



Passage through the Great Belt (Finland v. Denmark)

ARGUED: 25 November 2019

DECIDED: 26 November 2019

1 This opinion was agreed upon by President Mach of Cameroon, Vice President Postula of the Republic
2 of India, Justice McClellan of Algeria, Justice Wallen of Ireland, Justice Peavey of Singapore, Justice Grapes of
3 the Russian Federation, Justice Anderson of Austria, Justice Remington of Switzerland, Justice Tragesser of Chile,
4 Justice Boxall of South Africa, Justice Marr of the Islamic Republic of Iran, Justice Al-Hamad of Norway, Justice
5 Johnson of Sri Lanka and Justice Castellanos of Democratic Peoples Republic of Korea.

6 The Court assumes jurisdiction under the Statute of the International Court of Justice Chapter II Article
7 36, and the grievance filed by Finland under Article 40 (1) of the Statute of the Court. The case brought before
8 this Court is whether or not Denmark should be allowed to construct a bridge over the Great Belt (also known as
9 Storeblt), which is a prominent shipping canal between the states of Denmark and Finland. Finland argues that
10 Denmarks current architecture plans of the bridge would prohibit large ships, such as deep water vessels and oil rig
11 carriers, from passing freely, which would significantly harm their shipping industry and economy. Denmark argues
12 that it is within the sovereignty of the state to build within their territory. Furthermore, Denmark says that they
13 have considered the models of ships that pass through within their architecture plans, and that they have been
14 transparent about such plans without an issue from Finland until 1991.

15 Therefore, the Court rules the following,

16 The Court finds it necessary to create an undue burden test in regard to this case to deal with the Corfu
17 Channel precedent. Within the aforementioned case, the Court did not establish a universal standard in regard to
18 interpreting territorial and international waterway distinctions. The case concerned the placing of landmines in the
19 body of water itself and this is a clear differentiating factor in comparison to this case. International waterways do
20 not preclude the development of sovereign economic projects above these waterways.

21 Additionally, under this undue burden test, Finland did not establish that the Danish bridge would sub-
22 stantially harm their economy. Finlands grievance submitted to the ICJ discusses how many large ships would be
23 constructed. The private company responsible for making these large ships only plans to construct 10-20 in the
24 1990s. This is in contrast to the approximately 10,000 ships which Finland sends under the Great Belt as a whole.
25 The United Nations Convention on the Law of the Sea (UNCLOS) adopted in 1982 can be referenced to prove the
26 significance of the stark contrast between the 10,000 ships able to make it under the bridge and the 23 which are not.
27 Under Article 19 of UNCLOS III, innocent passage is defined: Passage is innocent so long as it is not prejudicial
28 to the peace, good order, or security of the coastal State. From this definition it is clear that with only 23 ships
29 (of approximately 10,000 vessels) being unable to make it through the strait that this does not represent an action
30 prejudicial to peace, good order, or security. Therefore, Denmark does not violate the ability for innocent passage
31 through this international waterway with the construction of its bridge.

32 Additionally, the bridge to accommodate these ships would have to be raised from its 65 meter height to
33 more than 150 meters high to accomodate all ships produced by Finland. This is a significant economic harm to
34 Denmark and contravenes the United Nations Charter Article 2, Section 1. Finally, Finland did not respond to
35 Denmarks denotation of the bridges structural height and clearance for 11 years. Whilst Finlands oral arguments
36 were compelling, Denmark adequately proved in its oral arguments that they took into consideration the vast majority
37 of ships traveling under the bridge from Finland and other countries when determining the bridges dimensions. This
38 is further proved by the fact that no other country has raised concerns with Denmark about the proposed bridge.

39 Territorial control in the presence of an international waterway is further not a serious issue in this case
40 because alternative routes are present for Finland to send their 10-20 ships. In the presence of these alternative

41 routes, it is not Denmark's responsibility to provide Finland with its own. It is not Denmark's responsibility to
42 provide the most efficient route to Finland. This is not a serious consideration for the Court, even if it may harm
43 diplomatic ties between the two nations. Furthermore, the Court recognizes Denmark's sovereignty to build within
44 their own territorial waters, as illustrated within Chapter 1 of the United Nations Charter.

45 Thus, the Court finds that Denmark may proceed with the construction of the bridge across the Great Belt
46 as their current architectural plans illustrate.

Signed By

Justice Elliot Anderson

Justice Raegan Mach

Justice Rebecca Postula

Justice Simon Oliver Boxall

Justice Noah Johnson

Justice Michael McClellan

Justice Ashton Kimberly Marr

Justice Tiana-Marie Peavey

Justice Chase Tragesser

Justice Kadir Castellanos

Justice Blair Remington

Justice Karissa Grapes

Justice Megan Wallen