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LIMITS IN THE SEAS

No. 34 - Revised

STRAIGHT BASELINES

ICELAND

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LIMITS IN THE SEAS

No. 34 (revised)

Straight Baselines: Iceland

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STRAIGHT BASELINES: ICELAND

Iceland's most recent action altering their system of straight baselines was the issuance on March 11, 1961, of the Regulations Concerning the Fishery Jurisdiction of Iceland. The Regulations were promulgated on April 22, 1961.

These 1961 Regulations alter the straight baselines of the preceding decrees of 1952 and 1958. An exchange of notes between Iceland and the United Kingdom, on March 11, 1961, specified the changes that were to be made to the 1958 decree and incorporated in the new 1961 declaration.

Iceland claims a four nautical-mile territorial sea and a 12 nautical mile fishery limit, as measured from the straight baselines. Iceland, although a signatory, 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 1

The fishery jurisdiction of Iceland shall be delimited 12 nautical miles outside base lines drawn between the following points:

1.	Horn	66° 27'4 N Lat.	22° 24'5 W. Long.
2.	Asbudarrif	66° 08'1 N	20° 11'2 W.
3.	Siglunes	66° 11'9 N	18° 50'1 W.
4.	Flatey	66° 10'3 N	17° 50'5 W.
5.	Lagey	66° 17'8 N	17° 07'0 W.
6.	Raudinupur	66° 30'7 N	16° 32'5 W.
7.	Rifstangi	66° 32'3 N	16° 11'9 W
8.	Hraunhafnartangi	66° 32'3 N	16° 01'6 W.
9.	Langanes	66° 22'6 N	14° 32'0 W.
10.	Glettinganes	65° 30'6 N	13° 36'4 W.
11.	Nordfjardarhorn	65° 10'0 N	13° 31'0 W.
12.	Gerpir	65° 04'7 N	13° 29'8 W.
13.	Holmur	64° 58'9 N	13° 30'7 W.
14.	Setusker	64° 57'7 N	13° 31'6 W.
15.	Thursasker	64° 54'1 N	13° 36'9 W.
16.	Ystibodhi	64° 35'2 N	14° 01'6 W.

17.	Selsker	64° 32'8 N	14° 07'1 W.
18.	Hvitingar	64° 23'8 N	14° 28'1 W.
19.	Stokkenes	64° 23'8 N	14° 28'1 W.
20.	Hrollaugseyjar	64° 14'1 N	14° 58'5 W
21.	Tvisker	64° 01'7 N	15° 58'8 W.
22.	Ingolfshofdi	63° 47'8 N	16° 11'4 W.
23.	Hvalsiki	63° 44'1 N	17° 33'7 W
24.	Medallandssandur I	63° 32'4 N	17° 56'0 W.
25.	Medallandssandur II	63° 30'6 N	18° 00'0 W
26.	Myrnatangi	63° 27'4 N	18° 12'0 W.
27.	Kotlutangi	63° 23'4 N	18° 43'0 W.
28.	Lundadrangur	63° 23'5 N	19° 07'6 W.
29.	Geirfuglasker	63° 19'0 N	20° 30'1 W.
30.	Eldeyjardrangur	63° 43'8 N	22° 59'6 W.
31.	Geirfugladrangur	63° 40'6 N	23° 17'3 W.
32.	Skalasnagi	64° 51'3 N	24° 02'6 W.
33.	Bjargtangar	65° 32'2 N	24° 32'3 W.
34.	Kopanes	65° 48'3 N	24° 06'3 W.
35.	Bardi	66° 03'7 N	23° 47'6 W.
36.	Straumnes	66° 25'7 N	23° 08'5 W.
37.	Kogurnes	66° 28'3 N	22° 55'8 W.
38.	Horn	66° 27'9 N Lat	22° 28'5 W. Long.

Moreover, demarcation lines shall be drawn around the following places, 12 nautical miles from them:

38.	Horn	66° 27'9 N Lat.	22° 28'5 W. Long
39.	Kolbeinsey	67° 07'5 N	18° 36'0
40.	Hvalbakur	64° 35'8 N	13° 16'7

Finally, a demarcation line shall be drawn around the island of Grimsey, 12 nautical miles from its outermost headlands and skerries.

