

THE ANGLO-ICELANDIC FISHERIES DISPUTES

1948-1976

A CASE STUDY OF A PROTRACTED CONFLICT

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Richard T. Carson

CHAPTER I

INTRODUCTION

The Anglo-Icelandic Fisheries Disputes captured the attention of the world as the clash of tiny Icelandic gunboats and British frigates conjured images of David defying Goliath. The stormy North Atlantic waters surrounding the Nordic island nation maintain the wealth of the fish coveted by Icelandic and British fishing fleets alike, while the island itself, by virtue of its strategic location is coveted by the United States, NATO, and the Soviet Union.

Two facets of this protracted fisheries dispute are immediately notable. Why did the disputes continually recur and why did the apparently much superior Great Britain lose repeatably. The four disputes between the two nations over fish and fishing limits present the opportunity to seek common causes, patterns and actions and to determine whether the strife can be justifiably considered one protracted conflict rather than four different conflicts.

The scant literature on the Anglo-Icelandic Fisheries Disputes has usually focused on one of the Disputes and its relationship to either the law of the sea or the American-manned NATO base at Keflavik, Iceland. Both of these linkages may be examined during their evolutionary course in response to the fisheries disputes. Consideration of these linkages will also help prevent viewing the Anglo-Icelandic Fisheries Disputes in isolation from the global context in which they occurred.

The great number and range of actors and issues which played a role in one of the popularly-referred-to Cod Wars gives an idea of the complexity of the disputes. Among the actors were Iceland, Great Britain, the United States, the Soviet Union, West Germany, Denmark, Norway, NATO, the European Economic Community, the Organization for European Economic Cooperation, the North-East Atlantic Fisheries Commission, the United Nations, the International Court of Justice, the European Free Trade Association, the Nordic Council, the British Trawler Federation, and the press, political parties, and government ministries of several countries. The range and scope of issues encompasses social, economic, legal, biological, and military concerns.

This study will take the form of a historical narrative which traces the Anglo-Icelandic Fisheries Disputes from their beginning (Iceland's 1948 Law Concerning the Scientific Conservation of the Coastal Fisheries) to their conclusion with the assignment of British Fishing Policy to the European Economic Community on January 1, 1977.¹ Chapters will discuss each dispute and the intervening periods. The last three of the Anglo-Icelandic Fisheries Disputes will be referred to as Cod Wars I, II, and III respectively.² Final chapters will examine the nature of the linkage between the Anglo-Icelandic Fisheries Disputes, the law of the sea, and NATO and the effects of British policy-making procedures and perceptions on the course and outcome of the series of conflicts. Concluding comments will provide possible answers to the questions raised and, hopefully, preventive lessons for similar future disturbances.

As indicated previously available literature on these fisheries disputes is scarce and hardly comprehensive in its treatment. This study constitutes at least one analysis of these conflicts which considers them in their full scope.

CHAPTER II

BACKGROUND: ICELAND PRE-1950

Iceland before Independence (1944)

The history of Iceland as a modern republic began on June 17, 1944, when Iceland declared her independence from Denmark. The roots of the Anglo-Icelandic Fisheries Disputes, however, go much further back.

Iceland has always been a barren land devoid of almost all natural resources. This condition long ago forced the Icelanders to turn to the sea to survive. The waters around Iceland have enabled Icelanders to make their island inhabitable due to the richness of the demersal fish which feed on the Icelandic Fishing Banks. The Icelandic fishing fleet is the main reason that country's per capita income level ranks among the highest in the world.

Since becoming independent, Iceland has been faced with the problems of conducting the affairs of a modern nation with a population of less than 250,000 people. Iceland has also been faced with the introduction of modern communications and transportation that have made this North Atlantic island nation easily accessible when once its remoteness provided its defense. The twin themes of providing for the national security and preserving the means of economic survival, fishing, have occupied the Icelandic government's attention since its inception.

Fisheries and Trade

Several events pre-dating formation of the Republic of Iceland in 1944 had significant bearing on the course of the Anglo-Icelandic Fisheries Disputes. Among these were the Anglo-Danish Convention of 1901, the development of Anglo-Icelandic trade, and British fishing patterns on the Icelandic Fishing Banks.

Prior to independence, Denmark controlled Iceland's foreign affairs and foreign trade. This source of irritation was a major reason for Iceland's declaration of independence. The Anglo-Danish Convention of 1901 was among the most resented of all Danish acts affecting Iceland.¹ This treaty set a three mile limit for the territorial waters and opened bays and fjords to foreign fishing. The abrogation of this treaty would be one of the first objectives of the new Icelandic government.

Hans Andersen, the legal advisor to the Icelandic Foreign Ministry who formulated much of the Icelandic position on the law of the sea, asserted that the consequences of the 1901 Anglo-Danish Convention were unduly harsh on Iceland. Andersen explained that large steam trawlers appeared at that time and that several nations built up deep sea trawling fleets for the sole purpose of fishing the Icelandic area.² He demonstrated statistically that the fish stocks had been heavily damaged by resultant overfishing and that only decreased fish harvests during the two world wars prevented the decimation of the fish stocks.³

Andersen also advanced a historical argument: before Denmark and Great Britain forced the Anglo-Danish Convention of 1901 on Iceland, the Icelandic Fishing Banks had been protected from foreign encroachment. Iceland's fishing limits had ranged from 32 miles in the 1600's and 1700's to 4 miles with all bays and fjords closed before the 1901 Convention went

into effect. Andersen contended that protection of the Icelandic waters was removed when technological advances required it the most.⁴ Iceland relied on this analysis in the opening fisheries disputes; likewise, the British would resort to historical argument as the mainstay of their defense.

The substance of this British argument had long angered Icelanders. The British claimed that fishermen of Hull, Grimsby, and Fleetwood had fished off the coast of Iceland since the 15th century, creating an historical right. Great Britain was to use this argument in future cases before the International Court of Justice and at the Law of the Sea Conferences. Icelanders steadfastly contested these claims of preemptive right without success; the number of British trawlers in Icelandic waters increased dramatically in the 1930's and again after World War II.⁵

In conjunction with their argument of historical right, the British used a second defense, the claim of legal rights to freedom of the high seas. This claim also had deep historical roots as Great Britain had long been one of the major sea powers, for several centuries. The British involvement in the law of the sea began as early as the publication of Black's Book of the Admiralty in the 1600's. By the opening of the 20th century, Great Britain had persuaded or forced most of the nations of the world to accept a three mile territorial limit. As more and more countries accepted the three mile limit, it became the accepted regime. Great Britain, viewing the sea as her private domain, looked upon any challenge to the stability of this regime as a challenge to her power. From the Icelandic point of view, Great Britain was manufacturing these claims of tradition where in fact the British had tailored the regime to suit their needs. Both analyses have their supporters. They now constitute polar viewpoints at the UN Law of the Sea Conferences.

The history of trade between Iceland and Great Britain is similarly long and often tumultuous. For long periods of time, Denmark funneled all trade to and from Iceland through selected Danish merchants. Icelanders suffered from this policy, receiving low prices for their goods and paying outrageous prices for essentials not produced on the island. Shortages were common and chronic. The Icelanders turned secretly, out of necessity, to British traders which in turn brought British fishermen to the rich Icelandic Fishing Banks. Icelandic relations with the British were generally productive. The British traders, however were not above outright piracy and even once murdered the Governor of Iceland attempting to take control of the island. Halldor Laxness, Iceland's Nobel prize winning poet, was quick to point out this past ruthless behavior on the part of the British, when he condemned them during one of the Cod Wars.

The pre-independence relationships of Iceland with Denmark and Great Britain with respect to fish, trade, and the law of the sea can be summarized as follows:

Iceland-Denmark. Ties to culture and heritage were strong between the two countries. Icelanders, though, desired to regain their earlier independent status. Resenting the Anglo-Danish Convention of 1901 and the treatment of Icelandic trade during the period before 1900, Icelanders believed that Denmark failed to look after their welfare, especially in regard to fishing limits and foreign fishing.

Iceland-Great Britain. Icelandic trade with Great Britain was fruitful during both times of restricted and non-restricted trade. Nevertheless Icelanders were fearful of the large British fishing fleet which worked the Icelandic Fishing Banks. This fear was exacerbated as steam trawlers replaced older fishing boats and the size of the fish catch increased. Icelanders felt that Great Britain had abused her power by setting territorial limits favorable to her naval and fishing interest.

Fish Stocks and Technology

Since the 15th century several nations have fished off the Icelandic coast including Great Britain, Norway, Germany, Belgium, and France.

Evidence of overfishing, however, did not appear until after World War I. This discovery coincided roughly with the introduction of steam trawlers in the late 1900's, a development which greatly increased fishing ranges and catches.

Records of fish catches on the Icelandic Fishing Banks, kept since 1905, tend to verify Icelandic beliefs that overfishing during the pre-World War II years caused injury to the important cod and herring stocks. These records indicate that during the 1930-1934 period an average of 298,000 metric tons of fish were caught per year on the Icelandic Fishing Banks, while during the 1935-1939 period the annual average was only 185,000 metric tons of fish.⁶ Because the number of fishing vessels increased and fishing technology improved during this time frame, more effort was expended in the 1935-1939 period for smaller catches, indicating to Icelandic scientists a decline in fish stocks. Iceland was to develop this argument further in later years.

By the end of World War I, Icelanders had achieved nearly complete economic specialization. Exports still consist almost totally of fish or fish products. Little indigenous industry exists, a condition forcing Iceland to rely on imports of most manufactured goods. The island nation also imports all of its petroleum, timber, concrete, and cereal grains. Other than fishing, Iceland's only means of support is raising cattle and sheep on her poor grassy plains. This economic specialization has had an interesting result, the standard of living in Iceland is a function of the world price for fish. The Icelandic standard of living has risen over time but has experienced large fluctuations since 1940. Icelanders, in seeking to maintain their high standard of living have been forced to depend on what they saw as a rapidly declining supply of fish.⁷

Icelandic goals have thus been two-fold: (1) gaining a larger share of the fish, and (2) maintaining or increasing that supply of fish. Icelandic officials believed that both of these goals could be achieved by gaining control of a larger part of the sea where the fish spawned and were caught.

Strategic Position

Had it not been for the airplane, Iceland would never have attained strategic value. Rarely did anyone travel to Iceland except for a few traders who swapped goods for fish. Icelanders, remote, distant, and secure, were for the most part unconcerned and uninvolved in the affairs of Europe. What little contact maintained was for the purpose of trading fish.

World War I did little to dislodge the Icelandic sense of isolation. They were not involved in the war; no one tried to invade their island; and no one wanted bases on it. In fact, the primary effect of the war was positive due to the disappearance of the hated foreign fishing fleets.

In 1924, the first plane landed at Iceland. The island soon became a popular stop-over point for Europe-America flights. Among the prominent aviators landing at Reykjavik were Charles Lindberg and the German aviator von Gronau.⁸ In 1936, Pan-American Airlines, the American flag carrier, obtained air rights to Iceland which later lapsed without being used. The German government also became interested in Iceland teaching the Icelanders gliding and setting up a system of internal communications by air for the country. German scientists conducted meteorological and topographical studies of eastern Iceland. Luft-Hansa, the German airline, also attempted to negotiate air rights in Iceland; discussions foundered in 1939 when the Icelandic government decided that because of conditions in Europe, no foreign company would have aviation rights in Iceland.

The war in Europe broke out late in 1939. Denmark was invaded on

April 9, 1940, necessitating Icelandic control over her external affairs. Planes based in Iceland had the capacity to control many of the convoy routes of the North Atlantic. These conditions, coupled with earlier German interest in Iceland and Germany's by then infamous policy of invading neutral countries without warning, promoted the unannounced dispatch of British occupation troops to Iceland.

The British "invasion" was not well received. While Icelanders could see the purpose and the need for the British troops, they were unhappy that the British had arrived without warning and without consulting the Icelandic government. However, these feelings were somewhat offset by Iceland's improved economic situation. Not only was there a huge demand in Great Britain for Icelandic fish, but also British forces on Iceland required large amounts of previously unemployed labor. Thus despite this initial bitterness, relations were generally cordial between the two nations during Britain's occupation of Iceland.

On July 8, 1941, the British troops were replaced by American forces. President Roosevelt had, upon the request of Stefan S. Stefansson, the Icelandic Foreign Minister, declared Iceland to be crucial to the defense of the Western Hemisphere.⁹ The British troops were not replaced until the United States had concluded a treaty with Iceland and the Icelandic government had formally requested the United States to send troops for the defense of Iceland.

The United States-Icelandic Defense Agreement of July 1, 1941, contained safeguards for Icelandic sovereignty, benefits which would accrue to Iceland, and pledge to remove the American troops upon the termination of hostilities in Europe. This last clause was to cause some misunderstanding because of different interpretations by the two governments.¹⁰ The United

States along with Great Britain further pledged to assist the Icelanders in obtaining their greatest dream, securing independence from Denmark.¹¹ The substitution of American troops for British troops had the effect of mollifying some Althing (Icelandic parliament) members who desired to remain neutral since the United States was still technically a neutral country at that time.

The war years were good for Iceland; however, some Icelanders still wanted to return to the "old days". These Icelanders sought to minimize foreign influences and to maintain a pure culture. This conflict between those favoring rapid modernization and those desiring a return to the traditional values is still an intergal part of the ongoing political debate in Iceland.

On June 17, 1944, the Icelandic government severed her state of union with Denmark and declared Iceland an independent republic. A non-partisan government coalition led by Prime Minister Bjorn Thordasson was in power at that time. The ceremony marking independence was held at Thingvellir, the site of the world's oldest parliament and was attended by representatives of the United States, Great Britain, Norway, Sweden, Free France, and the Soviet Union. Thordasson called for the Icelandic people to show that they were capable of being free and independent both in their relations with other countries and in their internal affairs. He acknowledged that Iceland was no longer remote but admonished the people not to forget or lose respect for their past.¹²

Iceland: 1944-1949

Post World War II areas of the Anglo-Icelandic Fisheries Disputes were significantly influenced by two actions pursued by the Icelandic government. National security concerns centered on Iceland's joining NATO and the island nations negotiation of the subsequent 1951 Defense Treaty with

the United States. Concurrently, Iceland's government sought to strengthen its control over fisheries questions through passage of the 1948 Law Concerning the Scientific Conservation of the Continental Shelf Fisheries.

NATO and Keflavik

The end of World War II came soon after Icelandic independence. The island's new government was soon placed in the position of having to make hard decisions on Iceland's future and fate. Of paramount importance was the United States government's 1945 request for long term bases in Iceland.

During the war years few Icelanders were as far-sighted as Bjarni Benediktsson, future Foreign Minister for the Independence Party. Benediktsson wrote in 1943, "the Defense Agreement of 1941 with the United States marks the end of Iceland's neutrality and ushers in a new era wherein Iceland will be forced to chose between competing blocks of world powers."¹³ The debate over the allowance of U.S. bases was the source of major disagreement within the government and caused the coalition led by Olafur Thors to fall in 1946. Debate centered on many Icelanders' desire to preserve their cultural purity and political neutrality; after much discussion and the exhibition of heated emotions the Icelandic government allowed the United States to station "technicians" at Keflavik to service planes flying to Germany. Troops were not viewed favorably and the government insisted that the United States withdraw them as specified in the 1941 Defense Agreement.

Even at this early point, fish and the British were linked to the American presence in Iceland. Jonas Jonsson, a former Progressive Party leader, argued in a 1946 pamphlet that Iceland should give the United States bases in exchange for duty free export of its fish to the United States, or in lieu thereof, rent for the bases equal to the duty charged on Icelandic fish.¹⁴ He contended that Iceland could not exist without the close

cooperation of the "Anglo-Saxon powers" because the bulk of Iceland's trade was with the United States and the United Kingdom and only those two countries could keep the sea lanes to Iceland open.

Great Britain actively sought to help the United States secure bases in Iceland. On October 1, 1946, in a letter made public in both Reykjavik and London, the British government informed Iceland that a "bad impression" would be created if Iceland refused to grant the United States the facilities to enable her to maintain the necessary communications with Germany.¹⁵

The question of American bases in Iceland gradually disappeared as Iceland joined NATO in 1949 and accepted U.S. presence at Keflavik in the 1951 Defense Agreement with the United States. The Communist offered a consistent pro-Soviet position of defense matters and represented the only substantial disagreement to these two actions.

The United States had worked diligently to secure bases in Iceland. Ambassador Hickerson, one of the drafters of the NATO Treaty and former head of the State Department's European Affairs Section emphasized, "Iceland was crucial to NATO and to the defense of the northern approaches to the United States."¹⁶ The main reasons for the Icelandic government's acquiescence to American desires was the assurance that no foreign troops would be stationed in Iceland during peace time, and the persuasion of Denmark and Norway with whom the Icelanders felt strong cultural bonds. Soviet activities in Eastern Europe and the warlike environment created by the Korean conflict also stimulated the Icelandic decision to join NATO and sign a defense pact with the United States.

1948 Law Concerning the Scientific Conservation
of the Continental Shelf Fisheries

Iceland's other major foreign policy activity during this period (1944-1949) was more closely related to the fisheries disputes. Iceland began to

take steps to expand her fishing limits and to increase the Icelandic percentage of fish caught in the waters off her coast.

The Truman Proclamations of 1945 Concerning the Seabed and Coastal Fisheries provided the initiative. The Proclamation, in which the United States claimed rights to the continental shelf and certain fish beyond the traditional three mile limit, is generally considered the beginning of the breakdown of the three mile standard.¹⁷ Iceland mimicked that approach in her legislation. The resultant 1948 Law Concerning the Scientific Conservation of the Continental Shelf Fisheries did not provide any immediate changes in the Icelandic three mile territorial limit but served as the basis for later action.¹⁸

At the same time, Icelandic officials actively attempted to change the law of the sea through international forums. In 1949, Iceland's representative succeeded in having the United Nations charge the International Law Commission with including the regime of the territorial sea as one of the priority items of study. The Icelandic motion was passed over the objections of the United States and Great Britain. Despite this success, Iceland's government refused to trust its resources to the outcome of pending international debate.

International victories notwithstanding, the crux of Iceland's efforts depended upon the exercise of sovereignty. Certainly reason for doing so existed. Conservation issues raised before the International Council for the Exploration of the Sea, forerunner of the North-East Atlantic Fisheries Commission, yielded a 1946 Council proposal for a ten year closure of the important Faxa Bay nursery grounds to fishing.¹⁹ Iceland's push to conclude an agreement was stymied by Britain's last minute refusal to participate in the necessary conference. Having lost faith in international efforts

and viewing British intentions cynically, Iceland sought the solution of her problems in the enforcement of the 1948 conservation measure.

CHAPTER III

THE ANGLO-ICELANDIC FISHERIES DISPUTE

1950-1956

Initial Moves

Iceland initiated steps in 1950 to extend the fishing limits on part of her north-eastern coast to four miles, the fishing limit which had been in effect before the 1901 Convention. This action was taken to ward off perceived threats to important fishery nursery grounds. Icelandic fishery experts felt no alternative measures would be effective. Great Britain protested the move but took no formal action, the small area included having little importance to British fishermen. Iceland at this time notified the British government that she was unilaterally abrogating the 1901 Anglo-Danish Convention. The treaty itself called for a two year notice of termination.

The Anglo-Norwegian Fisheries ICJ Case of 1951

The Anglo-Norwegian International Court of Justice (ICJ) case of 1951 was the model the Icelandic government followed in implementing their new four mile territorial limit. The ICJ had ruled that the Norwegian system of drawing straight base lines was legal and an appropriate means of determining territorial limits.¹ The British strongly opposed this system of measurement because it effectively closed all bays and greatly expanded the the area included in a country's territorial waters. Norway had maintained a four mile territorial limit for several centuries, a point which Great

Britain chose not to contest in the ICJ case. Thus, while the court did not rule on the legality of Norway's four mile limit, the ICJ did not object and the British did not question, in effect tacitly upholding the legality of the four mile limit. The Icelandic government in 1952 put into effect the same system which the court had upheld for Norway.

Four Mile Territorial Limit with a Base Line System Instituted

Great Britain immediately protested the Icelandic decision to extend her territorial waters. The British Foreign Ministry asked the Icelandic government to revert to a three mile limit and change one of the base lines. The British note acknowledged the importance of coastal fisheries to Iceland and the relevance of the Anglo-Norwegian ICJ decision while raising Great Britain's claim of historical right to fish the Icelandic Fishing Banks and predicting dire economic consequences for British fishermen.² As the British expected, the Icelandic government rejected the request.³ In rejecting the British request, Iceland asserted the essence of its current and future positions: the extension was the minimum protection for the basis of Iceland's economic survival, the fish stocks.⁴ An Icelandic reply to an International Law Commission proposal conveys the tone and substance of the Icelandic argument:

Investigations in Iceland have quite clearly shown that the country rests on a platform or continental shelf whose outlines follow those of the coast itself, whereupon the depths of the real high seas follow. On this platform invaluable fishing banks and spawning grounds are found upon whose preservation the survival of the Icelandic people depends. The country itself is barren and almost all necessities of life have to be imported and financed through the export of fisheries products. It can be said that the coastal fishing grounds are the conditio sine qua non of the Icelandic people, for they make the country habitable. The Icelandic Government considers itself entitled and indeed bound to take all necessary steps on a unilateral basis to preserve these resources and is doing so as shown by the attached documents. It considers that it is unrealistic that foreigners can be prevented from pumping oil from the continental shelf but that they cannot in the same manner be prevented from destroying other resources which are based on the same sea-bed.⁵

The British subsequently boycotted the landing of Icelandic fish at Hull, Grimsby, Fleetwood, and other British ports, an action initiated by the British Trawler Federation. In meetings with their Icelandic counterparts intended to end the dispute, the Federation pressed the historical right argument as well as contending that they would suffer severe economic losses. These meetings brought no solution. The Icelandic government held the British government accountable for the boycott of Icelandic fish, while the British government continued to accuse Iceland of illegally extending her territorial limits.

The Anglo-Norwegian ICJ decision gave Great Britain little solid legal ground to pursue her claims. The British government instead placed its reliance on economic pressures generated by the boycott activities of the British Trawler Federation and sympathizing unions. The Icelandic government declared that it did not consider the Trawler Federation competent to discuss matters of international law and urged the British government to order the lifting of the ban on landing Icelandic fish.⁶ The government of Iceland contended that the British boycott was a violation of the free trade rules of GATT and the Organization for European Economic Cooperation (OEEC). The British responded by announcing that if Iceland would rescind her four mile fishing limit, an agreement, conserving the fish could be reached.

It is interesting to note Great Britain's behaviour toward Norway under similar circumstances. The British government in the case of Norway followed the policy of the United States and paid the fines of her fishermen who were arrested for fishing in the contested waters.⁷ The United States had found it cheaper to maintain her legal position by paying fines than by fighting or boycotting the other country. The difference in the British manner of behaving toward Norway and actions directed against

Iceland become more interesting in the later Anglo-Icelandic Fisheries Disputes when Great Britain sent frigates into the disputed waters.

