

PERMANENT MISSION OF DENMARK

TO THE UNITED NATIONS

Ref.No. 119.N.8.

The Permanent Mission of Denmark to the United Nations presents its compliments to the Secretary-General of the United Nations and, referring to the partial submission regarding the Southern Continental Shelf of the Faroe Islands covering the Faroe-Rockall Plateau Region, transmitted today to the Commission on the Limits of the Continental Shelf (“the Commission”), has the honour to make the following observations.

Iceland, Ireland and the United Kingdom of Great Britain and Northern Ireland are making claims to parts of the Faroe-Rockall Plateau Region, the submissions of which were subject to the expiration on 13 May 2009 of the 10-year time period provided for in Article 4 of Annex II to the United Nations Convention on the Law of the Sea (“the Convention”), as understood by the Decisions SPLOS/72 and SPLOS/183. On 31 March 2009 Ireland and the United Kingdom of Great Britain and Northern Ireland, respectively, submitted their proposed outer limits, overlapping parts of the Faroe-Rockall Plateau Region.

By Notes of 27 May 2009, the Government of the Kingdom of Denmark together with the Government of the Faroes communicated to the Secretary-General of the United Nations its position that the consideration of the submissions of Ireland and the United Kingdom of Great Britain and Northern Ireland, respectively, and any recommendations thereof, would prejudice - within the meaning of Article 9 of Annex II of the Convention - the Kingdom of Denmark’s forthcoming submission in respect of the same area (*i.e.* the present partial submission) unless the present partial submission would be considered simultaneously.

H.E. the Secretary-General of the United Nations
New York

The Government of the Kingdom of Denmark together with the Government of the Faroes, having regard to Article 9 of Annex II to the Convention and the Rules of Procedure of the Commission on the Limits of the Continental Shelf (“the Rules of Procedure”), *uz* Rule 46 and Annex I, 5(a) declared that until further notice consent was not given to the Commission on the Limits of the Continental Shelf to consider the information and data submitted by Ireland and the United Kingdom of Great Britain and Northern Ireland, respectively.

Iceland, however, did not make a submission to parts of the relevant area prior to the expiration of the 10-year time period on 13 May 2009. By Notes dated 27 May 2009, the Government of Iceland communicated to the Secretary-General of the United Nations that it did not give its consent to the consideration and qualification by the Commission of the submissions of Ireland and the United Kingdom of Great Britain and Northern Ireland, as this would prejudice the rights of Iceland over the continental shelf in that area.

In the above-mentioned Notes, referring to its partial submission of 29 April 2009, the Government of Iceland further noted that pursuant to Rule 3 of Annex I to the Rules of Procedure a submission may be made by a coastal State for a portion of its continental shelf in order not to prejudice questions relating to the delimitation of boundaries between States in any other portion or portions of the continental shelf for which a submission may be made later, notwithstanding the provisions regarding the 10-year time period established by Article 4 of Annex II to the Convention.

Taking a different approach, the Kingdom of Denmark in its Notes of 27 May 2009 declared that it would transmit the present partial submission before expiration of its 10-year time period on 16 December 2014. In the view of the Government of the Kingdom of Denmark together with the Government of the Faroes Rule 3 of Annex I to the Rules of Procedure cannot *per se* supplant the 10-year time period in Article 4 of Annex II to the Convention.

It is clear that in no manner does the lodging with the Commission of submissions by Ireland and the United Kingdom of Great Britain and Northern Ireland – or Iceland - *ipso facto* prejudice the present partial submission of the Kingdom of Denmark or the delimitation of the area. Only the *consideration* and *recommendations* of their submissions would constitute prejudice within the meaning of Article 9 of Annex II of the Convention. Further, the Government of the Kingdom of Denmark together with the Government of the Faroes see no basis for blocking the consideration of other submissions in respect of the Faroe-Rockall Plateau Region *sine die*, but view simultaneous consideration of the parties' submissions as the appropriate and fair remedy to prevent prejudice.

Consistent with Article 9 of Annex II to the Convention together with Rule 46 and Annex I to the Rules of Procedure, the Government of the Kingdom of Denmark together with the Government of the Faroes confirm that consent to the Commission to consider the submissions of Ireland and the United Kingdom of Great Britain and Northern Ireland, respectively, will only be given provided this partial submission is considered simultaneously.

The Government of the Kingdom of Denmark reaffirms its commitment to the quadrilateral talks between the parties with a view to reaching an agreement.

The Permanent Mission of Denmark to the United Nations requests the Secretary-General of the United Nations to circulate this Note to all members of the Commission and to all States Parties to the Convention, and publicize it at the website of the Division for Ocean Affairs and the Law of the Sea.

The Permanent Mission of Denmark avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, December 2, 2010

