

DENMARK



Treaty Series No. 118 (1961)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Kingdom of Denmark

establishing a Commission of Enquiry
to investigate certain incidents affecting
the British trawler "Red Crusader"

London, November 15, 1961

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
December 1961*

LONDON

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EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF DENMARK ESTABLISHING A COMMISSION OF ENQUIRY TO INVESTIGATE CERTAIN INCIDENTS AFFECTING THE BRITISH TRAWLER "RED CRUSADER"

No. 1

The Danish Ambassador at London to the Secretary of State for Foreign Affairs

No. 641/61

Royal Danish Embassy,

London, 15th November, 1961.

My Lord,

I have the honour to refer to the recent communications between representatives of the Government of the Kingdom of Denmark and the Government of the United Kingdom of Great Britain and Northern Ireland about certain incidents affecting the British trawler "Red Crusader" which occurred in the period of the 29th to the 31st of May, 1961. I now have to propose on behalf of the Danish Government that a Commission of Enquiry shall be established to investigate those incidents and that an Agreement for this purpose shall be concluded in the following terms:

- (a)—(i) The Commission of Enquiry (hereinafter called "the Commission") shall be composed of the following members:
1. Professor Charles de Visscher.
 2. Professor André Gros.
 3. Captain C. Moolenburgh.
- (ii) The President of the Commission shall be Professor Charles de Visscher.
- (iii) Should any member of the Commission die or become unable to act, the vacancy shall be filled by a new member appointed by agreement between the two Governments.
- (b) The Commission is requested to investigate and report to the two Governments:
- (i) the facts leading up to the arrest of the British trawler "Red Crusader" on the night of the 29th of May, 1961, including the question whether the "Red Crusader" was fishing, or with her fishing gear not stowed, inside the blue line on the map annexed to the Agreement between the two Governments concerning the regulation of fishing around the Faroe Islands constituted by the Exchange of Notes of the 27th of April, 1959⁽¹⁾;

(1) "Treaty Series No. 55 (1959)", Cmnd. 776.

- (ii) the circumstances of the arrest, and
 - (iii) the facts and incidents that occurred thereafter before the "Red Crusader" reached Aberdeen.
- (c)—(i) The Commission shall, subject to the provisions of the Agreement, determine its own procedure and all questions affecting the conduct of the investigation.
- (ii) In the absence of unanimity, the decisions of the Commission on all questions, whether of substance or procedure, shall be given by a majority vote of its members, including all questions relating to the competence of the Commission, the interpretation of the Agreement and the determination of the matters specified in sub-paragraph (b) above.
- (d)—(i) Each Government shall, within fourteen days of to-day's date, appoint an Agent for the purposes of the investigation and shall communicate the name and address of its Agent to the other Government and to the President of the Commission.
- (ii) Each Government shall have the right to be represented before the Commission by the Agent and such counsel and advisers as it may appoint.
- (e)—(i) The proceedings shall be written and oral.
- (ii) Written Memorials shall be submitted to the Commission on behalf of each Government within such time limits as the Commission shall determine.
 - (iii) The oral proceedings shall follow the written proceedings and shall, subject to the provisions of sub-paragraph (f) (i) below, be held in private where and when the Commission, after consultation with the two Agents, shall determine.
 - (iv) Each Government shall have the right to present oral evidence to the Commission and to question any witnesses called by the other Government to give evidence before the Commission.
- (f)—(i) The Commission shall select its own seat and inform the two Governments of the address to which written communications to the Commission may be sent. In addition to the place selected as its seat it may carry out its functions in Denmark, including the area of the Faroe Islands, and in the United Kingdom.
- (ii) Each Government shall co-operate in making available the facilities necessary for the conduct of the investigation.
- (g)—(i) The Commission shall terminate its investigation as rapidly as possible, shall deliver its report in writing and shall transmit one signed copy to each Agent.
- (ii) Any question of subsequent publication of the proceedings shall be decided by agreement between the two Governments.
- (h) The two Governments shall accept as final the findings of the Commission.

(i)—(i) The remuneration of members of the Commission shall be borne equally by the two Governments.

(ii) The general expenses of the investigation shall be borne equally by the two Governments, but each Government shall bear its own expenses incurred in, or for, the preparation and presentation of its case.

2. If the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to suggest that this Note and Your Lordship's reply in that sense shall constitute an Agreement between the two Governments in this matter, which shall enter into force on this day's date.

I have, &c.

NILS SVENNINGSEN.

No. 2

*The Secretary of State for Foreign Affairs to the Danish Ambassador
at London*

Foreign Office, S.W. 1.

November 15, 1961.

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note No. 641/61 of today's date, which reads as follows:

[As in No. 1]

2. I have to inform Your Excellency that the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that your Note and the present reply shall constitute an Agreement between the two Governments, which shall enter into force on this day's date.

I have, &c.

(For the Secretary of State)

R. H. MASON.

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