Article 6

The implementation of these Regulations shall be such that they are always in accordance with international conventions concerning these matters, to which Iceland is a party at any time.

Article 8

The present Regulations are prescribed according to law No. 44, 5th April 1948, concerning the Scientific Conservation of the Fishing Grounds of the Continental Shelf, cf. law No. 81, 8th December 1952, and upon becoming operative, Regulations No. 70, 30th June 1958, concerning the Fishery Jurisdiction of Iceland, shall cease to be effective.

Article 9

The present Regulations enter into force forthwith.

The Ministry of Fisheries, 11th March 1961.

BJARNI BENEDIKTSSON.

Gunnlaugur E. Briem.

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 are 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.

The 1961 exchange of notes between Iceland and the United Kingdom specified changes that were to be made in the straight baselines decreed in the 1958 regulation. The number of basepoints was reduced to 40, including Kolbeinsey and Hvalbakur which are not part of the straight baseline system, and again the island of Grimsey was singled out without being designated a basepoint by number.

Seaward extension of the 1958 fishery limits resulted from the 1961 re-delimitation of the straight baselines connecting the basepoints 1-2, 9-10, and 29-32. The total length of the 1961 baselines is 785.6 n.m. The shortest straight baseline is Ystibodhi (Point 16) to Selsker (Point 17), a distance of 3.3 n.m. The longest baseline is 74.1 n.m. from Geirfugladrangur (Point 31) to Skalasnagi (Point 32). The segment 31-32 closes the "historic bay," Faxafloi.

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

Segment	Distance (n.m.)	Comments
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 extend northward about 5/8 n.m. from the mainland.
2 – 3	33.10	Connects the Asbudarif rocks (2), in the vicinity of the western headland of Skagafjordhur, with the eastern headland of Siglufjordhur, Siglunes (3).
3 – 4	23.50	Closes off Eyjafjordhur by connecting its western headlands, Siglunes (3), with Flatey island, which is located 3-1/2 n.m. off the mainland.
4 – 5	19.20	Connects Flatey island (4), with Lagey islet (5). Lagey is the larger of the Manareyjar group and is located 5-3/4 n.m. from the mainland.
5 – 6	19.20	Joins Lagey islet (5) with Raudhinupur (6), which is the eastern headland of Axarfjordhur.
6 – 7	8.40	Connects Raudhinupur (6) with Rifstangi (7), which is the northernmost point of the Icelandic mainland.
7 – 8	4.20	Connects Rifstangi (7), with Hraunhafnartangi (8), which is a spit extending about 1 n.m. northward from the mainland.
8 – 9	37.40	Closes Thistilfjordhur by connecting the western headland, Hraunhafnartangi (8), with Langanes (9), which is the eastern headland.
9 – 10	57.70	Closes Bakkafloi, Vopanfjordhur, Heradhsfloi, and Borgarfjordhur by connecting the northern headland of Bakkafloi, Langanes (9), with the southern headland of Borgarfjordhur, Glettinganes (10).
10 – 11	21.00	Closes a number of small fjords by connecting Glettinganes (10) with Nordfjardarhorn (11).
11 – 12	5.40	Connects Nordfjardarhorn (11) with Gerpir (12), which is the easternmost point of the Icelandic mainland.
12 – 13		Not in original copy
13 – 14	(1.50)	No baseline delimited between Holmur (13) and Setusker (14). Closure effected by small islets situated very close together.
14 – 15	4.20	Connects Setusker (14), which lies about 3 n.m. from the mainland, with Thursasker (15), which is an islet some 3-1/4 n.m. from the mainland.

