

143. THE AGENT FOR THE GOVERNMENT OF THE UNITED KINGDOM
TO THE REGISTRAR

14 May 1974.

As requested in your letter of 10 May, I have the honour to communicate the replies of Her Majesty's Government to the two questions put by Judge Petré, the text of which was enclosed with your letter.

Question 1

The Interim Agreement of 13 November 1973 was concluded by means of an Exchange of Notes between the Minister for Foreign Affairs of Iceland and the British Ambassador in Reykjavik. Both Notes were in the English language and each consisted of three paragraphs.

The first paragraph of the Foreign Minister's Note begins by referring to discussions concerning the fisheries dispute and continues:

"In these discussions the following arrangements have been worked out for an interim agreement relating to the fisheries in the disputed area, pending a settlement of the substantive dispute and *without prejudice to the legal position or rights of either Government in relation thereto*, which..." (emphasis added).

This part of the first paragraph of the Note is part of the text of the Agreement.

The opening part of the first paragraph of the Foreign Minister's Note was followed by seven subparagraphs (which were described as such in subparagraph 5). The seven subparagraphs set out the detailed arrangements, including those in subparagraph 7 on the duration and termination of the Agreement. The words underlined in the above quotation preserve the legal position or rights of each Government in relation to the substantive dispute. Accordingly, the Interim Agreement does not imply any limitation of the Parties' freedom of action with regard to pursuit of their respective claims with respect to the substantive dispute, before the Court or elsewhere. In a statement made in the House of Commons on the day of signature of the Agreement, the Prime Minister of the United Kingdom, Mr. Edward Heath, said:

"Our position at the World Court remains exactly as it is, and the agreement is without prejudice to the case of either country in this matter."

Question 2

After the conclusion of the agreement in principle between the two Prime Ministers in October 1973, the following form of words was put to the Icelandic authorities during discussion between them and the British Ambassador in Reykjavik of the proposed Exchange of Notes:

"The agreement will run for two years from the present date. The Governments will reconsider the position before that term expires unless they have in the meantime agreed to a settlement of the substantive dispute. In the absence of such a settlement, the termination of this agreement will not affect the legal position of either Government with respect to the substantive dispute."

Part of the above form of words was taken out at the suggestion of the Icelandic authorities and agreement was reached on the wording now contained in sub-paragraph 7 of the Icelandic Foreign Minister's Note.

Accordingly, the form of words in sub-paragraph 7 of the Note emerged in the course of discussion during the negotiations prior to the conclusion of the Agreement. The intention of the British authorities was to make clear that the termination of the Agreement would not in itself extinguish whatever rights either Government had at that time. In particular, the Interim Agreement was not intended by the British authorities to be a "phase out" agreement.

144. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF ICELAND

17 May 1974.

Further to my letter of 10 May, I have the honour to send Your Excellency herewith a copy of a letter dated 14 May from the United Kingdom Agent setting out the replies of his Government to the two questions put by Judge Petrén in the *Fisheries Jurisdiction (United Kingdom v. Iceland)* case, the text of which was enclosed with my letter of 10 May.

145. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF ICELAND¹

(telegram)

18 July 1974.

Have honour inform Your Excellency Court will sit on Thursday 25 July for public reading Fisheries Jurisdiction Judgments on Merits. 10 a.m. for United Kingdom case and 3.30 p.m. for Federal Republic.

146. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF ICELAND²

(telegram)

25 July 1974.

Have honour inform you Court today delivered Judgment in *Fisheries Jurisdiction case (United Kingdom v. Iceland)*. Operative Clause reads as follows:

[See I.C.J. Reports 1974, pp. 34-35]

Judgment airmailed today.

¹ Similar communications were sent to the Agents for the Governments of the United Kingdom and the Federal Republic of Germany.

² A similar communication was sent regarding the *Federal Republic of Germany v. Iceland* case (see *I.C.J. Reports 1974*, pp. 205-206).