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du Pacifique

# Pacific Islands Regional Maritime Boundaries Project

31<sup>st</sup> Star Conference, Nadi, FIJI

6-8 June 2016

**Jens Kruger – Head of Ocean & Coastal Geoscience Sector**

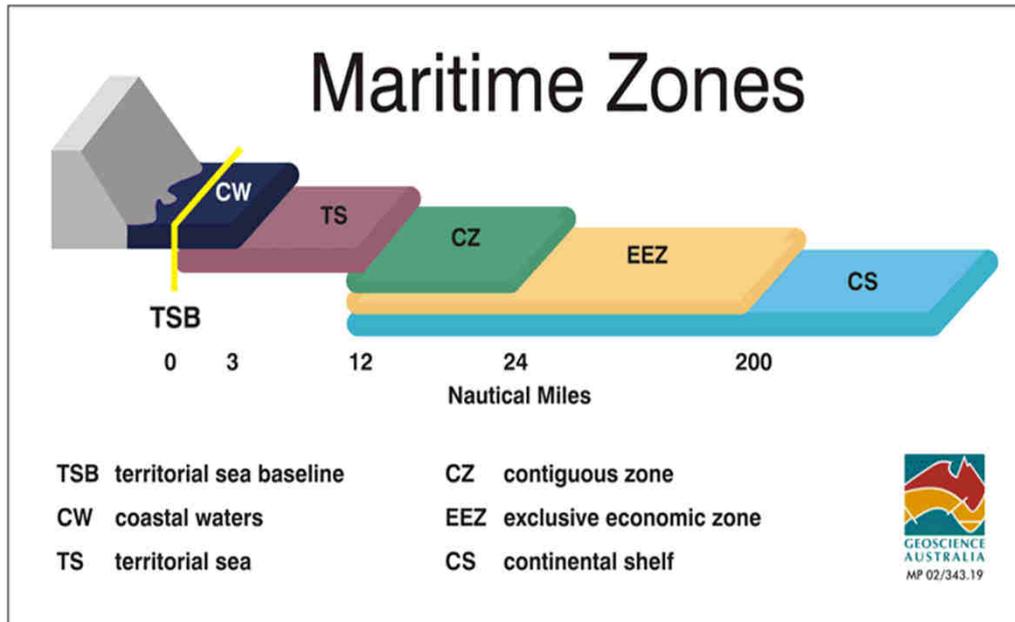
**Andrick Lal – Project Officer (Surveying)**

**Emily Artack – Maritime Boundaries Technical Officer (Cartographer)**

# Contents of Presentation

- United Nations Convention on the Law of the Sea (UNCLOS) and Maritime Boundaries
- Regional Maritime Boundaries Project background
- Current status of Project
- Lessons learnt over past 10 years
- Importance of the Project in the region
- Future directions

# UNCLOS and Maritime Boundaries



Geoscience Australia, "Maritime Boundary Definitions" retrieved December 8, 2013, from <http://www.ga.gov.au/marine/jurisdiction/maritime-boundary-definitions.html>

- One of the major features of the UNCLOS is the definition of a number of jurisdictional zones.
- These zones refer to an area of ocean in which the coastal state has specific rights relating to the seabed, the subsoil, airspace and the water column

# How is this defined under UNCLOS?



- **Article 16 (para.1&2):** *Charts and lists of geographical coordinates for the baseline which draws the territorial sea, or the limits derived therefrom to be shown on charts, or alternatively in a list of coordinates and this is to be given due publicity and deposit a copy with the UN.*
- **Article 47 (para.8&9):** *Charts and lists of geographical coordinates for the archipelagic baselines to be shown on charts, or alternatively in a list of coordinates and this is to be given due publicity and deposit a copy with the UN.*
- **Article 75 (para.1&2):** *Charts and lists of geographical coordinates which show the outer limits of the EEZ and lines of delimitation to be shown on charts, or alternatively in a list of coordinates and this is to be given due publicity and deposit a copy with the UN.*
- **Article 84 (para.1&2):** *Charts and lists of geographical coordinates which show the outer limits of the continental shelf and the lines of delimitation to be shown on charts, or where appropriate, a list of coordinates and this is to be given due publicity and deposit a copy with the UN, and in the case of those showing the outer limits lines of the continental shelf, with the Secretary General of the Authority*

# Nauru

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## 2. Nauru

Sea Boundaries Act 1997 of 12 August 1997<sup>2</sup>

### PROCLAMATION

Whereas the Republic of Nauru is a party to the United Nations Convention on the Law of the Sea,

And whereas the Republic has claimed a territorial sea, a contiguous zone and an exclusive economic zone and undertaken the rights, duties and obligations that accompany those claims, in accordance with the provisions of that Convention,

And whereas by section 9 of the Sea Boundaries Act 1997 it is provided that the President may by proclamation declare the baseline and other lines drawn under the provisions of that Act for the purpose of determining the limits of the internal waters, territorial sea, contiguous zone and exclusive economic zone,

