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LIMITS IN THE SEAS

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**STRAIGHT BASELINES
ICELAND**

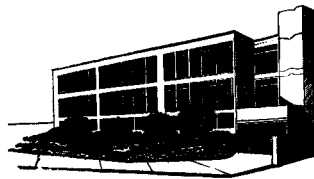


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LIMITS IN THE SEAS

No. 34 (revised)

Straight Baselines: Iceland

July 1, 1974

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Iceland revised its straight baseline system for the fourth time with the signing on July 14, 1972, of new *Regulations Concerning the Fishery Jurisdiction of Iceland*. The 1972 regulations altered the 1961 straight baseline system (other straight baseline decrees were issued in 1952 and 1958) and extended the Icelandic fishery limits to 50 nautical miles as measured from the straight baselines. The new regulations became effective on September 1, 1972.

Iceland claims a four-nautical-mile territorial sea, as well as the 50-nautical-mile fishery limit. Although a signatory, it is not a party to any of the four 1958 Geneva conventions on the law of the sea. These conventions concern the territorial sea and contiguous zone, the high seas, the continental shelf, and fishing and conservation of living resources of the high seas.

The pertinent articles of the *Regulations Concerning the Fishery Jurisdiction of Iceland* are as follows:

ARTICLE I.

The fishery limits off Iceland shall be drawn 50 nautical miles outside baselines drawn between the following points:

1. Horn 66°27'4 N 22°24'3 W
2. Asbudarrif 66°08'1 - 20°11'0 -
3. Raudinupur 66°30'7 - 16°32'4 -
4. Rifstangi 66°32'3 - 16°11'8 -
5. Hraunhafnartangi 66°32'2 - 16°01'5 -
6. Langanes 66°22'7 - 14°31'9 -
7. Glettinganes 65°30'5 - 13°36'3 -
8. Nordfjardarhorn 65°10'0 - 13°30'8 -
9. Gerpir 65°04'7 - 13°29'6 -
10. Holmur 64°58'9 - 13°30'6 -

11. Hvitingar	64°23'9 - 14°28'0 -
12. Stokksnes	64°14'1 - 14°58'4 -
13. Hrollaugseyjar	64°01'7 - 15°58'7 -
14. Tvisker	63°55'7 - 16°11'3 -
15. Ingolfshofdi	63°47'8 - 16°38'5 -
16. Hvalsiki	63°44'1 - 17°33'5 -
17. Medallandssandur I	63°32'4 - 17°55'6 -
18. Medallandssandur II	63°30'6 - 17°59'9 -
19. Myrnatangi	63°27'4 - 18°11'8 -
20. Kotlutangi	63°23'4 - 18°42'8 -
21. Lundadrangur	63°23'5 - 19°07'5 -
22. Geirfuglasker	63°19'0 - 20°29'9 -
23. Eldeyjardrangur	63°43'8 - 22°59'4 -
24. Geirfugladrangur	63°40'7 - 23°17'1 -
25. Skalasnagi	64°51'3 - 24°02'5 -
26. Bjargtangar	65°30'2 - 24°32'1 -
27. Kopanes	65°48'4 - 24°06'0 -
28. Bardi	66°03'7 - 23°47'4 -
29. Straumnes	66°25'7 - 23°08'4 -
30. Kogur	66°28'3 - 22°55'5 -
31. Horn	66°27'9 - 22°28'2 -

Limits shall also be drawn around the following points
50 nautical miles seaward:

32. Kolbeinsey	67°08'8 N 18°40'6 W
33. Hvalbakur	64°35'8 - 13°16'6 -

Each nautical mile shall be equal to 1852 metres.

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ARTICLE 7.

These Regulations are promulgated in accordance with Law No. 44 of 5 April 1948, concerning the Scientific Conservation of the Continental Shelf Fisheries, cfr. Law No. 81 of 8 December 1952. When these Regulations become effective, Regulations No. 3 of 11 March 1961, concerning the Fishery Limits off Iceland shall cease to be effective.

ARTICLE 8.

These regulations become effective on 1 September 1972.

Ministry of Fisheries, 14 July 1972.

Ludvik Josepsson.

Jon L. Arnalds.

ANALYSIS

The 1952 regulation on the extension of fishery limits promulgated a system of straight baselines based on 48 basepoints. The islands of Kolbeinsey, Hvalbakur, and Geirfugladrangur were specified as supplemental basepoints, but they were not part of the system of straight baselines. These islands, in addition to the island of Grimsey, had four-nautical-mile(n.m.) fishery limits drawn about them.

The straight baselines and the basepoints were delimited on the principle that Breidafjordhur and Faxafloi were "historic bays." The system of straight baselines was patterned on the Norwegian system, a difference being

that generally the Icelandic baselines are closer to the mainland than is the Norwegian prototype.

The 1958 regulation on fishery limits did not change any of the straight baselines or basepoints of the 1952 regulation. The change stipulated by the 1958 regulation was that the fishery limits would be extended 12 n.m. from the straight baselines as opposed to the 4 n.m. limits specified in the 1952 regulation.

