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„The Enemy within NATO? – A Historical Analysis of the
Anglo-Icelandic Cod Wars (1952-1976)“

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Abstract - English

This paper's analysis focuses on the fisheries disputes between Iceland and the United Kingdom of Great Britain and Northern Ireland (U.K.) between 1952 and 1976 in terms of their importance for the North Atlantic Treaty Organization (NATO). The disputes revolved around the unilateral extensions of the Icelandic fisheries limits from three miles to four, 12, 50 and finally 200 nautical miles. The disputes took place in several stages of escalation, from the diplomatic Exchange of Notes sealing an agreement between the two parties, to collisions between Royal Navy frigates and Icelandic Coast Guard boats in the disputed waters, a trial at the International Court of Justice (ICJ) and the termination of Anglo-Icelandic diplomatic relations. Between allies in a military alliance, hitherto, this was an unprecedented situation, which put NATO in a very difficult situation.

In contrast to previous studies in the field, this paper's analysis combines a historical analysis of the fisheries disputes with a theory-based approach, mainly focussing on the importance of the disputes for NATO.

It finds that the Cod Wars were discussed in numerous NATO meetings. NATO's Secretaries General had always tried to moderate the tempers on both sides during the disputes and to contribute to resolving the disputes. However, the alliance only partly succeeded in this endeavour, because it became a plaything of the different national interests in the conflict. During the entire disputes, the alliance was under strict observation and thereby inhibited in their mediation efforts, because they did not want to risk Iceland's withdrawal from the alliance because of its strategic importance for the alliance in the context of the Cold War. It can be stressed that NATO, among other institutions like the OEEC, contributed to solving the disputes and NATO's Secretaries-General directly negotiated with both parties.

Abstract - German

Im Folgenden wird eine Analyse der Fischerei-Streitigkeiten zwischen Island und Großbritannien zwischen 1952 und 1976 präsentiert. Insbesondere geht es um den Einfluss dieser Streitigkeiten auf das Nordatlantische Bündnis (NATO). Gegenstand der Auseinandersetzungen war die einseitige Erweiterung der isländischen Fischereigrenzen von drei Seemeilen auf vier, 12, 50 und schließlich 200 Seemeilen. Im Zuge der Auseinandersetzungen kam es zu Kollisionen zwischen Royal Navy Fregatten und der isländischen Küstenwache in den umstrittenen Gewässern, zu einem Prozess am Internationalen Gerichtshof und dem Abbruch der diplomatischen Beziehungen zwischen Island und Großbritannien. Zwischen Verbündeten in einer militärischen Allianz war das eine bisher noch nie dagewesene Situation, die die NATO in ernstzunehmende Schwierigkeiten brachte.

Im Gegensatz zu früheren Analysen wird im Folgenden eine historische Analyse der Fischerei-Streitigkeiten mit einem theoriebasierten Ansatz kombiniert und die Bedeutung der Streitigkeiten für die NATO steht im Vordergrund.

Die zentralen Erkenntnisse sind einerseits, dass die Fischerei-Streitigkeiten oftmals Gegenstand von NATO-Sitzungen waren. Die Generalsekretäre der NATO haben während der Streitigkeiten immer versucht, die Gemüter auf beiden Seiten zu beruhigen und zur Beilegung der Streitigkeiten beizutragen. Allerdings gelang dies der NATO nur teilweise, da die Allianz im Zuge der Auseinandersetzungen zum Spielball von nationalen Interessen wurde. Somit stand die Allianz während der gesamten Dauer der Auseinandersetzungen unter strenger Beobachtung und war dadurch in ihren Vermittlungsversuchen gehemmt. Man wollte seitens der Allianz nicht riskieren, dass das strategisch sehr wichtige Mitglied Island die Allianz mitten im Kalten Krieg verlässt. Klar wird außerdem, dass die NATO neben anderen Institutionen zur Konfliktlösung beigetragen hat, indem die NATO-Generalsekretäre versucht haben, mit Vertretern beider Konfliktparteien direkt Lösungen zu erarbeiten.

1. Introduction

This paper's analysis focuses on the fisheries disputes¹ between Iceland and the United Kingdom of Great Britain and Northern Ireland (U.K.) between 1952 and 1976 in terms of their importance for the North Atlantic Treaty Organization (NATO). The disputes revolved around the unilateral extensions of the Icelandic fisheries limits from three miles to four, 12, 50 and finally 200² nautical miles.³ Already before the beginning of the 20th century, British fishermen sailed to Icelandic waters and regarded the catch from these waters to be economically important to the British trawling industry in the ports of Hull, Aberdeen or Grimsby.⁴ The disputes took place in several stages of escalation, from the diplomatic Exchange of Notes⁵ sealing an agreement between the conflict parties, to collisions between Royal Navy frigates and Icelandic Coast Guard boats in the disputed waters to a trial at the International Court of Justice (ICJ)⁶ and the termination of Anglo-Icelandic diplomatic relations. Between allies in a military alliance, hitherto, this was an unprecedented situation, which put NATO in a very difficult situation. In contrast to previous studies in the field, this paper's analysis combines a historical analysis of the fisheries disputes with a theory-based approach, mainly focussing on the importance of the disputes for NATO. Additionally, the Resolution on the Peaceful Settlement of Disputes and Differences between Members of the North Atlantic Treaty Organization⁷ is taken into consideration when analysing the disputes. As the resolution has not previously been taken into

¹ In the following, the fisheries disputes will also be referred to as "Cod Wars" in order to pick up a common and
² Guðmundurj Guðmundsson, "The Cod and the Cold War", in: *Scandinavian Journal of History*, 2006, 31:2, pp. 97-118.

³ The term "miles" is used in the following text always as a reference to nautical miles.

⁴ Jon T. Thór, "The quest for cod: Some causes of fishing conflicts in the north Atlantic", in: *Acta Borealia*, 2000, 17:1, pp. 41-50.

⁵ International Court of Justice, "Annex A – Exchange of Notes of 1961 - Application Instituting Proceedings submitted by the Government of the United Kingdom of Great Britain and Northern Ireland", in: *Fisheries Jurisdiction Cases – Volume I – United Kingdom of Great Britain and Northern Ireland versus Iceland*, 1975, <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=gi&case=55&k=9d&p3=0> (last accessed: February 20th, 2017).

⁶ International Court of Justice, "Application Instituting Proceedings submitted by the Government of the United Kingdom of Great Britain and Northern Ireland," in: *Fisheries Jurisdiction Cases – Volume I – United Kingdom of Great Britain and Northern Ireland versus Iceland*, 1975, <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=gi&case=55&k=9d&p3=0> (last accessed: February 20th, 2017).

⁷ North Atlantic Treaty Organization, *Resolution on the Peaceful Settlement of Disputes and Differences between Members of the North Atlantic Treaty Organization*, 1956, http://www.nato.int/cps/en/natolive/official_texts_17482.htm (last accessed: February 20th, 2017).

consideration in this context, this paper's analysis adds a new research perspective to the field. Moreover, the theory on the underlying causes of a dispute⁸ is applied to the Cod Wars in order to elaborate on the different layers of the conflicts and to reduce their complexity.

The analysis is structured alongside the following questions: Were the Cod Wars discussed at NATO meetings? Did NATO issue official positions on the alliance's stance in the disputes? Did the member states agree upon dispute settlement procedures before the Cod Wars? And finally, to what extent did the Cod Wars influence the evolution of dispute settlement procedures in NATO?

In order to analyse the fisheries disputes themselves, chapter two presents a short summary of Iceland's historiography with the milestones in state formation and its path to joining NATO, which is essential for a better understanding of Iceland's role in NATO and the sentiment of the Icelanders towards the alliance. A brief historical summary of the most important events in the Cod Wars follows the remarks on Iceland's historiography in order to provide the necessary context for understanding the previous literature in the field. The most important findings in the literature on the Cod Wars will also be highlighted in chapter two. Chapter three elaborates on the research design of this paper's analysis. Thereafter, the historiography of the most important events leading to NATO's foundation and the content of the North Atlantic Treaty⁹ is presented in chapter four. As space is limited, this presentation will focus on the most important aspects in the context of Iceland and NATO. These aspects will serve as a basis for the analysis of the fisheries disputes' importance for NATO, which is presented in chapter five. Finally, chapter six concludes.

⁸ Hans J. Morgenthau, /Kenneth W. Thompson/David W. Clinton (ed.), *Politics among nations: the struggle for power and peace*, 2006, Boston, pp. 446ff.

⁹ North Atlantic Treaty Organization, *The North Atlantic Treaty, Washington D.C. - 4 April 1949*, 1949 http://www.nato.int/cps/en/natolive/official_texts_17120.htm (last accessed: February 20th, 2017).

2. Historiography and Literature Review

As mentioned above, this chapter firstly presents Iceland's historiography and a brief historical summary of the most important events in the Cod Wars. Secondly, the literature in the field with regard to its relevance for this paper's research is summarized. Iceland's historiography serves as a basis for analysing the Anglo-Icelandic fisheries disputes, because it contributes to a better understanding to Iceland's uncompromising stance in the dispute, making almost no concessions to Britain. Additionally, the fact that Britain claimed historical fishing rights in the disputed waters requires a brief excursion on the history of fishing in Icelandic waters and the most important events during the Cod Wars. Iceland's historiography also allows conclusions on the state's importance for NATO. The second section of this chapter presents a review of the literature in the field. Elaborating on the findings of other author's makes clear that this paper's analysis complements previous studies in the field through its theory-based approach on the Cod Wars and it focuses on the influence of the disputes on the evolution of dispute settlement procedures in NATO.

2.1. Historiography

Starting with the historiography, this paper firstly takes a look at Iceland's political and economic history. The origins of the fisheries disputes lie in these historical events, making them a valuable contribution to this paper's research interest. On the road to becoming a sovereign and independent republic, several milestones determined Icelandic history. In 1874, Icelanders took over legislative powers for Icelandic affairs from the Danish kingdom and acquired sole responsibilities over their financial system.¹⁰ These steps were complemented by formal autonomy in 1904, the foundation of the independent Icelandic Kingdom headed jointly with the Danish king in 1918, and the proclamation of the independent Icelandic Republic in 1944.¹¹ In

¹⁰ Morris Davis, *Iceland extends its fisheries limits: a political analysis*, 1963, Oslo, p. 15.

¹¹ Hannes Jónsson, *Fischereiwesen und Außenpolitik Islands – ihr Einfluss auf das Seerecht*, 1980, Wien, p. 49.

economic terms, Iceland started off as an isolated and very backward subsistence economy, which was largely dependent on animal husbandry and supplemented by insignificant fish, bird and seal hunting.¹² The yield of daily fish was usually consumed freshly or within a few days after catching.¹³ Up until the year 1000, all fisheries in Europe was coastal fisheries located primarily in fjords or other sheltered areas.¹⁴ From about the year 1000 until the outbreak of the plague in the mid-14th century, better hygiene and diary for Europe's peoples resulted in population growth and the demand for fish increased in this period. As a result, small-scale coastal fisheries became insufficient.¹⁵ Iceland as well as other European countries restructured its economic profile and in Iceland, changes were introduced to make fishing the countries biggest industry.¹⁶ The increasing exploitation of the rich fishing grounds in Iceland's coastal waters, a more developed fishing industry, and easy access to foreign markets for fish and fishery products at competitive prices allowed for this transformation to occur.¹⁷ English fishermen visited the fishing grounds off Iceland's coast for the first time in 1412.¹⁸ During the ensuing decades, their numbers grew rapidly. Stockfish became the most popular resource in Icelandic waters and during the latter half of the 15th century and the first half of the 16th century, English and Hanseatic fishermen were competing for this resource in the grounds off Iceland.¹⁹ There is evidence of numerous clashes with considerable numbers of casualties at the time.²⁰ This demonstrates that the history of fisheries disputes in Icelandic waters is long. In this context, it is important to acknowledge that there historically were not only tensions between Iceland and the U.K. in the disputed waters, but also between other nations. The fact that these nations fought for their fishing rights also shows how abundant these waters were. With regards to regulation, fisheries on the high seas were unregulated and fishermen of all nations were free to exploit them. They were virtually

¹² Jónsson, *Fischereiwesen und Außenpolitik Islands*, pp. 50ff.

¹³ Thór, "The quest for cod", p. 42.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Jónsson, *Fischereiwesen und Außenpolitik Islands*, p. 51.

¹⁷ Ibid., p. 54.

¹⁸ Thór, "The quest for cod", pp. 44f.

¹⁹ Ibid.

²⁰ Ibid.

commons, “res communis”²¹ in legal terms, until the late 19th century. This does not mean that no territorial limits existed at the time, but – if at all – they were very poorly guarded and the guards focussed on preventing illegal trade activities such as smuggling.²² During the 20th century, fish became one of the basic foods for a rapidly growing population – especially in the cities – in the U.K.²³

In 1901, Iceland entered into an agreement with the U.K. on a three-mile fisheries limit.²⁴ Beginning in the 1920’s, technical advancements in the fishing industry fostered economic growth in Europe. Examples in this regard are the improvement of fishing technology, the increase in the size as well as the mobility of the fishing boats and the improved trawler equipment with high-performance line fishing gear.²⁵ These advancements were especially beneficial to the Icelandic economy, as it is as dependent on fish exports as no other state in the world. As a result, the standard of living of the Icelandic people was one of the highest in the world after the Second World War.²⁶ While fish exports have accounted every year for 87 to 97 per cent of Iceland’s exports since the Second World War, it is less than half a per cent in the U.K.²⁷ During the inter-war-period and after the Second World War, catches in Icelandic waters were often very good. Nevertheless, the ever-increasing fishing efforts of British, German, French and Dutch vessels in Icelandic waters continued to lead to clashes.²⁸ In the 1950’s and 1960’s, over-fishing in Icelandic waters became evident, leading local fishermen and the Icelandic governments to raise demands that foreign fleets, which were technically much better equipped than the Icelandic gear, should be forced to fish in greater distance to the Icelandic coast.²⁹ Between 1950 until 1976, the yearly average yield of the Icelandic fishing banks was about

²¹ Thór, “The quest for cod”, p. 46.

²² Ibid.

²³ Ibid.

²⁴ Jóhannesson, “Sympathy and self-interest”, p. 19.

²⁵ Jónsson, *Fischereiwesen und Außenpolitik Islands*, p. 58.

²⁶ Ibid., p. 51.

²⁷ Davis, *Iceland extends its fisheries limits*, p. 25; Jónsson, *Fischereiwesen und Außenpolitik Islands*, p. 60.

²⁸ Thór, “The quest for cod”, p. 47.

²⁹ Thór, “The quest for cod”, p. 47.

one million tons of fish according to Icelandic experts.³⁰ Because of technical advancement in the fishing gear, British and German vessels were able to secure about 51 per cent of this yield, whereas Icelandic fishermen only took 49 per cent of the total catch.³¹ In the following 25 years, this changed considerably. In 1976, Iceland was taking 86 per cent of the total catch, limiting the total catch of foreign vessels to 14 per cent.³² The catch of foreign fishermen sharply decreased, because the number of foreign fishing vessels in Icelandic waters sharply declined as well during this period.³³ It can be assumed that the establishment of fisheries limits by the Icelandic government between 1952 and 1976 caused this development.

The following section highlights that the history of fisheries disputes in Icelandic waters is one of centuries, not decades. Its roots lie in the High Middle Ages, when foreign fishermen began to exploit the stocks in Icelandic waters. Incidents and clashes between Icelandic and foreign fishermen occurred historically at an early stage and the problem increased when the demand for fish highly increased due to Europe's growing population. Furthermore, the fish stocks became increasingly smaller due to greater technical possibilities beginning in the 1920's.

This summary of Iceland's historiography emphasizes that Iceland is a relatively young sovereign nation, being able to make its case against bigger states – such as Denmark – and fighting for its interests. Moreover, Iceland's economic dependence on fish and fisheries exports becomes apparent. Fish has been the engine of the Icelandic economy for centuries and preserving this valuable natural resource is extremely important to the Icelanders. The subsequent section briefly summarises Iceland's history in NATO in order to elaborate on Iceland's role in the alliance and – at the same time – demonstrates its strategic importance to the alliance.