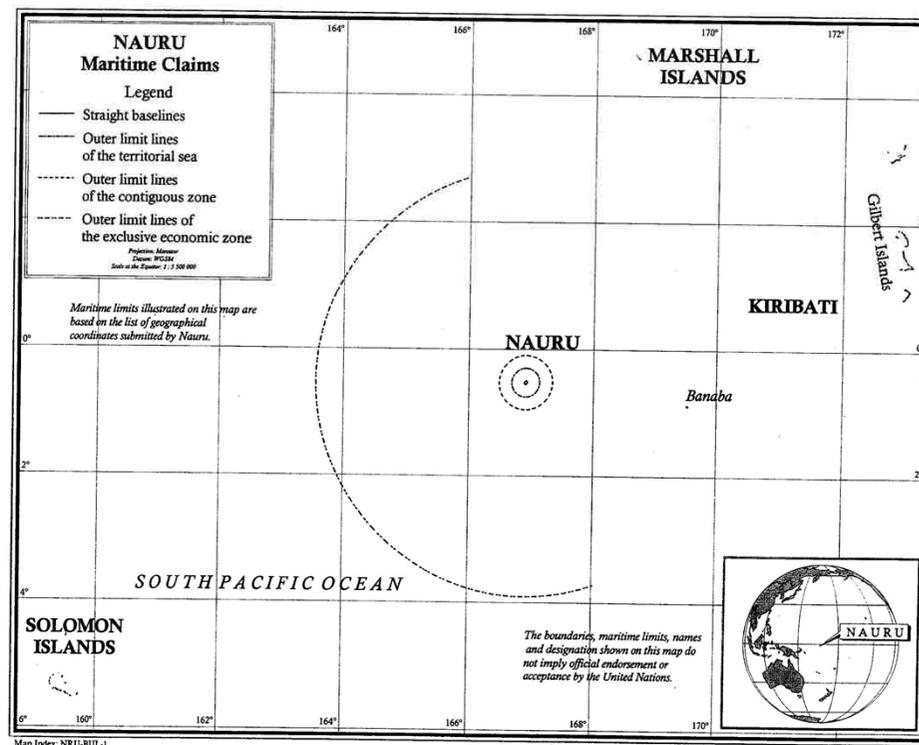
Now therefore, I, Kinza Clodumar, the President, do hereby declare:

(a) That the geographical coordinates listed in the Schedule are the coordinates of points of the lines of delimitation of the lines and areas specified in the list; and

(b) That the geographical coordinates are expressed in terms of the World Geodetic System 1984 (WGS84), which is a geocentric reference ellipsoid having a major (equatorial) radius of 6,378.137 metres and a flattening of  $\frac{1}{298.257\ 223\ 563}$ .

Given under my Hand and Seal of the Republic of Nauru this 12th day of August 1997.

Kinza Clodumar, The President  
Republic of Nauru



# Fiji



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Microsoft Word - bulletin66.doc - bulletin66.pdf - Mozilla Firefox  
TRUST FUND TO FA... x THE FIJI x OCEANS AND LAW... x Microsoft Word - b... x mzn60.pdf x bulletin64.pdf x Printing - LAW  
www.un.org/Depts/los/docsof\_publications/LOS/bulletins/bulletin66.pdf

Page: 70 of 113 Automatic Zoom

PER STIG MÖLLER

2. Fiji

(a) Marine Spaces (territorial sea) (Rotuma and its dependencies) Order<sup>1 2</sup>

Legal Notice No. 118 of 1981

*Short title*

1. This Order may be cited as the Marine Spaces (Territorial Seas) (Rotuma and its Dependencies) Order.

*Territorial seas baselines*

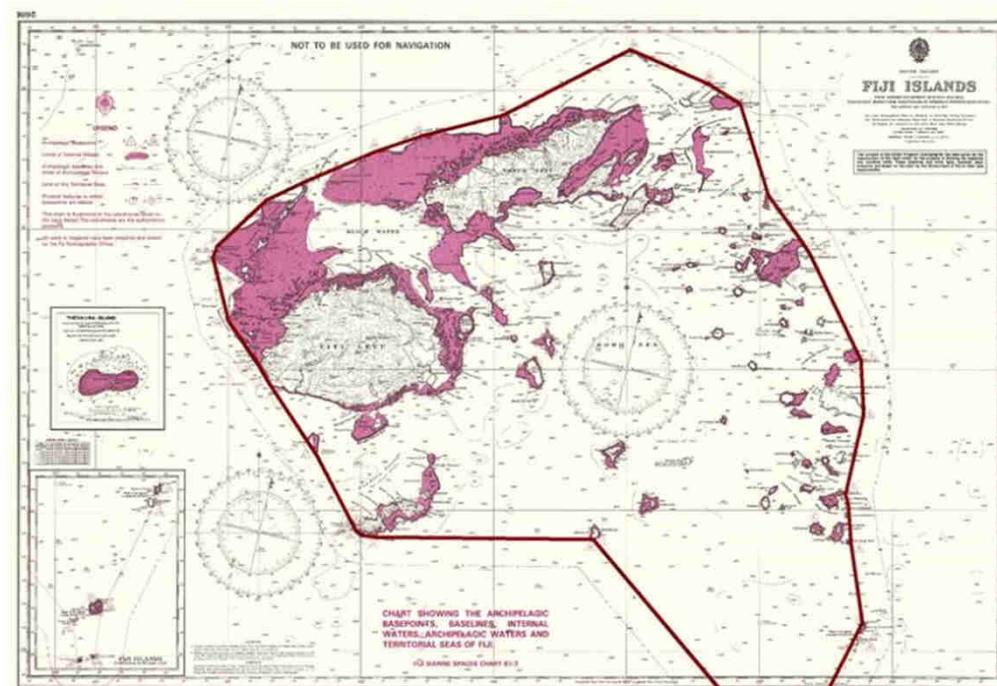
2. The points between which straight baselines are to be drawn for the purpose of determining the innermost limits of the territorial seas of Rotuma and its dependencies are declared to be the geographical co-ordinates, based on the World Geodetic System 1972 (WGS72) datum, specified in the Schedule, plus 3 seconds of latitude and plus 2 seconds of longitude in each case.

(Paragraph 2)  
SCHEDULE  
Geographical co-ordinates  
(WGS72 Geodetic Datum)

No	Latitude	Longitude
1.	12° 28' 41" S	177° 07' 29" E
2.	12° 29' 42" S	177° 08' 21" E
3.	12° 29' 54" S	177° 08' 30" E
4.	12° 30' 18" S	177° 08' 39" E
5.	12° 31' 19" S	177° 08' 51" E
6.	12° 31' 39" S	177° 08' 50" E
7.	12° 31' 45" S	177° 08' 48" E
8.	12° 31' 54" S	177° 08' 30" E
9.	12° 31' 49" S	177° 06' 54" E
10.	12° 31' 43" S	177° 05' 21" E
11.	12° 31' 21" S	177° 01' 54" E
12.	12° 29' 58" S	176° 56' 04" E
13.	12° 29' 53" S	176° 55' 59" E

<sup>1</sup> Transmitted through note verbale dated 6 December 2007 from the Permanent Mission of Fiji to the United Nations addressed to the Secretary-General of the United Nations. The list of geographical coordinates of points contained therein was deposited with the Secretary-General in accordance with the provisions of the United Nations Convention on the Law of the Sea.

