

**No. 362**

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**DENMARK  
and  
BELGIUM**

**Exchange of Notes constituting an arrangement to facilitate the settlement of disputes arising at sea between Belgian and Danish fishermen outside territorial waters. Copenhagen, 30 December 1948**

*French official text communicated by the Permanent Representative of Denmark to the United Nations. The registration took place on 26 January 1949.*

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**DANEMARK  
et  
BELGIQUE**

**Echange de notes constituant un arrangement en vue de faciliter le règlement des différends surgissant en mer entre pêcheurs belges et danois en dehors des eaux territoriales. Copenhague, 30 décembre 1948**

*Texte officiel français communiqué par le représentant permanent du Danemark auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 26 janvier 1949.*

## TRANSLATION—TRADUCTION

No. 362. EXCHANGE OF NOTES<sup>1</sup> CONSTITUTING AN ARRANGEMENT BETWEEN THE GOVERNMENTS OF DENMARK AND OF BELGIUM TO FACILITATE THE SETTLEMENT OF DISPUTES ARISING AT SEA BETWEEN BELGIAN AND DANISH FISHERMEN OUTSIDE TERRITORIAL WATERS. COPENHAGEN, 30 DECEMBER 1948

## I

## BELGIAN LEGATION

No. 6732.33/19.

Copenhagen, 30 December 1948

Your Excellency,

Referring to previous correspondence concerning the conclusion of an arrangement to facilitate the settlement of disputes arising at sea between Belgian and Danish fishermen outside territorial waters, I have the honour to inform you that, without prejudice to the application of The Hague Convention of 6 May 1882<sup>2</sup> concerning the police of the North Sea fisheries, the Belgian Government is prepared to conclude an agreement for this purpose with the Danish Government in the following terms:

“Whenever a complaint involving a claim for damage is lodged by a fisherman of one of the two countries against a fisherman of the other country, it shall be transmitted for preliminary consideration—in Belgium, to a commission composed of at least two officials appointed by the Minister of Communications—in Denmark, to a commission similarly composed of at least two officials appointed by the Minister of Fisheries.

“These officials shall conduct their investigation at the place where the allegations of the plaintiffs can be most easily verified.

“The officials of the country of the plaintiff shall establish contact with those of the other country with a view to settling the dispute and reaching an amicable agreement concerning the amount of damages, in agreement with both parties to the dispute.

<sup>1</sup> Came into force on 1 January 1949, by the exchange and according to the terms of the said notes.

<sup>2</sup> De Martens, *Nouveau Recueil général de Traités*, second series, Tome IX, page 556.

“The complaints brought before the commission shall be accompanied by:

- “1. a master’s report giving full details;
- “2. a declaration by the fisherman binding him to appear personally in the principal port in the country of the other party in the event that the joint commission of the two countries should consider his evidence essential in reaching an amicable settlement;
- “3. an expert’s certificate appraising the damage.

“The two Governments shall accept the rule that no complaint shall be transmitted to them unless it has first been submitted to the said commission of officials.

“In such case, the commission shall submit to the respective Governments a joint report of investigation stating that an amicable settlement was not reached. It shall attach thereto a certificate drawn up by an expert appointed, as the case may be, by the Minister of Communications or the Minister of Fisheries, containing an estimate of the amount of the damage.

“These documents shall be transmitted through the diplomatic channel.

“If an amicable settlement cannot be reached through the intervention of the commission of officials, the action for damages may be brought in the competent civil courts.”

I would add that upon receipt by me of a note from you similar to the present one, the Belgian Government will consider the arrangement as coming into force on 1 January 1949.

I have the honour to be, etc.

(Signed) Guy DE SCHOUTHEETE DE TERVARENT

His Excellency Mr. Gustav Rasmussen  
Minister of Foreign Affairs  
Copenhagen

## II

## MINISTRY OF FOREIGN AFFAIRS

P.J.I.J. No. 63.D.38.

Copenhagen, 30 December 1948

Your Excellency,

I have the honour to acknowledge receipt of your note of this date and to transmit to you the text of the agreement which, without prejudice to the application of The Hague Convention of 6 May 1882 concerning the police of the North Sea fisheries, is constituted by the present note between His Majesty's Government and the Belgian Government concerning the conclusion of an arrangement to facilitate the settlement of disputes arising at sea between Danish and Belgian fishermen outside territorial waters:

[See note I]

I would add that, in conformity with the wishes of the Belgian Government, the arrangement will come into force on 1 January 1949.

I have the honour to be, etc.

(Signed) GUSTAV RASMUSSEN

His Excellency  
Le Chevalier Guy de Schoutheete de Tervarent  
Minister of Belgium  
Copenhagen