³⁰ Hannes Jónsson, *Friends in Conflict – The Anglo-Icelandic Cod Wars and the law of the Sea*, 1982, London, p. 6.

³¹ Ibid.

³² Ibid.

³³ Ibid.

Iceland was a founding member of NATO and signed the North Atlantic Treaty on May 4th, 1949.³⁴ In the strategic plans of the United States (U.S.) in the 1940's and 1950's, Iceland – with its military base at Keflavik – served as a “stepping stone”³⁵ for transport aircraft flying from U.S. soil to Europe. Therefore, in the cases of a severe crisis in Europe or in the state of war, the use of the Keflavik base was of fundamental importance for the transatlantic cohesion of the alliance.³⁶ In addition to the Airspace Monitoring Division of the U.S. Air Force, the U.S. Navy had deployed its own squadron patrol aircraft on Icelandic soil in order to monitor Icelandic waters. Because of the geographic location of Iceland, Soviet troop movements at sea could have been observed from this position in Iceland.³⁷ In the case of war in the Atlantic region, a victory for the NATO allies would have been possible even without Iceland, but the real concern for NATO strategists as well as the Icelanders was to prevent Soviet troops from occupying Iceland.³⁸

Since the beginning of its NATO membership, Iceland suffered from struggles in the population because of NATO. There always has been a large Communist supporting bloc in the population. This influenced the government's stance on NATO, because it constantly sought to lessen its obligations to the alliance to satisfy groups in the population demanding the country's withdrawal from the alliance.³⁹ Moreover, Iceland did not have a standing army at its disposal, but threatened to close the U.S. air base at Keflavik and thereby to deprive NATO off one of its most important defence locations in Europe during the course of the fisheries disputes.

³⁴ North Atlantic Treaty Organization, *The North Atlantic Treaty*.

³⁵ Winfried Heinemann, *Vom Zusammenwachsen des Bündnisses: die Funktionsweise der NATO in ausgewählten Krisenfällen 1951 – 1956*, 1998, München, p. 197.

³⁶ *Ib.*, p. 198.

³⁷ *Ib.*, p. 199.

³⁸ *Ibid.*

³⁹ Davis, *Iceland extends its fisheries limits*, p. 19.

Moving on to historic corner stones in the fisheries disputes, the first one was the law entitled 'Law concerning the Scientific Conservation of the Continental Shelf Fisheries'⁴⁰, which the Icelandic Parliament Althingi⁴¹ enacted in 1948. This law authorized the establishment of conservation zones within the limits of Iceland's continental shelf by the Icelandic government. In these zones, all fisheries would be subject to Iceland's jurisdiction and control. Thereafter, the Icelandic government established a four-mile exclusive fishing zone around its coast in 1952.⁴² This zone was unilaterally extended in 1958 to 12 miles and all fishing activities by foreign vessels within the zone were prohibited by regulations accompanying the 12-mile extension.⁴³ Both extensions of Iceland's exclusive fisheries zone were subject to strong protest from the U.K. and the U.K.'s fishing vessels continued to fish inside the 12-mile zone.⁴⁴ This led to a number of incidents between British fishing vessels and the Icelandic coast guard.⁴⁵ Following a series of negotiations, Iceland and the U.K. reached an agreement through an Exchange of Notes on March 11th, 1961.⁴⁶ Herein, the U.K. recognized Iceland's 12-mile exclusive fishing zone. In return, British fishing vessels were given a three-year phasing out period with regards to their activities in the 12-mile zone.⁴⁷ Furthermore, Iceland committed to notifying the U.K. six months prior to the pursuit of an extension of the 12-mile zone.

Since the beginning of the Cod Wars, the severity of the conflict increased and became more and more problematic for NATO. At the centre of attention in this regard was the fact that Iceland

⁴⁰ International Court of Justice, "Appendix I – Law concerning the Scientific Conservation of the Continental Shelf Fisheries, dated April 5 1948 – Application Instituting Proceedings submitted by the Government of the United Kingdom of Great Britain and Northern Ireland", in: *Fisheries Jurisdiction Cases – Volume I – United Kingdom of Great Britain and Northern Ireland versus Iceland*, 1975, <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=gi&case=55&k=9d&p3=0> (last accessed: February 20th, 2017).

⁴¹ Detailed information on the Icelandic Parliament can be found on the Parliament's website: <http://www.althingi.is> (last accessed: February 20th, 2017).

⁴² Peter Tomka, "Fisheries Jurisdiction Cases (United Kingdom v Iceland; Federal Republic of Germany v Iceland)", *Oxford Public International Law*, 2007, <http://opil.ouplaw.com> (last accessed: February 20th, 2017), p. 2.

⁴³ Guðmundurj Guðmundsson, "The Cod and the Cold War", p. 97.

⁴⁴ Ibid.

⁴⁵ E.D. Brown, "Iceland's Fishery Limits: The Legal Aspect", in: *The World Today*, 1973, 29:2, p. 69.

⁴⁶ International Court of Justice, "Annex A – Exchange of Notes of 1961."

⁴⁷ Robin Churchill, "The Fisheries Jurisdiction Cases: The Contribution of the International Court of Justice to the Debate on Coastal States' Fisheries Rights", in: *The International and Comparative Law Quarterly*, 1975, 24:1, p.83.

was associated with the U.S. and other states of the Western hemisphere by an agreement which allowed U.S. troops to be stationed at the air base in Keflavik signed in 1946 and throughout Iceland's selection as a recipient of Marshall Plan Aid in 1948.⁴⁸ On the other hand, the Soviet Union was Iceland's second most important trading partner and tried to win over Iceland in its favour multiple times in the course of the Cold War.⁴⁹ In July 1971, the Althingi issued a policy paper stating that it pursued an extension of its fisheries zone to 50 miles. Within this extended zone, foreign vessels would be excluded from September 1972 onwards.⁵⁰ The U.K. condemned this decision and reminded the Icelandic government of the right of either party to refer to the ICJ any extension of Iceland's fisheries limits, which they had agreed upon in the Exchange of Notes in 1961.⁵¹ Further negotiations were initiated, but the parties were not able to reach an agreement. As a result, the U.K. instituted proceedings against Iceland at the ICJ on April 14th, 1972.⁵²

While the U.K. put much emphasis on presenting a convincing argument at the Court proceedings which was based on empirics in terms of economic dependence of U.K. vessels on their catch in the Icelandic 50-mile zone, the Icelandic government simply stated that the ICJ had no jurisdiction in the dispute. As a consequence, no Icelandic representative did attend the proceedings; the Icelandic government simply expressed its own stance in diplomatic correspondences with Britain or on the occasion of NATO meetings. Moreover, the government did not acknowledge the interim measures, which the Court had decided on in 1973 in order to de-escalate the conflict.⁵³ Finally, it is not surprising that the Icelandic government did not recognize the judgment, which was pronounced after two years of negotiations on July 25th,

⁴⁸ Norbert Wiggershaus, *Nationale Außen- und Bündnispolitik der NATO-Mitgliedstaaten*, 2000, München, p. 76.

⁴⁹ Ibid.

⁵⁰ International Court of Justice, "Application Instituting Proceedings submitted by the Government of the United Kingdom of Great Britain and Northern Ireland."

⁵¹ Ibid.

⁵² Ibid.

⁵³ International Court of Justice, *Continuance of interim Measures of Protection – Order of 12 July 1973*, 1973, <http://www.icj-cij.org/docket/files/55/5719.pdf> (last accessed: February 20th, 2017).

1974.⁵⁴ The Court found that the Icelandic Regulations of 1972 constituting a unilateral extension of the fisheries zone to 50 miles from the baselines are not opposable to the U.K. At the same time, it stressed that Iceland is not entitled unilaterally to exclude U.K. vessels from areas between the 12-mile and 50-mile limits, or unilaterally to impose restrictions on their activities in such areas. In short, Iceland did not have the right to unilaterally impose a 50-mile exclusion limit on British vessels.⁵⁵ In addition, the Court held that Iceland and the U.K. are under mutual obligations to undertake negotiations in good faith for an equitable solution of their differences.⁵⁶ Ultimately, the judgment indicates that the preferential rights of Iceland, the established rights of the U.K. regarding the 50-mile zone, the interests of other states, the conservation of fisheries resources and a joint examination of measures required to come to a solution are to be taken into account in these negotiations.⁵⁷ Because the ICJ was not able to institute compulsory dispute settlement procedures by means of this judgment, it urged both parties to find a diplomatic solution to the problem. As a consequence, the fisheries dispute between Iceland and the U.K. was still not settled.

On the contrary, the Icelandic government extended the exclusive fisheries zone to 200 miles in 1975, drawing upon vocal support from developing countries and European Economic Community (EEC) member states, which debated this level of extension at the Third United Nations Conference on the Law of the Sea.⁵⁸ In order to enforce this extension, the Icelandic coast guard used trawl-wire cutters to force British trawlers fishing in the 200-mile zone to retreat.⁵⁹ In response, British frigates entered the zone to protect British fishing vessels. As a

⁵⁴ International Court of Justice, *Judgement of 25 July 1974 – Merits*, 1974, <http://www.icj-cij.org/docket/files/55/5977.pdf> (last accessed: February 20th, 2017).

⁵⁵ Huan-Sheng Tseng/Ching-Hsiewn Ou, “The evolution and trend of the traditional fishing rights”, in: *Ocean & Coastal Management*, 2010, 53, p. 272.

⁵⁶ International Court of Justice, *Judgement of 25 July 1974 – Merits*.

⁵⁷ Ibid.

⁵⁸ United Nations – Diplomatic Conferences, *Third United Nations Conference on the Law of the Sea, 1973-82*, <http://legal.un.org/diplomaticconferences/lawofthesea-1982/lawofthesea-1982.html> (last accessed: February 20th, 2017).

⁵⁹ Guðmundurj Guðmundsson, “The Cod and the Cold War”, p. 97.

consequence, numerous collisions between Icelandic coast guard vessels and British trawlers occurred.⁶⁰ Fortunately, no casualties were recorded. Nevertheless, the Icelandic government broke off diplomatic relations with Britain due to the further escalation of the conflict.⁶¹ In NATO's history, this was the first time that diplomatic relations between two member states broke off; a situation particularly undesired in the context of the Cold War.

Thus, it becomes apparent that the Anglo-Icelandic Cod Wars were a series of severe disputes; consequently being a litmus test for the alliance, because NATO's core values of cohesion and solidarity among its member states were contested. Finally, this happened at a time when the level of threat to NATO from the Soviet Union and signatory states to the Warsaw Pact was particularly high in the 1960's and 1970's.

2.2. Literature review

Having elaborated on Iceland's historiography and the most important events in the Cod Wars, this section focuses on previous studies in the field. This literature can be divided into three accounts.⁶² Firstly, there is a body of historical literature.⁶³ In most of the studies belonging to this category, the events in the Cod Wars are simply described, without trying to give explanations for what happened and why it happened. This manifests itself in the lack of a theoretical framework. Moreover, many historical studies on the fisheries disputes between Iceland and the U.K. only deal with one or two of the conflicts and do not provide a comprehensive analysis of the fisheries disputes between Iceland and the U.K. Also, historical studies greatly differ with regards to the methodology used and the research focus. This is

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² For an in-depth overview of the literature on the fisheries disputes, see: Steinsson, "The Cod Wars: a re-analysis".

⁶³ See e.g.: Guðmundsson, "The Cod and the Cold War", pp. 97-118 and Thór, "The quest for cod", p. 41-50.

illustrated by the following examples. Gudni Jóhannesson⁶⁴ describes the events of 1958 leading up to the second fisheries dispute. He argues that the tensions between the two states slowly evolved over several decades and traces the origins of the dispute back to the nineteenth century, “when Britain became the undisputed master of the high seas,”⁶⁵ setting precedence in dealings of maritime law.

Focussing on the First and the Second Cod War, Morris Davis⁶⁶ aims at identifying the stimulus of the discourse on the extension of the Icelandic fisheries limits. From the author’s point of view “Iceland’s decision to extend its fisheries limits reveals policy initiative located almost entirely in the specialized political sphere, particularly among the parties in the Government and among certain administrative officials. Parties, it would seem, do not so much respond to as stimulate opinion in society to which they may then say that they are responding.”⁶⁷ Davis highlights that the political sphere consists of politicians and political lobbyists as well and he stresses their efforts to persuade the public to be in favour of the extension of the fisheries limits. Because the third Cod War was subject of a court case at the ICJ, historical studies on it focus on legal aspects and the Court proceedings. In his study, Stephan Katz⁶⁸ does not focus on the arguments of the two parties in the context of the Court proceedings, but takes a closer look at the fundamental questions of international maritime law facing the ICJ in the context of the dispute between Iceland and the U.K. The author therefore assumes that the Court can set guidelines for the further development of the international maritime law within the framework of its judgment. Additionally, a majority of historical accounts on the Cod Wars have been written

⁶⁴ Gudni Jóhannesson, “How ‘cod war’ came: the origins of the Anglo-Icelandic fisheries dispute, 1958-61”, *Historical Research*, 2004a, 77:198, pp. 543-574.

⁶⁵ Jóhannesson, “How ‘cod war’ came”, p. 545.

⁶⁶ Davis, *Iceland extends its fisheries limits*, p. 100.

⁶⁷ Ibid.

⁶⁸ Stephen Katz, “Issues Arising in the Icelandic Fisheries Case”, in: *The International and Comparative Law Quarterly*, 1973, 22:1, pp. 83-108.

in Icelandic.⁶⁹ Furthermore, there is the problem of accessibility. Many historical studies are held at national archives in Iceland or the U.K.⁷⁰ As a result, it is difficult to access the best knowledge on the fisheries disputes for Icelandic as well as foreign researchers alike.⁷¹

Secondly, the literature on the Cod Wars features several well-known primary accounts on the disputes, written by government members on both sides.⁷² In this regard, Hannes Jónsson's study "Friends in Conflict – The Anglo-Icelandic Cod Wars and the law of the Sea"⁷³ sticks out. Jónsson was one of the key actors in charge in the Icelandic government during the 50-mile fisheries dispute, making him a biased observer of the actions. Nevertheless, his study is one of the few works presenting a very detailed and comprehensive analysis of the Cod Wars. His main argument is that the essence of all fisheries disputes was that Iceland claimed its right to protect its vital interests.⁷⁴ Additionally, Jónsson stresses that two legal principles discussed in the context of the law of the sea were at the centre of the disputes: "On the one side was the basic principle of freedom of the high and open sea for anyone to navigate and exploit its fishing banks and other riches at will. On the other side were the principles of exclusive and preferential rights of the coastal state to the riches of the sea out to a reasonable distance, the term 'reasonable' being defined differently at different times and places."⁷⁵ According to this argument, the two conflicting parties always referred to the opposite principle. For several decades, there was no agreement. According to Jónsson, Iceland was able to win the disputes, among other things, because Iceland formed an international alliance with other states in order to exert high pressure on the U.K. in the international arena.⁷⁶ For the purpose of aligning different states, Iceland

⁶⁹ For an overview of prominent accounts on the fisheries disputes in Icelandic, see: Steinsson, "The Cod Wars: a re-analysis", p. 257.

⁷⁰ In the context of this research project, the author was not able to travel to the different archives in Iceland, Brussels and the U.K and therefore was not able to consult the sources kept in these archives.

⁷¹ Steinsson, "The Cod Wars: a re-analysis", p. 257.

⁷² See for example: Harold Wilson, *Final term: the Labour Government 1974-1976*, 1979, London, p. 218.

⁷³ Hannes Jónsson, *Friends in Conflict*, and Jónsson, *Fischereivæsen und Außenpolitik Islands*.

⁷⁴ Jónsson, *Friends in Conflict*, p. 3.

⁷⁵ *Ibid.*, p. 5.

⁷⁶ Jónsson, *Friends in Conflict*, p. 189.

employed a colonial rhetoric and created the image that the right course for the international community in general was at stake in the fisheries disputes.⁷⁷ Moreover, Jónsson emphasizes that the Icelanders accused the U.K. of aiming to exploit the resources in the Icelandic waters as they did with the resources of former colonies.⁷⁸ By this means, the Icelandic government tried to promote sympathy and support in international forums such as the United Nations (U.N.), e.g. from states in Latin America and Africa, where demands for extend fisheries limits were also raised during the fisheries disputes between Iceland and the U.K.⁷⁹ In conclusion, Jónsson raises many interesting points, but the importance of the fisheries disputes for NATO and the organization's conflict resolution measures are not analysed in his study.