After the Faxa Bay failure with the North-East Atlantic Fisheries Commission due to Great Britain's refusal to participate in an international conference, there was little sentiment in Iceland that the British were serious about anything but stalling. Indeed, there is no evidence of any British proposal which would have allayed Icelandic fears about overfishing.

The Boycott Backfires

The British boycott had the undesired effect of pushing Iceland into waiting arms of the Soviet Union. The Soviets offered Iceland a bilateral agreement to buy all the fish formerly marketed in Britain, in return for Icelandic purchases of petroleum, timber, and concrete from the Soviet Union.⁸ The resulting agreement substantially improved the prestige of the Soviet Union and the Communist Party in Iceland while severely undercutting American and British hopes for a united and strongly-anticommunist North Atlantic front. The improved Icelandic-Soviet relations contributed to Iceland's 1956 request for major revisions in the 1951 U.S.-Icelandic Defense Agreement.

The boycott proved economically imprudent for Britain as well. The initial "success" of the British boycott resulted primarily from the fact that Iceland possessed few fish processing facilities and normally exported much of her catch to Britain for processing. Inevitably, the boycott stimulated the expansion of processing facilities in Iceland reducing her dependence upon British facilities and depriving British processors of Icelandic fish.

Effects of the Icelandic Extension upon British Fish Catches

While British fish catches in 1952 were slightly below the 1951 figures,

the 1953 British catch on the Icelandic Fishing Banks surged to one and a half times their 1951 catch, strengthening Icelandic opinion that the British had "cried wold" at no real injures. The size of the British catch also substantiated the arguments of Icelanders who claimed that more stringent measures were required to reduce the size of the fish catch on the Icelandic Fishing Banks.

In light of the impressive 1953 catch which repudiated British arguments of economic harm, it is difficult to understand why an agreement ending the British-Icelandic Fisheries Dispute was not concluded until 1956. Doubtless, non-economic factors played an important role both in delaying a peaceful resolution of the problem and eventually bringing it to an end.

Agreement to End the Dispute

Little actual economic harm was done to either nation during the course of the first Anglo-Icelandic Fisheries Dispute. While Icelandic fish were being boycotted at British ports, Iceland was trading with the Soviet Union on favorable terms. While British fish catches were slightly reduced at first, they soon surpassed former levels. On economic ground alone neither side had anything to gain by making concessions, nor was there any force driving them to make a settlement.

M. Gerand Bauer of Switzerland, who had begun to mediate a settlement to the dispute in September of 1954 under the auspices of the Organization for European Economic Cooperation, was instrumental in bringing both sides to agreement.⁹ The resulting agreement allowed a regulated amount of Icelandic fish to be landed at British ports, and provided for British acceptance of Iceland's four mile territorial limit with the stipulation that acceptance did not imply actual recognition of the Icelandic territorial

limit.

The agreement was to continue for ten years with a provision for a review after two years.¹⁰ The settlement also called for no new extensions of territorial waters or fishing limits to be made until after the United Nations considered the International Law Commission's report on the law of the sea. Since neither side was forced to make major concessions such an agreement could easily have been reached much earlier.

Two possible reasons for the conflict's settlement: Great Britain was maneuvering for a legal position in the upcoming international conference on the law of the sea which the International Law Commission had proposed and the United States felt increasing pressure on the question of the Keflavik base due to the upcoming election campaign in Iceland. Both concerns required the loose ends of the Anglo-Icelandic Fisheries Dispute to be cleared up to prevent possible complications to what the United States and Great Britain considered more important matters.

CHAPTER IV

1956-1957: THE INTERIM YEARS

Preparations for the Law of the Sea Conference

Activity prior to and during 1956 relating to the extension of the territorial sea was in full swing in preparation for the upcoming UN Law of the Sea Conference. The Soviet Union had long maintained a twelve mile territorial limit and the Soviet block countries vigorously supported an international twelve mile limit. Several South American countries, including Peru and Chile, were beginning to claim limits out to two hundred miles. The newly created state of Israel had declared a six mile limit, and the Arab countries were moving in the direction of a twelve mile limit. In the United States and Canada discussions of some sort of compromise consisting of six miles territorial sea and a further six mile contiguous zone were taking place. Even before the Geneva Law of the Sea Conference began, the move toward some extension of the territorial sea/contiguous zone was already evident. Iceland and Great Britain would be on opposite sides of that movement.

1956 U.S.-Icelandic Defense Agreement

The other major event of this period which is of interest to the Anglo-Icelandic Fisheries Disputes was the 1956 Defense Agreement between the United States and Iceland. Early in 1956, the Icelandic government had begun the process of terminating the 1951 Defense Agreement with the United States.

Icelandic politics have always been volatile, with the Independence (Conservative) Party consistently taking a pro-Western stance and the Communist Party taking a pro-Soviet stance in matters of foreign policy. The other two parties, the Social Democrats and the Progressives, tend to oscillate between the positions of their compatriots. The primary issue of the election campaign of 1956 in Iceland was the course of U.S.-Icelandic relations. The results produced large gains for the Independence Party which had campaigned on a pro-NATO platform. They garnered 42.4% of the vote giving the Independence Party close to a majority in the Althing, being only three votes away from controlling that body. In spite of the dominant position of that party, the other three parties formed a leftist coalition excluding the Independence Party from power. All three parties of the governing coalition had pledged during the 1956 election to seek some type of alteration in the 1951 Defense Agreement with the United States.

Even so, the 1956 election in Iceland has been interpreted as a vote in favor of the Keflavik base, its economic benefits, and the concerns of NATO's other Scandinavian members, Norway and Denmark.¹ Although pledged to seek an alteration in the U.S. Defense Treaty, coalition members disagreed on the proper extent of change. Issues were further complicated by the lack of public support for shifts in Keflavik's status.

The NATO Council released a unanimous resolution on August 3, 1956, which stated that the presence of the American Defense Force was crucial to the security of the whole North Atlantic area. This statement had a profound effect on the members of the Progressive and Social Democratic Parties who had earlier been lead to believe that the Keflavik base was not vital to the Western defense effort.² The NATO action gave them the opportunity to fallback somewhat from their previous position without losing face.³

The Hungarian Revolt

The Soviet invasion of Hungary dispelled much of the remaining doubt surrounding the usefulness of an American presence. Extremely repressive Soviet actions during the Hungarian Revolution had the side effect of thoroughly discrediting the Icelandic Communist Party. The political question changed from that of asking how best to reduce the U.S. hold on Keflavik to one of how to extract benefits. Donald Nuechterlain in Iceland: The Reluctant Ally describes the Icelandic attitude in December of 1956 in this fashion: "Most Icelanders were convinced the U.S. Defense Force would remain in Iceland indefinitely; the question being what price the United States had agreed to pay."⁴

The resulting agreement with the United States essentially reaffirmed the nature of U.S. activities on the island. It provided for the continuation of the U.S. Defense Force with few modifications, effectively removing American use of Keflavik from Iceland's foreign policy debates until the 1970's.

Suez

The British in 1956 suffered a major foreign policy defeat when they attempted to seize the Suez Canal from Egypt. James Christopher in the "Suez Crisis" concludes that it became painfully evident after the Suez Crisis to Britons that in foreign policy their country had reached the point where its leaders found it almost impossible to launch an operation disapproved by its major ally, the United States.⁵ The effect of Great Britain's Suez disaster and the intertwined nature of British and American foreign policies partially accounts for future actions on the part of both countries toward Iceland.⁶

CHAPTER V

COD WAR I: 1958-1961

Failure of the 1958 Geneva Law of the Sea Conference

The failure of the 1958 Geneva Law of the Sea Conference to produce an agreement on territorial limits led to Iceland's decision to unilaterally extend her territorial waters to twelve miles. Iceland unsuccessfully sought this extension at the Geneva Conference, which in spite of significant international support did not materialize.

The report of the International Law Commission in 1956 shows some justification for the Icelandic action. In that report the Commission recognized that the international practice with regard to territorial limits was not uniform but that international law did not permit the expansion of a nation's territorial sea beyond twelve miles.¹ The report further noted that states with a three mile limit often did not recognize greater limits for other countries. Having made this observation, the Commission recommended an international conference to fix acceptable limits.

The 1958 Geneva Conference on the Law of the Sea produced a line-up of countries which formed opposite sides in this and future conferences. Great Britain was by far the most hesitant of the traditional seafaring nations to budge on the issue of the three mile limit. Canada pushed for a twelve mile contiguous zone or fishing limits. The United States advanced a compromise plan with a six mile territorial limit and a six mile contiguous zone but with provisions for nations which had historically fished in an

area to have continued rights to do so. This clause was added to gain British support. Of the numerous proposals put forward only the American and Canadian proposals gained majority support; neither however gained the two-thirds support necessary for acceptance. The failure to approve one of the two resolutions resulted not from a lack of support for an extension of the territorial sea but from disagreement over the form that extension should take.

The conference adjourned without reaching an agreement, but preparations were made to hold a second conference on the law of the sea. This second conference would be an important factor in the first Cod War. Iceland in particular would try to win her case at that forum.

Iceland Announces 12-Mile Territorial Limit

The Icelandic twelve mile limit was announced on June 30, 1958, and was scheduled to go into effect on September 1, 1958. The announced extension brought immediate protest by Great Britain, France, West Germany, the Netherlands, Denmark, and Norway. The Soviet Union on the other hand called the Icelandic expansion of territorial waters totally lawful.² Opposition nevertheless was not of uniform strength, as the reactions of Norway and Denmark indicate. While these two countries protested the Icelandic decision, they also stated that they were going to look into similar extensions to protect their own fishermen.³

The chain reaction which the British had so feared was beginning to occur even before the Icelandic territorial waters were increased. The predominate distant-water fishing grounds of British fishermen being Grand Banks (Canada), Greenland (Denmark), Iceland, Faroe Islands (Denmark), Spitzbergen (Norway), and Bear Island (Norway), a fear developed within the British government that all of their distant-water fishing grounds were being closed off.

The Icelandic government believed British arguments that only a three mile limit were legally indefensible, especially since Britain had voted for the American proposal at Geneva to extend territorial limits to six miles and to form a contiguous zone of an additional six miles. Icelanders tended to see themselves as the vanguard of a movement that would give coastal states control of the sea around them; in their minds there was nothing illegal about seeking this objective.

Early British Press: Proposals and Reactions

The responsible British press such as the Times (London) and the Economist, during the time between the Icelandic government's announcement and the date the new twelve mile limit went into effect, urged restraint on the part of the British government.⁴ The responsible press put forth several proposals. Believing that previous British actions (bans on the landing of Icelandic fish) had pushed Iceland into reliance on the Soviet Union, the Economist and the Times advocated that NATO and/or the OEEC should be engaged to negotiate a fair settlement. As part of such a settlement, they contended that Iceland's economy must be developed to reduce Icelandic dependence on fish. To this end, the responsible press felt that Great Britain must be prepared to make tangible concessions. Most importantly, they urged the British government not to engage in gunboat diplomacy.⁵ This segment of an Economist editorial appearing on June 7, 1958, before the Cod War began, is illustrative of the last point: "Nothing would do more harm to the British case in the eyes of the world than the sight of a peevish Britannia bullying a tiny ally."⁶

British Government: Early Proposals

The British government made two compromise proposals to Iceland before

September 1, 1958, both of which were rejected. These proposals were both regarded as public relations ploys. One was designed to force Iceland into admitting that they sought more than conservation and the other offered little prospect of agreement on what constituted a safe level of fishing.⁷ The proposals were rejected by the Icelandic government and strengthened their belief that the Second Law of the Sea Conference was the place to achieve their objective, clear and undisputed control of the sea around Iceland.

Status of the Icelandic Fish Stocks

A short description of the status of the Icelandic fish stocks will help explain some of the motives behind the Icelandic decision to increase her territorial limit to twelve miles. 97% of Iceland's exports in 1957 were fish. The Icelandic fish catch in 1957 was off almost 20% from the previous year, this decrease having a devastating effect on the Icelandic economy. Such fluctuations in the fish catch were not unusual in Iceland, but in the same year the British cod catch from the Icelandic Fishing Banks rose more than 10%.⁸ Icelanders were quick to point out that over 25% of their economy was directly dependent on fish while only 1% of Great Britain's was so grounded; further, only a fraction of Britain's fleet was dependent on the Icelandic waters.

Icelanders were also concerned about falling catch rates which indicated a decline in the fish stocks.⁹ They believed, as they did during the first fishing dispute with Great Britain, that the Icelandic Fishing Banks were over-worked and that catch levels were maintained only by great increases in the number of fishing vessels and fishing time. Icelandic opinion could foresee the time when there would be no fish and held that Great Britain should be willing to make a small sacrifice on a matter of such great importance to an ally whose economic future depended on saving the fish stocks.

Cod War I Begins: September 1, 1958

On September 1, 1958, the day the twelve mile Icelandic territorial limit went into effect, one hundred British trawlers in three packs known as Spearmint, Bitterscotch, and Toffee Apple, supported by Royal Navy frigates (implausibly described as fisheries protection vessels) left British ports. This force crossed the twelve mile line into the now contested Icelandic waters on September 2.

The exercise of superior force by Great Britain was regarded by many observers as one of the worst cases of international bullying since World War II.¹⁰ In any event, the British exercise of power in this manner represented more than was demanded by the situation. The Economist editorial of September 6, 1958, called to voices of moderation within the British government. This passage is taken from that editorial:

"The British decision to send trawlers over the twelve mile line was not unjustifiable. A gesture to make it clear that Iceland's move is not accepted, and has no legal basis, was in the interest of all European nations that fish in deep waters. But were three trawler fleets and a fishery protection squadron needed to make a point of principles? Iceland may well be right that it will be a difficult job to protect British trawlers fishing inside the twelve mile limits for an indefinite period. Certainly the British case has not gained much in world opinion from the show of force. On such an issue Great Britain would not now a days be prepared to invite an armed clash with a great power like say Russia. To wag the big stick at small friends looks like propping up our amour-propre."¹¹

That Great Britain made this overwhelming show of force against the defenseless island nation while not even protesting the Soviet Union's twelve mile limit only infuriated Iceland.

The passage from the Economist also illustrated two of the three strategies that Iceland undertook to win the so called Cod War. These two strategies were to wear down the British by making it unprofitable to fish inside the twelve mile limit, and to win the support of world opinion. The

third strategy Iceland pursued has already been mentioned, gaining approval of the twelve mile limit at the Second Law of the Sea Conference scheduled to be held in 1960.

Iceland's first responses to the British "invasion" appeared before international forums. Immediately after the British frigates entered the newly declared Icelandic territorial waters, Iceland's Foreign Minister, Gudmundur Gudmunsson protested the British action to the U.N. Secretary-General.¹² Iceland's Thor Thors at the United Nations described British conduct in this way: "Swarms of British trawlers have scrapped the bottom of the sea almost up to the door of our poor fishermen."¹³ Iceland also protested British actions at the NATO Council. The Council hastily backed away from the issue, taking the matter under advisement but not to the extent that formal solutions were sought.

Cod War I Continues

On the home front, Iceland's war of attrition was largely successful. Numerous attempts to board British trawlers and arrest the crews were made, usually in the dead of night. The Icelandic gunboats cut trawls, fired blank shot across the bows of trawlers and in general made life difficult for the English. As the war of nerves intensified, the Icelandic authorities deployed seven gunboats inside the "protective fishing boxes" guarded by the Royal Navy.

Iceland claimed victory in the fact that 95% of Icelandic waters were free of foreign fishing boats and that the ones still in Icelandic waters were catching few fish. The British Admiralty denied that Iceland had achieved any sort of victory. This claim was however, soon contradicted when the British Trawler Federation requested more protection due to what they called "the stiffening of Icelandic attitudes".¹⁴

The real test of the effectiveness of the Icelandic effort is depicted in the cod catches of Iceland and Great Britain. The British cod catch in the waters off Iceland decreased 25% in 1958 from 1957 and continued to decrease during the course of the Cod War.¹⁵ Icelandic cod catches increased by approximately the amounts that the British catches dropped.

Icelandic efforts on the public opinion front did not diminish as the Cod War continued. Iceland made progress in gaining sympathy, particularly in the Nordic Countries, the United States, and Canada. Inside Great Britain both sides competed in the public relations struggle.

The Economist was the site of a heated exchange between the British Trawler Federation and the Icelandic embassy in London. The exchange involved Sir Fannadle Phillips, head of the British Trawler Federation and Hannes Jonsson of the Icelandic embassy. Phillips presented an emotional argument alleging dire economic hardships for British fishermen if the twelve mile limit stayed in effect. He urged the British government to take stronger action to preserve the legal rights of British fishermen. Hannes Jonsson responded by pointing out what the Icelandic government believed were several of Phillips' misinterpretations or misconceptions. Jonsson concluded by charging the British trawler owners with submitting fallacious statements to the press.¹⁶ The Icelandic government further presented its position with a booklet distributed in Great Britain, under the none too subtle title, British Aggression in Icelandic Waters.

British newspapers and journals can be divided into two groups, the first of which has already been referred to as the responsible press. The second group will be termed the sensationalist press. The sensationalist press was led by the Daily Mail whose "best" exclusive scare story told of a communist plot to unite Iceland, Greenland, and the Faroe Islands in a

neutralist North Atlantic block.¹⁷ Iceland's Fishery Minister, Ludvik Josepsson's membership in the Icelandic Communist Party was the cause of most of these rumours. The sensationalist press articles usually urged the British government to actively fight the Icelandic infringement of British rights and international law. They were full of stories of the plight of British fishermen and pictures of encounters between British trawlers and Icelandic gunboats.

The Icelandic press responded to these stories by charging the British with piscine imperialism and virtual piracy. One Icelandic paper went as far as printing a picture of Queen Elizabeth captioned, "Her Majesty the Thief".

The responsible press, the Times, the Manchester Guardian, the Economist, the Observer, and the Royal Institute of International Affairs' World Today, did not condone the Icelandic extension of territorial limits. They did however recognize the value of Iceland to NATO. The responsible press was also aware of the precarious nature of the Icelandic economy; and the tenuous nature of the British contention that a three mile limit was the only recognized limit was susceptible to serious challenge. In light of these acknowledgements, the responsible press advocated moderation, compromise and negotiated settlement. Their favorite approach was a regional conference to set territorial limits, but even in this proposal the responsible press realized that Iceland could not be a minority of one and that Great Britain would sooner or later be forced to make real concessions.¹⁸ As the conflict dragged on, proposals conceding the twelve mile limit in exchange for long-term guarantees of holding that limit became more popular.¹⁹

One of the comments of the Economist's correspondent in Reykjavik is enlightening. He stated, "It may be easier for the Government to send the

navy to Iceland (with the whole-hearted approval of the Labour Party, whose constituents are involved) than to help Fleetwood modernize its trawlers. But the argument does not impress the Icelanders."²⁰

Newer boats, with the latest technology were not as dependent on having to fish close to the shore. The newer trawlers could go farther, stay out longer, and hold more fish.²¹ The problem was that the boats in Britain's East Coast ports were old and Iceland was one of the few places accessible to their technological attributes.²² This was a public policy problem because as the other large scale fishing nations such as Japan and the Soviet Union were subsidizing the construction of new and technically modern fishing fleets, the British fleet was obsolescing. The British simply had no choice in the short run other than fishing in fertile waters, close to shore, and relatively near home; Iceland became a target by default.

The actions of the citizens of both countries do not speak well for the common man. Icelanders rioted in front of the British embassy, hurling stones through the building's windows. In Great Britain, local fishermen threatened to defend themselves against the Icelandic Coast Guard with knives, axes, hot irons, and boiling water hoses. The British trawlers began playing a dangerous game, ramming the much smaller Icelandic Coast Guard vessels; the Icelandic Coast Guard began to fire in response. The conflict on both sides had become seriously overheated.

Icelandic Relations with the Soviet Union and the United States

Icelandic relations with the Soviet Union improved after the reversal caused by the Hungarian Revolution, due to Soviet support for the Icelandic twelve mile limit. The Soviet Union was one of the leading proponents of the twelve mile territorial sea at the first two conferences on the law of the sea. Already one of Iceland's leading trade partners, the USSR also

provided an alternative to dependence on the British. At the height of the cold war the allied powers worried that any gain for the Soviet Union was a loss for NATO. In this type of zero-sum game, NATO was losing as the Soviet presence in Iceland became more entrenched. Conflict was on the horizon, though, as the Soviet Union was rapidly becoming one of the predominant fishing nations in the North Atlantic. Clashes between Soviet and Icelandic interest was inescapable.

The United States was involved in two ways with Icelandic foreign policy. First, the Keflavik base was to have one of its periodic flare-ups, an incident involving American personnel which angered Icelandic citizens. The Icelandic government asked for the removal of the Commander of the American Defense Force as a sign of their displeasure with the incident.²² The American government's agreement to take this embarrassing step defused the question of Keflavik for the time being.

The United States was also involved in the Law of the Sea Conferences, having introduced the six mile territorial limits and six mile contiguous zone concept. The American proposal allowed for continued fishing in the contiguous zone for those nations which had historically fished that area in the five years prior to the Conference's agreement. The U.S. proposal was one of Iceland's greatest fears. Icelanders called it, "the six plus six minus six proposal".²³

Actions taken by the United States during Cod War I were influenced by the desire to protect the base at Keflavik and maintain its bargaining position at the Law of the Sea Conferences. Originally, the United States had also sought to avoid a British settlement which appeared to favor the Communist Party in Iceland. This consideration disappeared when a new coalition government took power which did not include the Communists.

While the new Icelandic governing coalition lacked the Communist, their first action was to announce a continuation of the previous government's policy with regard to the Cod War. Thus American fears about Keflavik were somewhat quelled but British problems with the Cod War remained.

Second Law of the Sea Conference (1960)

The Second Law of the Sea Conference held also in Geneva provided the break which cooled both British and Icelandic tempers. The British government in a gesture of good will announced a voluntary withdrawal from the contested Icelandic waters until the second Geneva conference was concluded.²⁴ The area of confrontation between the British and Icelanders now moved to Geneva.

Four main proposals were presented at the Second Law of the Sea Conference:

1. The American proposal of six miles territorial limits and six miles contiguous zone but with rights to fish for countries who had historically fished an area. This proposal was supported by Great Britain.
2. The Canadian proposal of six miles territorial limits and six miles contiguous zone with exclusive rights to fish by the coastal state.
3. The Afro-Asian-Mexican-Venezuelan-Soviet proposal which stated that a state could set any combination of territorial and contiguous zones up to twelve miles.
4. The Icelandic proposal which called for states overwhelmingly dependent on fishing to have priority over the fish in its areas adjacent to her territorial limits to the extent necessary.