An exchange of notes between Iceland and the United Kingdom, on March 11, 1961, specified changes that were to be made in the straight baselines decreed in the 1958 regulation. The number of basepoints in the 1961 system was reduced to 40, including Kolbeinsey and Hvalbakur, which are not part of the straight baseline system. The island of Grimsey was again singled out as having a fishery limit, but the island was not designated a basepoint by number.

The 1972 re-delimitation of the straight baseline system expanded the area of internal waters on the north coast of Iceland, while slightly reducing the internal waters on the east coast. The 1972 system removed basepoints 3, 4, 5, 14, 15, 16, and 17 from the 1961 baseline system. The new baseline on the north coast connecting Asbudarif (2) and Raudhinupur (3), with a length of 92 nautical miles, is the longest baseline in the system. The shortest straight baseline, 4.2 nautical miles, connects Rifstangi (4) with Hraunhafnartangi (5).

The following point-by-point analysis of the straight baselines utilizes Chart N.O. 38035 (H.O. 6910, 1st ed., April 28, 1958; revised April 11, 1966) published by the U.S. Navy Oceanographic Office.

<u>Segment</u>	<u>Distance (n.m.)</u>	<u>Comments</u>
1-2	56.75	Closes Hunafloi by connecting the western headland, Horn (1), with Asbudarif (2), which is a chain of drying and above-water rocks that extends northward about 5/8 n.m. from the mainland.
2-3	92.00	The 1972 baseline removed four baselines from the 1961 system, thereby encompassing

<u>Segment</u>	<u>Distance (n.m.)</u>	<u>Comments</u>
		more internal waters. The new baseline connecting Asbudarif (2) with Raudhinupur (3) is the longest segment of the system. The new baseline may be considered to be unreasonably long since the 1961 baseline system more closely approximated the general direction of the coastline and did effectively protect Icelandic internal waters.
3-4	8.40	Connects Raudhinupur (3) with Rifstangi (4), which is the northernmost point of the Icelandic mainland.
4-5	4.20	Connects Rifstangi (4) with Hraunhafnartangi (5), which is a spit extending about 1 n.m. northward from the mainland.
5-6	37.40	Closes Thistilfjordhur by connecting the western headland, Hraunhafnartangi (5), with Langanes (6), which is the eastern headland.
6-7	57.70	Closes Bakkaflói, Vopanfjordur, Heradhsflói, and Borgarfjordhur by connecting the northern headland of Bakkaflói, Langanes (6), with the southern headland of Borgarfjordhur, Glettinganes (7).
7-8	21.00	Closes a number of small fjords by connecting Glettinganes (7) with Nordfjardarhorn (8).
8-9	5.40	Connects Nordfjardarhorn (8) with Gerpir (9), which is the easternmost point of the Icelandic mainland.

<u>Segment</u>	<u>Distance (n.m.)</u>	<u>Comments</u>
9-10	5.50	Connects Gerpír (9), on the mainland, with Holmur (10), a small offshore island.
10-11	42.75	Connects Holmur (10) with Hvítungar (11), which is a rock lying 1 3/4 n.m. from the mainland. Hvítungar should not be used as a basepoint because it is a low-tide elevation. The 1958 Geneva Convention on the Territorial Sea and Contiguous Zone states in Article 4-3 that: <i>Baselines shall not be drawn to or from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them.</i> The new baseline reduced Icelandic internal waters minimally since offshore islands lie seaward.
11-12	16.00	Connects Hvítungar (11) with Stokksnes (12), which is on the mainland.
12-13	30.80	Connects Stokksnes (12) with Hróllaugseyjar (13), which is made up of three flat islets about 4 1/2 n.m. offshore.
13-14	7.70	Connects Hróllaugsýjar (13) with Tvisker (14), which is made up of two small islets lying 5 n.m. offshore.
14-15	14.50	Connects Tvisker (14) with Ingólfshöfði (15), which is on a small peninsula separated from the mainland by an extremely narrow passage.
15-16	24.70	Connects Ingólfshöfði (15) with Hvalsíki (16), which is a river mouth on a rather smooth coastline. There seems to be little

<u>Segment</u>	<u>Distance (n.m.)</u>	<u>Comments</u>
		justification for the construction of this line when physical features are taken into account.
16-17	14.50	Connects Hvalsiki (16) with Medallandssandur I (17). The latter is located on a small spit on an otherwise smooth coast. Seems to be little rationale for using Point 17 as a basepoint.
17-18	--	Two points are not connected by a baseline.
18-19	6.20	Connects Medallandssandur II (18), which is an insignificant point on a straight coastline, with Myrnatangi (19), which is the southwest end of a coastal island. The straight baseline between the two points serves no function because it is coextensive with the coastline along the island.
19-20	14.50	Connects Myrnatangi (19) with Kotlutangi (20), which is a flat stretch of sand on a smooth coastline. There is no need for the straight baseline as it is coextensive with the coastline.
20-21	11.20	Connects Kotlutangi (20) with Lundadrangur (21), which is an islet about 3/4 n.m. offshore.
21-22	36.80	Connects Lundadrangur (21) with Geirfuglasker (22), an islet some 15 1/2 n.m. from the mainland. This segment of the straight baselines deviates markedly from the general trend of the coast. Of interest is the island of Surtsey, 3 n.m. southwest of Geirfuglasjer,

<u>Segment</u>	<u>Distance (n.m.)</u>	<u>Comments</u>
		which is the result of a volcanic eruption in 1963. Surtsey is probably not used as a basepoint because of the uncertainty as to its longevity.
22-23	70.30	Connects Geirfuglasker (22) with Eldeyjardrangur (23), which is a rock 8 n.m. offshore. This segment of the baseline trends in a northwesterly direction, returning closer to the mainland than Point 22.
23-24	8.50	Connects Eldeyjardrangur (23) with Geirfugladrangur (24), which is a rock 16 n.m. offshore. (It was reported on April 18, 1972, that Geirfugladrangur had disappeared. No statement announcing the rediscovery of the rock has been received.) The question arises as to why Point 23 was designated a basepoint when in view of the Icelandic method of delimiting baselines it would seem that they would have connected Geirfuglasker (22) directly to Geirfugladrangur (24).
24-25	74.10	Connects Geirfugladrangur (24) with Skalasnagi (25), which is a coastal point on the Snaefellsnes peninsula. The line connecting the two points form the closing line for the Faxafloi, which is an historic bay. The two basepoints are not headlands of the Faxafloi.
25-26	40.30	Closes the historic bay of Breidafjordhur by connecting Skalasnagi (25), a point near the southern headland of the fjord, with Bjargtangar (26), which is the northern headland of the fjord.

<u>Segment</u>	<u>Distance (n.m.)</u>	<u>Comments</u>
26-27	21.00	Connects Bjargtangar (26) with Kopanes (27), which is the northern headland of Talknafjordhur and the southern headland of Arnarfjordhur.
27-28	17.10	Connects Kopanes (27) with Bardi (28), which is the southern headland of Onundarfjordhur.
28-29	27.40	Connects Bardi (28) with Straumnes (29), which is a prominent point on a small inlet.
29-30	5.60	Connects Straumnes (29) with Kogurnes (30), which is the headland of a small bay.
30-31	10.90	Connects Kogurnes (30) with Horn (31), a peninsula also called North Cape.
TOTAL	783.20	

No straight baselines are drawn around the following base-points, but rather each island has a 50 n.m. fishery limit.

- 32 Kolbeinsey (67° 07' N., 18° 36' W.). This small islet lies 55 n.m. north of the mainland.
- 33 Hvalbakur (64° 36' N., 13° 15' W.). A small islet 19 n.m. off the eastern mainland.

SUMMARY

Generally, the Icelandic system of straight baselines follows the criteria established by Article 4 of the 1958 Geneva *Convention on the Territorial Sea and the Contiguous Zone*. That is, the baselines do not depart markedly from the general direction of the coast, and the large fjords of the deeply indented coastline appear to be linked closely enough with the land to be considered within the regime of internal waters. However, a serious question arises about

the validity of straight baselines drawn around an island group or archipelago. It is not a generally accepted tenet of international law that straight baselines can be drawn around islands or island groups, even though some larger insular areas have been so enclosed (Madagascar, Ireland, and the United Kingdom). In ascertaining the validity of the Icelandic actions in promulgating straight baselines, it must be determined whether or not Iceland is to be considered an island for purposes of constructing straight baselines. If so, it is not generally accepted that straight baselines can be drawn about islands. On the other hand, if Iceland is considered to have the characteristics of a mainland feature, it is more widely accepted that reasonable baselines can be drawn about such an area in a manner which brings coastal islands into the regime of the coastal configuration.

One basepoint, however, does not meet the specifications set forth in the above Convention. No low-tide elevations are to be used as basepoints unless a permanent above-water installation is present on the feature. This rule was violated in the initial 1952 regulation, but the action was taken before the advent of the 1958 Geneva Convention. However, Iceland could have rectified the discrepancy by not using Hvitingar (11) as a basepoint in the 1961 and 1972 declarations.

The Icelandic baselines contain four segments which exceed the length of the longest baseline approved by the International Court of Justice (ICJ) in the Anglo-Norwegian Fisheries Case. The ICJ on December 18, 1951, approved a Norwegian straight baseline 44 n.m. long. The four extensive Icelandic baselines are: 1 - 2 (56.75 n.m.), 2 - 3 (92.00 n.m.), 6 - 7 (57.7 n.m.), 22 - 23 (70.3 n.m.), and 24 - 25 (74.1 n.m.).

The Icelandic baselines, although quite lengthy, are not the longest in the world. Burma has baselines of 222.3 n.m. and 80.8 n.m. in length, and Madagascar has three baselines with lengths of 123.1 n.m., and 117.7 n.m., and 86.0 n.m.