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Documents of the Security Council (symbol S/ . . .) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

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1866th MEETING

Held in New York on Tuesday, 16 December 1975, at 3 p.m.

President: Mr. Ivor RICHARD (United Kingdom of Great Britain and Northern Ireland).

Present: The representatives of the following States: Byelorussian Soviet Socialist Republic, China, Costa Rica, France, Guyana, Iraq, Italy, Japan, Mauritania, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania and United States of America.

Provisional agenda (S/Agenda/1866)

1. Adoption of the agenda
2. Letter dated 12 December 1975 from the representative of Iceland addressed to the President of the Security Council (S/11907)

The meeting was called to order at 3.35 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 12 December 1975 from the representative of Iceland addressed to the President of the Security Council (S/11907)

1. The PRESIDENT: I have received a letter dated 15 December 1975 from the representative of Iceland requesting that he be invited to participate in the Council's discussion of the question before it in accordance with the provisions of Article 31 of the Charter and rule 37 of the provisional rules of procedure. In the absence of objection, therefore, I shall invite the representative of Iceland to participate in the discussion, without the right to vote.

At the invitation of the President, Mr. Ingvarsson (Iceland) took a place at the Security Council table.

2. The PRESIDENT: The Security Council will now begin its consideration of the item inscribed on its agenda, arising out of the letter dated 12 December 1975 submitted by Iceland (S/11907).

3. I should like to draw attention to two other communications relevant to this question. The first is a letter dated 11 December from the representative of Iceland, circulated as document S/11905, and

the second is the reply of the United Kingdom Government, circulated on 15 December as document S/11914.

4. As members of the Council are aware, the Council is meeting this afternoon in response to a letter from the Icelandic representative concerning an incident on 11 December which directly involved Icelandic and British interests.

5. According to rule 20 of the provisional rules of procedure of the Security Council,

“Whenever the President of the Security Council deems that for the proper fulfilment of the responsibilities of the presidency he should not preside over the Council during the consideration of a particular question with which the member he represents is directly connected, he shall indicate his decision to the Council. The presidential chair shall then devolve, for the purpose of the consideration of that question, on the representative of the member next in English alphabetical order...”

6. The Council will note that this provision places the matter entirely within the discretion of the President. I have looked at the precedents which might apply on this occasion. These show that Presidents of the Security Council have not made it a habit to vacate their seat because the Council was considering questions with which their Governments were directly concerned. Indeed, the only precedent for such action in the last 20 years or more of which I am aware was the decision to vacate the presidency taken by my predecessor Lord Caradon in May 1968. The Security Council was then meeting to consider the question of Southern Rhodesia. On that occasion Lord Caradon thought it proper to invite the succeeding President to take the chair for that item.

7. In spite of all the precedents to the contrary, I believe, after fully considering the circumstances of the present case, that it would be right for me to follow Lord Caradon's example. I have decided, therefore, that it would be appropriate for me to exercise the discretion given to the President under rule 20 and to vacate the chair while this item is being discussed. I trust the Council will agree with me that this is the fair and the proper way to proceed.

8. Consequently, in accordance with rule 20, I invite the representative of the United Republic of Cameroon to take the presidential chair for the purpose of the consideration of the question on our agenda today.

Mr. Oyono (United Republic of Cameroon) took the Chair.

9. The PRESIDENT (*interpretation from French*): The Council will now begin its consideration of the complaint submitted by Iceland. The first speaker is the representative of Iceland, on whom I now call.

10. Mr. INGVARSSON (Iceland): The reason why my Government has requested this meeting is, on the one hand, to call the attention of the Council to the prevailing situation in Icelandic waters, where a serious incident has already occurred involving the use of force by British public vessels against an Icelandic Coast Guard vessel within the territorial waters of Iceland—indeed, within two miles from the baselines—and, on the other, to call on the Government of the United Kingdom to refrain from the use of force in Icelandic waters. The general background of the matter is described in my two letters addressed on 11 and 12 December respectively to the President of the Security Council. The texts of those letters have been circulated as documents S/11905 and S/11907.