The Afro-Asian-Mexican-Venezuelan-Soviet proposal was defeated in committee. The United States and Canadian proposals were merged together with the compromise that historic fishing rights would end after a ten year period passed in committee. The Icelandic proposal passed in committee. The American-Canadian proposal and the Icelandic proposal went forward to the plenary

session of the Second Law of the Sea Conference.

The committee vote on the Icelandic proposal (31 in favor, 11 against, and 46 absentions) can be interpreted as a vote of sympathy for Iceland in view of its subsequent lop-sided defeat in the plenary session. The Mexicans offered a new proposal in that session, calling for twelve mile fisheries limits immediately and another conference to fix territorial limits. This proposal which had Soviet support was defeated. Iceland had introduced an amendment to the American-Canadian proposal which would have effectively reduced it to the original Canadian proposal by abolishing foreign fishing rights in the waters of states overwhelmingly dependent on fisheries; Iceland however tabled this motion without consideration by the forum in deference to the Mexican proposal.

The British representative, John Hare, the Minister of Agriculture, Food, and Fisheries, who had earlier taken the position that even the ten year period of foreign fishing rights would cause problems for British fishermen, now proposed to Iceland submitting the ten year rule as it applied to Iceland's contiguous zone to an impartial arbitrator. He committed the British government to supporting the arbitrator's decision if Iceland would. Iceland refused that proposal. The U.S.-Canadian proposal fell short of obtaining the necessary two-thirds majority by one vote: Iceland's.

British capitulation or stronger concessions to Iceland would probably have secured Iceland's vote and fixed the territorial sea at a six mile limit and the contiguous zone at twelve miles with ten years of historical rights fishing. Thus to some degree the fisheries dispute between Iceland and Great Britain was responsible for the failure of the Second Law of the Sea Conference to reach an agreement.

Great Britain and Iceland Reach an Agreement

It is ironic that Great Briain made these very concessions to Iceland less than a year later on February 27, 1961. The agreement settling the conflict allowed limited fising by British vessels in the six to twelve mile area for a period of three years. The agreement also allowed Iceland to redraw one of her base line and committed Iceland and Great Britain to refer any future dispute to the International Court of Justice. The West Germans were a party to this agreement.

The settlement was met with some disapproval in Iceland because of the provision to send future disputes to the ICJ and because it did not immedi- ately rid Icelandic waters of the British trawlers. In Great Britain, the British Trawler Federation and associated unions were unhappy with the settlement and organized a boycott against landing Icelandic fish for a short period of time.

During the earlier truce period, Iceland had responded to the British gesture of removing the Royal Navy frigates and fishing trawlers by dropping the charges of poaching against 300 British boats.²⁵ This action helped smooth feelings and put the negotiations on a more congenial footing.²⁶

Norway and Denmark Extend Territorial Limits

The decisions of Norway and Denmark to extend their territorial limits were greeted unfavorably by Great Britain. Before the Icelandic situation was settled, Norway made an agreement with the British which was patterned after the American-Canadian proposal of the Second Law of the Sea Conference and granted Great Britain limited fishing rights inside the new twelve mile zone for a period of ten years. The Danish agreement with Great Britain, concluded after the Icelandic settlement, did not allow the British to fish inside the twelve mile limits after March 12, 1964. While the British

insisted on a ten year period; Denmark quickly pointed out that on March 11, 1964, Great Britain would recognize de facto Iceland's twelve mile limit. The Danish government was unwilling to settle for anything less than the terms granted to Iceland. The chain reaction Britain feared was taking place as more and more countries announced territorial limits greater than three miles.

Icelandic Strategy and Perceptions

Iceland found the lever to favorably resolve the dispute at the forum where she had originally accused the British of an armed invasion, NATO. Paul Spaak in his capacity as NATO Secretary-General brought the two sides together as the OEEC had done in the first cod dispute.²⁷

Domestic pressure on both countries was strong. In Britain's case, however, it was not continuous; this is evident from the note which the British Foreign Secretary, Lord Home, sent Gudmunsson, the Icelandic Foreign Minister at the Paris NATO meeting informing him that the dispute needed to be settled before the upcoming fishing season.²⁸ While the British Trawler Federation was at time inactive, Icelandic political parties keep the issue of the fishing dispute in the public eye. This difference in domestic pressure gave the British government more room for concessions than it did the Icelandic government which politically could not moderate its position.

Icelandic strategy was well planned and successful. Iceland made British fishing difficult and costly, reducing the size of Britain's catch. Iceland was also successful in its attempt to gain support of world opinion to the extent that even countries supporting the British legal position condemned the excesses of their action against Iceland. The results of the Second Law of the Sea Conference were more of a mixed picture for Iceland.

While there was much sentiment in favor of the Icelandic position including the support of many powerful nations such as Canada and the Soviet Union, the international agreement Iceland sought failed to materialize. Icelandic delegates could, however, claim credit for defeating the American-Canadian proposal, a proposal they considered a step backwards.

The Icelandic government showed more perception than the British government, whose delegate, John Hare, announced that in light of the Conference's failure to arrive at an agreement the only limit that Great Britain would recognize would be a three mile limit.²⁹ Iceland realizing the world had changed knew that countries could be divided into three groups: those wanting to keep traditional limits with some changes, those wanting a twelve mile limit, and those wanting more than twelve miles. The conference had shown that the conflict was not over three mile limits versus twelve mile limits but over what form of twelve mile limits, talking about reverting back to only recognizing three mile territorial seas was to ignore reality.

CHAPTER VI

THE QUIET YEARS: 1964-1971

In 1964, the British adopted a twelve mile fishing limit, thereby formally laying to rest grounds for conflict with Iceland.

During the next seven years, however, the forces which had propelled the dispute were rekindled. Among the developments of this period were a new law of the sea controversy, a change in the function of the Keflavik base, a decline in Icelandic fish catches, a change in the economic situation in Iceland, and the failure of the British deep-water fishing fleet to modernize or reduce its dependence on the Icelandic Fishing Banks. Each of these developments contributed to renewed conflict.

Development of a New Regime for the Law of the Sea

The development of a new regime for the law of the sea had been stymied by the deadlock at the Second Law of the Sea Conference. Between 1964 and 1971 more countries extended their fishing limits or territorial limits to twelve miles. Also increased was the number of countries claiming limits past twelve miles, many to two hundred miles.

The 1967 speech of Ambassador Pardo of Malta at the United Nations concerning the use of the resources of the sea is often considered a turning point in the development of the law of the sea.¹ Pardo expressed a desire for the poor nations to reap some of the benefits of the exploration of the mineral wealth of the seabed. The term "exclusive economic zone" became used more often as a replacement for the term "contiguous zone" and referred to

the exclusive access of a country to the resources of the sea and seabed out to a certain distance but without the right to interfere with the free passage of ships and planes. Possible gains from dividing up the profits from seabed minerals excited the poorer countries. The Western countries had begun to actively exploit off-shore oil resources. Great Britain was among these Western nations drilling for off-shore oil.

The forces inducing the First and Second Law of the Sea Conferences, largely fishing and strategic interests, combined with the concern for seabed resources, produced the need for a third conference. The Icelandic government, which had earlier relied on changes in the law of the sea to support its actions, now saw the law of the sea in a state of flux again after a period of general agreement on twelve mile limits.

The Changing Role of the Keflavik Base

Control of the American base at Keflavik shifted from the U.S. Airforce to the U.S. Navy in 1961. Ake Sparring in a 1972 The World Today article, "Iceland, Europe, and NATO", traced the change in the function of the Keflavik base during the sixties from a forward supply base for a possible European conflict to a submarine tracking station. This transformation is of greater importance than at first appearance, for the role of Keflavik had changed from being supportive of Europe to being a crucial element of the United States' strategic defense.²

In the shallow waters between Iceland and Scotland and Iceland and Greenland (attaining a mean depth of only 400 meters and referred to by the U.S. Navy as the "Icelandic Barrier"), the United States has installed both active and passive listening devices. Based at Keflavik are also P-3 Orion submarine-tracking aircraft. The importance of these facilities is emphasized by one of the titles of the American commander at Keflavik,

"Commander of the Iceland Barrier Group".

As a submarine barrier, Iceland is crucial to the United States, not simply as a denial of the strategic position to the Soviet Union, because fixed sonar installations are more reliable than airborne ones.³ In light of Iceland's enhanced strategic value in the face of growing Soviet naval power, Sparring concluded that neutrality was not a feasible alternative for Iceland.⁴

Icelandic Fish Catches Decrease, British Fish Catches Increase

Icelanders saw the herring catch drop from 770,000 metric tons in 1969 to almost nothing in 1971. During approximately the same time period, the Icelandic cod catch declined from 302,875 metric tons to 250,324 metric tons. The British cod catch increased from 125,235 metric tons of cod to 157,717 metric tons. British cod catches had after initially declining when Iceland extended her fishing limits to twelve miles, stabilized and then began to increase. The modern fishing equipment which the British trawlers did adopt only allowed them to exploit the fishing grounds farther from Iceland's coast and did not give them the range or the capacity to find new fishing grounds. Thus, British fishermen were in no better position to absorb a new extension of Icelandic fishing limits than they had been in 1958.

Iceland's Economic Situation

Iceland's economic situation had become more volatile after joining the European Free Trade Association in 1970. Iceland joined because many of her major trading partners, Norway, Denmark, Great Britain, and Portugal, were members. Denmark and Great Briain soon became members of the European

Economic Community. As an EFTA member, Iceland negotiated a preferential trade agreement with the EEC. The most important provision, Protocol Six, dealt with exports of Icelandic fish to Community members. This provision of the EEC-Icelandic Trade Agreement would be later used as a bargaining tool by both Great Britain and West Germany, having the effect of bringing in the Commission of the European Community as a new actor in the Anglo-Icelandic Fisheries Disputes. Future fishing disputes would also play a role in the development of the Community's "Common Fishing Policy".

Iceland's economy remained insecure because of continued reliance on fish as the main source of income. Culturally xenophobes, Icelanders were reluctant to introduce foreign capital and workers necessary to develop the country's tremendous hydroelectric and geothermal power.⁵ The development of Iceland's energy resources was vital to the production of energy-intensive goods such as aluminum which might free Iceland from its overdependence on fish. This peculiar isolationism is further reflected in Iceland's refusal to join any organization requiring free movement of labour and capital, and in the insistence upon defense agreements with the United States which required stringent procedures for isolating U.S. military personnel from contact with the Icelandic population.

CHAPTER VII

COD WAR II: 1972-1973

New Icelandic Coalition Assumes Power

The catalyst of Cod War II was the new governing coalition which went into office July 14, 1971, consisting of the Progressive Party, the People's Alliance (Communist), and the Liberal Left. Of the political leaders who played important roles, Olafur Johannesson (Prime Minister) and Einar Agustsson (Foreign Minister) were members of the Progressive Party, while Ludvik Josepsson (Minister of Fisheries and Trade) was a member of the People's Alliance. In the field of foreign policy, members of the governing coalition were in agreement on two points: the need for expanding Icelandic fishing limits and revising the defense agreement with the United States. Strong differences existed within the coalition as to degree and methods.

The new Icelandic government immediately announced that on September 1, 1972, Icelandic fishing limits would be extended to fifty miles. Three days later on July 20th, the British Ambassador to Iceland delivered an aide-memoire expressing regret that there had been no advance warning or consultation. The same day, the British Under-Secretary for Foreign and Commonwealth Affairs, Anthony Royals, in an address to the House of Commons announced British government intentions to refer potential disputes over fish with Iceland to the International Court of Justice.

The Icelandic government countered by notifying Great Britain that it was abrogating the 1961 Agreement; and hence the British government no

held recourse to the International Court of Justice. Iceland did however suggest that talks on the matter be held.

West Germany, a party to the 1961 Agreement, expressed the intention to resist the Icelandic fishing limit extension because a third of the West German fresh fish catch came from the waters near Iceland. The reaction from the Norwegians was similar to that of the Germans and the British but without hostile tone. The Soviets who had supported Iceland in 1958, now opposed the extension due to their own fishing and strategic interests.

Icelandic Campaign to Win International Acceptance of Her New Fishing Limits

Iceland swiftly began a campaign to win international acceptance of her newly announced fishing limits. The Icelandic government actively pursued this goal in many international forum; among these were the United Nations in which preparatory sessions were underway for the Third Law of the Sea Conference, the North-East Atlantic Fisheries Commission, the Nordic Council, NATO, and the Council of Europe. Iceland also began to lobby for the United States government's support of the island's position.

Initial Talks between Great Britain and Iceland

Talks between British and Icelandic representatives were initiated in London on November 3, 1971. The British proposed catch limitations as an alternative to Iceland's extension of her fishing limits but this proposal was rejected by Iceland as totally unacceptable, leading to the talks dissolution. They were renewed in Reykavik on January 3, 1972, but again no agreement was reached due to the same impasse.

The British catch in 1971 had been 207,000 metric tons. British negotiators offered to limit catches to 185,000 metric tons of fish which was the average of the British catch in the 1960-1969 period. They also

were willing to recognize Iceland's special position as a coastal state with preferential rights to coastal fisheries. The British were not however willing to let the Icelandic government abrogate the 1961 Agreement. Britain was committed to having future disputes handled by the International Court of Justice, a method of settlement guaranteed by the 1961 Agreement.

Differing assessments of the condition of the Icelandic fisheries caused another point of contention between the two countries. Icelandic scientists asserted that the fisheries were in poor condition and that future fish catches would decline unless the depletion of fish stocks was immediately halted. The British argued that while some conservation measures were needed, the fish stocks were in reasonably good shape and Icelandic fears were unwarranted.¹ A conflicting report by the North-West Fisheries Commission added fuel to the arguments of both sides. The Commission's report stated that the Icelandic cod stocks, while overfished were not as endangered as some other Atlantic fish stocks. At the same time, the report noted that the fishing effort in the North Atlantic area around Iceland could be reduced 50% without reducing the catch level. Unfortunately, the report supported both the Icelandic and British positions without offering a definitive scientific solution.²

A new series of talks between Great Britain and Iceland began in late February 1972, with the Icelandic issuance of the new fishing regulations which would take effect September 1, 1972. Talks were also held between Iceland and West Germany. Two different approaches were followed by Great Britain and West Germany in their negotiations with Iceland. The British continued to seek a compromise while West Germany decided to take the dispute to the International Court of Justice. The Germans also sought to bargain concessions on the European Economic Community tariff on Icelandic fish

in exchange for the Icelandic government's abandonment of the new fishing limits.

Apparent from the British-Icelandic discussions is that Iceland would allow the British a substantial catch allocation in exchange for recognition of her new fishing limits and regulations. Distrust alone stood in the way of such an agreement. Austen Laing, Director of the British Trawler Federation, held meetings with a representative of the Icelandic Ministry of Fisheries in late February 1972, in London. Items agreed upon included the need to set a total sustainable catch. Laing was ready to accept the new fishing limits in return for guarantees on what the British share of the agreed catch would be. The British government was hesitant to go along with such an agreement for two reasons: they distrusted Fisheries Minister Joseppson who was both a Communist and an architect of Iceland's earlier territorial waters extension which resulted in Cod War I; and they did not want to prejudice their position with respect to fishing limits in either the upcoming Law of the Sea Conference or EEC entrance negotiations.

Negotiations continued in London and Reykjavik at the secretarial and ministerial level. Icelandic negotiators offered a catch level of 156,000 tons (which was below the 185,000 tons sought earlier by the British). This catch level was offered in return for the stipulation that the Icelanders enjoy exclusive rights in some areas and that the Icelandic Coast Guard have the right to arrest British trawlers in violation of Icelandic regulations. These talks foundered for several reasons, among them the British desire to avoid weakening their position in the Third Law of the Sea Conference and fears that the new Icelandic regulations would cause the British catch to fall below 156,000 tons. On July 13, 1972, these talks were also discontinued.

On July 15, 1972, Iceland published a revised set of new fishing regulations scheduled to take effect September 1, 1972. These regulations had no provisions for foreign fishing; and in a speech, the Icelandic Fisheries Minister Ludvik Josepsson stated that no naval or economic sanctions by the Germans, the British, or the European Economic Community would sway the Icelandic government from their position. These events mark the failure of diplomacy and the beginning of preparations for Cod War II.

Preparations for Cod War II

With the failure of negotiations and diplomacy both the West German and British governments referred the dispute to the International Court of Justice. Laing of the British Trawler Federation who had earlier sought to achieve an agreement with Iceland gave up his attempts announcing that enforcement of the new Icelandic limits would cause the loss of 20 to 30% of the deep water fish landings and endanger 100,000 jobs. The Federation also declared that it would ignore those limits and that support from the Royal Navy was expected. The British Trawler Federation and allied unions formed the Deep Sea Fishing Industry Committee to coordinate actions of all the involved groups in Great Britain. The West German High Seas Fishing Federation announced that it would coordinate policies with the British Trawler Federation. Following suit at the urging of West Germany, the European Economic Community attached a provision to the EEC-Icelandic Trade Agreement making the implementation of tariff reductions on imports of Icelandic fish (Protocol 6) conditional on the settlement of the fisheries dispute.

Before the International Court of Justice was scheduled to rule on the fisheries dispute, a last attempt was made by Iceland to seek accommodation with Great Britain. Iceland offered several concessions: larger areas

for British fishing and a relaxation of rules on vessels size and equipment.³ British officials responded that they would wait until the ICJ ruling before considering the Icelandic proposal.

ICJ Interim Decision

The International Court of Justice in its interim decision ignored the question of its own jurisdiction. The Icelandic Foreign Ministry contended that the court was unable to hear the case and refused to present an argument. The ICJ stated that it would rule on the jurisdictional question at a later date. The interim decision of the court was that to completely exclude the British from fishing in Icelandic waters would cause British fishermen irreparable harm. The ICJ allowed the British a catch limit of 170,000 metric tons and the Germans a catch of 119,000 metric tons. Jeffery Hart in his analysis of the second Cod War argues that this interim order served to harden the negotiating position of the British and West Germans thus intensifying rather than helping to resolve the dispute.⁴ The new British attitude could be observed by looking at British actions on that same day.

Cod War II

On August 17, 1972, the day of the ICJ decision, some 60 to 70 British trawlers and 10 to 20 West German fishing boats made preparations to set sail for Icelandic waters. Many of these vessels had blacked out their names and identification numbers so they could not be identified by the Icelandic Coast Guard. Accompanying the British trawlers were two support vessels, a weather ship belonging to the British Ministry of Trade and Industry and a ship belonging to the British Ministry of Agriculture, Food, and Fisheries. Approval of these actions by the British government may be inferred from the presence of these two ships.⁵

Iceland deployed three gunboats which later were to be augmented by another gunboat, two helicopters, and a small plane. Iceland informed the International Court of Justice that the Icelandic Coast Guard would proceed to enforce the fifty mile fishing limits on September 1, 1972. The British and West German governments sent notes to the Icelandic government stating that they were prepared to accept the International Court of Justice's interim decision and that they were prepared to begin new talks. The official Icelandic spokesman called the notes rude and negative and said that the notes were an indication that the British and Germans actually desired no further talks.⁶

On September 1, 1972, Icelandic Prime Minister Johannesson announced that the Icelandic Coast Guard would take the names and numbers of foreign fishing vessels violating the new regulations.⁷ Upon flying over the newly annexed Icelandic waters and seeing the large number of British and German trawlers, the Icelandic Fisheries Minister Josepsson emphatically stated that the situation could not continue, threatening arrest and confrontation. The British Trawler Federation responded by saying that they had received assurances from the British government that the navy would act in cases of serious harrassment or attempted arrest. On September 5th, the trawl of the British fishing boat, the Peter Scott, was cut by the Icelandic Coast Guard. The British government made formal representations and threatened formal action.

Iceland Gains Support for New Fishing Limits

Iceland began gaining new support for her new fishing limits from the moment of implementation. On September 2, 1972, the Foreign Ministers of the Nordic nations issued a statement at the Helsinki meeting of the Nordic

Council expressing support for the Icelandic action. On September 7th, Iceland reached an agreement with Belgium on catch limits which represented the first de facto recognition of the Icelandic fifty mile limit. On September 19, the Icelandic government concluded an agreement with Denmark covering the Faroe Islands. This agreement allowed Faroese trawlers to fish inside the fifty mile zone as long as they observed Icelandic law and regulations. This agreement constituted further recognition of the new Icelandic fishing limits.

Several other countries expanded their fishing or territorial limits during this 1972-1973 period, including Costa Rica (220 miles), French Guyana (80 miles), Gabon (100 miles), Gambia (50 miles), Ghana (130 miles), Iran (50 miles), Madagascar (50 miles), Mauritania (30 miles), Morocco (70 miles), Oman (50 miles), Pakistan (50 miles), Benegal (122 miles), Tanazania (50 miles), and the Republic of Viet-Nam (50 miles). The Icelandic fishing limit extension to fifty miles was partially responsible for this momentum toward larger fishing limits or economic zones. In any case international opinion was obviously moving in the direction of fishing, economic zone, or territorial limits of greater than twelve miles with increasing numbers of states unwilling to wait for the Third Law of the Sea Conference to meet and reach agreement.

Cod War II as a Propaganda War

Cod War II fostered an attempt by both Iceland and Great Britain to become more professional in their propaganda campaigns. The British Trawler Federation hired Markpress of Switzerland who had worked for Biafra during the Nigerian Civil War, while Iceland hired the Whitaker Hunt public relations firm in Great Britain. At the end of 1972, the British Trawler Federation fired Marpress and hired the British firm, Charles Barber City,

because they alledged that Markpress was trying to propagnadize the Cod War like the Biafran conflict and was still in the "mentality" of claiming dozens of planes shot down.⁸

In addition to the propaganda campaign waged by the respective public relations firms, the two governments became directly involved. The British government printed a number of "Factels" and British Information Service news bulletins as well as strengthening their press section in Reykjavik; the Icelandic government, for its part, printed exemplary pamphlets explaining its position and offered regular press releases.⁹ The British effort looked amatuerish in comparison to Iceland's.¹⁰ The responsible press in Great Britain noted this propagandic nature of the Cod War and commented that this aspect was probably as important as maritime engagement.

The responsible press in Great Britain called upon the British government to reach a settlement with Iceland. The Economist asked Great Britain to end the conflict because of Iceland's strategic value to NATO.¹¹ The Times took an even stronger editorial position saying that "however strong Britain's legal right in the affair, and however, provocative the Icelandic actions that there was nothing to be gained by adopting a course of action that would be politically disastrous."¹² The Times further urged Great Britain to make Iceland a second Malta rather than a second Suez asking that Britain if necessary to bear the cost of making an agreement acceptable to Iceland. The propaganda component of the second Cod War should be considered a victory for Iceland since she was able to create symapthy for her plight in Great Britain and elsewhere, while the British were generally unsuccessful in finding anyone who supported their actions.

