

45. THE COUNSEL FOR THE GOVERNMENT OF THE
UNITED KINGDOM TO THE REGISTRAR

3 August 1972.

On 2 August you were good enough to hand me the text of 2 questions which the Court wished to address to the Agent for the Government of the United Kingdom.

The first question reads as follows:

"In the course of counsel's argument on 1 August, reference was made to various negotiations for a provisional agreement (see verbatim record, I, pp. 96-97). Can the Court be given further details of any proposals made by Iceland in the course of those negotiations?"

The following are the further details requested by the Court.

The first specific Icelandic proposal made in the course of negotiations was that only vessels of less than 160 feet in length which had fished off Iceland in the past two years would be allowed to continue to fish. Freezers would be excluded. The area within 25 miles from baselines would be reserved to Icelandic vessels. Outside this limit there would be two areas closed on conservation grounds to all trawling whether by Icelandic or foreign vessels. The rest of the area between a 25-mile limit and a 50-mile limit would be divided into six sectors of which two at a time would be open in rotation to British vessels for three or four months of the year. The Icelandic authorities would be responsible for enforcement including the right to arrest and punish vessels for any infringement of the arrangements. The agreement would run until 1 January 1974.

Subsequently these proposals were modified to the extent that the area permanently closed to British vessels would be bounded by a line whose distance from the baselines would vary between 14 and 27 miles but which would have substantially the same restrictive effect as a line at a uniform distance of 25 miles from the baseline. The sectors outside this line which would be open in rotation two at a time for four months were specified. On this basis Her Majesty's Government calculated that the areas in question during the respective periods in which they would be open currently produced only 20 per cent. of the United Kingdom catch. The Icelandic delegation indicated that the details of the arrangement were negotiable and were prepared to discuss modifications in the original proposals regarding restrictions on the size of vessels and the duration of the agreement. At the conclusion of the talks the Icelandic delegation asserted that the total effect on British fishing of the restrictions Iceland required need not be greater than a reduction of 25 per cent. below the 1971 catch level but the Icelandic authorities have not put forward any further specific proposals or withdrawn any of the restrictive elements in their previous proposals.

The second question reads as follows:

"The Court has taken note of the proposal by the United Kingdom that as part of the interim measures, the United Kingdom would be prepared to limit the annual catch of fishing vessels registered in the United Kingdom to a certain definite tonnage.

If possible would the Agent of the United Kingdom kindly assist the Court by indicating one or more methods or institutional devices which might be feasibly designed to furnish both Parties the assurance that such limits would not be exceeded?"

In particular does the Agent have in mind in the interests of protecting the respective rights of both the United Kingdom and Iceland, that the assurance noted in paragraph 19 of its Request could be implemented by some appropriate method of supervision or accounting, and if so can he throw some light on such a method."

In reply to the above questions I am authorized to submit the following statements.

1. Her Majesty's Government have no doubt that should the Court indicate as part of the interim measures the limitation on the catch of United Kingdom fishing vessels which they have suggested, this limitation could be enforced by Her Majesty's Government without difficulty and to the satisfaction of the Icelandic Government.

2. Catch limitation schemes for conservation purposes are at the present time occupying the attention of Her Majesty's Government and other nations in particular in connexion with the schemes for the North-West Atlantic referred to by Her Majesty's Attorney-General in his speech on 1 August.

3. In general the implementation of such schemes, once they are agreed, does not appear to give rise to any great difficulty because of the existence of long-established systems of collecting statistics of fish catches and the existence of statutory powers of control. There is a long-standing system in the United Kingdom as in other countries for a collection of statistics of fishing catches by reference to the area from which the fish are taken. This system forms the basis of United Kingdom statistics for the International Council for the Exploration of the Sea (which has published fishing statistics since 1909).

4. The Icelandic area is separated from other distant water fishing grounds by wide stretches of sea which contain no trawling grounds, and catches from the Icelandic area are readily distinguishable by inspection from catches taken in other areas, e.g., off the Norwegian coast or the Faroes. Inspection of the logs, which all ships are legally required to complete, and the daily position reports which distant-water vessels are required to make for safety purposes, would show whether any particular vessel purporting to have fished elsewhere had in fact been fishing in the Iceland area, thereby making further examination of catches necessary. In this way the United Kingdom authorities would be able to ascertain when any catch limitation had been reached and an order would then be made *under the Sea Fish (Conservation) Act 1967* closing the area to further fishing by British vessels for the remainder of the year. In practice Her Majesty's Government expect to be able to agree arrangements with the United Kingdom fishing industry under which fishing would be spread over the whole year without exceeding the prescribed limit.

5. While no doubt has been cast in the past on the validity of United Kingdom fishing statistics by Iceland or by any other party, Her Majesty's Government are perfectly willing, should Iceland so wish, or the Court think it desirable, to give to the Icelandic Government or to any other agency indicated by the Court access to any relevant records or other relevant documents they may wish to see.

(Signed) J. L. SIMPSON.