11. I want to thank you, Mr. President, and the members of this Council complying with our request to call this meeting to discuss the matter further, and I should like to take this opportunity to summarize the background and then deal with the particular incident to which I have referred.

12. The general background is that for the last quarter of a century the Government of Iceland has been gradually implementing our Law of 1948 concerning the scientific conservation of the continental shelf fisheries. That gradual implementation has taken place in harmony with the progressive development of international law. The latest and final step was taken by regulations which entered into force on 15 October 1975, providing for fishery limits of 200 nautical miles off Iceland. These regulations are in conformity with the consensus which emerged at the Third United Nations Conference on the Law of the Sea. At the conclusion of the third session of the Conference in Geneva in May, the Chairmen of the Committees produced a single negotiating text¹ that expresses the principles which, in the opinion of the Chairmen, had the greatest support at the Conference. Among those principles is the provision that a coastal State has sovereign rights over the natural resources within an exclusive economic zone of up to 200 nautical miles, where the coastal State itself determines both the total allowable catch and its own capacity to utilize that catch. These principles have the overwhelming

support of the States participating in the Conference, and, whatever the final outcome of the Conference will be on other matters, these principles are firmly established. A principle which has the overwhelming support of the international community in itself mirrors the practice of States and has all the elements required for the rule of law.

13. I want to add that my Government has participated in the work of the Conference from the beginning, as well as in the preparations for it, and will continue to do so. But the limited action which we have taken could no longer be delayed because of the vital interests at stake. Dangerous over-fishing has taken place and drastic reduction in the fisheries is inevitable.

14. My Government has expressed its willingness to make temporary agreements with other nations that have been engaged in substantial fishing in the area, and we have already concluded such agreements with the Governments of Belgium and the Federal Republic of Germany, allowing them to fish for limited quantities. The agreement with the Federal Republic of Germany was concluded for a period of two years, whereas the agreement with Belgium may be terminated by either party on six months' notice. Similar agreements with the Faroe Islands and Norway are in preparation.

15. I would particularly draw attention to the fact that in the agreements referred to we have emphasized the necessity of limiting the catch of cod, which is the most important species and also, unfortunately, the most endangered. In the agreement with the Federal Republic of Germany, the cod catch is limited to 5,000 tons annually, and in the agreement with Belgium to 1,500 tons. This is extremely important in view of the fact that the total allowable catch of cod for 1976 has been established by Icelandic scientists at 230,000 tons. British scientists have estimated the total allowable catch of cod at 265,000 tons. During the last 10 years the annual quantity of cod caught by Icelanders in Icelandic waters has varied between 200,000 and 300,000 tons. In other words, the Icelandic fishing fleet has the capacity to take the entire allowable catch of cod.

16. It is for this very reason that negotiations with the United Kingdom have broken down. The British have made excessive claims which would amount to their taking almost one half of the total allowable catch, which, in view of the fact that we have the capacity to take the entire allowable catch ourselves, would mean a similar reduction in our own catch. This was, and is, completely unacceptable to us and is also incompatible with the principles supported by the international community. We were ready—not because there was any surplus available, but in order to co-operate—to agree on a quota of 65,000 tons annually for the next two years. The

British insisted on 110,000 tons. At the same time, the United Kingdom Government is already claiming the non-living resources within a 200-mile zone off its own coast, and has firmly supported the entire concept of the exclusive economic zone, at the Conference, including the principles to which I referred earlier. Further negotiations between the two countries on this matter would be entirely without foundation unless the British side were willing to agree to a much greater condition in their catch than they have hitherto indicated.

17. When negotiations broke down and agreement could not be reached, the United Kingdom Government "decided to provide naval protection to enable the British trawlers to continue fishing off Iceland in the face of efforts by Icelandic Coast Guard vessels to stop them".

18. I am not going to elaborate further on the background and I wish now to turn to the incident to which I referred at the beginning of my statement. The facts are described in a note which was delivered to the Ambassador of the United Kingdom in Reykjavik on 12 December 1975. The text is as follows:

"The Government of Iceland protests in the strongest possible terms the serious incident which took place on December 11, 1975, when the Icelandic Coast Guard vessel *Thor* was repeatedly rammed by the British Government-operated tugboat *Lloydsman*, and an attempt was also made by the British Government-operated platform supply ship *Star Aquarius* to ram the *Thor*. This incident took place 1.9 nautical miles off the east coast of Iceland, that is, in Icelandic territorial waters. This resulted in considerable damage being sustained by the Coast Guard vessel *Thor*.