Explanation for the British Frigates

The British deployment of armed warships requires explanation. The

British government desired to keep Icelandic gunboats from cutting the trawls of British fishing boats or arresting their crews. British strategy consisted of placing a large maneuverable ship able to stand being rammed between the harrassed British trawler and the Icelandic gunboat. Two types of ships are suitable for this purpose: large ocean going tugs and frigates. At no time did the British government consider firing upon the Icelandic Coast Guard.

The British found themselves in a desparate situation. Almost all of the large ocean going tugs available at the time flew flags of convenience, so in the early days of Cod War II even a Liberian tug was sent to the Icelandic waters. The number of tug boats, however, was insufficient to adequately perform the job. The British government was well aware of the "bad impression" which would be generated if frigates were sent to Iceland.

The British government's problems were complicated by the uncontrollable nature of the skippers of the British trawlers. The skippers discovered that in large packs they could chase and ram the much smaller Icelandic gunboats which had thus far shown little disposition to do more than occasionally attempt to cut the trawl of a British boat or arrest a straggling trawler. In one of the ramming attacks on an Icelandic Coast Guard ship, live shells were required to drive the British trawlers away. This incident brought Icelandic anger to a higher pitch.

The British Trawler Federation forced the hands of the British government when they withdrew from Icelandic waters on May 17, 1973, claiming a lack of support from the British government. This action left Whitehall with an ultimatum: send in the Royal Navy and face the inevitable hostile reaction of world opinion and possible threat to NATO and Keflavik or admit that the Icelanders had been right when they said that it would not be

economical for the British to fish harrassed by Icelandic gunboats. The British Trawler Federation's withdrawal had constituted de facto recognition of the Icelandic fifty mile limit, a fact which Great Britain with an eye toward the Third Law of the Sea Conference was well aware. With that in mind and the urging of fishing district MPs, the British government choose the course of least internal resistance.

The consequences were almost immediate. The British trawlers went back inside the fifty mile zone protected by Royal Navy frigates. Iceland expelled a British diplomat for "security reasons", and banned British planes from landing at Keflavik. Iceland boycotted the June meeting of the NATO Defense Planning Committee in protest of the Royal Navy's presence. On June 12, 1973, Iceland notified the United States of its intentions to seek a revision of the 1951 and 1956 Defense Agreements. Iceland also officially protested the British action claiming an armed British attack; Great Britain charged Iceland with the same offense in the NATO Council.

On September 26, 1973, the British Prime Minister Edward Heath sent a message to the Icelandic Prime Minister, Johannesson proposing a truce which called for the removal of British frigates and defense tugs and voluntary restrictions on British fishing in exchange for non-interference by the Icelandic Coast Guard in the 12-50 mile zone. Johannesson would not commit himself to this proposal saying that he would not negotiate under duress or agree not to enforce Icelandic law.

On September 30, 1973 NATO Secretary-General Joseph Luns, who was drawn into the second Cod War after Iceland threatened action under Article V of the NATO Treaty, met with Prime Minister Heath in London. It is conjectured that Luns pressured Heath to come to terms with Iceland for the sake of NATO.¹³ Hart lists other factors which he believes were partially responsible for the forthcoming British change of attitude, among which were the changing inter-

national situation with regards to the law of the sea, a situation which was recognized even by the fishing industry in Britain.¹⁴ Heath sent a message to Johannesson on October 2, 1973, announcing the withdrawal of the British navy and inviting Johannesson to London for talks.¹⁵ Johannesson responded by stating that Iceland would not sever diplomatic relations with Great Britain as had been threatened and that he would accept Heath's invitation to come to London for negotiations.

An interim agreement was reached in London between Heath and Johannesson which established the following points:

(1) six "boxes", five of which were to be open to British trawlers at any given time, (2) three conservation areas to be closed part of the year and three "small boat" areas to be closed to British fishing all year round, (3) no catch limit, but a "basis for agreement" on an estimated catch of 130,000 metric tons by British vessels, (4) reduction of the British fishing fleet in Icelandic waters by 15 large vessels and 15 other vessels, bringing the maximum allowable number of vessels to 68 trawlers of more than 180 feet and 71 smaller vessels, with no freezer or factory trawlers allowed, (5) a provision for the halting of any vessel breaking the terms of the agreement by the Icelandic Coast Guard, which would then summons a British support ship to help establish the facts (any trawler in violation of the agreement was to be removed from the list of trawlers allowed in the 12-50 mile zone), (6) a term for the agreement of two years without prejudice to the legal rights of either government.¹⁶

Iceland's initial offer to the British was better than what they eventually settled for.

The stumbling block to approval of this agreement was the opposition of the People's Alliance (Communist), led by Fisheries Minister Josepsson, to anything less than a complete halt to British fishing in the new Icelandic waters. The agreement reached between Heath and Johannesson was leaked to the Icelandic press by the People's Alliance in hopes of killing it. Public reaction, however, was favorable stifling the opposition of the People's Alliance. The Icelandic Parliament (Althing) accepted the Agreement by a vote of 54 to 6 with all members of the People's Alliance voting in favor

of the settlement. The expiration of this agreement would mark the beginning of the next Anglo-Icelandic Fisheries Dispute.

West Germany

The failure of the West German and Icelandic governments to reach an agreement blocked the implementation of Protocol Six of the EEC-Icelandic Trade Agreement. The West German government felt that the British government had reneged on their earlier pledge to consult with one another and to take joint action with regard to the Icelandic situation. With German trawlers outside the fifty mile line, Iceland was in no hurry to reach an agreement which would allow them fishing rights inside the fifty mile zone. Over two years would pass before the two countries reached a settlement and then only after Iceland had announced a two hundred mile fishing limit.

CHAPTER VIII

COD WAR III: 1975-1976

Activity before July 15, 1975

Although sharply divided over the question of U.S. forces at Keflavik, Iceland's political parties were united in a pledge to seek a 200-mile fishing limit. The government had dissolved over the Keflavik issue and the new elections resulted in a coalition government consisting of the Independence and Progressive Parties who were pro-NATO and Keflavik.¹ This coalition which took office on August 29, 1974, almost immediately sought to implement their campaign pledge of a 200-mile limit, via the Third UN Law of the Sea Conference (then in progress) and negotiations with affected states such as Norway, Great Britain, and West Germany.

The Icelandic decision to extend her fishing limit was to a degree precipitated by falling world fish prices and rampant internal inflation.² As Icelandic income fell, the fish catches of Great Britain and West Germany came to be viewed as the means of increasing or maintaining the Icelandic standard of living. A new extension of fishing limits was Iceland believed the way to claim exclusive possession of the entire catch from the Icelandic Fishing Banks.

Conservation of fish resources occupied more and more attention of Icelandic marine researchers who believed that the fish catch in the waters around Iceland would irreversibly deplete the fish stocks.³ They believed that the total allowable catch should be 230,000 metric tons.⁴ Icelandic scientists argued that by reducing the catch to this amount the maximum

sustainable yield could be built back up to between 450,000 and 500,000 metric tons. With the Icelandic cod catch at approximately 238,000 metric tons in 1974, the allowable catch left little or no room for foreign fishing if Iceland was to rebuild the fish stocks.⁵

The total cod catch in 1974 was 374,987 metric tons, of which almost the entirety was taken by Iceland and Britain (115,395 metric tons). One can easily see how Iceland viewed the British both as a threat to their immediate economic condition and also to the future, which to Iceland meant the protection and the rebuilding of the fish stocks.

The methods of each country for determining the state of the cod stocks were deemed inadequate or meaningless by each other and by outside sources.⁶ Because there was no agreed upon biological solution or course of action, the problem of overfishing on the Icelandic Fishing Banks had to be solved by political rather than technological means.

Initial Protests

The Icelandic government announced on July 15, 1975, that a 200-mile fishing limit would go into effect on October 15, 1975. The 200-mile fishing limit would affect Great Britain on November 13, 1975, the day the two year treaty which ended Cod War II expired.

Protests were quick in coming. The day after the Icelandic announcement, July 16th, West Germany, Great Britain, and the Commission of the European Community issued statements of concern with the Iceland decision. The West German government which had not yet come to terms with Iceland over the previous extension, refused to recognize the 200-mile limit, but expressed willingness to resume talks on the question of limits as a whole.⁷ Similarly, the British government expressed regret at the Icelandic decision and desired to engage in negotiation, judging as a favorable element the willingness of

the Icelandic government to engage in negotiations.⁸ The Commission of the European Community spokesman, B. Olivi, expressed disappointment with Iceland's decision to take unilateral action in advance of the Third UN Law of the Sea Conference. The Commission noted that Iceland's action had in no way facilitated implementation of Protocol Six of the EEC-Icelandic Trade Agreement and indicated that "the Icelandic action was likely to prejudice the economic and actions of several member states, and thus the Community as a whole, given the existence of a common policy in the fishing sector."⁹ No other action was taken at this time by Great Britain, West Germany, or the European Community.

Third United Nations Law of the Sea Conference

Iceland, active in the preparatory stages of the Third UN Law of the Sea Conferences, considered the early results of that meeting a substantial success. The first session in Caracas revealed that a majority of nations supported the concept of a 200-mile exclusive economic zone, pioneered by Iceland. The Icelandic position was embodied in a Conference document entitled 62.L which Icelandic delegates hoped to have included in the single negotiating text being developed.

Early Icelandic Statements on Extension of Fishing Limits

Icelandic authorities elucidated their positions in a series of speeches and address during 1974 and 1975. Ambassador Hans Andersen, Chairman of the Icelandic Delegation to the Caracas Session of the Third UN Law of the Sea Conference made several public statements concerning what Iceland hoped the Conference would produce. Among Icelandic hopes were a twelve mile territorial sea and a 200-mile economic zone. Andersen argued that it was "neither just nor equitable give coastal states sovereignty over only the

seabed and its resources but to deny them the right to living resources of the superjacent waters."¹⁰ In later speeches before the Conference, Andersen stated that the concept of an exclusive economic zone and preferential right had come to mean the same thing.¹¹ Andersen urged the delegates not to succumb to the arguments of countries such as West Germany who were seeking to substitute language which would have fettered the concept of an exclusive economic zone into the same proposals presented in the 1958 and 1960 Law of the Sea Conferences.

The Icelandic Minister of Fisheries, Matthias Bjarnason, at a press conference on July 15, 1975, gave the Icelandic reasons for announcing a 200-mile fishing limit. Bjarnason's primary contention was that the Icelandic cod stocks had been overfished. His comments reflected research by Icelandic scientists which showed that the current catch levels must be reduced to build up the maximum sustainable yield. He repeated the recommendation of Icelandic scientists by arguing that the catch of small cod would have to be stopped and prevented, requiring larger openings in the cod-end meshes and closing certain fishing areas.¹² Bjarnason contended further that Icelandic fishing boats had the capacity to harvest the recommended yield of fish within the 200-mile zone. The final words of the Bjarnason statement reveals the intent of the Icelandic position:

"The main objects of the extension of the fishery jurisdiction are to prevent over-exploitation of the fish stocks on the Icelandic Fishing Banks, which are already either utilized in full or overfished, and to hinder the fishing effort of foreign vessels on the Icelandic Fishing Banks. If the Icelanders are to keep up with other nations with living standards, their share in the total fisheries on the Icelandic Fishing Banks must increase. The extension is intended to secure optimum utilization and rational management of the fish stocks on the Icelandic Fishing Banks."¹³

Einar Agustsson, the Icelandic Foreign Minister, in a speech before the UN General Assembly, noted the same reason that Bjarnason did for the extension of Iceland's fishing limits to 200-miles. He asserted that the

Third UN Law of the Sea Conference had been through three sessions without reaching an agreement and that several more sessions might be necessary before the Conference concluded an agreement. Agustsson's response to those who criticized Iceland for acting before the Conference had made its decision is summarized in this passage:

"It has been maintained in some quarters that the Government of Iceland should have waited for the completion of the work of the Conference on the Law of the Sea and that by acting now the further work of that Conference is made more difficult. My Government has emphasized its respect for the Conference and it is our conviction that our action, as well as any similar action from other states, rather than hinder the work of the Conference, will promote its success in the near future."¹⁴

The Icelandic Prime Minister, Geir Hallgrimsson, in a radio broadcast to the Icelandic people on October 14, 1975, described the "long and concerted struggle" of the Icelandic people in obtaining control of the sea which made Iceland habitable.¹⁵ Hallgrimsson noted that while he was hopeful that the Law of the Sea Conference would produce fruitful results, they might be long in coming. The Icelandic fish stocks according to Hallgrimsson could not afford the luxury of waiting. He expressed Iceland's willingness to negotiate with other countries whose interests were involved; he was, however, adamant about Iceland doing nothing to compromise her interests for the sake of reaching agreement with another country. This excerpt from that radio broadcast is indicative of the tone of the Icelandic Prime Minister's address:

"We shall not enter into any agreements which do not fully conform with our interest, and we shall either negotiate for full victory, or, if such is our fate, fight until victory is won. Whichever the outcome may be, the people of this country must stand united as one man and be ready to suffer a decline in our living conditions which a struggle to reach a long desired objective may unavoidable cause."¹⁶

That Hallgrimsson anticipated the use of the Icelandic Coast Guard vessels in obtaining this goal of "full and unfettered control of the fishing grounds" is shown in this statement of his:

"There is no doubt that a heavy burden will be laid on our frontal outpost in the fisheries dispute. Our Coast Guard Service, and its efficient personnel, deserve our warmest gratitude for their outstanding performance in the struggle which we have been waging hitherto, and all our good wishes are extended to them now when, once again, they are charged with the duty of carrying out a dangerous task. It is, indeed our hope that we can conduct these affairs in such a way that human lives will not be endangered."¹⁷

Once again the parties of the previous Cod Wars were gearing up for another long dispute. West Germany would, however, prove to be the exception this time and conclude an agreement with Iceland soon after the 200-mile fishing limits went into effect.

West Germany

The West Germans, having failed to reach an agreement with Iceland over the fifty mile fishing limits which resulted in Cod War II, signed an agreement on November 28, 1975 agreeing to a catch limitation and to follow Icelandic regulations. The West German government did not however agree to recognize the legality of the Icelandic extension. The West German catch was reduced from 80,000 metric tons to 60,000 metric tons of which only 6,500 tons could be dersamal species (cod). West Germany pledged to remove the veto which she had exercised over the impementation of the EEC-Icelandic Trade Agreement (Protocol 6) and to support the Icelandic attempt to have the treaty implemented. The Agreement between Iceland and West Germany was to become nullified if this action was not accomplished in five months.¹⁸

The sore point between Iceland and West Germany had not been German naval vessels or West German trawlers fishing in Icelandic waters, but the ban on landing Icelandic fish at German ports which the Bonn government had imposed.¹⁹ The Icelandic government had utilized a concerted lobbying effort against this restrictive trade measure which they considered illegal. The Icelandic Minister of Trade, Olafur Johanneson secured the support of

his EFTA counterparts at a meeting on May 22, 1975, after his speech on the need to resist protectionism.²⁰ The Icelandic government also sought relief in OECD meetings and with GATT, declaring the German ban contrary to the basic principles of those two organizations. Icelandic officials threatened to annul their agreement with the European Economic Community unless the EEC acted quickly to implement Protocol Six, because without the reduction on fish they believed the agreement was totally one-sided.

The West German government spokesman gave four specific reasons for making the agreement with Iceland: (1) the desire to maintain and promote the traditionally good relationship between the two countries; (2) Iceland's importance as a NATO partner; (3) Iceland's economic dependence on fish; and (4) Iceland's considerable trade deficit in its exchanges with the Federal Republic of Germany.²¹ The West German spokesman added:

"The Federal Government of Germany is in constant contact with the British Government--which is also engaged in a fishing dispute. The German Federal Foreign Office expressed the hope that the British-Icelandic conflict could be settled soon in the interest of the Atlantic Alliance, adding that the Federal Government was ready at any time to lend its good offices if either party so desired."²²

Belgium also signed an agreement with Iceland at this time which allowed for substantial fishing. Thus, with two of the nations which fished in Icelandic waters signing agreements for continued fishing, Iceland's hand was strengthened in her negotiations with Great Britain.

Initial British Offers

The British government offered to decrease the British catch level from the 130,000 metric tons specified in the 1973 agreement to 110,000 metric tons, reducing their catch by 15%. Iceland proposed a 50% decrease allowing the British a catch level of 65,000 metric tons. These two figures represent the initial bargaining positions of both countries.

" The British government was prepared to go under 100,000 metric tons to 85,000 metric tons if necessary to reach an agreement. Indeed, Roy Hattersley, the Foreign Office Minister of State, had expected to split the difference between the British and Icelandic figures.²³ Icelandic negotiators, however, did not see the situation in the same light, contending that the British figure represented an actual increase in the catch per trawler since the number of British trawlers had fallen through attrition from 139 to approximately 90.²⁴ The Icelandic negotiators also pointed out that Great Britain had earlier pledged to phase out fishing on the Icelandic Fishing banks, something which little progress had been made toward achieving.

The Icelandic government, using the higher figures of British scientists for the allowable catch in Icelandic waters, determined that after allowing for what Icelandic had the capacity to catch, 30,000 metric tons remained for foreign fishing boats. Thus in Icelandic eyes, the offer of 65,000 metric tons was a very "generous" offer.²⁵ The British government and fishermen tended to look at the situation differently and saw no reason why Iceland should have all the fish.

Iceland had based her offer on an earlier British agreement with Canada in which Great Britain had agreed to reduce its fishing effort in Canada by 40% to 50%. The Icelandic offer of 65,000 metric tons was exactly 50% of the catch level that had been allowed to Great Britain in 1974. Arguments in Iceland about the British being willing to accommodate the larger more powerful countries like Canada and the Soviet Union, while bullying a small practically defenseless country like Iceland, resurfaced in Iceland.²⁶

Cod War III Begins

Iceland began to cut the trawls of British fishing boats on November 15, 1975. On November 25th, under pressure from British fishermen, the British

government deployed the Royal Navy. In retaliation, Iceland closed its ports and airspace to British ships and planes. Iceland's Prime Minister Geir Hallgrimsson threatened to break diplomatic relations with Great Britain. Iceland brought the matter to the December NATO ministerial conference where threats were made to close Keflavik and leave NATO unless action were taken to stop what Iceland termed "unmasked armed violence".²⁷

In December two events occurred which greatly aroused Iceland. The first was an Icelandic claim to have cut the trawl of the Grimsby trawler, Port Vale, while fishing 33 miles from land. Upon retrieving this trawl, the Icelandic Coast Guard said that the cod-end meshes had been reduced in size by special attachments to the gear closing the mesh to dimensions that were illegal according to North-East Atlantic Fisheries Commission standards by which British trawlers were bound.²⁸ This incident closely followed the November meeting of the NEAFC where Great Britain had voted against an Icelandic-Norwegian proposal, supported by Belgium and Denmark, to enlarge the net size of the cod-end meshing to enable small cod to escape. Not only did Icelanders see Great Britain as opposed to new regulations and measures that would help conservation, they also believed that the British were more than willing to cheat on the existing rules which Iceland believed to be too lax.²⁹

The second incident in December was an Icelandic claim that two tugboats in the service of the British government attacked and damaged the Icelandic Coast Guard vessel "Thor" by ramming it twice at full speed. Iceland alleged that this attack occurred within Icelandic territorial waters 1.9 miles from land. As the ramming and trawl cuttings continued, feelings on both sides became highly inflamed. In Iceland, this feeling was widespread throughout the entire population; in Great Britain it was prominent

only in the fishing ports, giving Iceland the asymmetrical advantage of a narrow course of action.

European Economic Community

The European Economic Community was heavily involved in the third Cod War. Iceland had protested the fishing subsidies of the EEC, contending that these subsidies coupled with the high tariffs imposed on Icelandic fish, placed Iceland at a great economic disadvantage. Icelandic Prime Minister Geir Hallgrímsson, in an interview with the Observer dated November 30, 1975, indicated a willingness to negotiate with the European Community including Great Britain, if a comprehensive agreement concerning tariffs, subsidies, and fishing rights would be addressed. Regarding Great Britain, Hallgrímsson said that he, "was in no mood to contemplate [an EEC agreement] as long as the British navy was in our waters."³⁰ The Commission of the European Community, for its part, felt that far greater pressure could have been brought to bear on Iceland if Britain had been prepared to let the Commission handle the Cod War, perhaps by co-ordinating an EEC-wide boycott of Icelandic fish.³¹

The European Economic Community was placed in the difficult position of having long desired an extensive Community-wide fishing policy and being unable to reach an accord among member nations concerning an acceptable policy. The Anglo-Icelandic Fisheries Dispute was contributing to this failure to reach an EEC Fishing Policy because as long as the British would not give in to Iceland; they would not compromise in the EEC. Thus the EEC had reason to desire a settlement of the Anglo-Icelandic Fisheries Dispute in order to further work on their own fisheries policy.

Negotiation Attempts

In early February, the pace of negotiations picked up. Earlier talks

between Wilson and Hallgrimsson produced no results despite the withdrawal of the Royal Navy. Under intense pressure from British fishermen and Labour MPs representing the East Coast communities, the Royal Navy frigates were once again deployed, on February 5th, despite Icelandic threats, issued the day before to sever diplomatic relations if the frigates returned. Wilson had offered Hallgrimsson a British catch level of 28% of whatever the total catch level Iceland set. Hallgrimsson flatly rejected the offer. The Progressive Party led by Justice Minister Olafur Johannesson (Prime Minister during the 1972-1973 Cod War) and Foreign Minister Einar Agustsson had become hostile toward the British in hopes of regaining popular support by making their coalition partners, Hallgrimsson's Independence Party appear "soft".³² This tactic left Hallgrimsson few options. On February 6th, Hallgrimsson declared that there could be no negotiations while British frigates remained in Icelandic waters.

That day, Great Britain announced a unilateral decision to cut its catch of cod in the disputed waters from 113,000 metric tons to 85,000 metric tons and to reduce the authorized number of trawlers from 139 to 105. The British had hoped that this offer would strengthen Hallgrimsson's position within the Icelandic coalition government and prompt resumption of talks.

In mid February, NATO Secretary-General Dr. Luns, assuming the role of arbitrator, held talks with U.S. Secretary of State Henry Kissinger and President Ford concerning the fisheries dispute and the Keflavik base. Afterwards, Luns obtained the promise of Hallgrimsson to go to London for negotiations if Britain withdrew her frigates. During a subsequent meeting between Luns and British Foreign Secretary James Callahan, a new threat by Hallgrimsson to sever diplomatic relations with Britain if the frigates were not recalled was announced. After a telephone call with Luns, Hallgrimsson retracted the

ultimatum. Callahan was "given to understand that the trawlers were safe."³³ As the frigates left Icelandic waters, Hallgrímsson went to London for talks with British officials.

The negotiations soon deadlocked and proved unsuccessful. The British government, again under pressure from the British Trawler Federation and fishing port MPs, sent the Royal Navy frigates back into Icelandic waters. The Icelandic government on February 19, 1976, officially broke diplomatic relations with Great Britain, the first time two NATO allies have done so.³⁴ The situation remained at a standstill for several months, due in part to the natural lull in the fishing cycle.