<sup>2</sup> This Order declares the straight baselines constituting the innermost limits of the territorial seas of the Island of Rotuma and its dependencies. Information on the availability of charts illustrating the limits of the territorial seas of the Rotuma group of Islands is given in Legal Notice No. 119 of 1981 (see Notice under section 8 of the Act).



<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/FJI.htm>

# Regional Maritime Boundaries



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## Project background

- Started in the late 1990s under the fisheries programme at Forum Fisheries Agency (FFA) based in Honiara, Solomon Islands
- Governing Council agreed to transfer the Project to the South Pacific Applied Geoscience Commission (SOPAC) in 2000
- Project is funded by the Government of Australia
- Project staff:
  - 1 Technical officer (Full time) + 1 Senior Project Officer: Surveying (Part-time)
  - Team Unit Manager, Programme Administrator

# Regional Maritime Boundaries



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## Unit

1. **Baseline development** – definition of “low water line” along edge of reef, or outer most edge of outlying islands and drying reefs of an archipelago using best available datasets.
2. **Maritime Zones development** – calculating the zones of the 12 nautical miles (Territorial Sea), 24 nautical miles (Contiguous Zone) and the 200 nautical miles (Exclusive Economic Zone).
3. **Technical solutions** prepared with PICs for shared/overlapping EEZs
4. **Extended Continental Shelf activities (ECS)** – extending the seabed territory beyond the 200 nautical miles (EEZ).



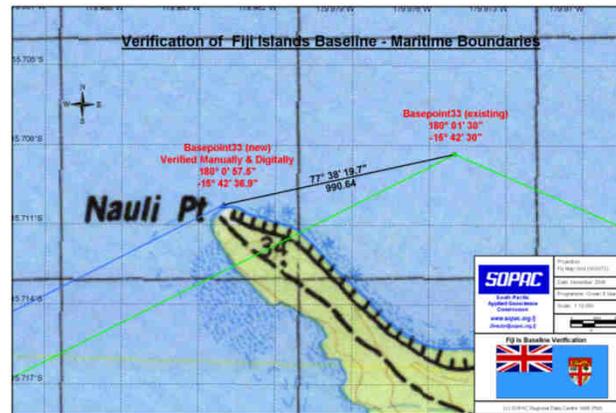
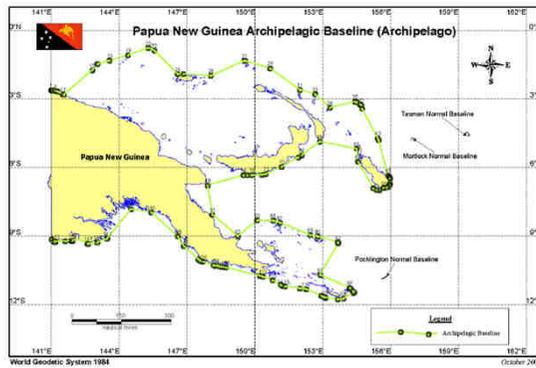
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# Source Data & Information

- Hydrographic Charts
- Topographical Maps
- Satellite Imagery
- Aerial Photographs
- Promulgated Baselines (& treaties)

# Capacity Building

- Since 2002, SPC has been building the capacity of Pacific Island surveyors, cartographers to develop the baseline and the outer limits of the maritime zones



# Regional MB working sessions

Since 2007, the SPC Regional Maritime Boundaries Unit has been working with country teams, Geoscience Australia & other technical partners in a series of working sessions to develop PICs submissions in relation to the Extended Continental Shelf (ECS) claims and the development of the Maritime Boundaries.

The intensive face to face training with PICs., the funding grants by the Government of Australia and the good will of many people and institutions have been instrumental in facilitating these workshops.



# 14<sup>th</sup> Pacific Islands Maritime Boundaries Working Session (December 2015)



Successfully built a community of maritime boundary technical and legal expertise in the region who lead in their national Maritime boundary negotiations in their respective countries

# Treaty Development opportunities



- An excellent example of a successful partnerships between regional organisations and testament to the excellent relationships between Pacific Island neighbours.



# Treaty Development (2012)



## Marshall Islands, Kiribati and Nauru meeting



**This trilateral meeting was funded by the Forum Fisheries Agency (FFA) and held at the Geoscience Division of SPC in April 2012**

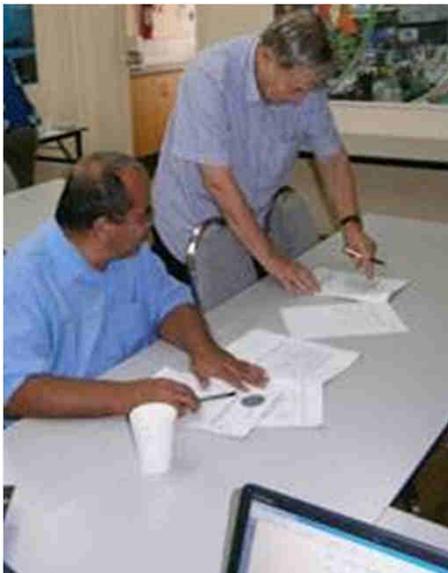
# Milestone: Signing of the 7 Bilateral Maritime Boundaries, 2012 Forum Meeting