Thirdly, the Cod Wars have been the object of study in International Relations scholarship. In this context, two comprehensive analyses are of particular importance. In his study "Power and Tactics in International Negotiation: How Weak Nations Bargain with Strong Nations"⁸⁰, William Habeeb analyses the Cod Wars – amongst other case studies – in order to "develop a framework of power that allows for a better understanding of the dynamics of the negotiation process, whether the actors be of equal or unequal power."⁸¹ From his point of view, the Icelander's were much more committed to protecting the fish stocks in their steadily extended fishing limits and the British were not able to match this "absolute commitment exhibited by Iceland".⁸² In this context, he defines commitment, on the one hand, as the "desire and the need for a certain outcome"⁸³, and, on the other hand, it can be strongly based on principle and on a sense of justice. From this, one can infer that the Icelander's belief in what appeared to be a just cause and their willingness to fight for this just cause were simply stronger than on the British side.

⁷⁷ Ibid..

⁷⁸ Ibid., p. 189f.

⁷⁹ Ibid., p. 189f.

⁸⁰ William Mark Habeeb, *Power and Tactics in International Negotiation: How Weak Nations Bargain with Strong Nations*, 1998, Baltimore.

⁸¹ Habeeb, *Power and Tactics in International Negotiation*, p. XI.

⁸² Ibid., p. 127.

⁸³ Ibid., p. 128.

Additionally, Habeeb stresses that Iceland was successful in the negotiations concerning the fisheries limits, because the Icelandic government did stick to a hard-line negotiation tactic, making very few concessions to the British and linking the fisheries disputes to Iceland's NATO membership.⁸⁴ According to Habeeb, when NATO came into the equation, the British had to weigh their actions carefully, because a hard-line negotiation tactic from their side would have resulted in a further escalation of the fisheries disputes.⁸⁵ This further escalation would not have been in the interest of other NATO member states, acknowledging Iceland's strategic importance to the organization in the Cold War and therefore pressuring the U.K. to come around in the disputes. In conclusion, Habbeeb strongly focuses on conclusions, which can be drawn from the disputes to theory building in international negotiations. Moreover, he deals with the implications of the fisheries disputes for NATO. In this regard, he derives the hypothesis that Iceland was able to resolve the fisheries disputes in its favour, because of the tactic of broadening the scope of the issue by linking the fisheries disputes to Iceland's NATO membership and threatening to leave NATO if the U.K. would have won the upper hand in the disputes. This serves as an interesting point for this paper's research and will be taken up later. However, Habeeb does not elaborate on NATO as an active actor in the fisheries disputes and falls short on elaborating the possibility that the organization actively contributed to resolving the conflicts. In his analysis, NATO is mainly treated as a passive plaything in the fisheries disputes. This paper's research will broaden the scope on NATO's role in the disputes by regarding it as an active party in ending the disputes as well.

⁸⁴ Habeeb, *Power and Tactics in International Negotiation*, p. 127.

⁸⁵ Ibid., p. 128.

Gunther Hellmann and Benjamin Herborth⁸⁶ conducted another important study on the fisheries disputes in International Relations. Similar to Habeeb, they focus on theoretical implications of the fisheries disputes for International Relations and analyse the disputes on the grounds of the democratic peace proposition, stating that a democratic form of government reduces the possibility of militarised inter-state disputes.⁸⁷

They find that the fact that Iceland and the U.K. were allies during the fisheries disputes did not have an influence on their behaviour in the sense that they criminalised the opponent and charged the other party with violating internationally common/agreed upon rules and norms.⁸⁸ Additionally, the authors underline that “the mechanisms for conflict resolution emphasised by democratic peace proponents were hardly ever used.”⁸⁹ At the same time, they highlight that the actors on both sides did not undermine the propositions of the democratic peace per se.⁹⁰ Finally, both parties were not willing to accept international mediation efforts.⁹¹ The U.K. had referred the dispute concerning the 50-mile extension to the ICJ, hoping to achieve a legal victory. Iceland in turn did deny the ICJ’s jurisdiction and did not comply with the ICJ’s ruling. In this context, the authors also regard NATO as a possible mediator in the conflicts, but they only briefly mention the actions of NATO Secretary-General Joseph Luns in the 50-mile conflict and do not provide a comprehensive analysis of NATO’s mediation efforts.⁹² Hellmann and Herborth provide a comprehensive analysis of the fisheries disputes between Iceland and the U.K., but they mainly focus on implications of the disputes for International Relations Theory. NATO’s role in the disputes is only briefly touched upon and the authors do not elaborate on the

⁸⁶ Gunther Hellmann/Benjamin Herborth, “Fishing in the mild West: democratic peace and militarised interstate disputes in the transatlantic community”, in: *Review of International Studies*, 2008, 34, pp. 481-506.

⁸⁷ Hellmann/Herborth, “Fishing in the mild West”, p. 481.

⁸⁸ Ibid., pp. 490f.

⁸⁹ Ibid., p. 491.

⁹⁰ Ibid., p. 499.

⁹¹ Ibid., pp. 491ff.

⁹² Ibid.

Resolution on the Peaceful Settlement of Disputes and Differences between Members of the North Atlantic Treaty Organization.

In the context of International Relations literature on the Cod Wars, one additional study needs to be taken into consideration, because it features prominently in the discourse on the Cod Wars. In his studies, Valur Ingimundarson⁹³ focuses on the relationship between Iceland and the U.S. in terms of Iceland's security. NATO is important in his analyses, but he focuses on NATO as a bargaining chip between Iceland and the U.S. and does not provide a comprehensive analysis of NATO's role in the four fisheries disputes.⁹⁴ Nevertheless, Ingimundarson's findings will be touched upon later in this paper's analysis, as he is one of the leading Icelandic scholars in the field of Iceland's security policy.

In conclusion, the Cod Wars feature prominently in different studies in different academic disciplines and the insight, which can be drawn from these studies, is beneficial for gaining a better understanding of the disputes. Nevertheless, the literature on the Cod Wars does not provide a comprehensive analysis of the Cod Wars between Iceland and the U.K. focussing on NATO's mediation efforts in the disputes and – at the same time – at the importance of the disputes for the evolution of dispute settlement procedures within NATO.

In terms of sources, this paper's analysis consults a variety of literature. On the one hand, historical and primary accounts as well as International Relations scholarship on the fisheries disputes are consulted. Although they have shortcomings in isolation - as already mentioned

⁹³ Valur Ingimundarson, "The Struggle for Western Integration", *Defence Studies*, 1999, 3, pp. 3-91, "Fighting the Cod Wars in the Cold War: Iceland's challenge to the Western Alliance in the 1970s", in: *The RUSI Journal*, 2003a, 148:3, pp. 88-94; and "A western cold war: the crisis in Iceland's relations with Britain, the United States, and NATO, 1971-74", in: *Diplomacy & Statecraft*, 2003b, 14:4, pp. 94-136.

⁹⁴ In his study "The Role of NATO and the US Military Base in Icelandic Domestic Politics, 1949-99", in: Schmidt, Gustav, *A history of NATO: the first fifty years*, Volume 2, 2001, Basingstoke, Ingimundarson analyses the role of NATO in Icelandic politics during the entire period of the fisheries disputes, but the scope of his research is broadened to the influence of the U.S. Military Base at Keflavik on Iceland and developments in Iceland's domestic politics are at the centre of the author's attention. Not the fisheries disputes between Iceland and the U.K.

above - they form a good basis for the in-depth analysis presented below. On the other hand, this paper's analysis takes into consideration scholarly literature on the history of NATO between the 1950's and 1970's as well as official documents issued by NATO⁹⁵ itself. As the third fisheries dispute was tried at the ICJ, official documents issued by the ICJ on the court proceedings are also taken into consideration when analysing the third fisheries dispute. Detailed information on this paper's research design is summarized in the following chapter.

3. Research Design

With regards to this paper's research design, Hans Morgenthau's theory⁹⁶ on the underlying causes of a dispute, which he developed in the context of the balance of power in International Relations, is applied to the fisheries disputes. According to Morgenthau, "(...) Nation A wants something of Nation B that Nation B is not willing to concede".⁹⁷ Consulting the existing literature on the fisheries disputes between Iceland and the U.K., one can infer that Iceland wants the U.K. to stop fishing in Iceland's so called exclusive economic zone off the Icelandic coast. The U.K., on the other hand, was not willing to stop fishing in the disputed waters. Iceland argued that the extension of the exclusive economic zone was a necessary measure for the conservation of the fish stocks in the disputed waters. The U.K. argued that it had established historic fishing rights in the waters off the Icelandic coast and that the British economy relied upon the catch harvested in Icelandic waters. These are the main arguments of both parties in the dispute. This paper, however, does not focus on the validity of the arguments and it does not analyse, which party has the most compelling argument in the disputes. It is more a matter of analysing the different layers of the conflicts with special emphasis on NATO. It is therefore a question of whether NATO actively took part in finding a solution to the fisheries disputes throughout the organization's different forums for consultation, or, whether the organization

⁹⁵ These documents can be accessed at: North Atlantic Treaty Organization, *NATO Archives Online*, 2017, <http://archives.nato.int> (last accessed: February 20th, 2017).

⁹⁶ Morgenthau et. al., *Politics among nations*, pp. 446ff.

⁹⁷ Ibid., p. 446.

became the plaything of the two parties' interests and thus took passively part in the fisheries disputes. In the context of NATO as an active mediator in the disputes, Morgenthau emphasizes that in situations like the Cod Wars, one nation demands something from the other, which the other is not ready to do. In this situation, armed conflicts between the nations are always possible, but the same time - peaceful solutions are not ruled out either.⁹⁸ In this context, one hypothesis is that the NATO membership of both states played an important role in whether the fisheries disputes escalated to armed conflicts or could be solved by peaceful means. If the latter is the case, NATO might have provided guidelines for resolving conflicts like the fisheries disputes and NATO officials might have assumed the role of mediator between the two parties. In this regard, particular emphasis lies on the means for consultation NATO provides for its member states.

Here, the Resolution on the Peaceful Settlement of Disputes and Differences between Members of the North Atlantic Treaty Organization⁹⁹ is of particular importance. The North Atlantic Council - the "principal political decision-making body at NATO"¹⁰⁰ in which each member country has a seat – adopted this resolution on December 11th, 1956. It serves several purposes. On the one hand, the member states renew their commitment agreed upon in Article 1 of the North Atlantic Treaty that they aim to "to settle any international disputes in which they may be involved by peaceful means".¹⁰¹ Additionally, the member states once more underline the importance of economic and military collaboration amongst them. On the other hand, provisions are taken in the event that disputes between member states cannot be resolved peacefully by means of consultation. This is the resolution's most interesting part for the analysis presented below: Firstly, member states are expected to submit the disputes to offices within NATO before

⁹⁸ Morgenthau et. al., *Politics among nations*, p. 446.

⁹⁹ North Atlantic Treaty Organization, *Resolution on the Peaceful Settlement of Disputes and Differences between Members of the North Atlantic Treaty Organization*.

¹⁰⁰ North Atlantic Treaty Organization, *What is NATO?*, 2017, <http://www.nato.int/nato-welcome/index.html> (last accessed: February 20th, 2017).

¹⁰¹ North Atlantic Treaty Organization, *North Atlantic Treaty*.

consulting any other international organisation.¹⁰² Two exceptions for this provision are made: Firstly, legal disputes, which are to be submitted to a judicial tribunal and economic disputes, which are to be submitted to an international organization specialised on economics.¹⁰³ Secondly, member states are under the obligation to consult NATO on matters, which may threaten the effectiveness or the solidarity of the alliance.¹⁰⁴ Thirdly, the Secretary General is empowered to “offer his good offices informally at any time to member governments involved in a dispute and with their consent to initiate or facilitate procedures of inquiry, mediation, conciliation, or arbitration”¹⁰⁵ and to appoint up to three permanent representative to assist him in resolving the dispute. Based on this, it is examined whether the U.K. and Iceland have adhered to the resolution, and, whether the Secretary General took action. Having said this, one has to keep in mind that the resolution, as mentioned above, was not adopted until 1956. Therefore, it could not serve as a guideline for the first fisheries dispute between 1952 and 1956. Nevertheless, all four fisheries disputes can be analysed regarding their influence on the evolution of dispute settlement procedures in the alliance.

In the context of NATO as a passive actor in the disputes, one hypothesis is that the Icelandic threats to close the Keflavik air base, where U.S. troops were stationed throughout the Cod Wars, and to terminate Icelandic NATO membership served as means to put pressure on the organization’s other member states. These states in turn were supposed to pressure the U.K. to accredit the extension of the Icelandic exclusive economic zone. This hypothesis, in turn, goes well with Morgenthau’s theory on the underlying causes of a dispute, because the reason for uprisings in Iceland against the U.S. military presence in the country, which will be elaborated on

¹⁰² North Atlantic Treaty Organization, *Resolution on the Peaceful Settlement of Disputes and Differences between Members of the North Atlantic Treaty Organization*.

¹⁰³ North Atlantic Treaty Organization, *Resolution on the Peaceful Settlement of Disputes and Differences between Members of the North Atlantic Treaty Organization*.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

later in this paper, might have been the result of a deeper frustration in the Icelandic population evoked by the Cod Wars.

This paper's research complements previous studies in the field by focusing on NATO's role in the fisheries disputes between the U.K and Iceland, and, in more detail, analysing whether the alliance was an active or passive actor. In the literature in the field, the Resolution on the Peaceful Settlement of Disputes and Differences between Members of the North Atlantic Treaty Organization has never been taken into consideration when analysing the fisheries disputes. In addition, applying Morgenthau's theory of the underlying causes of a dispute to the fisheries disputes adds a new research approach to the field and serves a measure to reduce the complexity of the fisheries disputes on an analytical scale.

4. The North Atlantic Treaty Organization

Before moving on to the analysis of the fisheries disputes, this chapter is devoted to NATO. More specifically, it elaborates on the founding history of the alliance, its structure and the North Atlantic Treaty. First and foremost, the North Atlantic Treaty Organisation is a defence alliance.¹⁰⁶ It is an intergovernmental organization in which the member states maintain their sovereignty and independence.¹⁰⁷

After World War II – causing military destruction and human suffering which was globally unparalleled up to the beginning of the war and could only be ended by military cooperation of the Allied Powers – the creation of NATO expresses its member states' commitment to mutual protection against aggressors in the international community. Simultaneously, it demonstrates the states' obligation to seek peaceful means for the resolution of international conflicts. In the autumn of 1948, negotiations were held between five European countries (Belgium, France,

¹⁰⁶ North Atlantic Treaty Organization – Informationsabteilung Brüssel, *NATO Handbuch*, p. 17.

¹⁰⁷ Ibid.

Great Britain, Luxembourg and the Netherlands) and Canada and the United States.¹⁰⁸ Before the meeting, the European countries had already signed a mutual agreement on defence, the Treaty of Brussels.¹⁰⁹ In the spring of 1949, these countries invited Denmark, Iceland, Italy, Norway and Portugal to participate in their discussions on an alliance, and on April 4th, 1949, the North Atlantic Treaty was signed by these twelve states in Washington.¹¹⁰ At that time, the memory of the coup in Prague in the spring of 1948, which brought the Communist regime to power in Czechoslovakia, was still vivid in people's minds and the Berlin blockade by Soviet forces was still in full swing.¹¹¹

4.1. Foundation of the North Atlantic Treaty Organization

The signing of the North Atlantic Treaty – also called the Washington Treaty – on April 4th, 1949 in Washington D.C. marked the act of foundation of NATO, an alliance with the essential purpose to “safeguard the freedom and security of its members through political and military means.”¹¹² In terms of political means, the alliance aims at conflict prevention by encouraging cooperation on defence issues and promoting democratic values among its members.¹¹³ With regard to military means, NATO commits to the peaceful resolution of disputes in the North Atlantic Treaty.¹¹⁴ At the same time, the alliance highlights that it has the military capacity to undertake crisis-management operations.¹¹⁵ Since the day the North Atlantic Treaty was signed, the alliance's history has been a matter of tension between national interests of the member states and alliance solidarity.¹¹⁶

¹⁰⁸ North Atlantic Treaty Organization – Informationsabteilung Brüssel, *NATO Handbuch*, p. 17.