The Law of the Sea Conference in New York greatly strengthened Iceland's negotiating position. There was no longer any doubt that a 200-mile exclusive economic zone would soon be recognized international law. The United States in May 1976 declared a 200-mile exclusive economic zone, effective March 1, 1977. Canada and Norway soon made similar announcements. The only items holding up a Law of the Sea Conference agreement on a 200-mile exclusive economic zone were unrelated to fishing, a fact which Iceland exploited fully in explaining her position.³⁵

Great Britain's involvement in attempting to negotiate the largest possible share of the Community's proposed 200-mile exclusive economic zone while having the Royal Navy in Iceland's 200-mile zone produced a paradoxical situation.³⁶ This paradox was picked up by the responsible press in Great Britain. While not upholding Iceland's position, the responsible press criticized British policy toward Iceland as being contradictory and unrealistic. These two passages from the Guardian and the Economist respectively are representative of the attitude of the responsible British press:

Iceland and Great Britain. In addition to support for NATO, German's own generous agreement with Iceland allowed German trawlers to fish in Icelandic waters was contingent upon implementation of Protocol Six of the EEC-Icelandic Trade Agreement. Great Britain was effectively preventing this action by her veto within the EEC.

Shortly after Iceland broke diplomatic relations with Great Britain on February, 19, 1976, the influential German newspaper, Die Zeit, on February 27th, outlined Iceland's role in the overall NATO strategy, including the new role of controlling the airspace over which the new Soviet Backfire bomber would operate, from the Kola Peninsula, against NATO Carrier Task Forces. The article suggested that via the Cod War NATO was playing into the hands of the Soviet Union, the only beneficiary from the conflict. The article stressed that without Iceland the whole NATO concept would have to be reconsidered.³⁹

The increasing pressures from NATO, the United States, law of the sea developments, the press, the EEC, and European nations caused a reexamination by the British government of their policies toward Iceland. Great Britain would offer new terms to the Icelandic government in order to reach an agreement.

Oslo Agreement

Dr. Luns and the Norwegian government were instrumental in the resumption of negotiations after the New York Session of the Third Law of the Sea Conference began. These negotiations took place in Oslo before and after the NATO Ministerial Conference held there. Anthony Crossland, the new British Foreign Secretary, and Einar Agustsson, the Icelandic Foreign Minister, were the chief negotiators for the two countries.

The "Oslo Agreement" was signed by Iceland and Great Britain on June 1, 1976, and was scheduled to run for six months. The agreement allowed 24 British trawlers to fish in Icelandic waters not closer than 20 miles from the coast, closed large areas to British fishing and instituted several stringent conservation measures. The Oslo Agreement allowed the Icelandic Coast Guard to stop British fishing boats in violation of the new regulations after summoning a British government support vessels to concur on the violation.

NATO Secretary-General Joseph Luns praised the Oslo Agreement as an agreement settling a dispute between two NATO allies. He "expressed gratification with himself and the alliance for their part in resolving the dispute."⁴⁰ He also thanked the Norwegian government for their assistance before, after, and during the NATO ministerial meeting in Oslo.

Anthony Crossland in a press conference said that the agreement was signed "in the context of the inexorable world-wide movement toward a 200-mile limit, a voice from which Britain and the EEC cannot long remain exempt."⁴¹ Crossland further commented that the British government would ask the EEC to undertake negotiations for fishing rights with Iceland as soon as possible.

With the conclusion of an Anglo-Icelandic agreement, the Commission of the European Community invoked Protocol Six of the EEC-Icelandic Trade Agreement. The European Community's announcement of a 200-mile exclusive economic zone effective January 1, 1977, removed the possibility of a future Cod War between Great Britain and Iceland. Further, the United States, the Soviet Union, Norway, and Canada have instituted 200-mile exclusive economic zones marking the first time all the countries in the region have had common fishing limits.

Aftermath

A ban on landing Icelandic cod remained in effect briefly in the East Coast ports of Hull, Grimsby, and Fleetwood as union members refused to unload Icelandic fish in protest of the Icelandic victory. This ban lasted until November 3, 1977; when in a meeting of fishing interests, Grimsby trawler owners, who favored a continued ban, were out voted by other fishing interests who wanted the supply of fresh fish renewed to prevent unemployment in the fish processing plants. The British Fishing Federation commented that removal of the ban would be a "kick in the teeth for British fishermen although it appreciated the processors' concerns."⁴²

The British Minister of Agriculture, Food, and Fisheries, John Silkens, began making speeches reminiscent of earlier Icelandic statements. Silkens noted that "if there is no conservation [of fish in EEC waters] now there will be little to share when access arrangements are agreed."⁴³ He added, "We must ensure that stocks of all fish are replenished, that the stocks of species which may be taken as by-catches [of industrial fishing] are not thereby damaged and that immature fish are not taken which if allowed to grow, would meet presently unsatisfied demand for human consumption."⁴⁴

As a final note it should be commented that in 1977, the Icelandic government instituted stringent fishing regulations and catch limitations for their own fishermen who were not all together in agreement with the government's policy.⁴⁵ The Ministry of Fisheries's actions also closed off large nursery areas to any fishing. These moves are indications that Icelandic claims about the need for conservation were legitimate Icelandic fears and not simply a tactic or argument to use against the British.

CHAPTER IX

EEC-ICELANDIC NEGOTIATIONS

The European Economic Community's "Common Fishing Policy" which was begun before Great Britain became a member of the EEC, had long been a source of controversy within the Community. Recent conflict has been between those states with long coast lines and plentiful fish resources (Ireland, Great Britain, and Denmark) and those countries with short coast lines or poor fish resources (France, West Germany, Belgium). Debate in the EEC had centered on how large a band each member state would have exclusive control of along its coast. The EEC had announced its 200-mile economic zone before this problem was solved.

The announcement by the EEC that it was taking control of a 200-mile exclusive economic zone had two effects on the Anglo-Icelandic relationship: it removed the British from being the appropriate party for Iceland to negotiate fishing agreements with and gave Iceland and the EEC equal negotiating status. Mr. Gundelach, the Vice-President of the Commission of the European Community, went to Reykjavik on November 25, 1976, to work on an EEC-Icelandic fishing agreement. A joint communique issued at the close of those talks had this statement:

"Iceland and the EEC have agreed to continue their talks and to negotiate an agreement of long duration laying down provisions for cooperation in the field of conservation and management of fish stocks:

The negotiations will also deal with possible reciprocal fishing rights in each other's waters in conformity with a conservation policy of the two parties."¹

Gundelach issued an additional unilateral press release stating that he was confident that an agreement could be worked out before January 1, 1977, which would enumerate the amount of fish taken in the other's waters. He noted that this agreement would cover British fishermen whose fishing rights would soon expire. Gundelach pointed out however the difficulties:

"It had been clear from the outset that the opening and conduct of negotiations with Iceland would be extremely difficult and delicate, first because of the recent history which had left scares, and secondly, because in view of the need on both sides to cut down fishing so as to conserve stocks, the Icelandic authorities did not feel there was much basis for a reciprocal agreement. As regards the problems of continued fishing by British boats in Icelandic waters after December 1, 1976, the Icelandic authorities considered firstly, that they had already prolonged United Kingdom fishing rights beyond what the fish stocks could bear, and secondly, that it was politically out of the question to prolong the Oslo Agreement since this had only been accepted by the Icelandic Parliament and people as non-renewable. The Commission therefore knew it would not be easy to achieve its aim of establishing a new and more constructive long-term relationship while finding some solution to the short-term difficulties."²

Another major problem noted by Gundelach was that it would be impossible to negotiate a reciprocal agreement with Iceland until the members of the Community had decided on policy within the new exclusive economic zone.³ Gundelach's talks with the Icelandic government yielded no agreement at that time.

The negotiations were resumed on June 9, 1977, with Einar Agustsson, the Icelandic Minister for Foreign Affairs, Matthias Bjarnason, the Icelandic Minister for Fisheries, Frank Judd, representing the Presidency of the EC Council, and Finn Olaf Gundelach, representing the Commission of the EC. No agreement was reached between Iceland and the European Community because neither had waters which were of equal value they were willing to allow the other to fish.⁴

CHAPTER X

THE LAW OF THE SEA AND THE ANGLO-ICELANDIC FISHERIES DISPUTES

A CASE OF NATURAL INTERESTS AND LINKAGE

Without the difference in Iceland's and Britain's respective positions on the law of the sea no fisheries disputes would ever have arisen between the two countries. Great Britain, with its large navy and distant-water fishing fleet, required narrow territorial waters and fishing limits; Iceland, with its coastal waters fishing fleet and small coast guard, required wide territorial and fishing limits.¹ Even if Iceland and Great Britain were separated by half a world and did not fish each other's waters, these interests would have clashed because both countries entertained designs on changing or maintaining the law of the sea to suit their respective needs. The fact that Britain's fishing fleet and navy used the waters off Iceland meant that the conflict would be not simply a verbal dispute at the law of the sea conferences, but would become a physical contest over control of the rich Icelandic Fishing Banks.

The first conflict between Iceland and Great Britain took place at the United Nations in 1949 when Iceland introduced a motion to include the possibility of modifications in the breadth of the territorial sea among the priority items of study by the International Law Commission.² This motion passed over the objections of Great Britain and the United States, then the world's most dominant sea powers. An attempt by these two nations to have the motion reconsidered received a majority vote but did not reach the two-thirds vote

necessary for reconsideration. Great Britain and the United States realized opening the question of the territorial sea to international debate could only lead to widening the territorial limits they hoped to maintain. To Iceland the motion was simply the first move in implementing her 1948 Law Concerning the Scientific Conservation of the Coastal Fisheries.

Iceland soon took further moves to implement this 1948 law. In 1950, Iceland closed off an important fisheries nursery ground. In 1952, following the example set in the Anglo-Norwegian ICJ Case of 1951, Iceland instituted both the standard Scandinavian League of four miles and a base line system.³ The first Anglo-Icelandic Fisheries Dispute resulted from the subsequent British protest and the British bans on the landing of Icelandic fish.

The 1956 Report of the International Law Commission, suggesting a conference to formally determine the law of the sea, obviated British opposition to a four mile limit thereby hastening settlement of the first dispute, since Great Britain intended to consolidate support for a six mile territorial limit--six mile contiguous zone in the scheduled conference.⁴ In the resulting settlement, Iceland and Great Britain agreed to maintain their limits until after the Law of the Sea Conference, and that the settlement would not constitute recognition of the Icelandic four mile limit, only British acceptance of it.

Instances of linkage can clearly be observed in this first dispute between Iceland and Britain. The Icelandic government's 1949 motion at the United Nations opened international debate on the law of the sea beyond what the United States and Britain desired, forcing Great Britain to come to terms with Iceland.⁵ Thus the future of Icelandic expansion of territorial or fishing limits depended upon development of the law of the sea. Further evidence of this link can be seen by Iceland's adoption of the base line system and four

mile limit established by Norway and affirmed by the ICJ.

The 1958 Law of the Sea Conference represented an attempt by Iceland to achieve three objectives: (1) an expression of her natural interest for a wide territorial band, i.e. 12 miles, (2) an abrogation of her agreement with Britain to wait until the conclusion of the Law of the Sea Conference before taking further action, and (3) greater support for what Iceland saw as the possible conflict with the British over expansion of her limits to twelve miles. Iceland saw the failure of the 1958 Conference to reach an agreement as a mixed blessing since the two proposals which came the closest to passing, the American proposal which would have allowed the British to fish within six miles of Iceland and the Canadian proposal which would have given Iceland twelve mile fishing limits, represented both what Iceland wanted to achieve and to oppose. The Conference did however give Iceland the support of enough powerful actors and world opinion to go ahead with plans to implement a twelve mile limit, an action which led to Cod War I.

Since Britain was not the only country to fish Icelandic waters, Iceland favored a twelve mile fishing limit legitimized in an international agreement, and supported all such motions at the Second Law of the Sea Conference. None of these proposals succeeded in securing the necessary two-thirds vote. Icelandic opposition to the American-Canadian proposal (supported by Great Britain) contributed to its failure to pass by one vote. Passage of any of these motions would have resulted in victory for either Iceland or Britain, thus the linkage is again clear; an action taken with regard to changes in the law of the sea had a direct bearing on the outcome of the Anglo-Icelandic Fisheries Disputes.

A "reverse" linkage is equally evident. After Britain signed an agreement with Iceland concluding Cod War I, an agreement which granted de facto

recognition to Iceland's twelve mile limit, Norway and Denmark negotiated agreements with Great Britain on similar terms. In 1964, three years after the settlement with Iceland, Great Britain along with most of Europe declared twelve mile fishing limits. Therefor an Anglo-Icelandic agreement was likely to have the same result as an action taken at the law of the sea conferences.

The natural interest of Iceland called for additional increases in Icelandic control of the Icelandic Fishing Banks as her fishing fleet developed the capacity to harvest more fish. Iceland was thwarted in these desires until the clamor of third world nations for a share of seabed resources gave new life to the drive of Iceland and others seeking larger fishing limits. As preparations for the Third Law of the Sea Conference began, Iceland declared a 50 mile fishing limit, which resulted in Cod War II. The linkage between a development in the law of the sea and the impetus for an Icelandic extension of fishing limits was again demonstrated. Great Britain and Iceland both presented their sides in the preparatory sessions for the Third Law of the Sea Conference. The slow pace of this conference however prevented either country from achieving a victory from a conference agreement.⁶ Britain and Germany also attempted an alternative tactic when they refereed the dispute to the ICJ for arbitration and enforcement of the law of the sea. Iceland's refusal to recognize the authority of the court, however, rendered this attempt futile.⁷

Later developments during the Third Law of the Sea Conference gave Iceland the support and impetus to institute a 200-mile fishing limit, the immediate cause of Cod War III. The British, in particular, attempted to fight a stalling action against Iceland, the EEC, and the Third Law of the Sea Conference to prevent an agreement on a 200-mile exclusive economic zone. The British were keenly aware that capitulation to Iceland, an EEC agreement,

or an agreement in the Third Law of the Sea Conference would have undermined their position in the other two areas. In actuality, Britain was forced to retreat on all three fronts simultaneously due to a growing world and Western consensus in favor of a 200-mile exclusive economic zone. This consensus contributed heavily to Icelandic victory in the Third Cod War, as the words of Anthony Crossland, the British Foreign Minister, pointed out:

"The Law of the Sea Conference has met again; and while no final agreement was reached, the trend toward 200-mile limits is now clearly irreversible . . . The only alternative to reaching an agreement on the lines of the one just concluded [with Iceland] would have been to pursue the dispute 'with the certainty of dangerous escalation'. With the additional factor of loss of international goodwill 'as nation after nation accepted the principle of 200 miles,' Britain's bargaining position with the EEC⁸ over the Common Fisheries Policy would have been seriously complicated.

Linkage between the Anglo-Icelandic Fisheries Disputes and the law of the sea can be summarized as very strong, close and reciprocal. The reason for this relationship was that the actions of Iceland and Great Britain were reflections of underlying natural interests. Both countries realized from the onset of the conflicts that any action taken with regard to the law of the sea or the Anglo-Icelandic Fisheries Disputes quickly affected the other.

Linkage between the law of the sea and the fisheries disputes had a cyclic nature; each action taken in one area affected the other which in turn produced new changes in the first.⁹ Developments in the law of the sea supplied the necessary conditions for Iceland to declare each extension of her territorial or fishing limits. In each case, both countries tried to achieve victory in the Law of the Sea Conferences and/or the International Court of Justice.¹⁰ The settlement of each of the Anglo-Icelandic Fisheries Disputes contributed to changes in the law of the sea; and in at least two of the disputes, 1952-1956 and 1975-1976, developments in the law of the sea aid in achieving settlements favorable to Iceland. The linkage described

will be contrast in the next chapter with the linkage between the Anglo-Icelandic Fisheries Disputes and Keflavik.

CHAPTER XI

LINKAGES: KEFLAVIK AND NATO

Extending control over the rich Icelandic Fishing Banks has, as noted earlier, dominated Icelandic diplomacy since Iceland's independence in 1944. This work has examined the Anglo-Icelandic Fisheries Disputes which resulted from that objective. An issue consistently arising from discussion of this series of conflicts is what affect and what type of linkage developed between the fisheries disputes and the American-operated NATO base at Keflavik. The events examined so far have given ample reason for assuming that linkage between NATO-Keflavik and the fisheries disputes existed. The strength and nature of that linkage will be explored in this chapter.

The linkage between the Keflavik base and the Anglo-Icelandic Fisheries Disputes evolved from an initially meagere connection to a relationship of major importance for the resolution of the Disputes. As Iceland's strategic importance increased so did the importance of the Keflavik base to NATO, the United States, and the fisheries disputes. Iceland's strategic position was coveted by both super powers, which made that position an excellent "bargaining chip" for Iceland at the negotiation table. Iceland, undoubtedly, would not have achieved the successes that she did in her agreements with Great Britain had it not been for the importance of the Keflavik base.

The Keflavik base was, in fact, part of Iceland's bargaining position, if implicitly, even from before the first fisheries dispute. At that time, Icelandic politicians and the Icelandic press openly suggested that Iceland

grant the United States base privileges at Keflavik in exchange for tariff concessions on fish. However, due to the good faith in the United States and the realization that the "Anglo-Saxon" powers were necessary to keep the sea lanes open to Iceland, Iceland pressed for no such clause in the early defense treaties with the United States.

The overriding concern of the late 1940's was whether to allow the establishment of the permanent bases that the United States had requested. At the conclusion of World War II, Iceland had asked the United States to withdraw her troops; by 1949, however, influenced by mounting Soviet power in Eastern Europe and by the decision of Norway and Denmark to join NATO, Iceland joined NATO.¹ By 1951 Soviet involvement in Korea had so startled Iceland that a defense treaty was signed with the United States authorizing the Keflavik base. Even so, the issue of NATO and the Keflavik base remained unsettled.

The first Anglo-Icelandic Fisheries Dispute (1950-1956) involved little effective or explicit linkage with the Keflavik base, for two major reasons: lingering tension between the Soviet Union and the West over Soviet consolidation of Eastern Europe in the late 1940's and in Korea in the early 1950's (actions which led to the Icelandic request for the protection of American troops); and the fact that British action during this dispute was only economic in nature, a boycott of Icelandic fish, and did not involve the use of British warships. However, the potential for linkage between the two issues, the fisheries dispute and NATO/Keflavik, is reflected in the effect of the British fish ban: despite her fears, Iceland was forced to rely upon Soviet markets and the Soviet Union emerged as one of Iceland's leading trade partners. This development was looked upon with concern by NATO members.

Yet, the connections between the Keflavik base, NATO, and fisheries dispute were not explicitly forged during the 1950-1956 dispute, precisely

because of Icelandic fears of Soviet intervention; as long as such fears outweighed economic concerns the Keflavik base would remain unthreatened and linkage between the base, NATO, and the fisheries disputes would remain weak and unsuccessful.²

In 1956, shortly before the outbreak of Cod War I, Iceland resolved to negotiate a new defense treaty with the United States. A bitter national debate occurred over whether to allow U.S. troops to remain at Keflavik. Only the revolution in Hungary and the Soviet suppression of it settled the debate on the need for U.S. troops. A new treaty including most of the terms the United States desired was negotiated in December of 1956. The Communist as well as leftist members of the Progressive and Social Democratic Parties had voted against the 1956 U.S.-Icelandic Defense Agreement.³ This significant opposition to the Keflavik base under any circumstances was to make later threats to Keflavik credible because it would take only a small shift in political power to form a coalition that was prepared to ask the United States to leave. British actions during the fisheries disputes nearly achieved this result.

During Cod War I, when Great Britain sent frigates into the newly annexed Icelandic waters, the explicit link between the Cod War and NATO was formed. Iceland immediately protested British action at the NATO Council, calling the sending of British frigates into the disputed waters an armed attack against Iceland. Grondall, in Iceland, from Neutrality to NATO Membership, asserted that Cod War I could have led to Iceland's withdrawal from NATO.⁴ Mediation efforts by Paul-Henri Spaak, the NATO Secretary-General, only reaffirmed the connection between the Cod War and NATO by the implication that NATO felt obligated to settle the conflict. Even the press was aware of this NATO obligation, as the Economist editorial of June 7, 1958, demonstrates: "Paris

the headquarters of the North Atlantic Treaty Organization is the right place to resolve the dispute."⁶

Much of the speculation as to the cause of the first Cod War centered on Ludvik Josepsson, the Icelandic Minister of Fisheries, and his membership in the Communist Party. The British believed that Josepsson was using the fisheries dispute in an attempt to secure Icelandic withdrawal from NATO. This accusation suggested "reverse" linkage, that Icelandic actions during the Cod War were designed to provoke the British into taking actions Icelandic officials knew would inflame their public against the base. There is some evidence to support the British accusation, thus in any event it is evident that both British and Icelandic officials were aware that actions taken during the Cod War affected Keflavik and NATO.⁶

A new Icelandic election late in 1959 brought to power a coalition which did not include the Communist Party. One of the coalition's first actions was to announce a continuation of the previous government's policy on the territorial extension of Icelandic waters. This announcement was indicative of two things: that even if the Communist Party had attempted to use the Cod War to threaten the Keflavik base, Icelandic policy on fisheries was largely independent of any one political party, and that Icelanders were beginning to view economic concerns as more important than security concerns. This shift is reflected in Iceland's increasing willingness to sacrifice security in NATO in order to achieve extensions of fishing limits.

Cod War II (1972-1973) developed strengthened links between NATO, Keflavik and the fisheries disputes. During the early stages of the dispute explicit linkage between the issues did not appear because the governing coalition which assumed power on July 14, 1971 announced the twin objectives of extending the Icelandic fishing limits and removing the Americans from Keflavik.⁷ Equally

committed to both objectives, the coalition could not link the achievement of one to the achievement of the other. Only later in the Cod War, after retreating from a serious effort to remove the U.S. troops, did the Icelandic government link the two issues by threatening to leave NATO if British ships did not leave Icelandic waters. This action brought in powerful external actors which contributed to Iceland achieving more than her initial bargaining position.

Iceland had formally threatened to ask the Americans to leave Keflavik when it invoked the six months termination clauses in the 1951 and 1956 Defense Agreements on June 12, 1973. The Icelandic Prime Minister Johannesson also suggested in an interview with the Reykjavik newspaper Morgunbladid that Iceland might reconsider her attitude toward NATO in light of the British actions.⁸ Ludvik Josepsson of the People's Alliance (Communist) who was again Fisheries Minister aroused accusations by the British and by conservative Icelanders that he was deliberately blocking a settlement to inflame opinion against NATO.⁹ Josepsson denied this charge, claiming that his positions both for the 50-mile limit and against NATO were well known and that he needed to do no more to further these ends, that the British were doing a fine job without his help.¹⁰

Agustsson, the Icelandic Foreign Minister and a leader of the Progressive Party, stated that while the Progressives wished to remain in NATO, the People's Alliance was "gaining ground due to NATO's inaction."¹¹ He added, "Public opinion will take note of what NATO does [with regard to the Cod War]."¹² Geir Hallgrimsson, a leader of the staunchly pro-NATO Independence Party, and later Prime Minister during Cod War III, commented: "There is a danger that public opinion may be beginning to think that since a NATO power used military

vehicles in a dispute with a NATO ally there is no benefit in staying in NATO."¹³ Linkage to the Icelanders was clear—they expected NATO to defend Iceland against the "British attack", and if NATO could not find a way to keep the British frigates out of Icelandic waters then they saw no reason to remain in NATO.