# USA – Kiribati Maritime Boundary (2013)

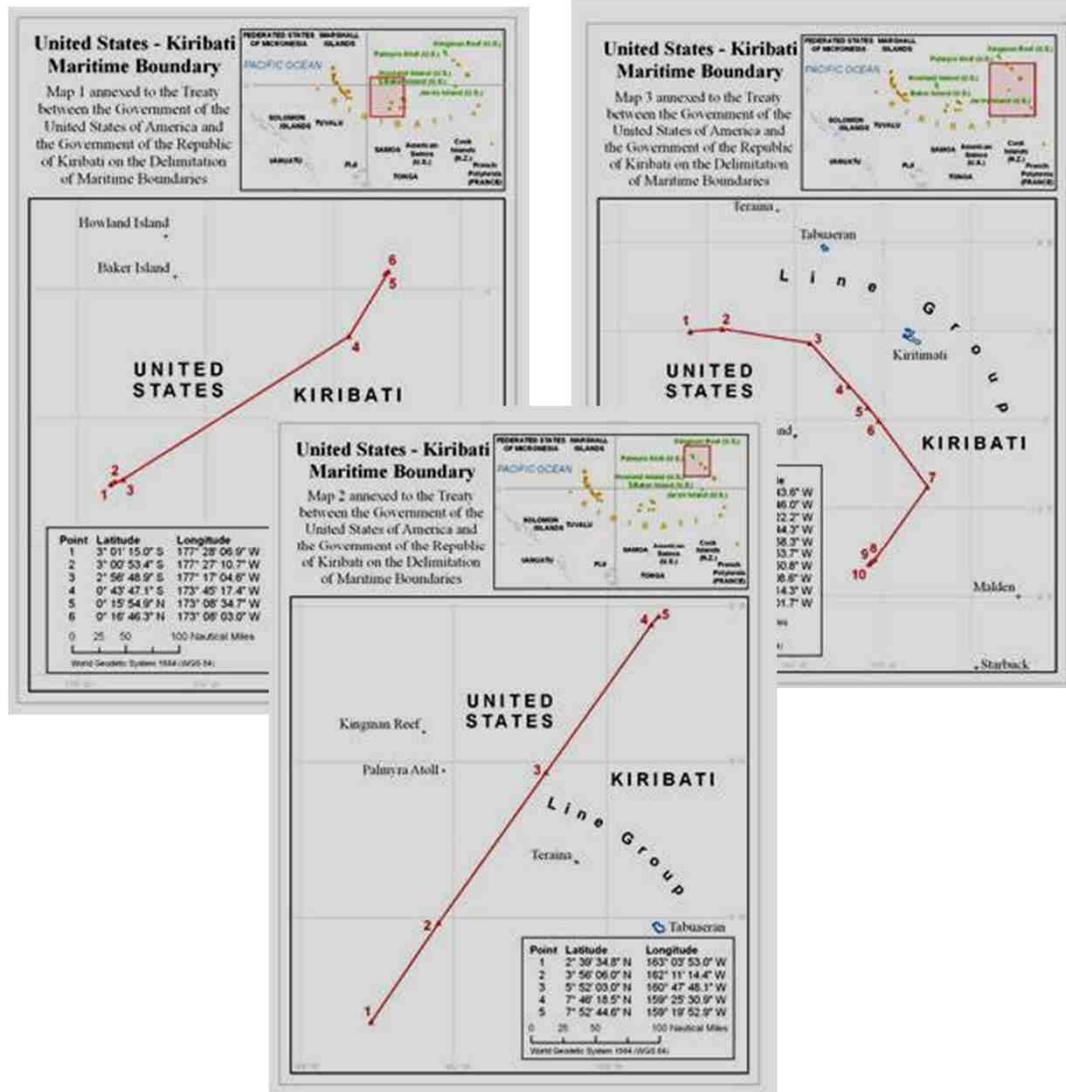


Technical and legal meeting hosted at the Geoscience  
Division of SPC in May 2013



This bilateral meeting was funded by the Forum Fisheries Agency (FFA) who also provided legal advice to the Kiribati team, and technical advice provided by SPC Maritime Boundaries team

