

No. 1618

**NORWAY
and
DENMARK**

Agreement regarding claims in respect of damage to fishing gear. Signed at Copenhagen, on 14 January 1952

Official texts: Norwegian and Danish.

Registered by Norway on 4 February 1952.

**NORVÈGE
et
DANEMARK**

Accord relatif au règlement des réclamations pour dommages causés au matériel de pêche. Signé à Copenhague, le 14 janvier 1952

Textes officiels norvégien et danois.

Enregistré par la Norvège le 4 février 1952.

[TRANSLATION — TRADUCTION]

No. 1618. AGREEMENT¹ BETWEEN THE KINGDOM OF NORWAY AND THE KINGDOM OF DENMARK REGARDING CLAIMS IN RESPECT OF DAMAGE TO FISHING GEAR. SIGNED AT COPENHAGEN, ON 14 JANUARY 1952

The Government of Denmark and the Government of Norway, being desirous of devising machinery for dealing with claims made by fishermen of one of the two countries against fishermen of the other country in respect of damage to fishing gear, have agreed upon the following provisions :

Article 1

There shall be established a board in Denmark and a board in Norway. Each board shall consist of not more than six members, one half of whom shall be appointed by the Danish Government, and the other half by the Norwegian Government. Each Government shall appoint alternates for its representatives on the boards. Two board members, one for each country, shall participate in the handling of each case brought before the boards.

Article 2

Each board shall be authorized, in conformity with the following provisions, to deal with questions of damage alleged to have been caused to fishing gear belonging to fishermen of one of the two countries by fishermen of the other country in waters nearest to the coast of the country in which the board is established and within an area bounded in the south by a line between Calais and Dover and from the west coast of England to the United States of America along the fiftieth degree of latitude.

The question of damage may, however, be dealt with by the board in the other country if both the party causing and the party suffering the damage so desire and there are practical reasons for doing so. The board members dealing with the case shall decide whether such reasons may be considered to be present.

Questions relating to damage alleged to have been caused to fishing gear belonging to fishermen of one of the two countries by fishermen of the other country outside the waters referred to above shall be dealt with, in accordance

¹ Came into force on 14 January 1952, as from the date of signature, in accordance with article 10.

with the following provisions, by the two board members whose residence, in the country of which the person causing the damage is a national, is nearest to that person's residence.

Article 3

Whenever damage of the nature mentioned in article 2 is alleged to have occurred either of the parties to the dispute, as well as the authorities concerned in either country, may submit the question of such damage to the competent board through a member thereof.

Such submission shall be made with the least possible delay, and the claim shall be accompanied by a detailed statement of all the circumstances relating to the inflicting of the damage and, if possible, a statement by an expert on the extent of the damage.

When a claim has been submitted, the board shall at once inform the other party or parties to the dispute of the submission and shall promptly investigate the matter in order to determine whether the claim is justified and what is the extent of the damage.

Article 4

When the investigation is terminated, the board shall without delay approach the parties to the dispute and shall endeavour to assist them in reaching an amicable settlement.

If a settlement is reached, the board shall submit a report on the matter to both contracting Governments.

Article 5

In cases where it proves impossible to reach an amicable settlement, the board shall submit to both contracting Governments a detailed report stating whether, in its opinion, damage has been inflicted on fishing gear and describing the circumstances in which such damage was caused. The report shall further contain a reasoned statement as to whether, in the opinion of the board, any compensation is due and, if so, what the amount should be and from whom it is due.

If the members dealing with the case fail to agree on one or more points of the report, the disagreement shall be stated in the report.

Article 6

The board shall conclude its investigation of each case without delay, and the reports mentioned in articles 4 and 5 shall so far as possible be submitted to the two Governments not later than sixty days from the date on which the matter was submitted to the board.

Article 7

When such a report is received by the contracting Governments, they shall forthwith consider whether the case calls for further action.

If the members of the board are agreed that compensation is due, and if the claimant has declared himself satisfied with the proposed amount of the compensation, the Government of the country to which the other party belongs shall promptly consider what action should be taken with a view to the payment of the claim.

Article 8

The provisions of the present Agreement shall not prejudice the right of the parties to prosecute their claim by way of the ordinary legal procedure, but the two Governments will use their best endeavours to ensure that the fishermen of their respective countries will submit their claims to the board and abide by its recommendations.

Article 9

The two Governments shall ensure that no obstacles are placed in the way of the rapid transfer from one country to the other of sums granted as compensation for damage to fishing gear.

Article 10

This Agreement shall come into force on the date of its signature. It shall remain in force until one month from the date on which it is denounced by one of the contracting Governments.

DONE at Copenhagen on 14 January 1952 in four copies, two in Danish and two in Norwegian, the texts in both languages being equally valid.

For the Government
of the Kingdom of Norway :
(Signed) Aug. ESMARCH

For the Government
of the Kingdom of Denmark :
(Signed) Ole Björn KRAFT