

IN THE INTERNATIONAL COURT OF JUSTICE

THE REPUBLIC OF FINLAND

APPLICANT

V.

THE KINGDOM OF DENMARK

RESPONDENT

MEMORIAL OF THE KINGDOM OF DENMARK

COMES NOW the Kingdom of Denmark and for their Memorial to the Court states the following:

STATEMENT OF JURISDICTION

1. According to the declaration of acceptance of the jurisdiction of the International Court of Justice, made by Denmark on 10 December 1956:
“Pursuant to Article 36, paragraph 2, of Statute of the International Court of Justice, the Kingdom of Denmark recognizes as compulsory ipso facto and without special agreement the jurisdiction of the Court in relation to any other State accepting the same obligation, that is to say on condition of reciprocity...”
2. The International Court of Justice has the right to preside over this case due to the nature of the dispute. Given the 1857 Treaty of Copenhagen on the Abolition of the Sound Dues, this is a matter of international law and according to Article 36 (2b). The court has jurisdiction over cases of international law, as both parties understand the nature of the disagreement.

STATEMENT OF LAW:

1. Written in Article 35 (c) in the 1982 Convention on the Law of the Sea the Danish straits are governed by two treaties of long standing. These are the Treaty for the Abolition of the Sound Dues and the separate bilateral treaty between Denmark and the United States.
2. According to the 1857 Treaty of Copenhagen on the Abolition of the Sound Dues, the following countries agreed to abide by the conditions of the treaty: Austria, Belgium, France, Great Britain, Hanover, The Hansa Towns, Mecklenburg-Schwerin, the Netherlands, Oldenburg, Prussia, Russia, Sweden/Norway. The treaty illustrates authorization of The Great Belt’s usage part of which include Finland’s rights as a third-party beneficiary, in accordance with Article 36 of the Vienna Convention of the Law of Treaties.
3. As a third-party beneficiary, Finland cannot claim or exercise more extensive rights than those enjoyed by the actual parties to the Treaty. The parties to the 1857 Treaties have

accepted a clearance of 65 meters as being sufficient for the exercises of their right of passage through the Danish territorial sea. Finland, not a party, cannot legitimately invoke additional rights or a more favorable treatment than the one accepted by the parties to the 1857 Treaties.

STATEMENT OF FACT:

The Great Belt is a strait of water passing through Danish territory and enables connection into international waters by connecting the Baltic and North Sea. The Kingdom of Denmark has proposed a bridge be built to connect Danish islands of Zealand and Funen, standing at 65 meters above sea level. The Kingdom of Denmark has approached this project with caution and with the utmost regards of its neighboring countries. Asking for not only permission, but Kingdom of Denmark has also considered guidance as to not disrupt the usage of the waterway, which, the Republic of Finland had ignored.

The Republic of Finland has shown distaste for the construction of the bridge, while the Kingdom of Denmark has provided alternative solutions preventing restrictions in usage of the waterway. Nearly all of the Finnish ships could use The Sound, between the Kingdom of Denmark and the Kingdom of Sweden, with a depth of 7.7 meters. For those exceptions, the ships would still be able to pass through the Great Belt, with only one alteration, the completion of the derrick after the passage of the Great Belt Bridge, which would not greatly hamper the ability of the Finnish company Rauma-Repola Offshore Oy.

The Kingdom of Denmark has followed the agreements in the 1857 Treaty of Copenhagen on the Abolition of the Sound Dues, as well as the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone, as well as the 1982 Convention on the Law of the Sea.

ARGUMENTS

1. Finland has no standing to dispute the height of the Great Belt Bridge as they did not join the creation of the 1857 Treaty which governs the Great Belt. Therefore, Finland's disagreement has no justification.
2. Furthermore, Denmark has offered multiple provisions to Finland in attempt to find common ground and begin construction of the bridge including a minimum height of 62 meters, later changed to 65 at the request of the Soviet Union. Across the globe, other bridges have been built and resemble the plans drafted by Denmark -- examples of this can be found over the Panama Canal (65 meters), Kanmon Bridge (61 meters), and The Bosphorus Bridge (64 meters).

SUMMARY AND REQUESTS

Reiterating the fact that Finland has ignored attempts by Denmark to find alternative solutions to the situation, and does not have any additional rights than members of the 1857 Treaty, the Kingdom of Denmark wishes the court to deny Finland's Application for the Institution of Provisional Measures, and to allow the continuation of the Great Belt Bridge due to the lack of standing Finland has in this situation.