¹⁰⁹ Ibid., p. 33.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² North Atlantic Treaty Organization, *North Atlantic Treaty*.

¹¹³ North Atlantic Treaty Organization, *What is NATO?*

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Gero von Gersdorff, *Die Gründung der Nordatlantischen Allianz*, 2009, München, p.1.

The treaty consists of a preamble and fourteen articles.¹¹⁷ The joint self-defence aimed at in the treaty is in accordance with the provisions of the Charter of the United Nations. In Article 51 of the charter, it is stated that: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”¹¹⁸ If concrete measures are taken, however, the states are required to report these to the U.N. Security Council without delay so that the Security Council can carry out all necessary measures to maintain or restore international peace and security.¹¹⁹ Article 1 of the North Atlantic Treaty ensures compliance to Article 51 of the U.N. Charter. Article 2 stresses the importance of “the further development of peaceful and friendly international relations”¹²⁰ and assigns the parties to the treaty, which are referred to as signatory states in the following, to strengthening and protecting free institutions and the principles they are build upon. Article 3 encourages the signatory states to “maintain and develop their individual and collective capacity to resist armed attack”¹²¹ and in Article 4, they are encouraged to consult each other if they feel threatened, politically or militarily. Article 5 is at the heart of the treaty, because all parties agree: “an armed attack against one or more of them in Europe or North America shall be considered an attack against them all.”¹²² Such an attack shall be countered with measures they deem necessary, including the use of armed forces in order to restore and maintain security in the contract territory. Article 6 specifies that Article 5 shall also apply to the territories under the rule of the signatory states, and Article 7 emphasizes that any action under Article 5 must be in accordance with the U.N. Charter. Furthermore, Article 8 states, that the North Atlantic Treaty must be in accordance with existing multilateral agreements. The organisational setup of the alliance is dealt with in Article 9. Each signatory state shall send one member to the NATO Council. The council

¹¹⁷ North Atlantic Treaty Organization, *North Atlantic Treaty*.

¹¹⁸ United Nations, *Charter of the United Nations*, 1945, San Francisco, Article 51, <http://www.un.org/en/charter-united-nations/index.html> (last accessed: February 20th, 2017).

¹¹⁹ Ibid.

¹²⁰ North Atlantic Treaty Organization, *North Atlantic Treaty*.

¹²¹ Ibid.

¹²² Ibid.

is required to be able to meet on short notice in order to react to political developments. In addition to a defence committee, which is explicitly mentioned in the article, the council is free to establish further advisory bodies. Article 10 regulates the membership of other states in the alliance in the future. In this regard, the U.S. government is in a privileged position, because it is designated to issue the invitation. Although it can be assumed that every accession of a new member state is discussed in the council beforehand, the role of the U.S.-government, as defined in the treaty, underlines the outstanding position of the U.S. in the alliance.

The exact procedure for ratifying the Treaty is set out in Article 11. This article also highlights that the North Atlantic Treaty must be compatible with the constitution of each member state. Article 12 stipulates that the treaty should be adapted to the current political situation in the international sphere after 10 years of its ratification. Again, the importance of the compatibility of the treaty with the U.N. Charter is underlined. According to Article 13, a termination of the North Atlantic Treaty by one or more of its members is possible only after the ratification of the treaty dates back twenty years. In this respect, the member state willing to leave must turn to the U.S.-government, which then notifies the other member states of the decision. The withdrawal can be carried out one year after notifying the U.S.-government of the decision. The fact that a withdrawal from the alliance is only possible after 20 years proves that members wanted to build a steadfast alliance on the pillars of stability and security. In times of the approaching Cold War, this was a strong signal towards the Soviet Union as well. Finally, Article 14 states that all member states should get a copy of the treaty (in English or French) and that the treaty was ratified by all signatory states on August 24th, 1949. According to the North Atlantic Treaty, therefore, the main objective of the alliance is to maintain the security of the member states by deterrence of any aggressor and, should aggression arise, restore the territorial integrity of the North Atlantic region.¹²³ By means of deterrence, any potential aggressor should realise that an

¹²³ North Atlantic Treaty Organization – Informationsabteilung, *NATO Handbuch*, p. 18.

attack on NATO would pose a threat to the aggressor, much bigger than the hoped-for advantages of an attack.¹²⁴ In conclusion, the North Atlantic Treaty provides the framework for comprehensive co-operation between the signatory states.¹²⁵ On the one hand, the member states commit to protecting each other, when they are under attack. On the other hand, it permits permanent, joint cooperation and consultation in political, economic and other non-military areas.¹²⁶ By ratifying the treaty, NATO member states commit to comply with the provisions made in the articles of the treaty. In addition to outwardly strengthening the alliance, some articles are also about inwardly strengthening the alliance. This becomes apparent in Article 4. In this article, members are called upon to consult each other when they are in a politically or militarily difficult situation.¹²⁷ In the context of this paper's research interest, it will be assumed that consultations should also be carried out when member states come into conflict with each other. Regarding the Anglo-Icelandic Cod Wars, this is of particular importance and it can be analysed whether Iceland or the U.K. made use of this dispute settlement provision laid down in the North Atlantic Treaty. Moreover, other articles may also be used to ensure that disputes between member states can be settled. Firstly, Article 2 points at strengthening free institutions, which serve as the basis for peace and cooperation in international relations, and the principles they are build on.¹²⁸ One of these institutions has an important role in the third fisheries dispute, when the U.K. refers this dispute to the ICJ. How both parties deal with the ICJ during the fisheries disputes will be an important point for the analysis in chapter five. Article 5 is also important regarding the fisheries disputes, because "(w)ith Royal Navy frigates accompanying British trawlers into the disputed waters to protect the fishermen from harassment by Icelandic coast guard vessels, both sides had good reason to view NATO as an appropriate agency to

¹²⁴ North Atlantic Treaty Organization – Informationsabteilung, *NATO Handbuch*, p. 18.

¹²⁵ *Ibid.*, p. 13.

¹²⁶ *Ibid.*

¹²⁷ North Atlantic Treaty Organization, *North Atlantic Treaty*.

¹²⁸ *Ibid.*

resolve the dispute.”¹²⁹ Furthermore, Article 13 is important regarding the fisheries disputes. This article stipulates that member states may cease to be a party to the treaty only after twenty years after it had been ratified.¹³⁰ Keeping in mind that the North Atlantic Treaty was signed in April 1949, leaving the alliance would have been possible earliest in 1969. Whether this provision was taken into account when Iceland threatened to leave the alliance in the context of the Cod Wars is taken up in the analysis of the fisheries disputes in chapter five.

4.2. NATO's Structure

In order to be able to elaborate on NATO's mediation efforts during the Cod Wars and the alliance's dispute settlement procedures, this section provides an overview of the alliance's structure. With regard to this paper's research interest, the structure of the alliance determines the measures for consultation, which the alliance offers its member states in general, and the ones, which can meet on short notice in order to react to upcoming tensions. The highest body of the alliance is the North Atlantic Council. It serves as a forum for comprehensive political consultation and coordination between the member states.¹³¹ The alliance's military policy is discussed in the Defense Planning Committee (DPC), which consists of those member states that participate in the integrated defence structure of NATO.¹³² Beginning in 1951, NATO members developed the idea of an integrated military command structure within the alliance.¹³³ They deemed this structure necessary “to ensure greater integration of NATO forces and proper lines of command in the event of a crisis or war.”¹³⁴ The first strategic command of this sort, Allied Command Europe (ACE), was founded in the same year.¹³⁵ The council and the DPC meet twice

¹²⁹ Bruce Mitchell, “Politics, Fish and International Resource Management: The British-Icelandic Cod War”, in: *Geographical Review*, 1976, 66:2, pp. 131f.

¹³⁰ Ibid.

¹³¹ North Atlantic Treaty Organization – Informationsabteilung, *Das Atlantische Bündnis: Tatsachen und Dokumente*, 1990, Brüssel, p. 344.

¹³² Ibid.

¹³³ North Atlantic Treaty Organization – SHAPE - Supreme Headquarters Allied Powers Europe, “Brief History”, 2016, in: <https://www.shape.nato.int/page129235813> (last accessed: February 20th, 2017).

¹³⁴ Ibid.

¹³⁵ Ibid.

a year at ministerial level, with the member states' foreign ministers – respectively defence ministers - participating in the meetings.¹³⁶ At the level of the permanent representatives, the council meets at least once a week. The Secretary General of NATO is the chairman of the council and the DPC and heads NATO's international staff.¹³⁷ In its support, the council as well as the DPC have set up a number of committees dealing with the wide range of NATO's activities. These committees are presided over by one of the members of the General Secretariat.¹³⁸

NATO's highest military authority is the Military Committee. It consists of the chiefs of staff of the member states, which are integrated in the military structure of NATO.¹³⁹ The Military Committee advises the council and the DPC on military issues and sets guidelines for top NATO commanders.¹⁴⁰ The Military Committee is in session at least twice a year at the level of the National Military Representatives appointed by member states' chiefs of staff at NATO. The member states' chiefs of staff elect the chairman of the Military Committee for a term of two or three years.¹⁴¹ The implementation of the policies and the decisions of the Military Committee are entrusted to the International Military Staff.¹⁴² The NATO Defense Area is divided into three separate Regional Command Areas - the Allied Command Area Europe, the Allied Atlantic Command, and the Allied Command Channel.¹⁴³ There is also an American-Canadian regional planning group for the North American area.¹⁴⁴ On the basis of the general guidelines of the Military Committee, NATO commanders are responsible for the planning of the defence of their command areas and for carrying out NATO exercises on land, water and air.¹⁴⁵ With this

¹³⁶ North Atlantic Treaty Organization – Informationsabteilung, *Das Atlantische Bündnis*, p. 344.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

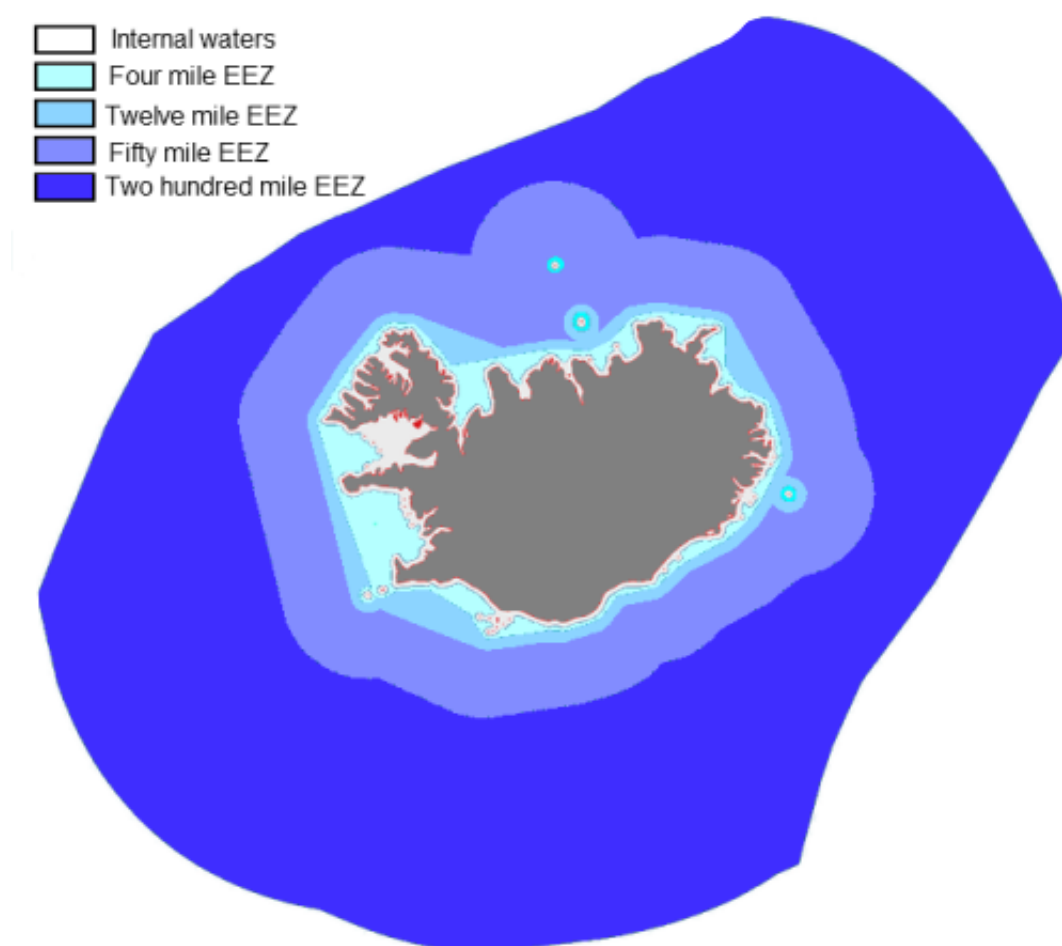
¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

information it becomes apparent that the alliance offers its members consultation opportunities in various forums.

5. The Anglo Icelandic Fisheries Disputes

After having elaborated on Iceland's historiography, a review of the literature on the Cod Wars and on this paper's research design, this chapter presents the analysis of the four fisheries disputes. All four extensions of the Icelandic fisheries limits are illustrated in this graph:¹⁴⁶



This graph shows how far the Icelandic fishing zone had progressed throughout the years of the on-going disputes. In the 1950's, the fisheries limits were still closely linked to the territorial

¹⁴⁶ British Sea Fishing – *The Cod Wars*, <http://britishseafishing.co.uk/the-cod-wars/#> (last accessed: February 20th, 2017).

boundaries. From then on, they were constantly extended up to 200 miles. At this time, they spawned largely into areas, which were considered the high seas under international law for centuries.

The historical roots of the international law of the sea date back to the 16th century, namely to the works of the Dutch philosopher and jurist Hugo Grotius.¹⁴⁷ He promoted the principle of the freedom of the seas,¹⁴⁸ stating that the high seas are open to all nations in times of peace and may not be subjected to national sovereignty. In this context, one must acknowledge that already in the 15th and 16th centuries, maritime routes were important trade routes for a variety of goods.¹⁴⁹ Especially the British, Portuguese and Spanish Empires as well as Dutch and Hanseatic merchant fleets made extensive use of maritime trade routes and entire industries were dependent on thriving income from fishing and maritime trade.¹⁵⁰ Thus, the seafaring tradition of the British dates back centuries. This might be one explanatory factor for the U.K.'s strong protest against the Icelandic unilateral extensions of their fishing limits. When analysed in more detail in the following sections, the Cod Wars will be elaborated on with regards to the historiography of events and the contribution to this paper's research interest.

5.1. First Fisheries Dispute – The 4-mile conflict (1952-56)

Before elaborating on the first fisheries dispute below, Icelandic politics at the end of 1949 and early 1950 are at the centre of attention first.¹⁵¹ In February 1950, the Independence Party and the Progressive Party formed a new coalition government, because the incumbent three-party

¹⁴⁷ Richard Boschan (ed.), *Von der Freiheit des Meeres; Mare liberum*, 1919, Leipzig.

¹⁴⁸ James Brown Scott, *The freedom of the seas: or the right which belongs to the Dutch to take part in the East Indian trade; a dissertation*, 1916, New York.

¹⁴⁹ Kirti Chaudhuri, "The Portuguese Maritime Empire, Trade, and Society in the Indian Ocean during the Sixteenth Century", in: *Portuguese Studies* 1992, 8:57, p. 57.

¹⁵⁰ Tonio Andrade/William Reger/Geoffrey Parker (eds), *The limits of empire: European imperial formations in early modern world history: essays in honor of Geoffrey Parker*, 2012. Farnham.