The British considered the threats to Keflavik a bluff on the part of Iceland. They believed that Iceland was too dependent on NATO protection and money and jobs provided by the Keflavik base to request its closure. While there is some basis to the British belief, since the Keflavik base contributes between 4% and 8% of Iceland's GNP, there is serious doubt as to whether Iceland was not in fact willing to give up these benefits.¹⁴

The official American position during Cod War II was neutrality, a position the United States adopted in each of the Anglo-Icelandic Fisheries Disputes. The Americans maintained a low profile in Iceland and hoped that Secretary-General Joseph Luns would be able to negotiate a settlement.¹⁵ As the threat to Keflavik became more imminent even President felt compelled to discuss with Johannesson NATO and the fisheries dispute.¹⁶

The Press, as during the first Cod War, was highly aware of the link between Cod War II and NATO. This awareness is reflected by such newspaper headlines as "The Cod Threat to NATO and "Caught in NATO's Net".¹⁷ With constant clashes between the Royal Navy, British trawlers, and the Icelandic Coast Guard, attention in the press remained focused on the military aspects of the conflict which suggested NATO involvement.

Western diplomatic thinking linked the NATO base at Keflavik firmly with Cod War II. Such speculation is best reflected in this passage which appeared in the Washington Post:

"In private Western diplomats outside Britain are making clear their concern. The combination of Icelandic cod and British frigates, they fear will sink Keflavik sooner than later."¹⁸

Thus even if the Icelandic government denied threatening Keflavik to gain a favorable settlement with Great Britain, there was little doubt that the involved parties were well aware of the linkage. This can be seen in Great Britain's stated reasons for coming to terms with Iceland. The British Information Service described the linkage in this manner:

"The Prime Minister [Edward Heath] expressed his satisfaction that a negotiated interim agreement had been reached, putting an end to 'an unhappy and dangerous situation' which was damaging our relationship with a NATO ally."¹⁹

If the linkage between Cod War II and the Keflavik base was at times subtle, the linkage between Cod War III and Keflavik-NATO was anything but subtle. The Independence Party once again gained power in the elections of 1974 and entered into a coalition government with the Progressive Party. With all of the parties in Iceland committed to a 200-mile limit, the election had been conducted from a foreign policy standpoint on the issue of NATO and the Keflavik base. The Independence Party had taken a strong stand in support of NATO and Keflavik in the election and the Progressive Party had taken a similar stand although not as supportive as the Independence Party.

The coalition government forced the linkage into perfectly explicit form by openly threatening to withdraw from NATO and to close the Keflavik base unless NATO persuaded Britain to withdraw her frigates from Icelandic waters. Longworth wrote in *European Community*: "The ambassadors of the 15 NATO nations meet in worried conclave in Conference Room One at alliance headquarters putting even greater pressure on Great Britain and Iceland to reach a settlement."²⁰ The Economist, in a report on the Icelandic Ambassador's threat to reconsider its membership in NATO, stated that even in light of the Icelandic government's pro-NATO stance threats against Keflavik have to be taken seriously.²¹ The Economist took this position because of what it

called, "the almost volcanically steamed-up state of public opinion" with which the Icelandic government had to contend.²²

The growing recognition of the strategic value of Iceland was one of the reasons for the increasing effectiveness of the linkage between the two issues. In the first Anglo-Icelandic Fisheries Dispute, the Keflavik base served as a forward base to supply U.S. troops in Europe. The British had seized Iceland once to prevent the country from being used by the enemy, and while no one advocated the invasion of Iceland, Iceland could do little if the United States or Great Britain found it advantageous to do so. Besides, the base was almost as useful if Iceland maintained it for possible use than if the United States had troops stationed there.²³ By the advent of Cod War I, the Keflavik base, although in transition, was still primarily a forward base for the United States in the event of a European confrontation with the Soviet Union. By the start of Cod War II, however, the Keflavik base had become a submarine tracking station and an important part of the United States strategic defense. The role of the base has since become even more important. During Cod War II, it was recognized that not only had Keflavik's role as a submarine tracking station become more important but that Keflavik was essential in helping to check Soviet Naval and air expansion into the North Atlantic area.²⁴ It is little wonder that the third Cod War brought Gerald Ford and Henry Kissinger in to confer with the British over their course of action toward Iceland.²⁵

The developing importance of the Keflavik base enable Iceland to win each of the fisheries disputes. The victories resulted from the involvement of higher ranking British policy makers and powerful outside actors taking an interest in the disputes. The involvement of these actors, not having direct ties to the British fishing industry or with Britain's legal position

in the law of the sea negotiations, had the effect of countering domestic pressure groups which were more than willing to risk the Keflavik base to achieve their goal of blocking the Icelandic extensions.

The pattern of involvement by powerful British politicians and outside actors developed in the same upward pattern as the developing importance of the base at Keflavik. In the first fisheries dispute only the OEEC, low level American diplomats, and middle level British officials were actively involved. In the second fisheries dispute (Cod War I) NATO, through the personage of Henri-Paul Spaak, as well as higher ranking American and British officials including several British ministers became active participants in the conflict. In Cod War II, Richard Nixon, the EEC Commission, the NATO Secretary-General, and Edward Heath all played roles in the negotiations leading to the settlement of the dispute. Cod War III saw the involvement of Gerald Ford, Henry Kissinger, Joseph Luns, the EEC Commission, Norway, West Germany, Harold Wilson, James Callahan, and Anthony Crossland.

These powerful political figures and organizations were united on one point, that conflict with Iceland was potentially harmful to Western European harmony, i.e. NATO. While the United States supported the same position as Britain did on the law of the sea, it saw the Keflavik base as more important than fishing concessions to Iceland. The EEC viewed the Anglo-Icelandic Fisheries Disputes as an obstacle to its "Common Fishing Policy". Other European countries such as Norway and Denmark felt close cultural ties with Iceland, supported the same fishing policies and most importantly believed their own securities threatened by British action against Iceland.

Thus the Keflavik link can be said to have served Iceland by drawing in forces to counterbalance the domestic pressures in Great Britain which initially forced the British to take fairly severe action against Iceland.

As the base became more important and the gravity of the threats increased more and more powerful actors were drawn into the process; in deference to the potential consequences of losing the Keflavik base and Iceland's membership in NATO, these actors persuaded or cajoled the British government to accept Iceland's terms.

If the linkage between the Anglo-Icelandic Fisheries Disputes and the law of the sea provided the necessary conditions for Iceland to announce an extension of territorial or fishing limits, the linkage between the disputes and NATO/Keflavik provided one of the means by which Iceland was able to bring each of the fisheries disputes to a successful and favorable resolution.

CHAPTER XII

THE BRITISH: POLICY MAKING AND PERCEPTIONS

Thus far, more attention has been paid to the Icelandic side of the fisheries disputes. This occurrence may be traced to the fact that Iceland was the initiator of most actions during the conflicts; the British reacted. Beyond this fact, the Icelandic government was much smaller and had a smaller range of options which it could undertake, making Icelandic moves easier to understand. How and why the British reacted is equally important to understanding why the Anglo-Icelandic Fisheries Disputes recurred and why the same results occurred. This chapter will focus on the role of the British policy making process as it affected the disputes and British perceptions of the conflicts.

Range of British Policy Options

By definition, Great Britain as one of the world's "great powers" could have taken actions toward Iceland ranging from the total destruction of Iceland to the settlements of the disputes on Iceland's terms. In reality, British options were severely limited by Iceland's NATO membership and the U.S.-Icelandic Defense Agreements. Although at no time did the British government consider such a drastic step as the invasion of Iceland, such effective measures as putting the small number of Icelandic Coast Guard boats out of action were denied them by the American presence at Keflavik.¹ Thus, British military action during the Fisheries Disputes was to consist solely in attempts to interpose frigates or large ocean going tugs between British trawlers and attacking Icelandic gunboats. The means of economic coercion available to the British

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government, even though popular with British fishermen, were ineffective and produced undesirable side effects.² Legal action against Iceland also proved to be ineffective in contrast with Iceland's successes at the Law of the Sea Conferences. The possibility of not using coercive action toward Iceland was initially ruled out by the British policy making process which will be the next topic discussed.

British Policy Making Process

The British bureaucracy has always been characterized by strict, formal operating practices. These practices lead to delay, problems of coordination, and inertia when controversial or non-routine decision making is required.

Richard Rose in the Politics of England writes:

"In order to carry out any policy requiring positive action by the government, those concerned must command sufficient resources to win what a minister once described as 'the Whitehall obstacle race', as well as emerging victorious from intra-party and inter-party struggles elsewhere. Within Whitehall, a determined minister must secure departmental agreement that a proposal is administratively practical and gain consent from other departments that are affected by the policy."³

Because British fishing in Icelandic waters was usually a routine matter, and security concerns relating to Iceland were handled through NATO, relations with Iceland were delegated to low level civil servants at the Ministry of Agriculture, Food, and Fisheries. Any far reaching change, however, in the nature of Anglo-Icelandic relations involved the interests of at least four ministries: Foreign and Commonwealth Office, Ministry of Defense, Ministry of Agriculture, Food and Fisheries, and the Ministry of Trade and Industry.

William Wallace in The Foreign Policy Process in Great Britain looks briefly at British bilateral relations with Iceland pointing out:

"No British Minister regards it as being vital to be on terms with his Icelandic opposite number, or to insure that his officials are in regular contact; no senior official would regard relations with Iceland as one of his top priorities."⁴

"In London, decisions on policy regarding Iceland rarely rose above departmental level, relying upon informal consultations among desk officers, supervised by heads of department."⁵

Wallace also noted that the Foreign and Commonwealth's Western Europe Department had one desk officer who was responsible for Iceland in addition to the other Scandinavian countries. The British embassy in Iceland was small and the personnel stationed there thought their dispatches were ignored.⁶

The Ministry of Agriculture, Food and Fisheries (AFF), the ministry whose interests were initially the most affected, took the lead in preparing and presenting proposals for the British response to Iceland's extensions of fishing limits. The AFF's position, defending British interests by all legitimate means, derives from its role as the sponsoring ministry for the British trawler fleet.⁷ Richard Rose had these comments on the nature of the Ministry of Agriculture, Food and Fisheries:

"The Ministry of Agriculture, Food, and Fisheries is one of the easier ministries to administer because of its centralized pressure groups . . . The danger of having a well-organized narrow client group is that the minister may become its captive if its appeal is politically powerful."⁸

The British Trawler Federation, related unions and the East Coast MP's readily fit Rose's definition of a "well-organized narrow client group". Rose, Heclo, Wallace, and other political observers have further noted that once a policy or action is agreed upon or begun by Whitehall complete reversal is difficult. The Ministry of Agriculture, Food, and Fisheries set the tone of the British response to Iceland. Other involved ministries, the Ministry of Trade and Industry and the Foreign and Commonwealth Office were generally supportive of the AFF.⁹ Only the Ministry of Defense was opposed to the AFF's policies and they did not play a major policy making role.¹⁰

In the beginning, the Icelandic challenge to British fishing and legal interests was handled by low level civil servants from several ministries.

As the threat became more imminent, senior civil servants and junior ministers became involved in the negotiations. When the level of confrontation between the two countries rose to dangerous levels, cabinet ministers played active roles. Meetings chaired by Foreign and Commonwealth officials were used to coordinate the actions and positions of the various interested departments.

This British method of making policy decisions had two effects: first, it made the British negotiating position acceptable to all bureaucratic factions but at the same time arriving at that position was sometimes a slow and tedious process, and secondly, it gave the greatest support to the AFF and the FCO's Legal Department because they had done the most advance work and were clearest in their proposals. The British bureaucratic system also tended especially at the lower levels, to avoid making hard political decisions, preferring to delay for time. As Iceland raised the level of confrontation and was successful in gaining the intervention of powerful outside actors (i.e. the United States and NATO), high ranking cabinet members who had the authority to make painful political decisions were forced to trade British fishing interest for security concerns. This insight goes a long way toward explaining why a negotiated settlement to each of the Anglo-Icelandic Fisheries Disputes was not reached before open conflict occurred and why the British government, not under pressure, could not and did not take steps in the North-East Atlantic Fisheries Commission which may have satisfied Iceland.¹¹

British Perceptions

Hart concludes his study of Cod War II by saying:

"The British saw the Cod War primarily as an exercise in diplomacy and statecraft, affecting mainly the British reputation as a great power, while the Icelanders saw the Cod War as an assertion of their desire to be an economically viable nation."¹²

These differences in interpreting the Anglo-Icelandic Fisheries Disputes which Hart talks about have been reinforced from my discussions with British and Icelandic officials. British officials accustomed to compromise and negotiation were confused at Icelandic offers from which Icelandic negotiators would not budge.¹³ The British impression of the Icelandic situation and criticism of it is illustrated by this report in the Observer:

"Mr. Hattersley's sardonic observation after the talks broke down that cod seemed to have some special meaning for Iceland has been coldly received. Fish provide 83% of the income with which they pay for almost all their manufactured goods and much of their food. It is not a mystical reference for the cod but a highly practical attachment to money that motivates all this stubborn haggling."¹⁴

British perceptions of the state of the law of the sea were equally open to criticism. The British Minister of Agriculture, Food and Fisheries at the conclusion of the Second UN Law of the Sea Conference stated that the British government, in light of the Conference's failure, would continue its policy of only recognizing three mile limits. This announcement came after the Conference had come within one vote of approving the American-Canadian proposal of six miles territorial waters--six mile contiguous zone, a proposal for which Britain had voted. Significantly, the majority of the countries voting against the proposal were holding out for twelve miles. Similarly, during the 1975-1976 Cod War, Britain challenged the Icelandic fisheries limit in the face of a consensus on a 200-mile exclusive economic zone at the Third Law of the Sea Conference and announcements by the United States, Canada, Norway, and the European Economic Community of their intentions to declare 200-mile exclusive economic zones.

Great Britain was, however, correct in her assessment that any concession made to Iceland would have to be made to Denmark, Norway, and others. The British government was also correct in assuming that the Anglo-Icelandic

Fisheries Disputes and the negotiations within the Law of the Sea Conferences were closely linked. In the later disputes, there was also a strong linkage between British actions toward Iceland and the development of the European Economic Community's "Common Fishing Policy" that the British were keenly aware of.

Further British perceptual problems occurred in three areas: the economic consequences of the Icelandic extension, the influence of domestic pressures in Britain and Iceland, and the external consequences of British actions. The British government influenced by the British Trawler Federation consistently incorrectly assessed the economic impact of the Icelandic fisheries limit extensions in three ways: over estimating the probable decline in British fish catches, over estimating the cost increases to British fish processors, and over estimating the cost increases to British consumers. The British government further failed to consider the fact that as their distant-water fishing fleet was decreasing it was becoming more efficient. Even after Iceland's third extension (to 50 miles) The Economist reported that British fishermen were better off than before as a direct result of higher prices caused by the Icelandic extension.¹⁵ While the British Trawler Federation and their allies in the Ministry of Agriculture, Food and Fisheries had long projected hardships for British fishermen as well as the fish loving people of Britain, fears of a fish shortage were unfounded. The Economist in 1958 asserted: "Talk of a 'fish famine' in Britain is of course nonsense. Icelandic trawler men can catch the fish and sell them here."¹⁶ In 1977, fish processing interest in Britain awoke to this reasoning and broke ranks with the trawler owners over the boycott of Icelandic fish.¹⁷ Thus, the British government had a much smaller client group than it believed. This client group was, however, well organized and highly vocal. They were supported by the popular or sensationalist press and were

able to gain the support of East Coast political leaders. Little opposition to British actions came from the public and the responsible press while urging moderation did not take up a crusade on Iceland's behalf. British internal pressure can be summed up as favoring a hard line toward Iceland with few dissenting voices.

If Britain overestimated its own internal domestic pressures, they underestimated internal domestic political constraints in Iceland. The British government, having their own uninvolved population as a model did not realize that their every action was examined by the Icelandic public. The newspapers in Iceland, organs of Iceland's political parties, kept the conflicts between Iceland and Great Britain stirred up in an effort to focus attention on topics other than Iceland's difficult to control economy. British negotiators further failed to realize that in Iceland volatile coalition politics, no government in Iceland could have met British demands, especially after the British government took coercive action against Iceland, and retain power. This fact cannot be overemphasized. In the words of Richard Longworth, the European diplomatic correspondent for United Press International, "In Iceland, fish equal politics, and real concessions to Britain would be political suicide."¹⁸

The third major perceptual problem that Britain encountered was assessing external reactions. This problem, already discussed at length in the previous two chapters, occurred primarily because the British government considered the Fisheries Disputes primarily a matter between Britain and Iceland. With the linkages between NATO, Keflavik, the law of the sea and the disputes such was definitely not the case. Further, Western nations and organizations tended to view any conflict in Europe as disruptive and potentially harmful. Most of these actors looked to Great Britain, the more experienced and powerful of the two countries to make the concessions necessary to end the conflicts.

This chapter has shown how faulty British perception on a number of issues has combined with the British policy making process to produce delays and the inability to come to an early negotiated settlement with Iceland. British tactics during the Fisheries Disputes play a large role in explaining why the British government was continually forced to accept Iceland's terms. Those tactics will be one of the subjects of the final chapter.

CHAPTER XIII

CONCLUDING COMMENTS

The first question which must be answered about the Anglo-Icelandic Fisheries Disputes concerns the propriety of an examination of these conflicts as a unitary event. Four reasons or justifications can be presented to support the decision to treat the Fisheries Disputes in this manner:

Icelandic extensions based upon the same law. Each of Iceland's progressive extensions of fishing or territorial limits was based on her 1948 Law Concerning the Scientific Conservation of the Coastal Fisheries.

Same antagonists and consistently present supporting actors in each dispute. Each of Iceland's extensions of fishing or territorial limits resulted in a confrontation between Iceland and Great Britain. Other actors involved were either supportive of one side or tried to mediate a settlement to the disputes.

Identical issues. International law, conservation of fish stocks, economic impact, and military concerns were an intergal part of all four disputes.

Consistent British response. In all four of Iceland's extensions of limits, Great Britain took some form of coercive action against Iceland, either bans on the landing of Icelandic fish or the deployment of the Royal Navy in the contested waters or both.

While it is possible to examine one of the Anglo-Icelandic Fisheries Disputes apart from the rest, as Jeffery Hart had done in The Anglo-Icelandic Cod War of 1972-1973: A Case Study of a Fisheries Dispute, the role played by the prior Fisheries Dispute or the affect of the dispute under consideration on the following dispute should not be neglected.

An answer to the two questions raised at the beginning of this work will now be sought: Why were there four fisheries disputes? and why were there four consecutive British losses? The discussion thus far has demonstrated

that there is not a single-reason but multiple reasons.

Was it a problem of perception? Certainly, the majority of British officials who were involved did not appear to understand the constraints of the Icelandic domestic political situation, Icelandic fears about the decimation of the fish stocks, or the large fluctuations in the Icelandic economy caused by changes in catch levels or world fish prices. Neither did Icelandic officials fully understand British problems, a region with a population much larger than Iceland's whose economy had long been based on fish catches from Icelandic waters, an aging trawler fleet which was unable to adapt to new conditions, and a highly organized pressure group consisting of MPs, unions, trawler owners supported by Ministry of Agriculture, Food and Fisheries officials which had little or no counterbalance, considering the larger national interest.

Was the cause for repetition of these disputes the bureaucratic or policy making style of the two nations? The small size of the Icelandic government allowed negotiators to confere closely and respond quickly. In the words of one Icelandic official, the Ministry of Fisheries and the Ministry of Foreign Affairs functioned almost as one ministry. This same Icelandic government was seen by the British as having no formal operating procedures and as wrought with personality conflicts. Icelandic officials characterized the British structure as ponderous. British officials, however, saw themselves as organized with a defined chain of command: after a position was determined all the necessary parties were in agreement; whereas British officials complained that an understanding reached with one Icelandic negotiator did not always carry over to another.

Were the Anglo-Icelandic Fisheries Disputes merely a reflection, a symptom of the changing regime governing the law of the sea? British authorities admit that they did not believe that the 50 or 200 mile limits would

become the law of the sea so quickly; Icelandic authorities will admit that they were lucky that the law of the sea advanced to their position so often. There is little doubt when viewing changes in the law of the sea that Iceland anticipated most of them while the British lagged behind polarizing their positions in the Law of the Sea Conferences.

Did domestic pressures in Great Britain or Iceland provoke the Fisheries Disputes? In Iceland domestic pressure forced extensions of the fishing limits and increased the difficulties of compromise with Britain. In Britain, domestic pressure stirred up the conflict when potentially fruitful negotiations were taking place and on occasion forced the British government to take action it would have preferred not to have taken.¹

Did the condition of the fish stocks play a role in the mutual demands made by Iceland and Great Britain. The Icelandic government tended to seek extensions of fishing limits when the cod or other fish stocks showed signs of declining. The British tended to base their demands upon what they believed to be a fair share of the fish catch on the Icelandic Fishing Banks. The problems was that Icelanders never felt that Britain deserved a share of the fish catch from their waters.²

Thus, the evidence points to the intermingling of misperceptions, differences in bureaucratic or policy making styles, the law of the sea, domestic pressures, and the condition of the fish stocks all as determinants or producers of the incentives for beginning each conflict and creating an atmosphere which tended to escalate the disputes at their early stages. If those were the causes of the Fisheries Disputes, why were they repeated four times?

The answer to that question becomes apparent from a closer look at the earlier discussion in this work. None of the conditions causing or provoking the disputes never more than temporarily abated until the end: the law of the sea never stopped changing, the importance of the Keflavik base never decreased, British fishermen never gave up their dependence on the Icelandic

waters, and the fish stocks never increased. The British failed to maintain on a permanent basis their capacity to deal with the Icelandic "situation" and were thus forced to go through the long process of setting it back up for each conflict. Nor did British actions at the Law of the Sea Conferences or the North-East Atlantic Fisheries Commission ever convince Iceland that Britain shared Icelandic concerns about conservation. Finally, outside actors never became involved in the disputes until they had reached a high level of confrontation. With such an environment, no new constraints were imposed upon either nation to prevent or moderate the factors contributing to the occurrence or previous disputes.

Finally, why were the British consistently unsuccessful in their negotiations with the Icelanders? A sufficient answer required an examination of the tactics used by both countries, their commitments, and the effects of outside mediators.