"The Coast Guard vessel came upon three British Government-operated ships, one tugboat and two platform supply ships at the mouth of the fiord Seydisfjordur, approximately one nautical mile from shore. The Coast Guard vessel ordered the platform supply ships, by light and sound signals, to halt in order to inquire about their activities. This order was disregarded by the British ships, whereupon the above incident took place after a short pursuit. The Government of Iceland reserves its right to claim reparation for damages caused during the incident. The Government holds the United Kingdom authorities responsible for all future damages, as well as injuries or loss of life, which may result from ramming and other illegal actions by vessels operated by the United Kingdom in Icelandic waters."

19. According to the latest information, the platform supply ship referred to above, the *Star Aquarius*, not only attempted to ram the *Thor* but actually did so.

20. It should be kept in mind that the vessels referred to in the above note are present in the Iceland area as a contingent of a British naval force which operates in the area, the sole purpose of which is to prevent the Icelandic Coast Guard from enforcing Icelandic laws. These vessels should not be in the area at all.

21. It is a fact that the incident took place well inside our territorial waters, which, for the time being, are only four nautical miles across. This constitutes a violation of our sovereignty, as well as an extremely dangerous situation if such use of force were allowed to prevail.

22. Consequently, on behalf of my Government, I protest to the Security Council against this use of force within our territorial waters, and call on the Government of the United Kingdom to refrain from the use of force in Icelandic waters.

23. Mr. RICHARD (United Kingdom): Let me start by saying that my delegation deplores incidents of the sort to which the representative of Iceland has referred just as strongly as he does. But we regret that the Icelandic delegation has felt it necessary to bring the matter before the Security Council, because we do not believe that the causes which underlie such incidents can be removed by debate in this chamber. However, I am obliged by the statement of the representative of Iceland to put on record an authoritative account of the incident of which the Icelandic Government has complained, to explain to the Council why and how such incidents arise, and to express my Government's view of how they can best be prevented in the future.

24. During the night of 10 to 11 December, the unarmed British civilian support vessels *Star Aquarius* and *Star Polaris* entered Icelandic territorial waters in the neighbourhood of Seydisfjord at their captains' discretion to seek shelter from severe weather, as they have the right to do under customary international law. At the time there was a severe snowstorm in progress, with winds of force 8 gusting to force 9, and very high seas. The civilian defence vessel *Lloydsman* joined *Star Aquarius* during the morning near the entrance to Seydisfjord.

25. At about 1230 hours the Icelandic Coast Guard vessel *Thor* came out of Seydisfjord flying the code flag "Lima", which I understand means "Stop your vessel instantly", and also flashing the code word "Lima" on her signal projector. Using her radio, *Thor* ordered both *Star Aquarius* and *Lloydsman* to stop. She also ordered "Stop or I will fire" over her megaphone. Both *Star Aquarius* and *Lloydsman* are unarmed, as I have already said. The Icelandic vessel had on deck an inflatable boat, and what appeared to be a boarding party dressed in combat uniform and armed with revolvers. *Thor* then came close alongside the starboard quarter of *Star Aquarius*,

striking her. *Lloydsman* then manoeuvred so as to place herself between *Star Aquarius* and *Thor*. *Thor* then overtook *Lloydsman* close on *Lloydsman*'s starboard side and turned to port across her bows, causing *Lloydsman* to collide with *Thor*'s port side amidships. *Lloydsman* was too close to be able to avoid *Thor*. *Thor* scraped across *Lloydsman*'s bow and damage was done to *Thor*'s superstructure. At the time of the incident, *Thor* was aiming one of her guns at *Lloydsman*'s bridge.

