

Samtök eigenda sjávarjarða.
(Association of Coastal Property Owners)
PO Box 90,
780 Hornafjörður,
Iceland.

Dr. Franz Fischler,
Commissioner for Agriculture, Rural Development and Fisheries,
European Commission,
200, rue de la Loi,
B-1049 Brussels, Belgium.

Iceland 7th November 2002.

Dear Dr Fischler,

Re: Ownership of the fishery resources in Icelandic waters

The Icelandic Association of Coastal Property Owners wishes to inform the European Commission for Agriculture, Rural Development and Fisheries that Iceland's fisheries jurisdiction (economic zone) is not owned exclusively by the Icelandic State. Under Icelandic law on property rights, the part immediately adjacent to the shore is the private property of the owners of the land that includes the shore. Thus, not only the water, extending to a certain limit from the shoreline, but also the living resources in it, are in private ownership. Part of these living resources move between the privately-owned area and the area over which the state has control. Thus, these resources are common property that has not been divided among the owners. As regards these proportional ownership rights pertaining to coastal properties, we refer to Article 72 of the Icelandic Constitution on the right of private ownership and to Article 1 of Protocol 1 to the European Declaration on Human Rights, which states that every person is entitled to the peaceful enjoyment of his possessions. This was ratified by representatives of the Icelandic government on 19th June 1953, became binding on Iceland on 3rd September 1953 and was incorporated in the Constitution of the Icelandic Republic in 1994.

When the Icelandic Fisheries Management Act was first passed in 1983, no account was taken of the fact that part of the fisheries jurisdiction is in private ownership; thus, the Althing (the legislative assembly) exceeded its powers according to law. The legally prescribed procedures regarding enforced possession of property were not observed, and therefore no legal possession of these properties has taken place. Catch quotas were imposed after 1983, these quotas being allocated to vessels and the owners of vessels, but the owners of coastal properties, i.e. the partial owners of the coastal waters, received no quota. Thus, the owners of coastal properties in Iceland have been illegally deprived of their legal possessions, and consequently of the employment rights which they had enjoyed for the previous 1,000 years.

Our association is now working to have these ancient rights respected and to have the associated perquisites recognised and returned to their legal owners.

The Icelandic State is not the agent of the coastal property owners concerning common marine resources that have not been divided among the owners, and it therefore does not have full authority to discuss these matters. If it should happen that Iceland and the European Union enter into discussions on fisheries policy or on Iceland's membership of the EU, then we request that EU officials take the facts recounted above into account and ensure that all owners of these resources are involved in the negotiations.

Yours sincerely,
On behalf of the Icelandic Association of Coastal Property Owners,

Ómar Antonsson, Chairman.

Copies to:

The Althing's Standing Committee on Fisheries, Alþingi, 150 Reykjavík.
Mr Davíð Oddsson, Prime Minister. Prime Minister's Office, Stjórnarráðshúsinu, 150 Reykjavík.
Mr Halldór Ásgrímsson, Minister for Foreign Affairs, Ministry for Foreign Affairs, Rauðarárstíg 25, 150 Reykjavík.
Mr Árni Matthíasson, Minister of Fisheries, Ministry of Fisheries, Skúlagötu 4, 150 Reykjavík.
Mr Guðni Ágústsson, Minister of Agriculture, Ministry of Agriculture, Sölvhólsögðu 2, 150 Reykjavík.
Mr Sven Ludvikssen, Norwegian Minister of Fisheries, PO Box 8118 Dep., N 0032, Oslo, Norge.
Mr Eliot Morley, Department for Environment, Food and Rural Affairs, Noble House 17 Smith Square, London SW1P 3JR, U.K.