Segment	Distance (n.m.)	Comments
15 – 16	21.70	Connects the islet of Thursasker (15) with Ystibodhi (16). Ystibodhi is a submerged rock lying about 7 n.m. from the mainland. Because Ystibodhi is a submerged feature it should not be used as a basepoint for constructing the straight baselines.[1]
16 – 17	3.30	Connects Ystibodhi (16) with Selsker (17), which is an islet about 7 n.m. from the mainland. This segment of the baseline is the shortest in the system.
17 – 18	12.70	Connects Selsker (17) with Hvitingar (18), which is a rock awash lying 1-3/4 n.m. from the mainland. Hvitingar should not be used as a basepoint because it is a low-tide elevation.[2]
18 – 19	16.00	Connects Hvitingar (18) with Stokksnes (19), which is on the mainland.
19 – 20	30.80	Connects Stokksnes (19) with Hrollaugseyjar (20), which is made up of three flat islets about 4-1/2 n.m. offshore.
20 – 21	7.70	Connects Hrollaugsyejar (20) with Tvisker (21), which is made up of two small islets lying 5 n.m. offshore.
21 – 22	14.50	Connects Tvisker (21) with Ingolfshofdhi (22), which is on a small peninsula separated from the mainland by an extremely narrow
22 – 23	24.70	Connects Ingolfshofdhi (22) with Hvalsiki (23), which is a river mouth on a rather smooth coastline. There seems to be little justification for the construction of this line when physical features are taken into account.
23 – 24	14.50	Connects Hvalsiki (23) with Medallandssandur I (24). The latter is located on a small spit on an otherwise smooth coast. Seems to be little rationale for using Point 24 as a basepoint.
24 – 25		Two points are not connected by a baseline.
25 – 26	6.20	Connects Medallandssandur II (25), which is an insignificant point on a straight coastline, with Myrnatangi (26), 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.
26 – 27	14.50	Connects Myrnatangi (26) with Kotlutangi (27), 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.
27 – 28	11.20	Connects Kotlutangi (27) with Lundadrangur (28), which is an islet about 3/4 n.m. offshore.
28 – 29	36.80	Connects Lundadrangur (28) with Geirfuglasker (29), 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 that the island of Surtsey, 3 n.m. southwest of Geirfuglasjer, 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.

[1] The 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone states in Article 4 - 3, that: "Baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them."

Segment	Distance (n.m.)	Comments
29 – 30	70.30	Connects Geirfuglasker (29) with Eldeyjardrangur (30), 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 29.
30 – 31	8.50	Connect Eldeyjardrangur (30) with Geirfugladrangur (31), which is a rock 16 n.m. offshore. The question arises as to why Point 30 was designated a basepoint when in view of the Icelandic method of delimiting baselines it seems that they would have connected Geirfuglasker (29) directly to Geirfugladrangur (31).
31 – 32	74.10	Connects Geirfugladrangur (31) with Skalasnagi (32), 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. This segment of the straight baselines is the longest in the system.
32 – 33	40.30	Closes the historic bay of breidafjordhur by connecting Skalasnagi (32), a point near the southern headland of the fjord, with Bjargtangar (33), which is the northern headland of the fjord.
33 – 34	21.00	Connects Bjargtangar (33) with Kopanes (34), which is the northern headland of Talknafjordhur and the southern headland of Arnarfjordhur.
34 – 35	17.10	The southern headland of Onundarfjordhur.
35 – 36	27.40	Connects Bardi (35) with Straumnes (36), which is a prominent point on a small inlet.
36 – 37	5.60	Connects Straumnes (36) with Kogurnes (37), which is the headland of a small bay.
37 – 38	10.90	Connects Kogurnes (37) with Horn (38), a peninsula also called North Cape.
TOTAL	785.60	

No straight baselines are drawn around the following basepoints, but rather each island has a 12 n.m. fishery limit.

39 Kolbeinsey (67° 07' N., 36' W.) This small islet lies 55 n.m. north of the mainland.

40 Hvalbakur (64° 36: N., 13° 15' W.) A small islet 19 n.m. off the eastern mainland.

-- Grimsey (66° 32' N., 18° 00' W.) An island 22 n.m. offshore. The island was not assigned a basepoint number, but it is specifically mentioned in the legislation.