# Signing of the Kiribati and USA Maritime treaty, Forum Meeting, 2013



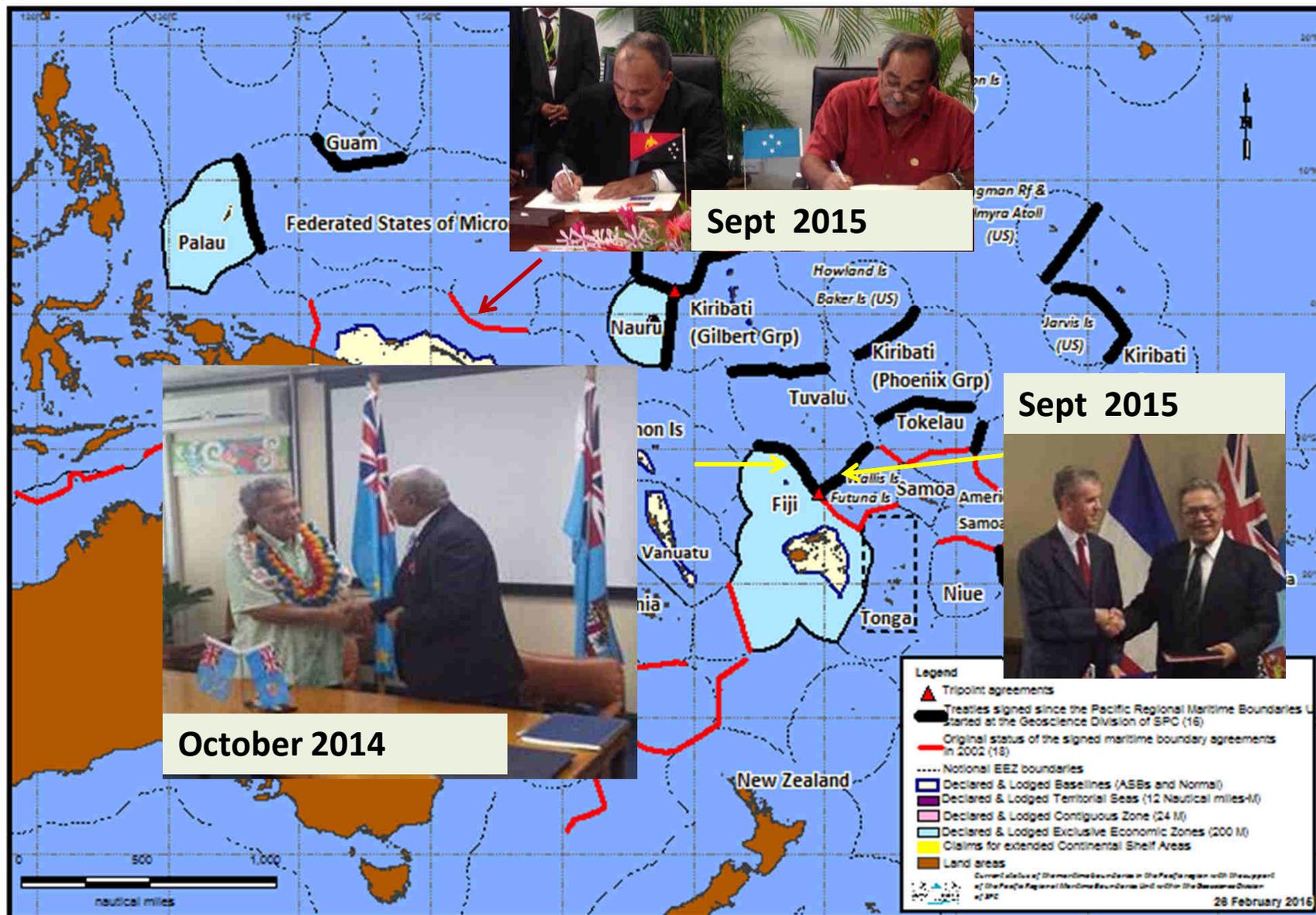
# USA – FSM Maritime Boundary negotiations (2014)



Technical and legal meeting hosted by the US in Hawaii in April 2014 (FSM team officials travel costs were supported by the Forum Fisheries Agency)



# Signed maritime boundary treaties



# Deposit of MB information

## TUVALU

Updated 06 September 2013

### SUBMISSION IN COMPLIANCE WITH THE DEPOSIT OBLIGATIONS PURSUANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

■ M.Z.N. 98. 2013. LOS of 4 September 2013: Deposit of lists of geographical coordinates of points as contained in Declaration of Territorial Sea Baselines 2012, Declaration of Archipelagic Baselines 2012, Declaration of the Outer Limits of the Territorial Sea 2012, Declaration of the Outer Limits of the Exclusive Economic Zones 2012, Declaration of the Outer Limits of the Continental Shelf 2012, and the Agreement between Tuvalu and Kiribati concerning their Maritime Boundary, done on 29 August 2012

Originals of deposited information: Declaration of Archipelagic Baselines 2012, Declaration of Territorial Sea Baselines 2012, Declaration of the Outer Limits of the Territorial Sea 2012, Declaration of the Outer Limits of the Exclusive Economic Zone 2012, Declaration of the Outer Limits of the Continental Shelf 2012, and the Agreement between Tuvalu and Kiribati concerning their Maritime Boundary, done on 29 August 2012

Relevant articles of UNCLOS: 16(2), 47(9), 75(2), 84(2)  
LOSIC No. 38  
Law of the Sea Bulletin No. 83

### CONTINENTAL SHELF BEYOND 200 NAUTICAL MILES FROM THE BASELINES FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED

■ Joint Submission to the Commission on the Limits of the Continental Shelf by Tuvalu, France and New Zealand (Tokelau) in the area of the Robbie Ridge made on 7 December 2012