¹⁵¹ Ingimundarson, "The Struggle for Western Integration", p. 33.

government broke up over disagreements with regard to economic policy.¹⁵² In this context, Valur Ingimundarson highlights that earlier in 1950, “NATO had informed Icelandic officials of the need for stationing a small military force of 200 to protect the Keflavik Airport against sabotage.”¹⁵³ This was hinted as a warning against the Soviet Union and the U.S. as well as many other NATO member states wanted to prevent major Soviet influence in Iceland. But the Icelanders – and foremost Foreign Minister Bjarni Benediktsson - had reservations about the deployment of foreign troops in Iceland.¹⁵⁴ In this context, one has to keep in mind that Iceland still didn’t have a standing army. NATO was unable to reach an agreement with Iceland until the North Korean invasion of South Korea in the summer of 1950, which marked the beginning of the Korean War.¹⁵⁵

The Icelandic people were scared by the events in Korea, and the government was sensitised to that.¹⁵⁶ This did not remain hidden to NATO and the Standing Group of NATO’s Military Committee sent an official letter to the Icelandic government requesting information on the Icelandic government’s defence strategies as well as needs.¹⁵⁷ Almost at the same time, the Icelandic government turned to NATO itself and from then on it seemed once more to be possible – after American soldiers were deployed to Iceland during the Second World War – to station foreign troops on the island. After Icelandic officials had visited Washington D.C. several times and following “the establishment of the Supreme Allied Headquarters in Europe (SHAPE)”¹⁵⁸ – one of NATO’s major institutions on the European continent – Iceland entered a defence treaty with the U.S. at the request of NATO in January 1951.¹⁵⁹ Both parties to the treaty – Iceland and the U.S. – had the right to resolve the agreement prior to giving notice 18 months

¹⁵² Ingimundarson, “The Struggle for Western Integration”, p.33.

¹⁵³ Ibid.

¹⁵⁴ Ibid., pp. 33f.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid., p. 34.

¹⁵⁷ Ibid., 34f.

¹⁵⁸ Ibid., p. 35.

¹⁵⁹ Ólafur T. Hardarson, “Public Opinion and Iceland’s Western Integration”, *Conference on the Nordic Countries and the Cold War: International Perspectives and Interpretations*, 1998, Reykjavik, p. 3.

in advance.¹⁶⁰ Furthermore, NATO was to be consulted on the organization's opinion in the matter, but NATO did not have the veto power to prevent the agreement from being determined by either party.¹⁶¹ 300 U.S. troops entered Iceland on May 7th, 1951.¹⁶² Because of NATO's advocacy for the Defense Treaty, the alliance was linked to it in the Icelanders' perceptions'. When the Icelandic sentiment towards the base decreased, NATO was pulled into this. This has to be kept in mind when public opinion in Iceland towards NATO is analysed in the following.

Having elaborated on this contextual information, the analysis turns to the first fisheries dispute between Iceland and the U.K. The three-mile fishing limit off the Icelandic coast was valid since the Icelanders entered into a treaty with Britain in 1901.¹⁶³ In April 1950, the Icelandic government brought up a unilateral extension of this limit to four miles, "drawn the 'Norwegian way' from baselines across fjords and bays."¹⁶⁴ All foreign fishing vessels were subject to exclusion from this area, once the extension came into force.¹⁶⁵ Norway had extended its fishing limits to four miles by these standards only months before Iceland wanted to follow suit.¹⁶⁶ The Norwegian model of measuring fishing limits from baselines, which Iceland wanted to adopt, included a much bigger territory than all treaties on fishing limits beforehand.

The Icelanders justified their claim with conservation measures, because they attested overfishing in the contested waters.¹⁶⁷ British trawlers were allowed to fish in the four-mile zone up until October 1951, when the three-mile treaty between Iceland and the U.K. expired.¹⁶⁸ Internationally, governments of other Western allies were irritated by Iceland's pressing ahead.

¹⁶⁰ Ingimundarson, "The Struggle for Western Integration", p. 35.

¹⁶¹ Ibid., pp. 35f.

¹⁶² Ibid., p. 36.

¹⁶³ Gudni T. Jóhannesson, "Sympathy and self-interest", p. 19.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid., pp. 19f.

¹⁶⁶ Ibid., p. 23.

¹⁶⁷ Ibid., p. 20.

¹⁶⁸ Ibid., p. 19.

Gudni Jóhannesson, an Icelandic historian and the acting President of Iceland, highlights that some even “complained bitterly that the Icelanders were only thinking about themselves and determined to make the most of their strategic importance.”¹⁶⁹ As mentioned above, Iceland had received considerable Marshall Plan Aid and other subsidies from larger allies, e.g. from NATO.¹⁷⁰ One can infer that these often larger states, on the one hand, saw it as their responsibility to assist a smaller ally. On the other hand, one can infer that they expected Iceland to be loyal, especially with NATO member states. Excluding foreign vessels from NATO member states out of waters, where there was a long tradition of fishing for several nations in this context might not have been considered loyal.

For the British trawling industry, measuring Icelandic fishing limits from the baseline was unacceptable, because they saw much of their traditional trawling grounds affected. Before the termination of the British-Icelandic treaty in 1951, British trawler men proclaimed that they “would ban all imports of fish from Iceland and the authorities in London could do nothing about it”.¹⁷¹ The Icelandic parliamentarians realised that this would hurt the economy, because the Icelanders sold about a quarter of their iced fish to ports in Grimsby, Hull, Fleetwood and Aberdeen, where the ban was supposed to be imposed, but when the British sharpened the tone, the parliamentarians’ will to implement the extension without restriction grew stronger just as well.¹⁷² Moreover, the Icelanders were convinced that international law was on their side and they did not expect the British government to allow a ban on products from a NATO ally.¹⁷³

On May 15th 1952, the Icelandic four-mile limit came into force.¹⁷⁴ As expected, this caused displeasure in other Western states, and Great Britain filed an official protest – alongside with

¹⁶⁹ Jóhannesson, “Sympathy and self-interest“, p. 22.

¹⁷⁰ Ibid.

¹⁷¹ Ibid., p. 25.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Ibid., p. 26.

France, Belgium and the Netherlands. Contrary to Iceland's assumption, the British trawling industry announced a ban on all iced fisheries produce from Iceland in late 1952.¹⁷⁵ During the course of 1952, Iceland exported more than 80 per cent iced fish to Britain. As a result, the ban would hit the Icelandic economy hard and the Iclander's would not have been able to last long under these conditions.¹⁷⁶

From the British trawlers' point of view, going back to The Hague and risking another legal defeat – as was what happened when Norway fought for its four-mile limit at the ICJ and won – was not an option.¹⁷⁷ Although officials in London might have thought that Iceland's four-mile claim was in conformity with international law, the ban was not officially condemned.

In the context of the Cold War, this situation was beneficial to the Soviet Union and they offered to buy a majority of the banned Icelandic produce in return for other commodities such as oil.¹⁷⁸ The Icelandic government turned to NATO and the Organization for European Economic Cooperation (OEEC) for help, but entered into an agreement with the Soviet Union, to improve the country's poor economic situation.¹⁷⁹ For their part, the Soviet's plan was to increase support for the Icelandic Socialists in order to strengthen an anti-Western and anti-NATO political course in Iceland.¹⁸⁰

In terms of NATO's role in the dispute, the Icelandic government turned to the alliance in October 1954, trying to get NATO involved in order to mediate between the two opponents and

¹⁷⁵ Jóhannesson, "Sympathy and self-interest", p. 29.

¹⁷⁶ *Ibid.*, p. 30.

¹⁷⁷ *Ibid.*, p. 29.

¹⁷⁸ *Ibid.*, pp. 30f.

¹⁷⁹ *Ibid.*, pp. 33f.

¹⁸⁰ *Ibid.*, p. 35.

finding a solution.¹⁸¹ The members of the NATO Council visited Iceland in May 1955, but the tentative mediation efforts were not successful.¹⁸²

Referring to this paper's research interest, it becomes apparent that NATO was not able to mediate in the dispute, because there were no dispute settlement procedures agreed upon and manifested in the alliance at the time. The provisions of the North Atlantic Treaty – encouraging member states to economic cooperation and consultation in difficult economic and political situations – were in fact not considered mandatory for both parties to the dispute. Furthermore, NATO did not have a regime to enforce the provisions of the North Atlantic Treaty.

It took almost four years to resolve the tense situation between the conflicting parties. In early 1956, the British were willing to accept the four-mile limit, but they insisted on a quota on Icelandic fish exports to Britain.¹⁸³ During the course of the dispute, no serious clashes occurred between British trawlers and the Icelandic Coast guard in the disputed waters. As mediator between the parties, the OEEC contributed to finding an agreement, which was mainly in Iceland's favour.¹⁸⁴ Regarding NATO, the Icelanders were disappointed, because they saw the law on their side and would have wanted NATO to find plain words against the U.K.¹⁸⁵ General opinion was, that "the "allies" in NATO thought first of themselves and were unwilling to respect the country's vital interests."¹⁸⁶ The Norwegian Gallup Institute carried out a survey on Icelandic attitudes towards NATO membership for the U.S. authorities in 1955. Besides the attitudes towards NATO, they were also interested in what the Icelandic thought about the Defense Agreement.¹⁸⁷ The results of the survey confirm, "that in the 1950s there was a

¹⁸¹ Heinemann, *Vom Zusammenwachsen des Bündnisses*, p. 211.

¹⁸² Ibid.

¹⁸³ Jóhannesson, "Sympathy and self-interest", p. 36.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid., p. 37.

¹⁸⁶ Ibid., p. 37.

¹⁸⁷ Hardarson, "Public Opinion and Iceland's Western Integration, p. 5.

considerable opposition to NATO membership, and much greater than later was the case.”¹⁸⁸ But the opposition to the U.S. military presence in Iceland at the time was much stronger. Therefore, one can assume that NATO suffered in terms of the Icelander’s approval of the alliance, because it advocated in favour of the Defense Treaty.

Analysing the first fisheries dispute on the basis of Morgenthau’s theory, the Icelander’s wanted to overcome the three-mile fisheries limit, which they had agreed upon with the U.K. in 1901. The U.K., on the other hand, wanted to maintain the status quo. It was more the institutional framework of the OEEC that prevented the dispute from escalation than the help NATO was able to provide. In reaction to that, NATO members developed the Resolution on the Peaceful Settlement of Disputes and Differences between Members of the North Atlantic Treaty Organization. This resolution was intended to prepare the alliance for further disputes between NATO allies.

5.2. Second Fisheries Dispute – The 12-mile conflict (1958-61)

While the first fisheries dispute was analysed in the previous section, this section turns to the second fisheries dispute. In this context, the state of Iceland’s economy in 1958 is of particular importance. The International Monetary Fund (IMF) and the OEEC had recommended economic reforms at the time – focussing on two major issues.¹⁸⁹ On the one hand, the Icelandic government was advised to abolish export subsidies and to take measures in order to diminish the inflationary pressure in the country. The most promising measure regarding a reduction of the inflationary pressure was wage cuts. Prime Minister Hermann Jónasson tried to convince the Icelandic Federation of Labour of the necessity of these wage cuts.¹⁹⁰ Established in 1916, this Federation was Iceland’s largest labour union and was composed of ca. 60,000 members, “(...) or

¹⁸⁸ Hardarson, “Public Opinion and Iceland’s Western Integration”, p. 5.

¹⁸⁹ Ingimundarson, “The Struggle for Western Integration”, p. 58.

¹⁹⁰ Ibid.

about one out of every three workers”.¹⁹¹ Because the union represented such a big share of the Icelandic working population, it was in a good bargaining position towards the government and the federation maintained its demand not to support wage cuts. Because of this, the government was under enormous domestic pressure, which led Jónasson to resign in December 1958.¹⁹² Although Iceland benefitted greatly from loans and development aid from the U.S. and other NATO allies like West Germany during the 1950’s, the left-wing government was not able to improve the country’s economic situation.¹⁹³

On the left-wing government and its consequences for NATO, the historian Winfried Heinemann concludes that the inclusion of Communists in the government of a NATO member state had not lead to a major crisis in the alliance.¹⁹⁴ Firstly, Iceland did not contribute any troops to the alliance and therefore was not part of any military exercises.¹⁹⁵ Furthermore, Heinemann stresses that the Icelandic government realised under the impact of the threats and tensions arising from the Cold War that the freedom of action of small states in terms of foreign and security policy is limited.¹⁹⁶ In this context, the author highlights that Iceland’s decision to station U.S. troops in Iceland in order to strengthen the country’s security in 1951 was linked to an enormous economic upside of the American base at Keflavik to the Icelandic economy.¹⁹⁷ Risking Iceland’s NATO membership would also have meant risking the U.S. base at Keflavik and its economic profit for the country. The government was not willing to risk this. In conclusion, Iceland did not leave NATO while a communist party was part of the Icelandic government.

¹⁹¹ Valdimar Kristinsson et. al., “Iceland”, *Encyclopaedia Britannica*, 2016, <https://www.britannica.com/place/Iceland#toc225469> (last accessed: February 20th, 2017).

¹⁹² Ingimundarson, “The Struggle for Western Integration”, p. 58.

¹⁹³ Ingimundarson, “The Struggle for Western Integration”, pp. 65f.

¹⁹⁴ Heinemann, *Vom Zusammenwachsen des Bündnisses*, p. 237.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid., p. 238.

¹⁹⁷ Ibid., p. 237.

Also, the fact that the U.S. had provided Iceland with considerable financial aid during the time when a communist party was in government appeared to be a tactical manoeuvre to bind the country to the Western alliance in the medium and long term.¹⁹⁸ Moreover, an economic collapse of Iceland in the 1950's would have meant that the country would also become politically unstable, making it more vulnerable to Soviet influence - a scenario the U.S. wanted to prevent from happening.

The so-called "Reconstruction Government,"¹⁹⁹ formed of a coalition of the Independent Party and the Social Democratic Party, was the successor of the left-wing government and took office in 1959.²⁰⁰ It implemented economic reforms "by liberalizing imports, abolishing export subsidies, and devaluing the currency"²⁰¹ - as was recommended by the IMF and the OEEC. Additionally, Iceland received about \$70 million from the U.S. in grants and loans between 1948 and 1960 and profited from revenues of the U.S. military base at Keflavik.²⁰² These measures contributed to a recovery of the Icelandic economy, which was facilitated by record fish catches, alongside these reforms.²⁰³ At the time, the Icelandic government was convinced that the Icelandic economy had to benefit greatly from this situation.

In this context, the new government had to deal with the initiative of Icelandic Minister of Fisheries Lúdvik Jósefsson on the unilateral extension of the Icelandic fisheries limits from four to twelve miles, taking effect on September 1st, 1958.²⁰⁴ With regards to its purpose, this initiative was the Icelandic reaction to the failure of the First United Nations Conference on the Law of the Sea at Geneva to reach clarification on fisheries limits in the spring of 1958.²⁰⁵ Iceland

¹⁹⁸ Ingimundarson, "The Struggle for Western Integration", p. 66.

¹⁹⁹ Ibid., p. 58.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Ibid., p. 63.

²⁰³ Ibid., p. 58.

²⁰⁴ Ibid., p. 57.

²⁰⁵ Ibid., pp. 56f.

attended the conference with the goal to reach a consensus in favour of the 12-mile fisheries limits.²⁰⁶ Although there was sympathy for this proposal amongst a considerable number of states, it was apparent that there was no majority for the proposal.²⁰⁷ Already before the official end of the Geneva Conference, American officials anticipated that a negative vote on the 12-mile limit could be linked to Icelandic NATO membership. As a result, the Americans assumed that NATO's reputation in the Icelandic population would decline after the conference, as NATO member states would also have vote the 12-mile limit down.²⁰⁸ The cause for concern for the Americans was the Icelandic Foreign Minister Gudmundsson's statement that a negative vote on the 12-mile limit could have "the most serious consequences for Iceland's foreign policy."²⁰⁹

In the end, the conference was not able to agree on the fisheries limits.²¹⁰ Not being able to achieve this consensus was a disappointment for Iceland. The Icelandic delegation in Geneva had carefully prepared the meetings and they defended their cause passionately.²¹¹ In the end, however, the Icelandic delegation was not able to reach legal clarification on the issue of fisheries limits.²¹²

The Icelanders still wanted to stick to the idea of the 12-mile limit and during a meeting of NATO Foreign Ministers in May 1958, Iceland declared that it was not willing to budge on the issue.²¹³ The British used this occasion to clarify on their point of view as well: they would not accept the 12-mile limit.²¹⁴ Once again, NATO was confronted with a dispute between two of its

²⁰⁶ Davis, *Iceland extends its fisheries limits*, pp. 78f.

