier Between Finland And Russia

THE Government of THE REPUBLIC OF FINLAND and THE Government OF THE RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC have, in accordance with the provisions of Article 2I of the Treaty of Peace of Dorpat, signed on October 14, 1920, decided to conclude an Agreement regarding the maintenance of river channels and the regulation of fishing on water courses which flow from the territory of one of the contracting States to the territory of the other, or which are situated along the common frontier between the contracting States (with the exception of Lake Ladoga, on which the fishing is regulated by a special agreement), and have entrusted the preparation and conclusion of the said Agreement to the mixed Finnish-Russian Central Committee, and for this purpose have appointed the following as their Plenipotentiaries:

FOR THE GOVERNMENT OF THE REPUBLIC OF FINLAND:

A. AHONEN,
P. J. HYNNIEN,
A. E. ALFTHAN,
V. HUPLI,
Y. W. PUHAKKA,

Translated by the Secretariat of the League of Nations.

FOR THE GOVERNMENT OF THE RUSSIAN; SOCIALIST FEDERAL SOVIET REPUBLIC:

S. M. FRANKFURT,
A. M. SMIRNOFF,
A. M. IGNATJEFF,
N. P. KOLTCHANOVSKI,

who, after having communicated their full powers found to be in good and due form, have agreed upon the following provisions:

Article I.

In water-courses flowing from Finland to Russia and vice versa, or situated along the common frontier between those two countries, the Contracting States undertake to leave the fairway open for the free flow of the water, for navigation by sea-going, and river craft, for timber floating, and for the migration of fish.

Article 2.

On rivers and in straits, the fairway shall be held to consist of at least one-third of the width of the water at its mean level and at its deepest part. Nevertheless, where there is a current, the fairway shall not be considered as wider than at most a portion corresponding to one-third of the volume of water flowing past at mean level. Moreover, in the case of a fairway used for navigation or timber-floating, the width of the channel may not be less than seven metres.

On lakes, channels used for navigation or timber-floating must be left open for the necessary width.

Article 3.

Water may not be diverted from the water-courses referred to in Article I, nor may any constructions be erected therein or any steps be taken such as to cause damage, by altering the present depth or condition of the parts of the watercourse situated in the territory of the other Contracting State, to the extent of water in its territory, or to its fish, land or other property, or thereby to damage the fairway or to encroach upon channels used for navigation or timber-floating, unless a special agreement has been concluded in each case between the Contracting States.

Article 4.

Exceptions to the provisions laid down in Articles I-3 of the present Agreement may be allowed in virtue of the laws in force in each country, except in the cases referred to in Article 3, but only on condition that the owners of the land or water concerned in the other Contracting State shall be indemnified in a manner to be agreed upon beforehand for any damage or inconvenience which may be caused.

If the fairway is blocked, and the consequent effects extend to the territory of the other Contracting State, the purposes for which the fairway is used must be provided for by some other means.

Article 5.

The following regulations shall be put into force in order to protect fisheries and fish in the following salmon and gwyniad (silk) waters flowing from the territory of one Contracting State to that of the other, namely:

On the Tuulomanjoki and its upper waters, known as the Luttojoki, which flows into the Col Fiord on the Russian side, from the mouth of the former river as far as the upper waters of the Luttojoki on the Finnish side;

On the Kutajoki and its upper waters, known as the Tuntsajoki, which flows into the Kutalahti on the Russian side from the mouth of the Kutajoki as far as the upper waters of the Tuntsajoki on the Finnish side,

On the southern part of the upper waters of the Kutajoki, known as the Ulanganjoki, from the entry of the latter river into the Pääjärvi outside Russia, as far as Paanajärvi on the Finnish side;

On the river known as the Pistojoiki from the lake of Yla-Kuittijärvi situated on the Russian side as far as Kuusamon-järvi on the Finnish side;

On the river Lieksa and its tributary, the Tuulijoki, which flows into the Pielisjärvi on the Finnish side, from the entry of the former river into the Pielisjärvi as far as Lentiera and the lake of Tuulijärvi on the Russian side;

On the Tulenmananjoki, which flows into the lake Ladoga in Finnish territory, from the entry of the river into the lake as far as Lake Tulenanjärvi on the Russian side; and:

On the Miinalanjoki, which flows into the lake Ladoga on the Finnish side, from the mouth of the river as far as the upper waters of the river on the Russian side.

(1) On the above watercourses a fairway shall be regarded as fishing water; for this purpose the fairway shall be held to include the water at the ends of the fairway, for double the width of the fairway, until a depth of two metres is reached.

(2) No nets, fish traps or other permanent gear, except bait, may be placed in position in the fishing water, nor may fishing installations be erected elsewhere, nor may fishing be carried on with permanent apparatus in such a manner as appreciably to prevent the fish from ascending to the upper waters or from surmounting waterfalls.

(3) If the fairway is blocked by a dam or by any other means, the Contracting State concerned shall take measures to protect the existing conditions as regards the fish and the fisheries by erecting suitable salmon ladders or by some other means.

(4) It is absolutely forbidden to catch salmon or lake trout (taimen) in streams or torrents from the beginning of September until the end of October.

(5) It is forbidden to use poisons, drugs or explosives for fishing.

(6) It is forbidden to establish factories or other structures, either fixed or floating, which retard the flow of the stream, in so far as such structures cause damage to the fish in the territory of the other State.

Article 6.

The regulations laid down in the previous article shall be carried out where applicable in the case of watercourses which from natural frontiers between the two States.

Article 7.

The present Agreement shall be ratified and the ratifications shall be exchanged as soon as possible at Helsingfors.

Article 8.

The present Agreement shall remain in force for five years reckoned from the date of the exchange of the necessary ratifications, and shall be extended for successive periods of five years unless it is denounced by either of the Contracting States at not less than six months' notice, to be given before the expiration of one of the periods of five years.

Article 9.

The present Convention is done in duplicates in Finnish, Swedish and Russian, all texts being authentic.

In faith whereof the above-mentioned Plenipotentiaries appointed by the Contracting States have signed the present Agreement and have thereto affixed their seals.