26. *Thor* then drew off to starboard and fired her forward gun at close range on *Lloydsman*, but, I am happy to say, without hitting her. *Thor* then circled the two British ships, approached *Lloydsman*'s starboard side and attempted to cut in front of her, causing *Lloydsman* to strike *Thor* again, this time on her port quarter. *Thor* then laid off *Lloydsman*'s port side and fired two shots at her from the after gun. Again, I am happy to say, neither one hit.

27. It is clear from the foregoing account that the central fact about this incident was that the Icelandic gunboat opened fire on unarmed British vessels. This followed an initial over-reaction by the gunboat when it approached the British vessels with the apparent intention of putting an armed boarding party aboard and when it threatened to open fire unless the ships stopped. The ramming incidents which the representative of Iceland alleges took place were in fact collisions caused by the manoeuvring of *Thor*, which made it impossible for the British ships to avoid them.

28. As I have already said, the United Kingdom Government regrets that this incident should have been brought before the Council at all. It will, I fear, be impossible for this Council ever to decide exactly what happened or who is to blame for it. But incidents such as this occur because it is the deliberate policy of the Icelandic Government to use its coast guard vessels to harass British fishing boats fishing in waters in which as recently as July 1974 the International Court of Justice ruled that they had the right to fish. In that ruling the International Court held that Iceland was not entitled unilaterally to exclude United Kingdom vessels from fishing between Iceland's 12-mile and 50-mile limits, or unilaterally to impose restrictions on their activities in those areas. The Court decided that Iceland's 1972 regulations, extending its fishing limits to 50 miles, unlawfully disregarded the established rights of the United Kingdom. The regulations also constituted an infringement of the principle of reasonable regard for the interests of other States, a principle which is authoritatively embodied in article 2 of the Convention on the High Seas², adopted at Geneva on 29 April 1958.

29. The Court's ruling was based on the considerations that British vessels have fished in the waters around Iceland for centuries and that sections of the

British people depend for their livelihood and economic well-being on this activity. Because of Iceland's special dependence on fish, the Court held that Iceland can claim preferential rights, but not exclusive rights, as against the United Kingdom. A similar judgement was given in a case brought by the Federal Republic of Germany. Although Iceland refused to recognize the jurisdiction of the Court, the Court determined by 14 votes to 1 that it was competent to decide the case. May I take this opportunity to remind the Council that decisions of the International Court of Justice are binding under the United Nations Charter on the States concerned.

30. The International Court ruled also that any restrictions on catch should flow from negotiations conducted in good faith between the two Governments to secure an equitable solution reflecting the rights of both sides. No further international agreements have been reached on this matter since the International Court's ruling of 2 February 1973³, and it follows that the Icelandic unilateral extension of its fishing limits to 200 miles is, like the previous extension to 50 miles, unenforceable against British fishermen, and that accordingly the harassment of British trawlers is totally illegal.

31. The background to the present situation is as follows. British fishing vessels have fished in the seas adjacent to Iceland for very many years. They are heavily dependent on these traditional fishing grounds. Though there are many varieties of fish caught there by Icelandic vessels and by vessels of other countries, the British ships that fish there are primarily interested in cod. Since 1960 the average annual catch of cod off Iceland by all countries has been relatively stable at between 350,000 and 400,000 tons. Of this total Iceland caught some 250,000 tons and Britain some 125,000 tons on average. The current need, recognized by both British and Icelandic scientists, for some conservation measures has arisen because of the increasing proportion of young fish caught within this total. This situation, however, has arisen primarily because of changes in the composition of Iceland's own fishing fleet.

32. During the 1960s Icelandic fishermen seriously overfished the herring stocks around its shores, stocks which by 1967 had sunk to a critically low level. In order to prevent the herring from dying out altogether, the Icelandic Government banned all herring fishing around its shores. The result was that many purse-seine vessels, which had formerly been used for herring fishing, were from 1970 onwards converted to trawlers for use in cod fishing, with no thought for the effect that this would have on future cod stocks.