²⁰⁷ Jóhannesson, "Sympathy and self-interest", p. 55.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ United Nations – Diplomatic Conferences, *United Nations Conference on the Law of the Sea, 1958*, <http://legal.un.org/diplomaticconferences/lawofthesea-1958/lawofthesea-1958.html> (last accessed: February 20th, 2017).

²¹¹ Davis, *Iceland extends its fisheries limits*, pp. 78f.

²¹² Ibid.

²¹³ Jóhannesson, "Sympathy and self-interest", p. 57.

²¹⁴ Ibid.

allies. In the course of the talks at the meeting, NATO officials tried to mediate between the two conflicting parties, but a solution was not reached.

The Reconstruction Government decided to go along with Jósepsson's extension of the fisheries limits mainly because of two reasons. On the one hand, it became clear that legal clarification for the 12-mile fisheries zone could not yet be achieved in Geneva.²¹⁵ On the other hand, the Icelandic press, which was dominated by party interest to a great extent, had been advertising an extension of the 4-mile zone to 12 miles for years, so the Icelandic public was convinced of the economic advantages of the enlarged fisheries zone.²¹⁶ With regards to Morgenthau's theory on the underlying causes of a dispute, this is of particular importance, because the parties had manoeuvred themselves in this difficult situation by promoting the extension of Iceland's fisheries limits for years. Over the years, the parties' propaganda regarding the extension of the fisheries limits had had an impact on the population and the government had to follow through with it.

In reaction to this, the British government repeatedly declared that it would not accept the 12-mile limit and plans were discussed to send the Royal Navy to the disputed waters after the deadline of September 1st, 1958.²¹⁷ This was a remarkable development, because it was the first time since the Second World War that the British were ready to use force against another state – and even an ally in the North Atlantic Alliance.²¹⁸ Once more, NATO was not able to mediate and the 12-mile limit came into force.

Immediately after the 12-mile limit came into force, Icelandic Coast Guard vessels patrolled the waters and monitored whether other nations complied with it. All nations abided by the law,

²¹⁵ Davis, *Iceland extends its fisheries limits*, p. 87.

²¹⁶ Ibid., pp. 97ff.

²¹⁷ Jóhannesson, "Sympathy and self-interest", pp. 59f.

²¹⁸ Jóhannesson, "How 'cod war' came:", pp. 554f.

except for the British and they in fact did send in Royal Navy frigates to protect their trawlers.²¹⁹ In the course of the dispute, the Icelandic Coast Guard tried to arrest British fishermen fishing in the 12-mile zone several times, but they did not succeed in these attempts, mainly because of the Royal Navy frigates preventing them from doing so.²²⁰ The Icelandic population suspiciously followed the events and there was occasional talk of a British invasion in Icelandic waters.²²¹ This even led to nationwide protests against the British and the tone in the dispute became increasingly harsh.²²²

At the same time, these protests, which were a further escalation of the fisheries dispute, also made the opponents realise that the current situation could not be a permanent state. Therefore, officials in London proposed to enter negotiations on finding a solution to the conflict, but the Icelanders were not willing to negotiate while the Royal Navy frigates continued to be in the 12-mile zone.²²³

Ingimundarson states that at this time, a senior member of the Icelandic government threatened to leave NATO.²²⁴ In order to assess this threat, Gudni Jóhannesson, an Icelandic historian and the acting President of Iceland stressed that “the Icelanders relied on economic goodwill and assistance from the West, and the crisis in 1956, when they looked ready to expel the American forces from Keflavik, had demonstrated how angrily the United States might respond to a charge against its perceived vital interests in the North Atlantic.”²²⁵ As a result, he concludes that Iceland would not have been able to follow through with this threat at this point in the conflict.²²⁶ In this context, the North Atlantic Treaty’s provision that every signatory state has to be a member of

²¹⁹ Jóhannesson, “Sympathy and self-interest“, p. 63.

²²⁰ Ibid.

²²¹ Ibid.

²²² Ibid.

²²³ Ibid., pp. 63f.

²²⁴ Ingimundarson, “The Struggle for Western Integration“, pp. 57f.

²²⁵ Jóhannesson, “Sympathy and self-interest“, p. 64.

²²⁶ Ibid.

the alliance for at least twenty years after the Treaty was signed might have also prevented Iceland from leaving NATO at the time.

Although the fronts remained hardened after this threat, the Second United Nations Conference on the Law of the Sea in early 1960 provided a new opportunity for talks.²²⁷ Shortly before the beginning of this conference, Iceland had turned to NATO with the request to draw up a proposal to resolve the issue regarding the width of the territorial waters and the economic zone.²²⁸ In this context, the Norwegian Foreign Minister Halvard Lange was very active and tried to win support for a solution, which would have come close to the Icelandic 12-mile zone, but would have been more beneficial to foreign fishing vessels at the same time.²²⁹ Although the conference in the end was not able to provide legal clarification on the two issues, Iceland and the U.K. agreed to further talks on the issue.²³⁰

This paved the way for resolving the dispute through a diplomatic Exchange of Notes in 1961.²³¹ Herein, the U.K. recognized Iceland's 12-mile exclusive fishing zone. In return, British fishing vessels were given a three-year phasing out period with regards to their activities in the 12-mile zone.²³² Furthermore, Iceland committed to notifying the U.K. six months prior to the pursuit of an extension of the 12-mile zone.²³³

Even though the U.K. was able to make the Icelanders concede to the three-year phasing out period, the agreement can be regarded as a victory for the Icelanders. By sending the Royal Navy in the disputed waters in order to protect British trawlers, the British demonstrated military

²²⁷ United Nations – Diplomatic Conferences, *Second United Nations Conference on the Law of the Sea, 1960*, <http://legal.un.org/diplomaticconferences/lawofthesea-1960/lawofthesea-1960.html> (last accessed: February 20th, 2017).

²²⁸ Jóhannesson, “Sympathy and self-interest“, pp. 66f.

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ International Court of Justice, “Annex A – Exchange of Notes of 1961.”

²³² Ibid.

²³³ Ibid.

strength and determination to win the conflict, but ultimately Iceland succeeded because they brought in the country's NATO membership in the equation. From this, one can conclude that the British government valued foreign security and a stable Atlantic alliance over the pressure it was subject to from domestic interest groups and economic concerns.

5.3. Third Fisheries Dispute – The 50-mile conflict (1972/3)

After the 12-mile conflict was settled, both nations managed not to resume the conflict for ten years. Between 1966 and 1968, however, there was a decline in herring in the Icelandic waters, alongside a decline in export prices.²³⁴ This led to “led to a drop in real per capita income in excess of 16 per cent”²³⁵ and the Icelandic government was forced to take action. At the same time, jobs in the British fisheries industry were at stake, too, because the British fishermen still profited from their catches in the Icelandic waters, although they had been reduced when the Exchange of Notes took effect in 1961.

As a result, Iceland extended its fisheries limits to 50 miles in 1971, and the U.K. decided to refer the dispute to the ICJ in 1972. Since none of the previous fishing disputes were referred to the ICJ, this represents a new facet of the disputes. Therefore, the following section focuses on the court proceedings. Additionally, it also covers the political context of the court proceedings and the role of NATO in the dispute. Finally, it is analysed, whether the dispute had an impact on NATO's dispute settlement procedures.

The U.K. instituted proceedings against Iceland at the ICJ on April 14th, 1972 in reaction to Iceland's unilateral extension of its exclusive economic zone from 12 to 50 miles in July 1971.²³⁶ In the application, the main points raised by the U.K. were, firstly, that there was no foundation

²³⁴ Hellmann/Herborth, “Fishing in the mild West”, p. 485.

²³⁵ Ibid.

²³⁶ International Court of Justice, “Application Instituting Proceedings submitted by the Government of the United Kingdom of Great Britain and Northern Ireland.”

in international law for Iceland's claim to a 50-mile exclusive fishing zone; secondly, that this extension was opposable to the U.K. Finally, the application stated that the conservation of fish stocks in the waters beyond the Icelandic territorial sea is not subject to unilateral regulation by Iceland.²³⁷ Before elaborating on the Court proceedings it has to be acknowledged that Iceland did not send a representative to Court during the entire proceedings. The reason for this was that Iceland was not of the opinion that the ICJ had jurisdiction in the case.

On July 19th, 1972, the British government requested the Court, as the final judgement was pending at the time, to initiate interim (provisional) measures of protection.²³⁸ In response to this application, the Court rendered two orders on August 17th, 1972.²³⁹ It was indicated that each party was to ensure that no action of any kind was taken to exacerbate the dispute. Additionally, the parties were instructed to prevent the dispute from further escalation and not to prejudice the rights of the other party.²⁴⁰ Furthermore, the Court directed Iceland not to enforce the regulation against British vessel, which conducted fishing activities in the zone up to 50 miles from the Icelandic coast. Finally, there were obligations for Iceland not to apply any measures against ships registered in the U.K. or their crews for fishing in the 50-mile zone. This ruling was interpreted as a legal victory for the U.K., because Iceland was in fact not able to defend its self-proclaimed 50-mile exclusive fisheries zone.²⁴¹

But there were also obligations for the U.K. regarding the annual catch by British vessels in the 50-mile zone. The British government was to ensure that it did not surpass the limit of 170,000

²³⁷ Churchill, "The Fisheries Jurisdiction Cases", p.85.

²³⁸ International Court of Justice, "Request for the Indication of Interim Measures Submitted by the Government of Great Britain and Northern Ireland," in: *Fisheries Jurisdiction Cases – Volume I – United Kingdom of Great Britain and Northern Ireland versus Iceland*, 1975, <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=gi&case=55&k=9d&p3=0> (last accessed: February 20th, 2017).

²³⁹ International Court of Justice, *Continuance of interim Measures of Protection – Order of 12 July 1973*, 1973, <http://www.icj-cij.org/docket/files/55/5719.pdf> (last accessed: February 20th, 2017).

²⁴⁰ International Court of Justice, "Request for the Indication of Interim Measures Submitted by the Government of Great Britain and Northern Ireland."

²⁴¹ Ingimundarson, "A western cold war", p. 106.

metric tons of fish. This limit was based upon statistical data on the average annual catch in the period between 1967-71.²⁴² Besides, all relevant information concerning the control and regulation of fish catches in the area were to be provided by the British government. Ultimately and at the request of either party, the Court was to review whether the provisional measures were to be modified, continued or revoked before August 15th, 1973 if it had not in the meantime delivered its final judgment.²⁴³ These provisional measures were clear and had legal validity, but Iceland did not consider them binding. On the contrary, the Icelandic government continued to make efforts to enforce its regulations against British vessels. This led to incidents involving frigates of the Royal Navy and Icelandic coastal patrol boats.²⁴⁴

On November 13th, 1973, the two parties were able to reach an interim agreement. Accordingly, the limit of the British annual catch in the 50-mile zone was reduced from 170,000 metric tons to 130,000 metric tons for a period of two years.²⁴⁵ It was still not clear, whether the Court had jurisdiction in the case. During the entire Court proceedings, the Icelandic government did not see any legal basis for the Court to exercise jurisdiction in this fisheries dispute and no Icelandic agent was present at Court. In response to this, the Court decided that it would limit the first stage of the proceedings to the determination of its jurisdiction.²⁴⁶

Both governments were instructed to submit written pleadings on this issue. While the British government submitted a written statement to the Court, the Icelandic government completely refrained from action. In the absence of the respondent at the subsequent hearings, the Court declared under Art. 53 ICJ Statute that it has to “satisfy itself that it has jurisdiction before

²⁴² Churchill, “The Fisheries Jurisdiction Cases”, p. 85.

²⁴³ Tomka, “Fisheries Jurisdiction Cases“, p. 3.

²⁴⁴ Ibid.

²⁴⁵ Churchill, “The Fisheries Jurisdiction Cases”, p. 85.

²⁴⁶ International Court of Justice, *Judgement of 2 February 1973*, 1973, <http://www.icj-cij.org/docket/files/55/5749.pdf> (last accessed: February 20th, 2017).

considering the merits of the case.”²⁴⁷ The Court decided that the Exchange of Notes was “freely negotiated by the interested parties on the basis of perfect equality and freedom of decision on both sides.”²⁴⁸ The Icelandic argument regarding the ICJ’s jurisdiction thus had no basis in international law. Nevertheless, the Icelandic government maintained its stance on the issue and justified this view with the following arguments.

The Icelandic government put its interpretation of sovereignty and a country’s right to protect its vital interests at the centre of its argumentation in the fisheries dispute. Hannes Jónsson, member of the Icelandic government when the fisheries dispute was negotiated at the ICJ, expressed that the concept of sovereignty in international law entitled every state to exercise exclusive rights over its territory.²⁴⁹ From his point of view, this territory includes the country’s landmass, territorial sea, continental shelf and air space.²⁵⁰ From this perspective, the Icelandic government simply exercised its rights as a sovereign nation, because the extension of its exclusive economic zone was in its vital interest and a matter of self-preservation of a sovereign state.

Drawing upon this basis, the Icelandic government highlighted that Iceland’s economy heavily depended on fish exports. According to its own statement, the export of fisheries products constituted approximately 90% of the total Icelandic exports in 1969.²⁵¹ By referring to increased pollution of the sea off the Icelandic coast and overfishing in these waters, the Icelandic government justified its claims for an extension of the 12-mile to a 50-mile fisheries zone. From the Icelandic Ministry of Foreign Affairs’ view, extended fisheries limits were the necessary

²⁴⁷ International Court of Justice, *Statute of the International Court of Justice*, 1945, http://www.icj-cij.org/documents/?p1=4&p2=2#CHAPTER_II (last accessed: February 20th, 2017).

²⁴⁸ Ibid.

²⁴⁹ Hannes Jónsson, *Friends in Conflict*, pp. 1ff.

²⁵⁰ Ibid., p. 2.

²⁵¹ International Court of Justice, “Enclosure 2 – Memorandum Entitled “Fisheries Jurisdiction in Iceland” Issued by the Icelandic Ministry of Foreign Affairs in February 1972 - Application Instituting Proceedings submitted by the Government of the United Kingdom of Great Britain and Northern Ireland“, in: *Fisheries Jurisdiction Cases – Volume I – United Kingdom of Great Britain and Northern Ireland versus Iceland*, 1975, <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=gi&case=55&k=9d&p3=0> (last accessed: February 20th, 2017).

means to protecting “the life blood of Iceland,”²⁵² namely the fish stocks in the 50-mile zone. One can conclude that the Icelandic government used emotional arguments to win the upper hand in the dispute. The international community should be made aware of the fact that the fisheries dispute was literally a matter of life and death to the Icelandic population.

Moreover, the Icelandic government underlined that U.K. vessels were better equipped technologically in the sense that they were more efficient than Icelandic vessels and that they could fish larger quantities. According to the Government’s argumentation, the exclusion of British vessels from the 50-mile zone would be beneficial to the conservation of fishery resources in the zone. As a result, a constant stock of fishery resources would then secure the livelihood for the Icelandic economy. In this context, concrete information on endangered species was given. According to the Icelandic Ministry of Foreign Affairs, the “total Icelandic catch fluctuated sharply from 1200 th. metric tons in 1965 to 600 th. tons in 1968, mainly due to a failure of the herring catch.”²⁵³ It was underlined that the stocks of herring decreased significantly between 1965 and 1968.²⁵⁴ In addition, a correlation between the decline in the Icelandic average national income of 17% between 1967-68 and the decline in fishing quotas of Icelandic fishermen in the same period was drawn.²⁵⁵ Finally, it was emphasized that Iceland would have no natural resources it could use for economic purposes except for fish. The U.K. Government and the British representative at the Court explicitly stated that the extension of the Icelandic fisheries zone without prior notice did not comply with international law.²⁵⁶ Moreover, they underlined that U.K. vessels had a long history in fishing in these waters and that they had thereby obtained historical fishing rights in the disputed waters off the Icelandic coast. It was emphasized that there

²⁵² International Court of Justice, “Enclosure 2 – Memorandum Entitled “Fisheries Jurisdiction in Iceland” Issued by the Icelandic Ministry of Foreign Affairs in February 1972”.