British tactics during the conflicts included tariffs and quotas on Icelandic fish, veto of tariff concessions in the EEC, bans on landing Icelandic fish, referral of a dispute to the International Court of Justice, opposition to Icelandic positions in the Law of the Sea Conferences and the North-East Atlantic Fisheries Commission, and the deployment of "defense tugs" and Royal Navy frigates. These coercive tactics can be placed into three categories: economic, legal, and military. Each of these tactics had drawbacks and appeals for the British government.

Economic coercion was appealing to the British government for its symbolic function.³ The use of economic weapons (bans, tariffs, quotas) helped the British government declare its position to the concerned "internal publics" in Britain.⁴ The disadvantage to the British government was that for the most part these economic actions were ineffective and counterproductive because

they caused fish prices to rise for consumers in Britain and diverted Icelandic fish to the Soviet Union without inflicting damage to Iceland. A further drawback to the use of bans in particular was that the British government had little control over its surrogate actors (the British Trawler Federation and unions) who were applying them.

Legal actions taken by Great Britain had great appeal since they also clearly elucidated the British position to the world. While usually ineffective the British (and Americans) were for a time partially successful in delaying the tide of territorial waters expansion sought by Iceland and others.⁵ The referral of the 1972 Dispute with Iceland to the International Court of Justice and the insistence of Great Britain on the inclusion of ICJ referral in the 1961 Anglo-Icelandic Agreement were indicative of the British desire to resolve the conflict by legal means. Britain's legal actions had several detrimental effects: first, her actions in the Law of the Sea Conferences and at the North-East Atlantic Fisheries Commission firmly convinced Iceland that the British had little regard for Iceland's plight, which established Great Britain as an adversary; and secondly, the clause in the 1961 Agreement created hostility and dissatisfaction in Iceland toward the agreement. In the case of the British referral of the 1972 Cod War to the ICJ, the action was both ineffective and costly for Britain since Iceland rejected the court's authority and Britain rejected Iceland's best offer. Britain's major fault with regard to the legal aspects of the case was a failure to recognize or a refusal to accept the progression of the law of the sea.

Military coercion by the British government may be considered from two perspectives. From the perspective of military action, with few exceptions the Royal Navy was successful; it prevented the Icelandic Coast Guard from cutting the trawls of British fishing boats or arresting their crews, thereby

preventing the British fish catch from declining. The Royal Navy's presence also kept the British trawlers in the disputed waters thus maintaining British claims of historical right to fish the area. For the other perspective, the British excursion into the newly claimed Icelandic waters was a disaster and the primary reason for successive British losses. The British exercise of military force enabled Iceland to mobilize the support of world opinion and force the question of NATO and Keflavik into the picture, thereby making the most legitimate mediator a military entity (NATO) which was likely to be sympathetic to Iceland rather than a legal entity (ICJ) which was likely to favor British arguments.

Iceland's tactics consisted of attempting to advance her case via the Law of the Sea Conferences, harassment of British trawlers, mobilization of world opinion, and the entanglement of NATO and the United States in the disputes, either implicitly or explicitly. Iceland experienced varying degrees of success with these tactics; the combination, however, always led to favorable settlements. While a major participant in the Law of the Sea Conferences, Iceland never succeeded in achieving everything she wanted when she wanted it; however, always enough states followed or prepared to follow Iceland's path to lend enough credibility to Icelandic actions.⁶

The success of the Icelandic Coast Guard was its ability to disrupt British fishing to the point that trawler skippers refused to remain in Icelandic waters without the support of the Royal Navy. The Royal Navy's arrival raised the level of confrontation and invoked the pressures of world opinion against Great Britain's "bullying" of a small defenseless nation. By bringing the dispute to the attention of British policy-makers not beholden to the fishing industry and by bringing in NATO to help mediate the dispute, Iceland brought the disputes to a favorable resolution.

The four settlements in favor of Iceland must also be explained in terms of asymmetrical commitment. While Iceland devoted almost all of her resources to winning the fisheries disputes, the British committed little in the way of top personnel or resources, especially in the early stages of each conflict. Nor were the British, in the final analysis, prepared to lose the Keflavik base and anger the United States in order to maintain their fishing rights. The British position was also weakened by conflicting interests, including inshore fishermen and the EEC which desired larger fishing limits for Britain. Further, the British, unable to affect Iceland economically with any severity, faced great constraint on the use of military force. Iceland felt no such constraints upon her ways of influencing Great Britain: world opinion, NATO, and advances in the law of the sea. Thus a picture presents itself: a constrained, partially committed Britain opposing an unrestrained, highly committed Iceland.

The role of the mediator has already been mentioned as a factor in the settlement of the disputes in Iceland's favor. Oran Young, in The Intermediaries: The Third Parties in International Crises, asserted three qualifications which a successful mediator must meet: salience, impartiality and relevant skills.⁷ In the first dispute, Britain used only economic coercion against Iceland and the OEEC served as the mediator of the dispute; in the last three disputes, when Britain used military coercion, NATO through its Secretary-General served as the mediator; in each case Britain's choice of weapons determined the mediator. In all four conflicts, the qualifications for successful mediation were met, and yet in each case the goal of the mediator was to stop British coercion against Iceland. Thus was created a situation by its nature that favored Iceland. Iceland rejected legal mediation as being inherently favorable to Britain, while the British could hardly claim that

catch limits on fish outweighed their commitment to NATO or the OEEC. The high status of the mediators involved, in addition to helping facilitate negotiations, resulted in the negotiations being carried out at the highest levels which minimized objections from interest groups.

What general steps may have been taken which could have prevented these disputes and which have possible application to other such conflicts? An initial determination could have been made of the probability of potential consequences and linkages will be made between issues, and parties which may have been adversely affected could have been notified early and allowed to respond to the proposed action. Another step which could have been taken would have been to arrange for an acceptable outside mediator before the disputes reached a dangerous level of confrontation. As a final suggestion, countries should seek to solve the underlying roots of their disagreements rather than letting "interim agreements" mask the conflict until conditions favorable to confrontation erupted again.

If anything, the Anglo-Icelandic Fisheries Disputes have demonstrated the potential for protracted conflict between close allies if one or both feel their vital economic interest are threatened.⁸ They have also shown that what might have appeared at first to be a simple dispute had immensely complex implications for a range of actors and events.

CHAPTER I

FOOTNOTES

¹The 1948 Icelandic Law Concerning the Scientific Conservation of the Coastal Fisheries was chosen as the beginning of the Anglo-Icelandic Fisheries Disputes because each of Iceland's extensions of territorial or fishing limits was ostensibly based on this law; the EEC announcement of a 200-mile exclusive economic zone was chosen as the end point of the fisheries disputes because after that time Great Britain no longer directly negotiated with Iceland matters concerning fish or fishing rights.

²This system of enumerating the Anglo-Icelandic Fisheries Disputes is the most commonly used. Some writers use the terms Cod Wars I-IV while the British government and the European Economic Community refuse to use the term Cod War preferring to refer to all of the conflicts as fisheries disputes or fishing disputes. The use of the term Cod War in this work infers no connotation or judgement.

CHAPTER II

FOOTNOTES

¹Hans G. Andersen, "The Icelandic Fisheries Limits and the Concept of the Exclusive Economic Zone," Ulfjortur. (Supplement) 27 no. 3 (1974): 1-5; "Cod Threat to NATO," Washington Post, 3 June 1973, p. C1, Halldor Laxness, Iceland's Nobel Prize winning poet, suggest that Denmark traded tariff concessions on pork for the reduction in Iceland's fishing limits.

²Angar K. Jonsson and Hans G. Andersen, "Foreign Relations," in Iceland: 1974 (Reykjavik: Central Bank of Iceland, 1975), p. 169.

³Ibid.; also see Appendixes II and III.

⁴Ibid., p. 167.

⁵Iceland maintained that the limits set for Iceland were of Danish design. Icelandic representatives as early as 1930 at The Hague Convention fought the British three mile limit.

⁶See Appendixes II and III.

⁷The size of the fish catch in Icelandic waters peaked in 1954, thus, the only way that Iceland could increase her fish catch was to gain control over the fish being caught by other nations on the Icelandic Fishing Banks.

⁸Bjorn Thordarson, Iceland: Past and Present, (Oxford: Oxford University Press, 1945), p. 41.

⁹Donald E. Neuchterlein, Iceland: The Reluctant Ally (Ithaca, New York: Cornell University Press, 1961), p. 27.

¹⁰Ibid., p. 28.

¹¹Johannes Nordal and Vladamar Kristinsson, Iceland: 1966 (Reykjavik: Central Bank of Iceland, 1967), pp. 49-54.

¹²Thordasson, p. 87-89.

¹³Neuchterlein, p. 37.

¹⁴Ibid., p. 44.

¹⁵Keesing's Contemporary Archives, Weekly Diary of Important Events (Bristol, England: Keesing Publications, Ltd.) 9 November 1946, p. 8248.

¹⁶Ambassador Hickerson, Lecture, Atlantic Council, September 1977.

¹⁷Robert Keohane and Joseph Nye, Power and Interdependence (Boston: Little, Brown, 1977), p. 93.

¹⁸ See Appendix I for a complete text of the 1948 Law Concerning the Scientific Conservation of the Continental Shelf Fisheries and an Icelandic commentary on the law.

¹⁹ Iceland, Ministry of Fisheries, Cod War III between Iceland and Great Britain: The Status of Fishstocks in Icelandic Waters (Reykjavik: Ministry of Fisheries, December 1975), p. 13.

CHAPTER III

FOOTNOTES

¹Gerhard von Glahn, Law Among Nations, 3rd ed. (New York: MacMillian, 1976), p. 312. For the full text of the ICJ Decision see International Court of Justice Reports no. 1 (1951).

²Keesing's Contemporary Archives: Weekly Diary of Important World Events (Bristol, England: Keesing's Publications), 3-10 May 1952, p. 12189.

³Keesing, 10-17 May 1952, p. 12199.

⁴Ibid.

⁵Angar Kl. Jonsson and Hans G. Anderson, "Foreign Relations," in Iceland: 1974 (Reykjavik, Iceland: Central Bank of Iceland, 1975), p. 170.

⁶Keesing, 18-25 October 1952, p. 12521; Keesing, 14-21 February 1953, p. 12760.

⁷Robert Keohane and Joseph Nye, Power and Interdependence (Boston: Little, Brown, 1977), p. 134; Keesing's, 19-26 January 1951, p. 11967.

⁸Donald E. Neuchterlain, Iceland: The Reluctant Ally (Ithaca New York: Cornell University Press), p. 146.

⁹John C. Griffiths, Modern Iceland (Washington, D.C.: Fredrick A. Praeger, 1969), p. 138; Neuchterlain, p. 147, also notes that the Icelandic newspaper Thuodviljunn (the organ of the Communist Party of Iceland) had some effect on Icelandic public opinion with their argument that "the enemy, the Soviet Union, had come to Iceland's rescue and had provided a stable and profitable market for Icelandic fish after the ally, the United Kingdom, had tried to force Iceland into submission on the fisheries question by closing its markets."

¹⁰Keesing, 18-25 December 1956, p. 15251.

CHAPTER IV

FOOTNOTES

¹Donald E. Neuchterlein, Iceland: The Reluctant Ally (Ithaca, New York: Cornell University Press, 1961), pp. 162-167.

²Ibid., p. 173.

³Ibid., p. 166.

⁴Ibid., p. 187.

⁵James B. Christopher, "The Suez Crisis," in Case in Comparative Politics 3rd ed., ed. by James B. Christopher and Bernard E. Brown (Boston: Little, Brown, 1978), p. 117.

⁶For an excellent discussion of the relationship between British and American Foreign Policies with particular reference to the Suez Incident see Richard E. Neustadt, Alliance Politics (New York: Columbia University Press, 1970); It is interesting to note possible connections to the British reaction to the Suez Crisis and their reaction to the Cod Wars. The Times (London) "Caught in NATO's Net," 29 May 1973, p. 13, called upon the British government to make Iceland a second Malta rather than a second Suez; The Economist "Territorial Waters: Gunboats for Iceland," 7 June 1958, p. 874, stated that mutterings about Nasser, Markios, and gunboats could be heard from British fishermen; Hart, p. 56, asserts that like the Mayaguez Incident for the United States that most of the British public viewed the Royal Navy's deployment as a justified exercise in gunboat diplomacy.

CHAPTER V

FOOTNOTES

¹"Note of the Month," The World Today 14, no. 10, (1958): 417.

²Keesing's Contemporary Archives, Weekly Diary of Important Events (Bristol, England: Keesing Publications, Ltd.), 1-8 November 1958, p. 16478.

³Ibid.

⁴In particular see "Captain's Contentious," The Economist, 30 August 1958, pp. 650-652.

⁵"Time for Talking," The Economist, 8 November 1958, p. 487; "Territorial Water: Dangerous Games at Sea," The Economist, 6 September 1958, p. 730. John C. Griffiths, Modern Iceland (Washington: Fredrick A. Praeger, 1969) p. 142, notes that the popular (or sensationalist press) supported the British government use of the Royal Navy.

⁶"Territorial Waters: Gunboats for Iceland," The Economist, 7 June 1958, p. 874.

⁷Griffiths, p. 139-144.

⁸See Appendixes II and III.

⁹Catch rates are more indicative of the status of the fish stocks than catch weights [levels] since it measures the ease with which fish may be caught. But catch weights may be maintained or increased by spending more time fishing even when biological abundance is declining, and in fact, fishermen do tend to compensate for falling catch rates by greater fishing." Christopher C. Hood, "The Politics of the Biosphere: The Dynamics of Fishing Policy," in The Dynamics of Public Policy, ed. Richard Rose (Beverly Hills, California: Sage Publications, 1976), p. 70; see also FAO, Manual of Methods for Fish Stock Assessment (Rome, 1969).

¹⁰Griffiths, p. 141.

¹¹"Territorial Waters: Dangerous Games at Sea".

¹²Keesing, 1-8 November 1958, p. 16480.

¹³See Appendixes II and III.

¹⁴Keesing, 1-8 November 1958, p. 16480.

¹⁵See Appendixes II and III.

¹⁶"Icelandic Fish," The Economist, 29 November 1958, p.

¹⁷"Time for Talking".

18 *Ibid.*

19 "Winning the Cod War," The Economist, 15 August 1959, p. 435-436.

20 *Ibid.*

21 "Fisheries Dispute," The Economist, 5 September 1959, p. 723.

22 *Ibid.*

23 "Winning the Cod War".

24 Keesing, 12-19 March 1960, p. 17314.

25 Keesing, 11-18 June 1960, p. 17476.

26 *Ibid.*; Griffiths, p. 143, notes that "antimosity" after Cod War I was largely dispelled by the heroic actions of Icelanders in rescuing British crews in trouble off the Icelandic coast.

27 Paul-Henri Spaak, The Continuing Battle: Memoirs of a European 1936-1966 (Boston: Little, Brown, 1971), p. 280, characterized the British negotiator, Sir Robert Frank, as an outstanding diplomat, intelligent, a good debater, and a man of inexhaustible energy. In contrast Spaak describes the Icelander, Hans Andersen as distinguished by his outstanding knowledge of jurisprudence and above all his stubbornness. This stubbornness would be the stamp of Icelandic negotiators.

28 Keesing, 20-27 February 1961, p. 18109.

29 Keesing, 14-21 May 1960, p. 17414.

CHAPTER VI

FOOTNOTES

¹Robert Keohane and Joseph Nye, Power and Interdependence (Boston: Little, Brown, 1977), pp. 87-88, 92.

²Ake Sparring, "Iceland, Europe, and NATO," The World Today 28 (9) (Sept. 1972): 402, notes that the Keflavik base has an important role both in a strategic conflict and in a conventional war.

³*Ibid.*, pp. 401-402.

⁴*Ibid.*, p. 403. Sparring has contended that in the case of a nuclear war that Keflavik would be destroyed at the beginning of such a conflict, potentially destroying most of Iceland's population. Sparring concludes his article by commenting that "history has placed Iceland on a barren unfriendly island which political and technical developments have turned into a cross roads between Soviet and American security interests. All Iceland can hope for is new techniques and different policies which would again place the island in a back water." Icelandic arguments against the base have taken three tracks: (1) the base is so small as to be insignificant, (2) it would take 100,000 troops to defend Iceland--thus the American presence is of no use, and (3) the base is more of a danger than protection to Iceland.

CHAPTER VII

FOOTNOTES

¹Hans G. Anderson, "The Icelandic Fishery Limits and the Concepts of the Exclusive Economic Zone," Ulfliotur 27, no. 3, Supplement (1974): 16.

²Jeffery A. Hart, The Anglo-Icelandic Cod War of 1972-1973: A Case Study of a Fisheries Dispute (Berkeley, California: Institute of International Studies, University of California at Berkeley, 1976) p. 18.

³Ibid., p. 25.

⁴Ibid., p. 26.

⁵The 1972 British "invasion" of the newly declared Icelandic waters was similar to the 1958 "invasion" except that the trawler fleet lacked the Royal Navy frigate escort. Nonetheless, the action suggests a high level of government knowledge and/or coordination as evidenced by the British government support ships.

⁶Hart, p. 27.

⁷Ibid., p. 27.

⁸Bruce Mitchell, "Politics, Fish, and International Resource Management: The British-Icelandic Cod War," The Geographical Review 66 (April 1976): 136.

⁹Ibid.

¹⁰Ibid.

¹¹"Damned Dots," The Economist, 31 July 1971, p. 16.

¹²"Caught in NATO's Net," Times (London), 29 May 1973, p. 13.

¹³Hart, p. 45.

¹⁴Ibid.

¹⁵Ibid., p. 43.

¹⁶Ibid., p. 46.

CHAPTER VIII

FOOTNOTES

¹Jeffery A. Hart, The Anglo-Icelandic Cod War of 1972-1973: A Case Study of a Fisheries Dispute (Berkeley, California: Institute of International Studies, University of California at Berkeley, 1976) p. 18.

²Laurence Marks, "Iceland Wants EEC Deal to End Cod War Deadlock," Observer (London), 30 November 1975, p. 7. For a discussion of the relationship between fish prices and fishing extensions see Christopher C. Hood, "The Politics of the Biosphere: The Dynamics of Fishing Policy," in the Dynamics of Public Policy, ed. Richard Rose (Beverly Hills, California, 1976): 57-79. See also OECD Economic Survey: Iceland.

³Iceland, Ministry of Fisheries, Cod War III between Iceland and Great Britain: The Status of Fishstocks in Icelandic Waters (Reykjavik, December 1975), pp. 20-22.

⁴Ibid.,

⁵Ibid., p. 10.

⁶"Cod War: Baiting the Wrong Hook," The Economist, 29 December 1976, pp. 92-93.

⁷"Considerable European Commission Concern Following Iceland's Decision to Raise Fishing Limits to 200 Miles," Europe, no. 1791 (new series), 17 July 1975, p. 6.

⁸Ibid.

⁹European Communities, Commission of the European Communities, Spokesman's Group, "Subject: Iceland," by B. Olivi, [Bio (75) 232], Brussels, 16 July 1975.

¹⁰Hans G. Andersen, "Statements by the Chairman of the Delegation of Iceland, Ambassador Hans G. Andersen at the Third United Nations Conference on the Law of the Sea," in The Fishery Limits off Iceland: 200 Nautical Miles (Reykjavik: Ministry of For. Aff., January 1976), pp. 49-56.

¹⁰Ibid.

¹¹Matthias Bjarnason, Icelandic Minister of Fisheries, "Statement at a Press Conference 15 July 1975 (Excerpts)," in The Fishery Limits off Iceland: 200 Nautical Miles (Reykjavik: Ministry of For. Aff., January 1976), pp. 34-36.

¹²Ibid.

¹³Einar Agustsson, Icelandic Foreign Minister, "Statement in the General Assembly of the United Nations, 29 September 1975," in The Fishery Limits off Iceland: 200 Nautical Miles (Reykjavik: Ministry of For. Aff., January 1976), pp. 31-33.

¹⁴Geir Hallgrímsson, Prime Minister of Iceland, "Radio Address Concerning the 200 Miles Fisheries Zone, Delivered on 14 October 1975," in The Fishery Limits off Iceland: 200 Nautical Miles (Reykjavik: Ministry for Foreign Affairs, January 1976), pp. 27-30.

¹⁵Ibid.

¹⁶Ibid.

¹⁷Ibid.

¹⁸Marks, p. 7.

¹⁹European Communities, Commission of the European Communities, Spokesman's Group, "EEC/Iceland: Joint Committee," [Bio 974) 293] Brussels, 9 December 1974.

²⁰"EEFTA: Iceland Considering Annulment of Agreement with EEC," Geneva, 22 May 1975, Statement by Olafur Johannesson.

²¹"New Fishing Limits Disputes Rise," Atlantic Community News, December 1975, p. 4.

²²Ibid.

²³Cod War III, p. 10.

²⁴Ibid.

²⁵Ibid.

²⁶Ibid. The Icelandic government further states that the British apparently believed that the weaker their opponent the better deal they would get.

²⁷Richard C. Longworth, "Cod War," European Community, March 1976, pp. 15-16.

²⁸Cod War III, p. 16.

²⁹Ibid. The size of the openings in the cod mesh of fishing trawls used in Icelandic waters was a source of disagreement between Iceland and Great Britain. Iceland contended that by using trawls with larger openings that immature fish could escape. The British denied this contention and consistently voted against Icelandic attempts in the North-East Atlantic Fisheries Commission to have cod-end mesh opening sizes increased.

³⁰Marks, p. 7.

³¹"Next (Euro-) Cod War Has Just Begun," The Economist, 6 March 1976, pp. 57-58.

³²"Cut and Come Again," The Economist, 14 February 1976, p. 56.

³³Longworth, p. 16.

³⁴Ibid., p. 13.

³⁵U.S. Department of State, Bureau of Public Affairs, Special Report: Results of the Carracas Session of the Third U.N. Law of the Sea Conference, International Organization and Conference Series 115, pubn. 8781 (October 1974; U.S. Department of State, Speech: The Law of the Sea: A Test of International Cooperation by Henry A. Kissinger, Secretary of State, 8 April 1976.

³⁶"Next (Euro-) Cod War Has Just Begun."

³⁷The Guardian (Manchester) as quoted in "New Fishing Limits Disputes Rise," Atlantic Community News, December 1975, p. 4.

³⁸"Not War but Not Far Short," The Economist, 13 December 1975, p. 19-20.

³⁹Lothar Ruehl, "Iceland's Vital Value to NATO Strategy," The German Tribune (Hamburg), 7 March 1976, p. 1. Trans. from Die Ziet, 27 February 1976.

⁴⁰"Six-month Agreement Signed in Oslo Ends the Cod War: British Call it Common Sense But Iceland Says 'We Won'," Times (London), 2 June 1976, p. 1.