33. In spite of the responsibility of Iceland for the damaging effect of this overfishing, the United Kingdom Government has repeatedly affirmed its readiness to co-operate in measures to prevent a further

decline in the cod stock and to settle its differences with Iceland by negotiation. Ever since July 1975, when Iceland announced its intention to extend its limits to 200 miles—in advance of decisions by the United Nations Conference on the Law of the Sea—it has been our objective to reach a negotiated agreement under which our fishermen would be able to operate after the expiry, on 13 November, of the interim United Kingdom-Iceland Fisheries Agreement of 1973. In the negotiations which have so far taken place, we have made it quite clear that we are ready to reduce our catch considerably. We recognize the need to conserve cod stocks. We recognize that Iceland, because of its dependence on the fishing industry, has a prior claim to the fish off Iceland. We have said that we are willing to show flexibility on the amount of fish caught and on a number of other matters. We have repeatedly said that we will match any scientifically supported conservation measures, relating to the size of fish to be caught or the minimum size of net mesh to be used, which are imposed equally upon all fishermen. But while both British and Icelandic scientists agree that there is now a need both to cut down the total tonnage caught and to restrict the catch of immature fish, Iceland has proposed a total allowable catch almost identical to that which it claims its own fishing industry needs. Iceland is therefore treating all the fish as its own. It is in effect calling on other fishermen to bear the entire burden of conservation measures and is declining to bear any substantial part of that burden itself.

34. Despite our willingness to negotiate, Icelandic gunboats have repeatedly harassed British trawlers by cutting their fishing gear, a highly dangerous procedure. Between 15 and 25 November alone the Icelandic Coast Guard vessels, supported by their aircraft, attacked a number of British trawlers in the area, damaging the equipment of at least seven of them. This harassment of our trawlers has made it necessary for us to provide protection, protection which we have attempted to limit to the minimum compatible with ensuring the fishing vessels' continued ability to fish. First we introduced civilian defence vessels. After the continued cutting of traw wires by the Coast Guard vessels of Iceland, we reluctantly brought in frigates of the Royal Navy on 25 November. Escalation of incidents, like the escalation of the protective measures we were obliged to take, has resulted from increasingly aggressive tactics by the Icelandic Coast Guard vessels.

35. In spite of the harassment of our fishing fleet and in spite of the demands of the Icelandic Govern-

ment, I take this opportunity to reaffirm the United Kingdom Government's readiness to settle its differences with Iceland by peaceful means. We believe it is possible to find a compromise settlement and our only desire is to continue the negotiations in order to reach a speedy solution. It goes without saying that we are willing to withdraw naval protection, provided that, on their side, the ships of the Icelandic Coast Guard cease to molest our fishing vessels.

36. Both the British people and the Icelandic people are seafarers by their history. British and Icelandic fishermen have for centuries made their living side by side on the seas of Northern Europe. This struggle has created a bond of comradeship between Icelandic and British seamen over which the present dispute casts an unwelcome shadow. My Government for its part wants to lift that shadow, so that the British and the Icelanders can once again harvest the seas to their mutual and long-term benefit, in friendship and in co-operation. But for this to happen there must be negotiation and there must be agreement between our two Governments on the issues at present in dispute, not confrontation on the sea nor confrontation in the Security Council. We say to the Icelandic Government: let the negotiations recommence, for we are confident that, with goodwill, the gap between us can be bridged and the common interests of our two countries can be reflected in renewed understanding between our two Governments. As my Foreign and Commonwealth Secretary, Mr. Callaghan, told the Icelandic Foreign Minister as recently as last Thursday, the United Kingdom is prepared to talk at any time, at any place, and at any level. I wish to repeat that undertaking today and to place it on the record of the Security Council.

37. The PRESIDENT (*interpretation from French*): As no other representative has asked to be allowed to speak on the question before the Council, I shall adjourn the debate on the item. The Security Council will remain seized of the question so that it may resume consideration of it at an appropriate date.

The meeting rose at 4.05 p.m.

Notes

¹ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IV (United Nations publication, Sales No. E.75.V.10), document A/CONF.62/WP.8.

² United Nations, *Treaty Series*, vol. 450 (1963), No. 6465.

³ *Fisheries Jurisdiction (United Kingdom V. Iceland), Jurisdiction of the Court, Judgment, I.C.J. Reports 1973, p. 3.*

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