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ International Court of Justice, “Argument of Sir Peter Rawlinson - Oral Arguments on the Request for the Indication of the Interim Measures of Protection”, in: *Fisheries Jurisdiction Cases – Volume I – United Kingdom of Great Britain and Northern Ireland versus Iceland*, 1975, <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=gi&case=55&k=9d&p3=0> (last accessed: February 20th, 2017).

would be a high demand for fish from Iceland in the U.K. domestic market and that a breakdown of this market would have severe consequences for the U.K.'s economy.²⁵⁷ Supporting and related industries would experience severe difficulties in attracting capital, which would result in a sharp decline of labour force when these industries would collapse. In addition, the British government stated that the U.K. vessels that would be excluded from the 50-mile zone would have to invest huge amounts of money in new technical equipment they would need in order to fish in different waters. The Government estimated that the majority of U.K. fishermen fishing close to the Icelandic coast would not be able to finance these technical adjustments and would thereby lose business.²⁵⁸ As a result, severe repercussions for the British economy were estimated.

In conclusion, the Icelandic government used an emotional line of argumentation whereas the British government's argumentation focused on the merits of the British claim in international law. Additionally, the different layers of the dispute came apparent after analysing the arguments of both parties. The political component of the dispute interacted with economic, ecological and legal components.²⁵⁹

In its judgement of July 25th, 1974, the Court found that Iceland did not have the right to unilaterally impose a 50-mile exclusion limit on British vessels.²⁶⁰ In addition, the Court held that Iceland and the U.K. were under mutual obligations to undertake negotiations in good faith for an equitable solution of their differences.²⁶¹ Ultimately, the judgement indicated that the preferential rights of Iceland, the established rights of the U.K. regarding the 50-mile zone, the interests of other states, the conservation of fishery resources, and a joint examination of

²⁵⁷ International Court of Justice, "Argument of Sir Peter Rawlinson".

²⁵⁸ Ibid.

²⁵⁹ Mitchell, "Politics, Fish and International Resource Management", p. 137.

²⁶⁰ Tseng/Ou, "The evolution and trend of the traditional fishing rights", p. 272.

²⁶¹ International Court of Justice, *Judgement of 25 July 1974 – Merits*.

measures required to come to a solution were to be taken into account in these negotiations.²⁶²

After elaborating on the application, the Court proceedings, the most important arguments of both parties as well as the judgement, this chapter goes on to broaden the analytic scope of the paper's analysis by embedding the case in its political and economic context.

At the time of the Court proceedings Iceland was governed by a coalition Government formed of three parties: the Progressive Party, the People's Alliance, and the Liberal Left Party.²⁶³ In comparison to the previous Government, it was quickly referred to as the second left-wing Government in Iceland after the Second World War. It was formed after a general election on July 14th, 1971.²⁶⁴

In the preceding election campaign, the People's Alliance and the Progressive Party had campaigned for an immediate extension of the Icelandic fisheries limits. The conservative Government had exercised this thought as well, but it wanted to act only as was permissible by international law and was not willing to break the agreements it had made with Britain and West Germany.²⁶⁵ In this context, the electoral victory of the left parties indicated that the majority of the Icelandic population supported the unilateral extension in due time.

Immediately after taking office, the new Government took a decisive anti-Western stand.²⁶⁶ In order to increase the pressure on the U.K. in the fisheries dispute, the Icelandic government considered yet other means. An important goal in this context was that Iceland would be able to draw up international support – besides from the U.S. – for its expansion of the exclusive economic zone. Therefore, parts of the Government wanted to appeal to Third World

²⁶² International Court of Justice, *Judgement of 25 July 1974 – Merits*.

²⁶³ Jónsson, *Friends in Conflict*, p. 109.

²⁶⁴ International Court of Justice, "Application Instituting Proceedings submitted by the Government of the United Kingdom of Great Britain and Northern Ireland."

²⁶⁵ Jónsson, *Friends in Conflict*, p. 109.

²⁶⁶ Ingimundarson, "A western cold war", p. 96.

countries.²⁶⁷ As Iceland was one of the richest countries in the world on a per capita basis at the beginning of the 1970s, this argument may seem bizarre, but it was nevertheless appealing to certain countries in Africa and Latin America, because the Icelandic economy was extremely dependent on the fisheries industry. By framing this issue in a colonial discourse and making extensive use of anti-Western rhetoric, the Icelandic government planned to gain sympathy from countries in a similar economic situation. In this regard, the line of argumentation was that Britain as a great power deprived a small state like Iceland from its livelihood.²⁶⁸ Besides, Denmark and Norway – Iceland’s closest allies in Northern Europe – were criticised for taking a neutral stand in the fisheries dispute, the ICJ for siding with the British and NATO for just standing by and watching Britain bully one of its allies.²⁶⁹ This rhetoric was opposed by certain, more modern parts of the Government and the opposition was furious, forcing the Government to rethink its strategy. Even if some of these arguments did not reach consensus in the Government, they were often leaked to the press and were ultimately discussed amongst the Icelandic population and by the international public.

In contrast to conflicting positions with regard to Iceland’s foreign policy, the Government was united by its stance on the fisheries policy.²⁷⁰ Already during the election campaign, the Exchange of Notes was criticised as an agreement that the conservative Icelandic government should never have made with the British government. It was highlighted that this agreement limited the sovereign rights of the Icelandic people to their territorial sea and adjacent waters.²⁷¹ Also, “the stipulation that a future extension of the Icelandic fishery limit was to be subjected to the jurisdiction of the International Court of Justice in The Hague – if the two sides could not agree on it”²⁷² made the opposition parties alien to the agreement.

²⁶⁷ Ingimundarson, “A western cold war”, p. 96.

²⁶⁸ Ibid., p. 95f.

²⁶⁹ Jónsson, *Friends in Conflict*, pp. 189ff.

²⁷⁰ Ingimundarson, “A western cold war”, p. 97.

²⁷¹ Ibid.

²⁷² Ibid.

Additionally, Ingimundarson highlighted that the formation of the new Government was a sign for changing views in the majority of the population regarding the country's foreign and domestic policies.²⁷³ In this regard, he pointed to the merger of two stands of Icelandic nationalism, which was initiated in the late 1960s and was concluded in the early 1970s.²⁷⁴ These strands were influenced, on the one hand, by traditional Western nationalism, demanding to strengthen Iceland's political and economic independence as well as its borders. This claim manifested itself in the Government's extension of the exclusive economic zone. On the other hand, there was a more general anti-Western discourse which lead to the colonialist rhetoric discussed above.²⁷⁵

In conclusion, the Icelandic government pursued the unilateral extension of Iceland's fisheries limits since its inauguration in order to answer to satisfy the population and to stick to its campaign promises. As can be inferred from the Government's rhetoric, it used Britain's history as an imperial power against its opponent in the fisheries dispute and did go to great length in order to prove its sovereignty to the international public.

From the discussion of the foreign and domestic policy positions of the Icelandic government illustrated above, one already learns that the Icelandic government had no intention to separate the fisheries dispute from its military Alliance. In the context of the 50-mile dispute, Iceland's importance to NATO became apparent once more. When negotiating with the Icelandic Prime Minister Geir Hallgrímsson in 1975, Harold Wilson, British Prime Minister between 1964 and 1970 and 1974-76, highlighted: "we were conscious of the vital role Iceland plays in our North Atlantic defences."²⁷⁶ Consequently, it can be assumed that Britain had always been aware of Iceland's importance to NATO and considered this fact when implementing her foreign policy decisions in the fisheries disputes. In this context, the deployment of British frigates in Icelandic

²⁷³ Ingimundarson, "A western cold war", p. 95f.

²⁷⁴ Ibid.

²⁷⁵ Ibid.

²⁷⁶ Harold Wilson, *Final term: the Labour Government 1974-1976*, 1979, London, p. 218.

waters was mainly a symbolic demonstration of power and was intended to put pressure on Iceland at the negotiation table. This conclusion can also be reached when the number of ships and the amount of personnel deployed from both parties to the Icelandic exclusive economic zone is taken into consideration. In this context, Jónsson highlighted that the number of ships (frigates, tug-boats and auxiliaries) (1 Icelandic ship faced 3 British ships on average), the total gross tonnage of ships (1 to 8) and the number of officers and men (1 to 14.4) was to the detriment of Iceland.²⁷⁷ Looking at these numbers, it would have been easy for the British to demonstrate their superiority by using their military means and thus to end the fisheries dispute in their favour. The British government, however, issued an order strictly forbidding the Royal Navy to use their guns against the Icelandic Coast Guard in order to prevent the fisheries dispute from further escalation.²⁷⁸

By showing strength, the British government aimed at winning over other members of the Alliance to support the British arguments.²⁷⁹ The Icelandic government, on the other hand, tried to inseparably link the fisheries dispute to the U.S.'s presence at Keflavik in order to win over the U.S. for its cause and to achieve broad support from other members of the Alliance to a further extension of the Icelandic fisheries limits.

In conclusion, the British realised that a further escalation of the conflict would pose a severe threat to NATO and U.S. interests in Iceland, but – at the same time – the British government felt confident to have a strong case in international law and intended to stick to its position.²⁸⁰ During the on-going proceedings before the ICJ, the U.K. and Iceland used NATO-meetings in order to agree on a diplomatic resolution of the conflict. From both Governments point of view, it was much more likely to agree on a solution when representatives of both parties were

²⁷⁷ Jónsson, *Friends in Conflict*, p. 140.

²⁷⁸ Ibid.

²⁷⁹ Davis, *Iceland extends its fisheries limits*, pp. 52ff.

²⁸⁰ Ingimundarson, "A western cold war", pp. 100f.

present.²⁸¹ The official position of NATO throughout the conflict was neutral, and the member states made continuous efforts to bring both parties together in order to achieve a diplomatic resolution of the conflict. This approach prevented the Alliance from breaking apart.

Moreover, the alliance heavily benefitted from the fact that the left-wing Government stepped down due to the poor economic situation in Iceland in 1974.²⁸² The more conservative successor Government ensured the presence of U.S. troops in Keflavik shortly after taking office.

Iceland's importance to NATO prevented the fisheries dispute from escalating by military means. The U.S. as well as other member states resisted the pressure put upon them to take sides in the conflict. Instead, they repeatedly referred to the importance of settling the dispute using diplomatic channels and reminded Iceland of its military vulnerability. Iceland might have been able to enforce the unilateral extension of its 50 nm exclusive economic zone, but other member states constantly reminded the Icelandic Government that the decision to ignore the ICJ's jurisdiction, which is an organ of the U.N., was a serious political matter and does not necessarily strengthen Iceland's position in international fora in the long run.²⁸³

5.4. Fourth Fisheries Dispute – The 200-mile conflict (1975/6)

Moving on to the fourth fisheries dispute, a political event is once more at the centre of attention. In the spring of 1974, the Icelandic coalition government collapsed because of major differences with regard to economic policy.²⁸⁴ At the time, Icelandic officials were in Washington D.C. in order to discuss defence issues.²⁸⁵ When the Independence Party won more than 40 per cent of the votes in the election in summer 1974, they were able to lead a government coalition

²⁸¹ Jónsson, *Friends in Conflict*, pp. 150ff.

²⁸² Rupprecht, "Der isländische Fischereizonenstreit 1972–197", p. 38.

²⁸³ Brown, "Iceland's Fishery Limits", p. 72.

²⁸⁴ Jóhannesson, "Sympathy and self-interest", p. 106.

²⁸⁵ Ibid.

with the Progressive Party, taking office in August 1974.²⁸⁶ With the new government in office, Iceland's defence policy clearly changed – heading towards a more Western paradigm.²⁸⁷ Although the defence agreement with the U.S. was confirmed, the new government unilaterally and repeatedly extended the fisheries limit – from 50 to 200 miles.²⁸⁸ Although the 200-mile concept was widely accepted by the participants of the on-going Third United Nations Conference on the Law of the Sea,²⁸⁹ an agreement on this was unlikely at the time and states like Great Britain and West Germany had already voiced their claim for a phasing-out period.²⁹⁰

Being well-aware of the fact that the decision would cause further tensions with Iceland's allies, the Icelandic government gave in to domestic pressure and maintained the unilateral extension of the fisheries limits.²⁹¹ On October 15th, 1975, the 200-mile limit took effect – respectively on November 14th, 1975 it did for Britain, because Iceland honoured the “the two-year agreement which ended the second Cod War in 1973.”²⁹²

On the following day, the fourth fisheries dispute between Iceland and the U.K. began. British trawlers were requested to cease their fishing activities and leave the 200-mile zone without delay.²⁹³ The Icelandic coast guard was on-site to supervise the actions and to escort the British trawlers towards the high seas.²⁹⁴ The British fishermen followed these instructions on the first day the new limit took effect, but on the next day, one trawler from Hull refused to recognize the 200-mile limit and fished in the zone.²⁹⁵ In reaction to this, the Icelandic coast guard cut the

²⁸⁶ Jóhannesson, “Sympathy and self-interest“, p. 106.

²⁸⁷ Ibid.

²⁸⁸ Ibid.

²⁸⁹ United Nations – Diplomatic Conferences, *Third United Nations Conference on the Law of the Sea, 1973-82*.

²⁹⁰ Jóhannesson, “Sympathy and self-interest“, p. 106.

²⁹¹ Ibid., p. 107.

²⁹² Ibid., p. 108.

²⁹³ Ibid., p. 110.

²⁹⁴ Ibid.

²⁹⁵ Ibid.

British trawl-wires, making fishing for this trawler impossible.²⁹⁶ From the British trawler men's point of view, this was a harsh reaction and they demanded naval protection from the authorities in London in order to be able to continue their fishing activities.²⁹⁷ The British government followed this request and Royal Navy frigates sailed into Icelandic waters to protect British trawlers. Once more in a few consecutive years, naval frigates were in the waters of a foreign ally.²⁹⁸ Promptly, consequences followed. The situation was particularly tense when the Icelandic coast guard detected a British tugboat, which was on duty to protect the British fishermen, within the three-mile territorial waters on December 11th, 1975.²⁹⁹ The Icelanders urged the British, who were refilling their on-board water supplies, to leave the three-mile zone immediately. The British, however, did not comply with this request. As a result, multiple collisions between the two boats occurred and the Icelandic coast guard fired several shots at the other boat. After the damaged Icelandic boat reached the port and the news of the collision spread, the Icelandic population reacted angrily.³⁰⁰

This encounter between the two boats was a meeting with historical significance, because for the first time in history, Iceland turned to the U.N. Security Council in order to denounce the actions of the British boat in Iceland's territorial waters.³⁰¹ Despite the fact that there was sympathy and understanding among officials of other Nordic countries, it was highlighted – at the same time – that the incident might not have been as important as belligerent conflicts in different world regions were.³⁰² Historian Gudni Jóhannesson stressed with regard to Iceland's decision to draw the U.N. Security Council's attention to the tugboat incident that “the whole idea demonstrated

²⁹⁶ Jóhannesson, “Sympathy and self-interest“, p.110.

²⁹⁷ Ibid.

²⁹⁸ Ibid.

²⁹⁹ Ibid., p. 112.

³⁰⁰ Ibid.

³⁰¹ Ibid.

³⁰² Ibid.

the extreme emotions and even irrationalism which often influenced Icelandic thinking during the Cod War.”³⁰³

In view of Iceland's NATO membership, the incident also concerned NATO and the subject was discussed at the NATO Council meeting on January 12th, 1976.³⁰⁴ Speaking for other member states as well, Norway expressed the view that the British Navy frigates were supposed to leave Icelandic waters.³⁰⁵ Referring to this, the legal rights of Britain in the fisheries dispute were not part of the discussions. At the centre of attention was the British Navy's presence in Icelandic waters.³⁰⁶ Meanwhile, the mood in Iceland was stirring up and the government decided to break off diplomatic relations with the U.K.³⁰⁷ Then, NATO Secretary General Joseph Luns directly intervened in order to prevent further escalation.³⁰⁸ When talking to Icelandic officials on January 14th/15th, 1976, Luns realised that they were determined to follow through on the decision. Ólafur Jóhannesson, Minister of Justice, was especially convinced that breaking off diplomatic relations would be the right signal towards the U.K. and Luns was of the impression that Jóhannesson was powerful enough to overrule the more cautious Icelandic Prime Minister Hallgrímsson.³⁰⁹ Shortly after his visit to Iceland, Luns visited British Foreign Secretary James Callaghan in the U.K. Callaghan ensured Luns that the British government was aware of the fact that the situation was very delicate – especially with regard to NATO – but the British themselves were very upset about the Icelanders' actions.³¹⁰ Nevertheless, he agreed to talks on the issue in London and he committed to withdraw naval forces from Icelandic waters starting with the beginning of the talks. Callaghan was reluctant to make any of the concessions, but Luns vowed

³⁰³ Jóhannesson, “Sympathy and self-interest“, p. 114.