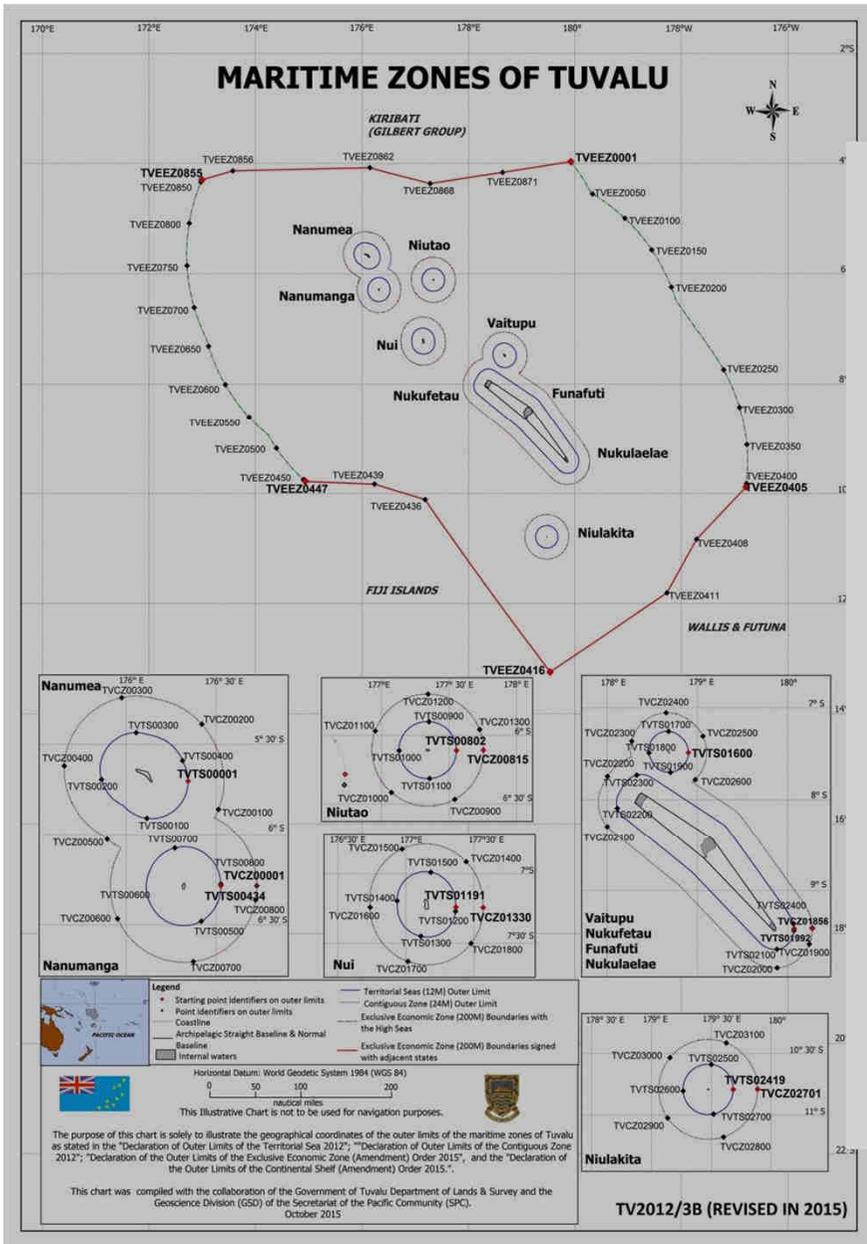
### Legislation

- Marine Zones (Declaration) Act, 1983 (repealed)
- Maritime Zones Act 2012
- Declaration of Archipelagic Baselines 2012
- Declaration of Territorial Sea Baselines 2012
- Declaration of the Outer Limits of the Territorial Sea 2012

International Declaration -

<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/TUV.htm>

# Tuvalu



## PART 2 – EXCLUSIVE ECONOMIC ZONE BOUNDARY WITH THE ISLANDS OF WALLIS AND FUTUNA

The line commencing at point [TVEEZ0405](#) in the following table and running along the geodesics sequentially connecting each point in the table and ending at the last point mentioned [TVEEZ0416](#).

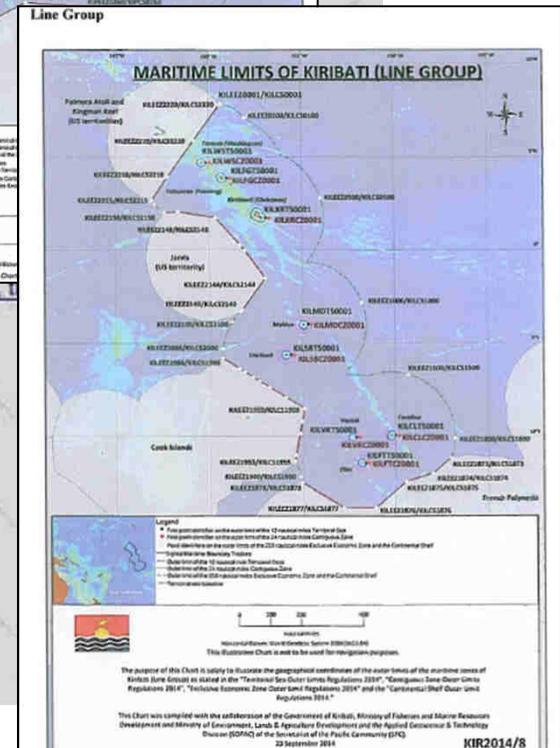
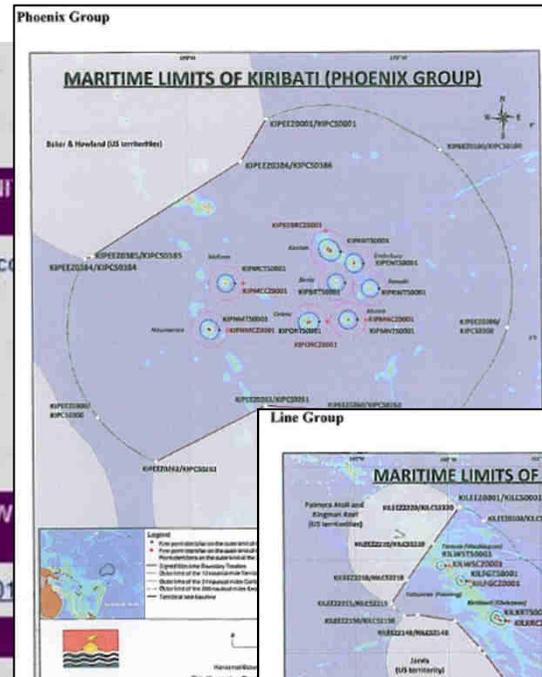
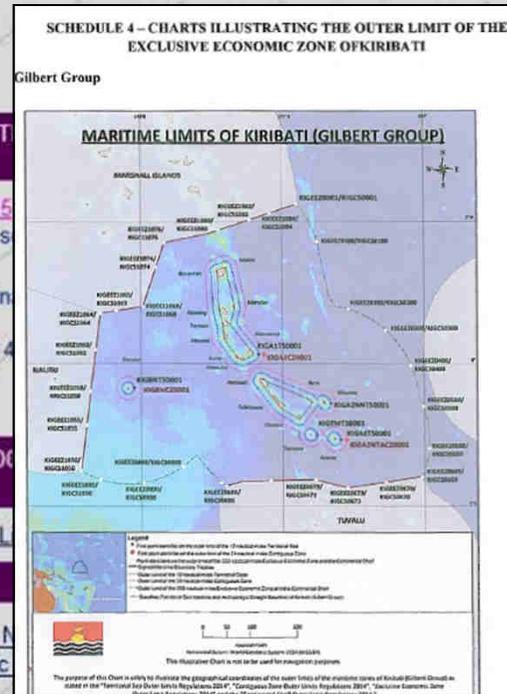
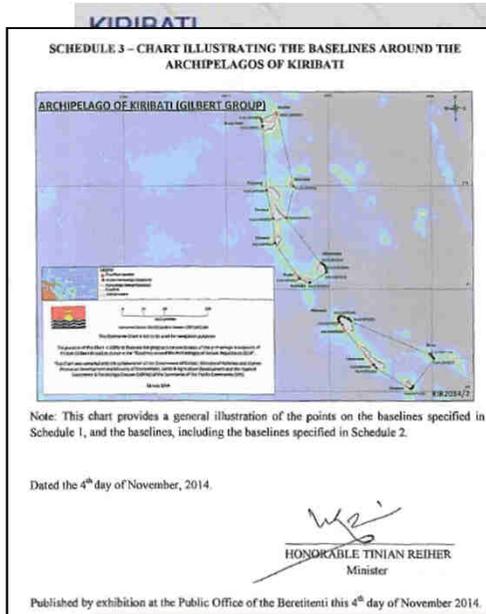
Point Identifier	Latitude	Longitude	Point Information
TVEEZ0405	9°52'52.26" S	176°47'10.73" W	Treaty point 2
TVEEZ0406	10°08'18.31" S	177°02'12.84" W	Treaty point 3
TVEEZ0407	10°31'51.14" S	177°25'10.76" W	Treaty point 4
TVEEZ0408	10°49'57.00" S	177°42'52.16" W	Treaty point 5
TVEEZ0409	11°04'51.81" S	177°51'25.16" W	Treaty point 6
TVEEZ0410	11°29'10.22" S	178°05'24.93" W	Treaty point 7
TVEEZ0411	11°48'11.21" S	178°16'25.26" W	Treaty point 8
TVEEZ0412	12°10'32.37" S	178°50'14.17" W	Treaty point 9
TVEEZ0413	12°37'35.96" S	179°31'23.60" W	Treaty point 10
TVEEZ0414	12°50'35.63" S	179°51'16.14" W	Treaty point 11
TVEEZ0415	13°13'29.27" S	179°33'33.12" E	Treaty point 12
TVEEZ0416	13°14'27.28" S	179°32'05.12" E	Treaty point 13 (tri-junction point)