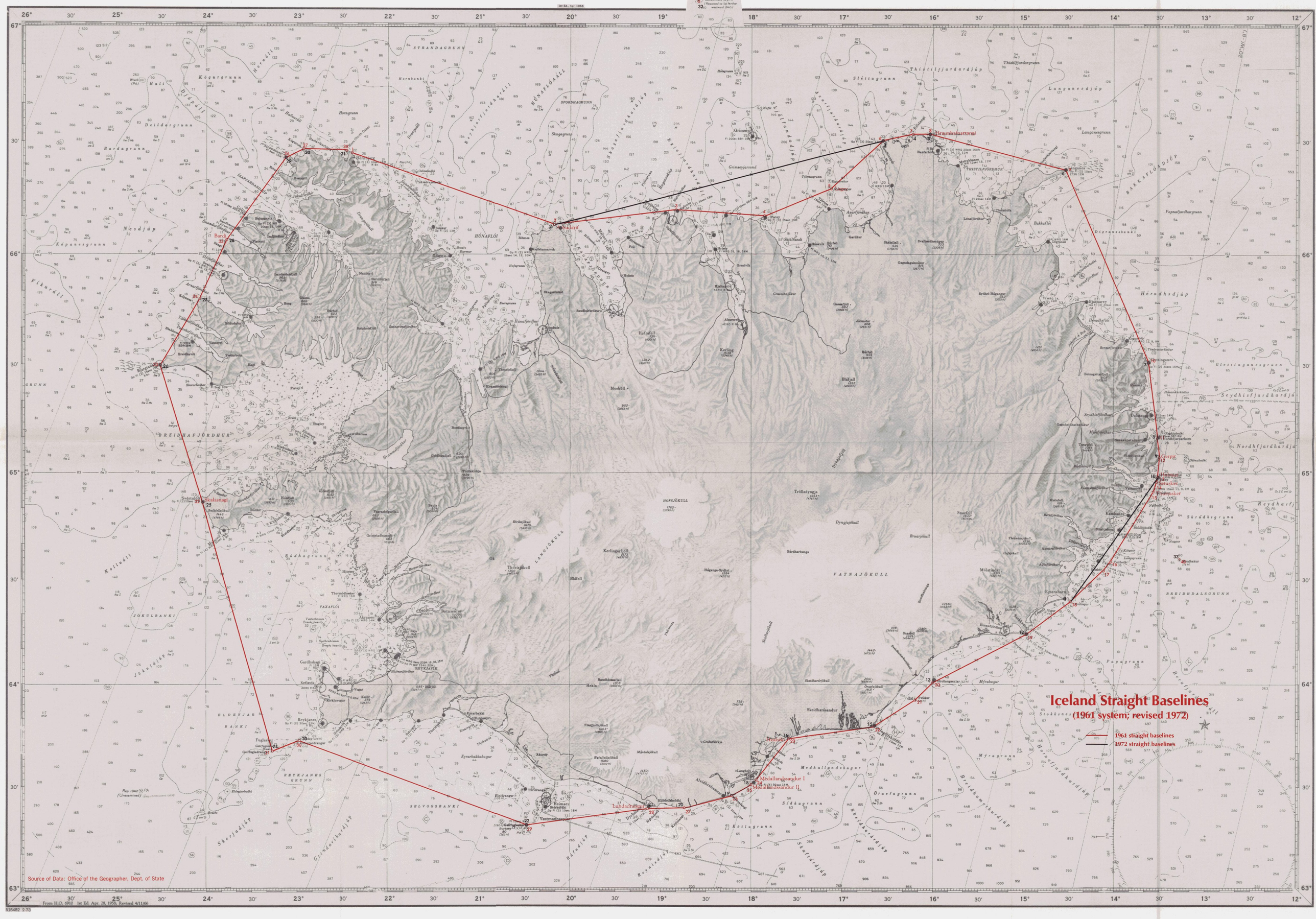
SUMMARY

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 draw 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.
Two basepoints, however, do 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 this action was taken before the advent of the 1958 Geneva Convention. However, Iceland could have rectified the discrepancy by not using Ystibodhi (16) and Hvitingar (18) as basepoints in the 1961 declaration.

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.), 9 - 10 (57.7 n.m.), 29 - 30 (70.3 n.m.), and 31 - 32 (74.1 n.m.)

The Icelandic baselines, although quite lengthy, are not the longest in the world. Burma has two 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.


Iceland Straight Baselines
(1961 system; revised 1972)
1961 straight baselines
1972 straight baselines
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