⁴¹Great Britain, British Information Services, Icelandic Fishing Dispute: Accomodation Reached, Mr. Anthony Crossland, Foreign and Commonwealth Secretary, in the House of Commons on June 7, 1976.

⁴²"Call to End Bar on Icelandic Cod," Finacial Times (London), 3 November 1977, p. 27.

⁴³Ibid.

⁴⁴Ibid.

⁴⁵"World's Most Drastic Fish Conservation Move," News from Iceland, August 1977, p. 1; "Mostly Fishing: Experts and Politicans at Odds," News from Iceland, August 1977, p. 10.

CHAPTER IX

FOOTNOTES

¹European Communities, Commission of the European Communities, Spokesman's Group, "Subject: Fish - Mr. Gundalch's Visit to Iceland 25 and 26 November 1976," by M. Vasey, [Bio (76) 408], Brussels, 27 and 29 November 1976.

²Ibid.

³Ibid.

⁴European Communities, Commission of the European Communities, Spokesman's Group, "Joint Press Communique: EEC-Iceland Talks in Reykjavik on 9 June 1977," Brussels, 10 June 1977.

CHAPTER X

FOOTNOTES

¹Britain's great naval strength had enabled her to make fishing limits and territorial limits virtually synonymous; not until the 1958 Law of the Sea Conference did Britain take separate positions on the two different limits. While Iceland extended her territorial limits in 1952 and 1958, these extensions must be regarded as primarily fishing limit extensions. See Appendix I.

²J. Nordal and V. Kristinsson, Iceland: 1966 (Reykjavik: Central Bank of Iceland, 1967), p. 127.

³United Kingdom vs. Norway, ICJ Reports, 1951, no. 1; Iceland: 1966, p. 136, the Icelandic government stated that in 1952 the system approved in the Hague Court Judgement of the Anglo-Norwegian case was applied to Iceland's entire coastline.

⁴Great Britain and the United States after some initial disagreement had arrived at a proposal of six miles territorial waters and six miles contiguous zone with fishing rights for states which had historically fished an area.

⁵The 1956 Law Commission Report which resulted from Iceland's motion at the 1949 UN General Assembly stated that territorial limits up to twelve miles were recognized thus undermining further Britain's legal arguments forcing her to take action with the United States to keep territorial waters as narrow as possible. C. Fred Bergsten, Robert Keohane, and Joseph Nye. "International Economics and International Politics: A Framework for Analyses," in World Politics and International Economics, eds. C. Fred Bergsten and Lawrence B. Krause (Washington, D.C.: Brookings Institute, 1977), p. 6, have noted that, "it is when accepted structure with their accepted rules of the game are called into question that controversy and therefore politization are likely to increase most rapidly. Linkage is used to mean any recurrent sequence of behaviour that originates in one system and is reacted to in another [James Rosenau, Linkage Politics: Essays on Convergence of National and International Systems (New York: Free Press, 1969), p. 45].

⁶The Third Law of the Sea Conference was originally scheduled for 1973.

⁷It should be noted that when it suited Britain (i.e. the 1956 International Law Commission Report, the abrogation of the 1901 Anglo-Danish Convention, the 1951 Anglo-Norwegian ICJ case, majority sentiment in the Law of the Sea Conferences) she either declared Icelandic actions unlawful or declared the precedents not pertinent. In light of the 14 to 1 decision against Iceland, there is little wonder why Iceland refused to accept the legitimacy of the International Court of Justice.

⁸Great Britain, British Information Services, Icelandic Fishing Dispute: Accomodation Reached, Mr. Anthony Crossland, Foreign and Commonwealth Secretary, in the House of Commons on June 7, 1976.

⁹Iceland started the process of politicizing the question of the territorial sea in 1949 at the United Nations. Iceland's 1952 extension contributed to the 1956 International Law Commission's Report which contributed to Iceland's decision to expand her territorial limits to twelve miles. This cycle holds for all four of the Anglo-Icelandic Fisheries Disputes.

¹⁰Iceland preferred the political solution, the Law of the Sea Conference, while Britain favored the legal solution, the International Court of Justice.

CHAPTER XI

FOOTNOTES

¹Iceland was also highly influenced by a NATO pledge that no foreign troops would need to be stationed in Iceland during peace times. The Progressive Party, in particular, adoted the position of being pro-NATO and anti-U.S. troops saying that Icelanders could keep the Keflavik base in a state of readiness for NATO. Donald E. Neuterlein's Iceland the Reluctant Ally deals with the 1940-1961 period of U.S.-Icelandic relations.

²Robert Keohane and Joseph Nye, Power and Interdependence (Little, Brown, 1977) contend that as the world becomes more interdependent that economic issues will tend to replace security concerns on the hiearchy of issues.

³Neuchterlein documents the factionalization of the Social Democratic and Progressive Parties.

⁴Quoted in Bruce Mitchell, "Politics, Fish, and International Resource Management: The British-Icelandic Cod War," The Geographical Review 66 (April 1976): 128-129.

⁵"Territorial Waters: Gunboats for Iceland," The Economist, 7 June 1958, p. 874.

⁶Mitchell, p. 128. See also Morris Davis, Iceland Extends Its Fishing Limits: A Political Analysis (Oslo: Scandinavian University Books, 1963), pp. 51-69.

Comments in The Economist illustrate knowledge of this link. These are samples: "The North Atlantic Treaty Organization is aware of the dangers of driving Iceland into Soviet arms, and discussions about fish have been going on in NATO between Iceland and its allies." [Territorial Waters: Fisherman's Mont of Grace]; "In fact, the Icelanders might be weill pleased if NATO took up the matter [Cod War I], for they have been far from satisfied with the economic effects of their joining the Alliance. They say that the presence of the American air force has put their internal economy badly out of gear while their British allies' ban on fish landings by Icelandic Trawlers after 1952 forced them to seek new markets in the Soviet Union and Eastern Europe if their trade were to survive at all. NATO cannot neglect such murmerings of neutralism in the North Atlantic." [Twelve Mile Limit: Restraining the Icelanders]; "An armed clash will hardly improve the prospects of eventual agreement on the fishing limits issue, or raise the temperature of Iceland's already luke-warm enthusiasm for the North Atlantic Treaty." [Territorial Water: Dangerous Games at Sea].

"Damned Dots," The Economist, 31 July 1971, p. 16.

⁸Jeffery A. Hart, The Anglo-Icelandic Cod War of 1972-1973: A Case Study of a Fisheries Dispute (Berkely California: Institue of International Studies, University of California at Berkeley, 1976), p. 42; Mitchell, p. 132, says that Iceland called on NATO to intervene to end the protection by British warships

of illegal fishing activity, threatening to initiate the process for having the American-manned NATO base at Keflavik closed if NATO did not respond to its demands. The Guardian (Manchester) "Iceland Demands NATO Action," 29 May 1973, p. 1, quotes an Icelandic spokesman as saying "It will show if NATO is there for the militarily strong nations, or if there is something there for Iceland too.

⁹"Cod Threat to NATO," Washington Post, 3 June 1973, p. C1; Hart, p. 23.

¹⁰Ake Sparring, "Iceland, Europe, and NATO," The World Today 28 (9) (1972): 394.

¹¹"Cod Threat to NATO."

¹²Ibid.

¹³Ibid.

¹⁴Hart, p. 43.

¹⁵"Cod Threat to NATO."

¹⁶Ibid.

¹⁷"Caught in NATO's Net,"; "The Cod Threat to NATO,"; "Iceland Demands NATO Action."

¹⁸"The Cod Threat to NATO."

¹⁹Great Britain, British Information Services, Iceland: Fisheries Settlement, Mr. Edward Heath, Prime Minister, in the House of Commons on November 13, 1973.

²⁰Richard C. Longworth, "Cod War," European Community, March 1976, p. 13.

²¹"Iceland: Cod and Brussels," The Economist, 17 January 1976, p. 51.

²²Ibid.

²³U.S. troops have never constituted a force to repel an invasion, thus, Iceland's NATO membership and the right to land at Keflavik were more important than stationing troops in Iceland.

²⁴Lothar Ruehl, "Iceland's Vital Value to NATO Strategy," The German Tribune (Hamburg), 7 March 1976, p. 1. Trans. from Die Zeit, 27 February 1976; Sparring, pp. 393-403.

²⁵"Cod War: Cut and Come Again," The Economist, 14 February 1976, p. 56.

CHAPTER XII

FOOTNOTES

¹Any attack by the Royal Navy of the Icelandic Coast Guard vessels would have greatly strengthened Iceland's case with NATO. No doubt both the United States and Britain have contingency plans to occupy Iceland.

²British boycotts of Icelandic fish increased the scarcity of fish in Britain thus raising prices to British consumers.

³Richard Rose, The Politics of England, 2nd ed. (Boston: Little, Brown, 1974), p. 324.

⁴William Wallace, The Foreign Policy Process in Britain (London: Royal Institute of International Affairs, 1975), p. 232.

⁵Ibid., p. 234.

⁶Ibid.

⁷Ibid., p. 235-236.

⁸Rose, p. 73.

⁹Of the Foreign and Commonwealth Office's departments, the two which would most naturally oppose Iceland's extension, the Legal Department and the Marine Transport Departments, were the most heavily involved.

¹⁰Wallace, p. 236. The Ministry of Defense opposed any action which could potentially harm the Keflavik base and also objected to the use of scarce British frigates for Icelandic fisheries protection duty.

¹¹The British government resisted any conservation initiative by Iceland in the North-East Atlantic Fisheries Commission. The British government's position could not be seen by British fishermen as compromising their interests, at least without a fight.

¹²Jeffery A. Hart, The Anglo-Icelandic Cod War of 1972-1973: A Case Study of a Fisheries Dispute. (Berkeley California: Institute of International Studies, University of California at Berkeley, 1976), p. 57.

¹³Icelandic officials saw their initial offer as the best which they could concede in light of Iceland's economic survival.

¹⁴Laurence Marks, "Iceland Wants EEC Deal to End Cod War Deadlock," Observer (London), 30 November 1975, p. 7.

¹⁵"Cod War: View from the Bridge," The Economist, 9 June 1973, pp. 89-90.

¹⁶"Territorial Waters: Gunboats for Iceland," The Economist, 7 June 1956, p. 874.

¹⁷"Call to End Bar on Icelandic Cod," Financial Times (London), 3 November 1977, p. 27.

¹⁸Richard C. Longworth, "Cod War," European Community, March 1976, p. 16.

CHAPTER XIII

FOOTNOTES

¹The British Trawler Federation's withdrawal in mass from Icelandic waters during Cod Wars II and III left the British government the choice of granting de facto recognition of Iceland's fishing limits or sending in the Royal Navy, both options which the British government found distasteful.

²The disputes between Iceland and Britain boiled down to the Icelandic contention that Icelanders should be able to harvest all the fish which feed on Iceland's continental shelf and the British argument that their historic fishing on the Icelandic Fishing Banks gave them rights to a share of the fish caught there.

³Ann P. Schreiber, "Economic Coercion as an Instrument of Foreign Policy: U.S. Economic Moves Against Cuba and the Dominican Republic," World Politics 25 (1973): 413.

⁴Ibid.

⁵The failure of Iceland and other countries to achieve their goal of twelve mile or greater limits in the Second UN Law of the Sea Conference caused the drive for progressive expansion of fishing and/or territorial limits to become stalled until the late sixties.

⁶Iceland while leading efforts in the Law of the Sea Conferences rarely unilaterally extended limits until several countries support the move or had already taken it.

⁷Oran Young, The Intermediaries: Third Parties in International Crises (Princeton, New Jersey: Princeton University Press, 1972), pp. 80-91. Young also includes as qualities for a successful mediator continuity, respect, physical resources and initiative. These qualities were also met.

⁸The British government had the opportunity at the Second UN Law of the Sea Conference to make an agreement with Iceland preserving Britain's legal position while sacrificing Britain's economic interests. In addition Iceland was always willing to settle for a North-East Atlantic Fisheries Commission agreement that would have excluded foreign fishing on the Icelandic Fishing Banks. These facts lead to the conclusion that the disputes represented a long term economic conflict rather than a legal one.

APPENDIX I

LAW CONCERNING THE SCIENTIFIC CONSERVATION OF THE
CONTINENTAL SHELF FISHERIES DATED APRIL 5, 1948

The President of Iceland Proclaims: The Althing has passed the present law which is hereby approved and confirmed:

Article 1

The Ministry of Fisheries shall issue Regulations establishing explicitly bounded conservation zones within the limits of the continental shelf of Iceland; wherein all fisheries shall be subject to Icelandic rules and control; Provided that the conservation measures now in effect shall in no way be reduced. The Ministry shall further issue the necessary Regulations for the protection of the fishing grounds within the said zones. The Fiskifelag Islands (Fisheries Association of Iceland) and the Atvinnudeild Haskola Islands (University of Iceland Industrial Research Laboratories) shall be consulted prior to the promulgation of the said Regulations.

The Regulations shall be revised in the light of scientific research.

Article 2

The Regulations promulgated under Article 1 of the present law shall be enforced only to the extent compatible with agreements with other countries to which Iceland is or may become a party.

Article 3

Violations of the Regulations issued under Article 1 shall be punishable by fines from kr. 1000 to kr. 100,000 as specified in the Regulations.

Article 4

The Ministry of Fisheries shall, to the extent practicable, participate in international scientific research in the interest of fisheries conservation.

Article 5

This Law shall take effect immediately.

Done in Reykjavik, 5 April 1948.

Sveinn Bjornsson
President of Iceland

Johann Josefsson
Minister of Fisheries

Reasons for the law of 5 April 1948 (submitted to the Icelandic Parliament):

It is well known that the economy of Iceland depends almost entirely on fishing in the vicinity of its coasts. For this reason, the population of Iceland has followed the progressive impoverishment of fishing grounds with anxiety. Formerly, when fishing equipment was far less efficient than it is today, the question appeared in a different light, and the right of providing for exclusive rights of fishing by Iceland itself in the vicinity of her coasts extended much further than is admitted by the practice generally adopted since 1900. It seems obvious, however, that measures to protect fisheries ought to be extended in proportion to the growing efficiency of fishing equipment.

Most coastal States which engage in fishing have long recognized the need to take positive steps to prevent over-exploitation resulting in a complete exhaustion of fishing grounds. Nevertheless, there is no agreement on the manner in which such steps should be taken. The States concerned may be divided into two categories. On the one hand, there are the countries whose interest in fishing in the vicinity of foreign coasts is greater than their interest in fishing in the vicinity of their own coasts. While recognizing that it is impossible not to take steps to mitigate the total exhaustion of fishing grounds, these States are nevertheless generally of the opinion that unilateral regulations by littoral States must be limited as far as possible. They have also insisted vigorously that such measures can only be taken by virtue of international agreements.

On the other hand, there are the countries which engage in fishing mainly in the vicinity of their own coasts. The latter have recognized to a growing extent that the responsibility of ensuring the protection of fishing grounds in accordance with the findings of scientific research is, above all, that of the littoral State. For this reason, several countries belonging to the latter category have, each for its own purposes, made legislative provisions to this end the more so as international negotiations undertaken with a view to settling these matters have not been crowned with success, except in the rather rare cases where neighbouring nations were concerned with the defence of common interests. There is no doubt that measures of protection and prohibition can be taken better and more naturally by means of international agreements in relation to the open sea, i.e., in relation to the great oceans. But different considerations apply to waters in the vicinity of coasts.

In so far as the jurisdiction of States over fishing grounds is concerned, two methods have been adopted. Certain States have proceeded to a determination of their territorial waters, especially for fishing purposes. Others, on the other hand, have left the question of the territorial waters in abeyance and have contented themselves with asserting their exclusive rights over fisheries, independently of territorial waters. Of these two methods, the second seems to be the more natural, having regard to the fact that certain considerations arising from the concept of "territorial waters" have no bearing upon the question of an exclusive right to fishing, and that there are therefore serious drawbacks in considering the two questions together.

When States established their jurisdiction over fishing zones in the vicinity of their coasts they adopted greatly varying limits; in the majority of cases, they adopted a specified number of nautical miles: three miles, four miles, six miles or twelve kilometres, etc. It would appear, however, to be more natural to follow the example of those States which have determined the limit of their fisheries jurisdiction in accordance with the contours of the continental shelf along their coasts. The continental shelf of Iceland is very clearly distinguishable, and it is therefore natural to take it as a basis. This is the reason why this solution has been adopted in the present draft law.

Icelandic Commentary on the articles:

Commentary on Article 1

Two kinds of provisions are involved: on the one hand, the delimitation of the waters within which the measures of protection and prohibition of fishing should be applied, i.e., the waters which are deemed not to extend beyond the continental shelf; and, on the other hand, the measures of protection and prohibition of fishing which could be applied within these waters. In so far as the enactment of measures to assure the protection of stocks of fish is concerned, the views of marine biologist will have to be taken into consideration, not only as regards fishing grounds and methods of fishing, but also as regards the seasons during which fishing shall be open, and the quantities of fish which may be caught.

At present, the limit of the continental shelf may be considered as being established precisely at a depth of 100 fathoms. It will, however, be necessary to carry out the most careful investigations in order to establish whether this limit should be determined at a different depth.

Commentary on Article 2

The provisions of this article have a bearing upon the following agreements between Denmark and the United Kingdom, of 24 June 1901, and the International Convention for the Regulations of the Meshes of Fishing Nets and the Size Limits of Fish, of 23 March 1937. Should the provisions contained in this draft law appear to be incompatible with these agreements, they would not, of course, be applied against the States signatories to the said agreements, as long as these agreements remain in force.

Commentary on Article 3

The amount of the fines will be assessed with due regard to the relative importance of the measures of prohibition which may have been infringed.

Commentary on Article 4

On 17 August 1946, the International Council for the Exploration of the Sea recommended that measures be taken to prohibit fishing in the Faxaflói [Faxa Bay]. It goes without saying that Iceland will take part, to the fullest extent, in any initiative of this kind in relation to her own coast as well as others. She has already given proof of her interest in these problems, in particular by taking part in international oceanographic research.

Commentary on Article 5

This article does not call for comment.

Source for Appendix I: The Fishery Limits Off Iceland: 200 Nautical Miles
(Reykjavik: Ministry for Foreign Affairs, January 1976).

Note: This Law was amended to include jurisdiction out to 200 miles.

APPENDIX II

TOTAL COD CATCH IN ICELANDIC WATERS 1946-1974 (Metric tons)

Year	Iceland	Britain	Germany	Other	Total
1946	199,136	41,602	11,011	16,109	267,887
1947	200,242	56,437	10,817	22,112	289,608
1948	213,177	93,532	11,193	21,277	340,496
1949	221,419	95,079	24,120	21,049	362,667
1950	197,433	114,119	30,327	21,376	363,355
1951	183,252	106,135	33,805	25,396	348,482
1952	237,314	96,128	41,803	24,183	399,943
1953	263,516	175,216	56,005	31,324	526,061
1954	306,191	167,161	45,253	28,915	547,530
1955	315,438	139,733	48,236	34,722	538,130
1956	292,586	130,315	30,071	27,737	480,709
1957	247,087	145,625	23,292	35,09	451,909
1958	284,407	151,721	37,849	24,706	508,683
1959	284,259	114,087	35,562	18,596	452,504
1960	295,668	110,650	37,939	20,766	465,023
1961	233,874	98,605	21,776	21,210	374,645
1962	221,820	108,256	34,157	22,109	386,342
1963	232,839	126,265	33,034	9,764	402,002
1964	273,584	126,789	19,336	8,575	429,284
1965	233,483	134,917	15,136	9,924	393,598
1966	223,974	103,887	9,851	10,338	356,755
1967	193,449	130,173	15,397	5,993	345,022
1968	227,594	114,403	29,569	9,504	381,070
1969	281,680	99,383	18,125	5,931	405,168
1970	302,875	130,408	26,334	11,040	470,757
1971	250,234	161,955	27,007	13,716	453,003
1972	225,354	147,188	11,670	14,304	398,528
1973	234,898	122,277	6,839	15,430	379,444
1974	238,283	117,539	5,554	13,611	374,987

Other includes: Faroe Islands, France, Norway, Holland, Belgium, Poland, Denmark, U.S.S.R., and Sweden

Catches of England and Scotland are combined in the Britain column

Source: The Fishery Limits Off Iceland: 200 Nautical Miles (Reykjavik: Ministry for Foreign Affairs, January 1976).

APPENDIX III

Total nominal catch by Icelandic vessels 1905—1974.
Quantity by thousand metric tons.

Year:		Demersal species:	Herring:	Capelin:	Other species:	Total catch:
Annual average	1905—1909	48,4	4,4	—	—	52,8
—	1910—1914	75,9	4,2	—	—	80,1
—	1915—1919	101,4	11,9	—	—	113,4
—	1920—1924	166,1	19,0	—	—	185,1
—	1925—1929	241,2	55,3	—	—	296,5
—	1930—1934	298,3	80,5	—	—	378,8
—	1935—1939	185,0	142,7	—	—	327,6
	1940	195,9	214,5	—	—	410,4
	1941	209,7	99,2	—	—	308,9
	1942	264,9	149,4	—	—	414,3
	1943	281,3	183,5	—	—	464,8
	1944	325,5	222,2	—	—	547,7
	1945	307,4	56,9	—	—	364,3
	1946	277,5	135,4	—	—	412,9
	1947	306,7	199,5	—	—	506,2
	1948	353,3	158,8	—	—	512,1
	1949	358,6	74,2	—	—	432,8
	1950	316,0	60,4	—	—	376,4
	1951	339,6	84,6	—	—	424,2
	1952	396,0	32,0	—	—	428,0
	1953	380,2	69,5	—	—	449,7
	1954	403,6	48,5	—	—	452,1
	1955	442,8	53,6	—	—	496,4
	1956	430,0	100,5	—	—	530,5
	1957	398,3	117,5	—	—	515,8
	1958	473,5	107,4	—	—	580,9
	1959	455,5	182,9	—	1,2	639,6
	1960	453,2	136,5	—	3,3	593,0
	1961	381,1	326,0	—	2,8	709,9
	1962	350,8	475,7	2,5	3,1	832,1
	1963	379,9	395,2	1,1	5,8	782,0
	1964	415,3	544,4	8,6	3,1	971,4
	1965	381,8	763,0	49,7	4,6	1.199,1
	1966	339,4	770,7	124,9	8,0	1.243,0
	1967	333,5	461,5	97,2	5,5	897,7
	1968	373,0	142,8	78,2	7,4	601,4
	1969	450,2	56,9	171,0	10,8	688,9
	1970	474,2	51,4	191,8	16,3	733,7
	1971	421,7	61,3	182,9	18,4	684,3
	1972	385,7	41,5	277,0	21,7	725,9
	1973	398,1	43,6	441,5	18,1	902,3
	1974	422,2	40,5	462,2	16,4	941,5

Source: The Fishery Limits Off Iceland: 200 Nautical Miles (Reykjavik: Ministry for Foreign Affairs, January 1976).

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