³⁰⁴ Ibid..

³⁰⁵ Ibid.

³⁰⁶ Ibid.

³⁰⁷ Ibid.

³⁰⁸ Ibid.

³⁰⁹ Ibid., pp. 114f.

³¹⁰ Ibid.

with his “personal belief”³¹¹ that British trawlers would not be harassed during the course of the negotiations. Callaghan’s words followed the instruction for the Royal Navy to leave Icelandic waters on January 20th, 1976.³¹²

Based on the events in the third fisheries dispute, it was hoped for a provisional settlement, which should have been agreed upon during the talks in London, but these hopes were nearly destroyed when the Icelanders proclaimed an ultimatum that they would break off diplomatic relations with the U.K. in case the Royal Navy frigates would not have left Icelandic waters later than January 24th, 1976. This ultimatum was made public before the U.K.’s decision to withdraw the frigates reached officials in the Icelandic government.³¹³ When NATO’s Foreign Ministers met in Brussels on January 23rd, 1976, the Norwegian Foreign Minister Knut Frydenlund urged Callaghan to make a step towards Iceland in order not to jeopardize the North Atlantic Alliance.³¹⁴ Thus, Norway supported the Icelandic case, but at the heart of this proceeding, Norway might have put its security policy, which was dependent on a stable and functioning North Atlantic Alliance.

The talks in London commenced after the end of the NATO Foreign Minister’s meeting and a solution was supposed to be found at the highest level of both governments, bringing the Prime Ministers around one table.³¹⁵ Right from the start, it became apparent, once again, that both parties had very different opinions in the matter. When discussing a possible catch quota for British fishermen in the 200-mile zone, Icelandic Prime Minister Hallgrímsson offered 65,000 tons of fish per annum.³¹⁶ This offer was well below what the British Prime Minister Harold

³¹¹ Jóhannesson, “Sympathy and self-interest“, p. 115.

³¹² Ibid.

³¹³ Ibid.

³¹⁴ Ibid.

³¹⁵ Ibid., p. 116.

³¹⁶ Ibid.

Wilson had expected and there were other disagreements, e.g. on closed conservation zones or the number of British trawlers in Icelandic waters.³¹⁷

Throughout the on-going talks, the positions were hardened and when the news came that an Icelandic coast guard boat cut the wraps of a British fishing boat, the British broke off the talks.³¹⁸ This attempt to resolve the fourth fisheries dispute by diplomatic means had thus failed. Over the following days, the Icelandic population's temper got out of hand and moderate voices in the state's political sphere were reproached with malicious remarks.³¹⁹ As described above, the Icelandic press played an important role in this context. Thus, it cannot be concluded that the Icelanders' very emotional attitude in the dispute derived from the population, because the media to a large extent stirred it.

At the beginning of February 1976, the wire cutting continued, leading the Navy frigates to resume their protection of the British fishermen.³²⁰ A serious incident occurred on February 6th, 1976, when one of the Icelandic coast guard's boats collided with a British frigate twice. This led politicians in the Progressive and the Independent Parties to bringing up the question of Iceland's NATO membership once more.³²¹

As the Cold War was still on-going, this was a threat to NATO and the members knew that their reaction to this threat had to come promptly. In this regard, there was the fear of losing Iceland in NATO on the one hand.³²² This would have meant that the alliance would have lost its "unsinkable aircraft carrier."³²³ On the other hand, it was possible that Iceland just wanted to weigh its muscle and bluffed. On February 18th, 1976, the North Atlantic Council met and

³¹⁷ Jóhannesson, "Sympathy and self-interest", pp. 116f.

³¹⁸ Ibid.

³¹⁹ Ibid., p. 117.

³²⁰ Ibid.

³²¹ Ibid.

³²² Ibid., p. 118.

³²³ Ibid.

Norway recommended that the alliance should pressure the U.K. to withdraw the Royal Navy and the British fishermen out of the Icelandic waters while another round of negotiations between the two conflicting parties was supposed to start.³²⁴ To avoid possible British protest regarding negative economic consequences for the U.K., it was similarly suggested that the British trawling industry was supposed to be financially compensated for the losses suffered during the period of the talks.³²⁵

The Icelandic government was not awed by this proposal and broke off diplomatic relations with the U.K. the following day, making the resolution of the dispute even tougher.³²⁶ First of all, both conflicting parties had to decide, which nation would take over the representation of their respective interests in the other country. It was agreed that France represented the U.K. in Iceland, and that Norway was the representative of Iceland in London.³²⁷

Towards NATO, the Norwegians expressed their disappointment because NATO did not take the fisheries dispute seriously from their point of view.³²⁸ Parallel to the diplomatic quarrels, Icelanders continued to protest in front of U.S. institutions in Iceland and the collisions at sea between Icelandic and British boats extended.³²⁹

Despite these recent events, Secretary General Luns' desire to find a solution to the conflict was unbroken and he thanked Norway for its constructive efforts to mediate within NATO and beyond.³³⁰ At the meeting of the North Atlantic Council on February 27th, 1976, Luns also tried

³²⁴ Jóhannesson, "Sympathy and self-interest", p. 119.

³²⁵ Ibid.

³²⁶ Ibid., pp. 119ff.

³²⁷ Ibid., p. 120.

³²⁸ Ibid., p. 121.

³²⁹ Ibid.

³³⁰ Ibid., p. 122.

to appeal to other member states in order to motivate them to also become mediators – just like Norway.³³¹

These warnings did not remain unheard. The Norwegians continued to develop ideas for the resolution of the conflict and Luns wrote in a letter to the Norwegian Foreign Ministry in March 1976 “the NATO states were thankful to the Norwegians and had full faith in their efforts”.³³² From this, one could infer that NATO pushed away its own responsibility in the conflict on to Norway. Here, it is noticeable that Luns himself did not take as active a role as a mediator in the conflict as Norway and especially the Norwegian Foreign Minister Fydenlund did.³³³

This is particularly interesting when analysing NATO’s role in the dispute. One gets the impression that Secretary General Luns saw himself and the alliance condemned to inactivity by the adverse attitude of the Icelandic population towards the alliance.³³⁴ It can be assumed that he did not want to risk a further deterioration of NATO’s image in Iceland. During the entire course of the fisheries disputes, NATO was susceptible to attacks by the Icelandic government that the alliance would side with the British. Therefore, Luns mainly refrained from action in this fisheries dispute.

During the following weeks, the Icelanders’ commitment to win yet another fisheries dispute was likely to make the process of finding a peaceful solution to the dispute much more difficult.³³⁵ Also, there was no end in sight for the collisions between the Royal Navy frigates and Icelandic Coast Guard vessels. During a three-day period in March 1976, the two parties collided eight times and the Icelanders’ were on the brink of finally losing their temper.³³⁶

³³¹ Jóhannesson, “Sympathy and self-interest“, p. 122.

³³² Ibid., p. 124

³³³ Ibid.

³³⁴ Ibid.

³³⁵ Ibid., p. 126.

³³⁶ Ibid., p. 127.

However, the most severe clashes between the two parties at sea led the Icelanders to the understanding that they would benefit from a peaceful agreement – although aimed at a short-term duration – rather than risking even further escalation without any chance for a peaceful settlement.³³⁷ On May 6th, 1976, three Icelandic Coast Guard vessels collided with three Royal Navy frigates and returned to Iceland very seriously damaged.³³⁸ This may have been an eye-opener for the Icelanders, making them realise that there was the possibility of loosing the dispute for them as well. There is no scientific proof for this assumption, but shortly after this incident, the Icelanders send conciliatory signals to the U.K. for the first time during the dispute. These conciliatory signals indicated that the fourth fisheries dispute would finally come to an end. Another aspect, which positively influenced the situation, was a staff turnover in the British Cabinet.³³⁹ The former Foreign Secretary James Callaghan replaced Harold Wilson as Prime Minister on March 16th, 1976.³⁴⁰ The new British Prime Minister was well acquainted with his Icelandic counterparts and had participated in numerous talks with the Icelandic Foreign Minister and NATO Secretary General Luns, often in the context of NATO meetings.

Regardless of these political developments, the British were greatly shocked by an Icelandic manoeuvre, which occurred on May 12th, 1976.³⁴¹ The Icelanders wanted to arrest a British fishing boat. The trawler was able to flee, but the Icelandic Coast Guard chased it and repeatedly fired shots in the opponent's direction. The warning of a British surveillance aircraft to return the fire was the only measure able to stop the Icelandic Coast Guard.³⁴²

After this dramatic incident, the British were certain that the fisheries dispute had to come to an end as soon as possible in order to prevent fatal incidents. The British wanted to achieve this goal

³³⁷ Jóhannesson, "Sympathy and self-interest", pp. 128f.

³³⁸ Ibid.

³³⁹ Ibid., p. 129.

³⁴⁰ Ibid., p. 130.

³⁴¹ Ibid., p. 131.

³⁴² Ibid.

at almost any cost.³⁴³ In this context, it was remarkable that the Icelandic government interpreted the incident differently. From their point of view, the fact that the Icelandic Coast Guard was not able to take the British trawler into custody was yet another violation of Icelandic law by the British.³⁴⁴ Although the British were willing to make concessions and probably would have accepted a settlement, which would have been largely unfavourable to them, it was still very difficult to bring the Icelanders to the negotiation table in mid-May 1976.³⁴⁵ Nevertheless, the Icelandic government finally agreed on another round of negotiations, which were to be held in Oslo on May 21st, 1976.³⁴⁶ Because the British had signalled they were willing to make major concessions even before the negotiations began, they were in a weak bargaining position and the Icelanders made sure that there was almost nothing to gain for the British.³⁴⁷ Thus, the negotiations only lasted for two days with the following results: The U.K. agreed to withdraw the Royal Navy frigates from the disputed waters and the British fishermen were to follow when they were instructed to do so by the Icelandic Coast Guard.³⁴⁸ At first, the British had tried to negotiate a “no-harassment pledge”³⁴⁹ as a necessary precondition for the withdrawal of the Royal Navy frigates, but the Icelanders strictly opposed this. When the talks in Oslo concluded, the fourth fisheries dispute was ended with an interim agreement, almost entirely on Icelandic terms. The British government was merely able to make the Icelanders agree on an average of 24 British trawlers, which were allowed to fish in the 200-mile zone per day.³⁵⁰ But this can hardly be regarded as a win for the British, because this provision was subject to the expiry of the interim agreement and after this deadline, the British trawlers’ fishing rights in Icelandic waters were subject to even further limitations.³⁵¹ The official end of the fourth fisheries dispute was dated on June 1st, 1976, when both parties signed an agreement containing the following provisions: “(F)or

³⁴³ Jóhannesson, “Sympathy and self-interest“, pp. 131f.

³⁴⁴ Ibid.

³⁴⁵ Ibid., p. 134.

³⁴⁶ Ibid.

³⁴⁷ Ibid., pp. 134f.

³⁴⁸ Ibid.

³⁴⁹ Ibid., p. 135.

³⁵⁰ Ibid.

³⁵¹ Ibid., p. 136.

the following six months, an average of 24 British trawlers could work inside the Icelandic 200-mile limit (and never more than 29 at the same time). Some conservation areas were closed and Icelandic specialists estimated that the trawlers could fish what amounted to a total annual catch of around 50,000 tons.”³⁵² In 1982, the third United Nations Convention on the Law of the Sea concluded and codified the 200 miles exclusive economic zone as international law.³⁵³ In this context, it can be assumed that the agreement between Iceland and the U.K. on the 200-mile limit paved the way for this development.

Finally, the fourth fisheries dispute between Iceland and the U.K. burdened the relationship between the two states in an unprecedented manner. With numerous clashes between British and Icelandic boats at sea, Iceland’s decision to bring the dispute to the attention of the U.N. Security Council, and the termination of diplomatic relations between the two states, it can be concluded that tensions between the two parties steadily increased, more so than during the preceding three fisheries disputes. Once again, NATO sat on the fence and was not able to play a major role in ending the dispute. Nevertheless, Secretary General Luns repeatedly encouraged the Norwegians to play an active role in the resolution of the conflict. This indirectly helped to end the conflict, alongside with the change of personnel in the British Cabinet and the fact that both parties realised that they would benefit from the end of the conflict in political and economic terms.

6. Conclusions

This paper’s analysis focused on the fisheries disputes between Iceland and the United Kingdom of Great Britain and Northern Ireland between 1952 and 1976 in terms of their importance for the North Atlantic Treaty Organization. With regards to this paper’s research questions, it was found that the Cod Wars were discussed in numerous NATO meetings. On the occasion of these meetings, Iceland and the U.K. were given the opportunity to elaborate on their positions in the

³⁵² Jóhannesson, “Sympathy and self-interest“, p. 136.

³⁵³ Hellmann/Herborth, “Fishing in the mild West”, p. 487.

disputes in front of other member states, and – of course – also in front of the direct opponent. At the same time, NATO officials were given the opportunity to appeal to both parties in terms of mediation in the conflicts. NATO's Secretaries General had always tried to moderate the tempers on both sides during the disputes. In this regard, their ultimate goal has always been to end the disputes. However, the alliance only partly succeeded in this endeavour, because it became a plaything of the different national interests in the conflict. In this context, it is exemplary that, on the one hand, Iceland had threatened to leave NATO several times after the second Cod War. The analysis shows that this was more of a bluff than the Icelandic's definite intention to withdraw from the alliance, because Iceland was economically dependent on other NATO member states and on financial aid from international organisations. On the other hand, the Icelanders pressured NATO to mediate between the two parties throughout the entire course of the fisheries disputes. It was clear from beginning, however, that Iceland expected NATO to support its position. If this had not been the case, the Icelanders would have been prepared to discredit NATO and to propagate that the alliance did not support the interests of its smaller member states. Thus, the alliance was under strict observation and thereby inhibited in their mediation efforts, because the alliance did not want to risk the withdrawal of a strategically important member state to the alliance in the context of the Cold War. Regarding the U.K., it can be assumed that the linkage of the fisheries disputes with NATO's stability influenced the government in London. The British government wanted to defend the interests of its fishermen, but it did not want to go as far as risking the stability of the alliance and thereby its own stability. It can also be assumed that the developments at the international level towards a broad consensus for extended fisheries limits over the years have influenced British actions in the fisheries disputes as well. The question on the influence of the Cod Wars on the dispute settlement procedures in NATO can only be partially answered by means of this analysis. As the resolution on the Peaceful Settlement of Disputes and Differences between members of the North Atlantic Treaty Organization was adopted immediately after the first Cod War, and the

alliance was unable to settle the disputes between two member states in the first Cod War, there was likely a link between these two events. To what extent the resolution's provisions were important in the following Cod Wars, however, is not sure. What is clear is that NATO, among other institutions like the OEEC, contributed to resolve the disputes and NATO's Secretaries General directly negotiated with both parties. The provisions of the North Atlantic Treaty were not sufficient to avoid the disputes. In the context of future research, it might be interesting to elaborate on the importance of the disputes for the evolution of dispute settlement procedures in NATO by consulting documents at the NATO archives in Brussels.

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8. List of Abbreviations

ACE	Allied Command Europe
DPC	Defense Planning Committee
EEC	European Economic Community
ICJ	International Court of Justice
IMF	International Monetary Fund
NATO	North Atlantic Treaty Organization/Nordatlantisches Bündnis
OEEC	Organization for European Economic Cooperation
U.K.	United Kingdom of Great Britain and Northern Ireland
U.N.	United Nations
U.S.	United States of America/United States