

2. The Exchange of Notes of 13 November 1973 between Iceland and the United Kingdom, the Arrangement relating to fisheries in waters surrounding the Faroe Islands of 18 December 1973 and the Agreement of 15 March 1974 between Norway, the Union of Soviet Socialist Republics and the United Kingdom on the Regulation of the Fishing of North East Arctic (Arcto-Norwegian) Cod have been registered with the Secretariat of the United Nations.

**136. THE AGENT FOR THE GOVERNMENT OF THE UNITED KINGDOM  
TO THE REGISTRAR**

28 March 1974.

I have the honour, with reference to Question 4 asked by Judge Sir Humphrey Waldock on 25 March 1974 during the course of the oral proceedings<sup>1</sup>, to inform you that Counsel for the United Kingdom proposes to refer to the tables of figures set out in the enclosure to this letter during the sitting of the Court to be held on 29 March 1974<sup>2</sup>.

**137. THE AGENT FOR THE GOVERNMENT OF THE UNITED KINGDOM  
TO THE REGISTRAR**

2 April 1974.

1. I have the honour, with reference to the question put by Judge Petrén to Counsel for the United Kingdom during the course of the public sitting of the Court on 29 March 1974 (Verbatim record, I, p. 494), to submit the following response on behalf of Her Majesty's Government.

2. In paragraph 297 of the United Kingdom's Memorial, the intention was essentially to make the point that the forthcoming Third United Nations Conference on the Law of the Sea may reveal whether a consensus can be reached which will bring about a development in the law so as to permit the kind of claim which Iceland is now making. Such a development may come about as a result of the adoption of a new Convention on the Law of the Sea and subsequent State practice. Hence, since in the view of Her Majesty's Government the Icelandic claim was not permissible when made and is still not permissible at this time, the proper course for Iceland to have taken would have been to have awaited the outcome of the forthcoming Conference. The United Kingdom could not have delayed the institution of proceedings before the Court until the outcome of that Conference was known. British fishing vessels were being prevented from fishing and harassed from September 1972 onwards and Her Majesty's Government at that stage saw no real alternative to seeking the protection of the Court. The refusal by Iceland to accept the Court's Order of 17 August 1972, indicating interim measures of protection, was part of the background against which Her Majesty's Government concluded the Interim Agreement of 13 November 1973. There has been no further harassment since the conclusion of the Agreement, but that in no way lessens the importance of the Court's judgment in this case. The Interim Agreement expressly states that it is "without prejudice to the legal position or rights of either government in relation" to the substantive dispute.

<sup>1</sup> I, pp. 477-478.

<sup>2</sup> I, pp. 502-503 and p. 519.

3. With regard to the forthcoming Conference on the Law of the Sea, the first substantive session is due to begin on 20 June 1974. It is widely expected that a second substantive session will be held during 1975. Accordingly, it is far from certain that the forthcoming Conference will have produced a clear outcome by 13 November 1975 when the Interim Agreement, in the absence of agreement to the contrary, is due to expire. This consideration lay behind paragraph 298 of the United Kingdom Memorial where it is stated that "what a new Conference might agree about changes in the law is irrelevant to the present case before the Court".

4. Her Majesty's Government will take a positive attitude towards the negotiations on the many inter-related items on the List of Subjects and Issues before the Conference, with a view to contributing to the adoption of a new convention. Such a convention may clarify a number of existing issues, as well as contribute to the progressive development of international law in this field. However, even if a new convention were to be concluded reasonably quickly, it would remain to be seen how long it would take formally to enter into force or to have an impact upon the development of the law through state practice. It also remains to be seen whether Iceland will become a party to a new convention: Her Majesty's Government feel bound to point out that Iceland to this day has not become a party to any of the Geneva Conventions of 1958.

5. The Court's judgment in this case will constitute an authoritative statement of the rights and obligations of the parties under existing law and may provide a basis for the negotiation of arrangements to follow those contained in the Interim Agreement.

6. For these reasons, Her Majesty's Government consider it quite compatible with the view expressed at the beginning of paragraph 297 of the Memorial that they should seek of the Court a judgment on the United Kingdom's submissions, a judgment moreover which the Court could be expected to give after the normal time required for deciding matters of this degree of importance.

#### 138. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF ICELAND

2 April 1974.

I have the honour to send Your Excellency herewith a copy of a letter, dated today, which I have received from the Agent of the United Kingdom in the *Fisheries Jurisdiction* case, setting out the reply of the United Kingdom Government to the question put by Judge Petrón at the hearing of 29 March 1974 (I, p. 494).

#### 139. THE AGENT FOR THE FEDERAL REPUBLIC OF GERMANY TO THE REGISTRAR

3 April 1974.

I have the honour to refer to the questions put by Judges Jiménez de Aréchaga, Sir Humphrey Waldock, and Dillard to the Federal Republic of Germany during the course of the public sitting of the Court on 2 April 1974 (pp. 358 and 367, *supra*) in the *Fisheries Jurisdiction* case (*Federal Republic of Germany v. Iceland*), and to submit on behalf of the Government of the Federal Republic the answers to these questions in the same order as they were asked by the Judges during the course of the sitting: