Current Legal Developments

Denmark/Iceland/Norway

Bilateral Agreements on the Delimitation of the Continental Shelf and Fishery Zones

On 11 November 1997 three bilateral delimitation agreements involving respectively Denmark and Iceland, Denmark and Norway, and Iceland and Norway were concluded.\(^1\) With the conclusion of these agreements all of the continental shelf and fishery zone boundaries in the area between Iceland, Greenland (Denmark) and Jan Mayen (Norway) have been completed. The agreement between Denmark and Iceland addresses the delimitation of all of the continental shelf and fishery zones of the parties. Denmark and Norway and Iceland and Norway concluded protocols to the earlier delimitation agreements, which only concern short segments of the boundaries up to the tri-junction point between the three states. The initiative for negotiations on the tri-junction point were taken by Norway, after Denmark and Iceland had announced that they had reached agreement on delimitation of their boundary at the end of June 1997.

Among the issues which had to be settled during the negotiations leading up to these agreements were the weight to be accorded to the Icelandic islands of Kolbeinsey and Grimsey and how to arrive at the tri-junction point, taking into consideration that the three bilateral agreements applied different methods of delimitation which resulted in more than one point at which the notional extension of the boundaries intersected.

\(^1\) Agreement between the Government of the Kingdom of Denmark along with the Local Government of Greenland on the one hand and the Government of the Republic of Iceland on the other hand on the Delimitation of the Continental Shelf and the Fishery Zone in the Area between Greenland and Iceland; Additional Protocol to the Agreement of 18 December 1995 between the Kingdom of Norway and the Kingdom of Denmark on the Delimitation of the Continental Shelf in the Area between Jan Mayen and Greenland and the Boundary between Fishery Zones in the Area; Additional Protocol to the Agreement of 28 May 1980 between Norway and Iceland on Fishery and Continental Shelf Questions and the Supplementary Agreement of 22 October 1981 on the Continental Shelf in the Area Between Jan Mayen and Iceland (for an English translation of these agreements see the appendices to this article).

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Denmark and Iceland in their national legislation applied the median line as a provisional boundary line of their 200 nautical mile zones in case of overlap with the zones of neighbouring states. However, they did not apply the same basepoints to calculate this median line. Iceland took into account the islet of Kolbeinsey to establish the median line, while Denmark did not take into consideration either this islet or the larger Grimsey. The islet of Kolbeinsey lies somewhat less than 60 nautical miles to the north of the Icelandic mainland and about 40 nautical miles from Grimsey. Kolbeinsey measures a few hundred square meters and has a maximum altitude of some 6 meters. Grimsey lies more than 40 kilometres north of the Icelandic mainland and measures 5.3 square kilometres and reaches a height of 105 meters. Grimsey has over 100 inhabitants. The different baselines applied by Denmark and Iceland to establish the median line resulted in an area of overlapping claims of some 11,500 square kilometres. This grey zone was of relevance for fishing of capelin.

Denmark and Iceland had tried to reach agreement on the delimitation issue in 1980 without result. Negotiations were reopened in 1996 after incidents in the grey zone involving fishing vessels licensed by Greenland and the Icelandic fishery inspection. These negotiations were concluded successfully on 28 June 1997 just before the start of the 1997 fishing season. The parties agreed to divide the disputed area giving some 70 per cent to Iceland and some 30 per cent to Denmark. This disputed area only concerned the area influenced by the presence of Kolbeinsey, and not that influenced by Grimsey.

According full weight to Grimsey in the delimitation between Denmark and Iceland seems fully justified by its characteristics, its position in the delimitation area and other circumstances of the case. The compromise was the result of all factors which influenced the delimitation such as baselines, basepoints, dependency on fisheries, coastal length and especially good-neighbourly relations. This result was formalised in the Agreement of 11 November 1997. On the Danish side the Agreement was also concluded by the local government of Greenland, which was also involved in the negotiations leading up to it. The Agreement is reproduced as Appendix 1 to this article.

Article 1 of the Agreement delimits the boundary of the continental shelf and fishery zones between Iceland and Denmark by 17 points defined in geographical coordinates in accordance with the World Geodesic System 1984. The lines connecting the boundary points are geodesic lines. Article 1 indicates that the

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2 It appears that Kolbeinsey has been significantly reduced over the last centuries as a result of erosion. In the seventeenth century it had an area of 750 by 110 meters, and at the beginning of this century it measured some 300 metres by 30–60 meters with a maximum height of some 35 meters (figures given in B.B. Jia, "A Preliminary Study of the Problem of the Isle of Kolbeinsey", (1997) 66 Nordic Journal of International Law 310–318 at 302 note 2).


4 Ibid.

5 Ibid.