## PART 3 – EXCLUSIVE ECONOMIC ZONE BOUNDARY WITH FIJI

The line commencing at point [TVEEZ0416](#) in the following table and running along the geodesics sequentially connecting each point in the table and ending at the last point mentioned [TVEEZ0446](#).

Point Identifier	Latitude	Longitude	Point Information
TVEEZ0416	13°14'27.28" S	179°32'05.12" E	Treaty point 13 (tri-junction point)

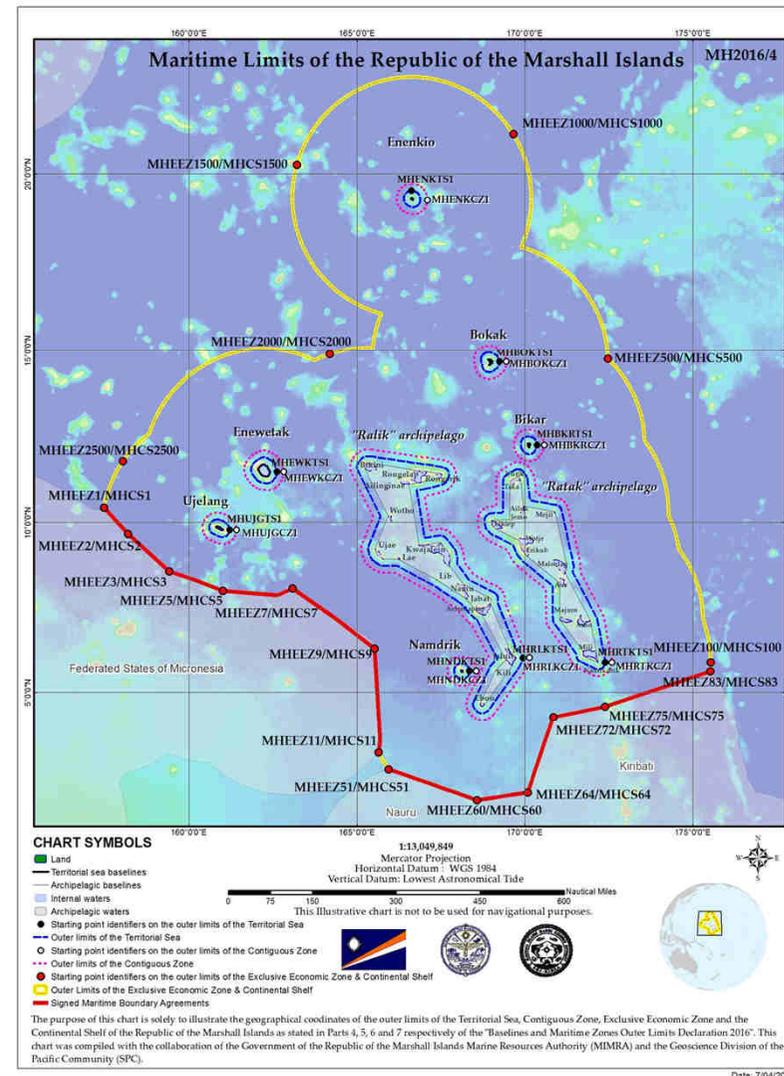
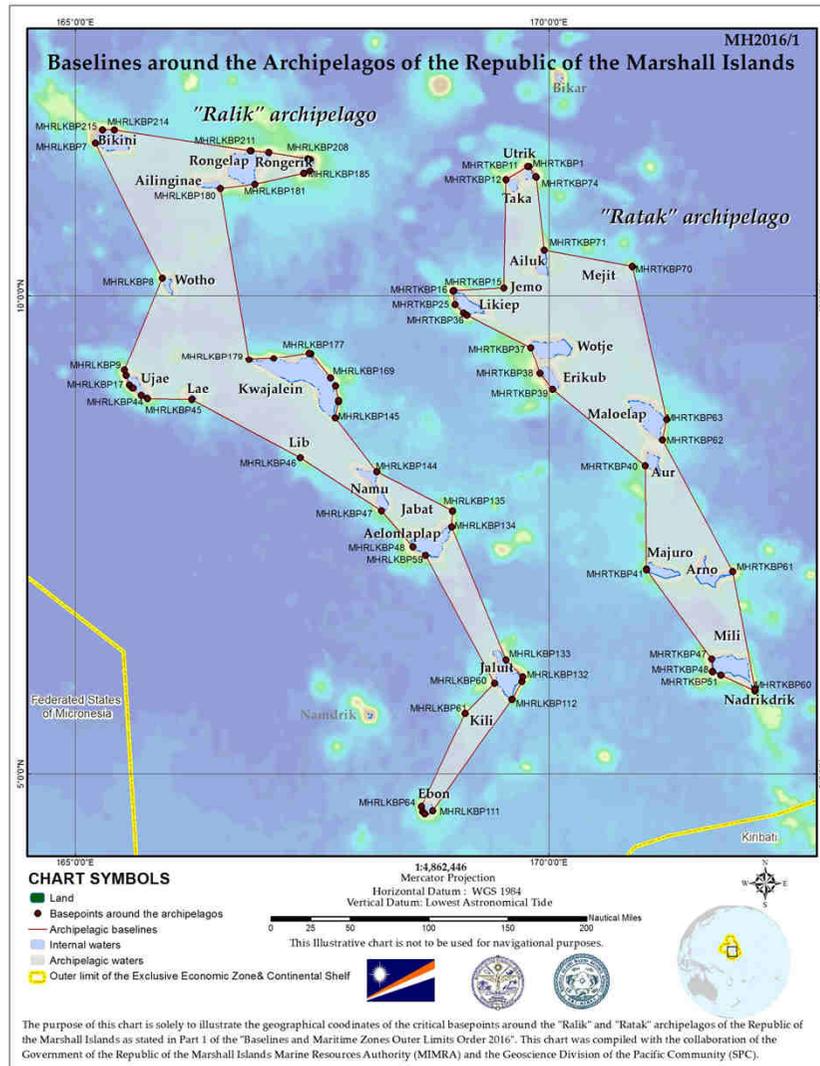
# Maritime Legislation for Kiribati deposited with the UN in December 2014



