

"It may be worthwhile to look at the case of the Minquiers and the Ecrehos. This will disclose the Court in action, dealing with a complicated dispute, primarily legal in its character, but with strong political and economic aspects. It shows the way in which the rule of law can be applied in the solution of a serious political dispute, with economic ramifications, between two countries whose relations are dominated by good will....

"The issue concerned sovereignty over two groups of little islets, the Minquiers and the Ecrehos, which lie between Jersey and the Normandy coast. Both countries claimed the islets. While, in one sense, the issues at stake were not great, they had aroused strong feelings in both countries over the centuries and could only be settled by good will and justice. The islets had comparatively little value as land; but sovereignty over them determined fishing rights, and some of the Minquiers were regarded by France as essential to hydroelectric development based on tidal power.

"Before submitting the dispute to the Court, the parties settled the disposition of the fishing rights by agreement; and, when the matter of possible hydroelectric development arose in the course of the oral proceedings, an agreement providing for such a contingency was made and placed on the record. The Court was, therefore, confined to the purely legal issues, undisturbed by political and economic overtones.

"The Court examined Anglo-French relations from 1066 to 1950. The ownership of the Minquiers and Ecrehos was in dispute from 1202. The islets were admittedly part of the Duchy of Normandy, and King John [of England] was Duke of Normandy. But in 1202 his Norman Duchy was forfeited by a French feudal court. The French king reduced the Norman mainland to possession, but failed to oust the English from the Channel Isles and the Minquiers and Ecrehos. In time, the French claim to the Channel Isles faded away, but the French king, and later the Republic, never abandoned the claim to the islets. The dispute remained political: the subject of wars, treaties and diplomacy for seven-and-a-half centuries.

"In December 1950, a special agreement was signed, asking the Court to decide whether the islets belonged to the United Kingdom or to France. It was sent to the Court a year later. After appointment of agents to represent the governments in the proceedings, the Pleadings were filed: the British Memorial in March 1952; the French Counter-Memorial in June 1952; the British Reply in November 1952; and the French Rejoinder in March 1953.

"The Pleadings were printed documents in which the parties, in turn, set forth in great detail the grounds on which they relied, together with the documentary evidence. They were voluminous. A great deal of time was needed for translation and distribution, for the examination of the documents by the judges, and for preparation of oral arguments by counsel.

"It is possible to form some idea of the bulk of the documentary evidence by looking at the main British contention. It was argued that the islets had been treated as part of Jersey throughout the centuries. In order to accept or reject this contention, the Court needed objective facts. The Court examined Treaty Rolls, Charter Rolls, Patent Rolls, Assize Rolls, Papal Bulls