- [Marine Zones \(Declaration\) Act, 1983 - Territorial Sea and the Exclusive Economic Zone](#)
- [Marine Zones \(Declaration\) Act 2011](#)
- [Territorial Sea Baselines of Kiribati Regulations 2014 \[Pending\]](#)
- [Baselines around the Archipelagos of Kiribati Regulations 2014](#)
- [Closing Lines Regulations 2014](#)
- [Territorial Sea Outer Limits Regulations 2014](#)
- [Contiguous Zones Outer Limits Regulations 2014](#)
- [Exclusive Economic Zone Outer Limits Regulations 2014](#)

International Declaration - <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/KIR.htm>

# Maritime Legislation for Marshall Islands deposited with the UN in April 2016



International Declaration - <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/MHL.htm>



# Lessons learnt



- Lack of legal capacity within the Project
  - *Drafting new legislation (and replacing out-dated maritime spaces legislations) to allow the use of latest and more accurate technical/geodetic datasets in the development of PIC maritime boundaries work.*
- Given this lack of legal capacity within the Unit, the Geoscience Division sought legal advice and support from the Australian Attorney General's Department in early 2011
- SPC also strengthened its collaboration with the Forum Fisheries Agency (FFA) and the Commonwealth Secretariat.

# Issues



- Requires the political will and support of National Governments (ground work has taken the past 10 years of this project)
- There are certain technical and legal capacity constraints within the project teams (trained staff get promoted internally)
- Sovereign issue but it is heavily dependent on regional support and assistance (cost of field surveys to collect data, purchase of satellite imagery, etc.)
- National Maritime Laws and Legislation needs to be reviewed and updated to reflect the technical datasets being used to develop the baselines and maritime zones
- The 10 project countries who have submitted their claims for Extended Continental Shelf (under Article 76 of UNCLOS) are facing capacity constraints in the process of the defence of the these claims to the UN.

# Status of efforts at regional scale as compared to efforts at the national scale

Tasks	CK	FJ	FM	KI	MH	NR	NU	PW	PG	SB	TV	TO	VU	WS
Territorial Seas (Normal) Baseline developed	Yes	Yes	Work in progress	Yes	Yes	Yes	Yes	Work in progress	Work in progress (Torres Strait)	Yes updated	Yes	Work in progress	Yes updated	Yes
Archipelagic Status defined and developed	NA	Yes updated	Work in progress	Yes	Yes	NA	NA	Work in progress	Yes	Yes updated	Yes	Work in progress	Yes updated	NA
Maritime Boundaries computed & developed	Yes	Review in progress	Work in progress	Yes	Yes	Yes	Yes	Work in progress	Work in progress (Torres Strait)	Work in progress	Yes	Work in progress	Work in progress	Yes -12, 24 only
CS beyond 200 nautical miles submissions complete	Yes	Yes	Yes	Yes	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	NA
Territorial Seas (Normal) Baseline Gazetted	No	Yes updated	No work in progress	Yes	Yes	Yes being reviewed	Yes	No work in progress	Yes being updated	Yes being updated	Yes	No	Yes updated	No work in progress
Archipelagic Baseline Gazetted	NA	Yes updated	No work in progress	Yes	Yes	NA	NA	No work in progress	Yes – being updated	Yes – being updated	Yes	No	Yes updated	NA
Maritime Boundaries / Zones Gazetted	Yes -EEZ	Yes -EEZ	No work in progress	Yes	Yes	Yes being reviewed	Yes	No work in progress	No work in progress	No work in progress	Yes	No	No	No work in progress
Territorial Seas (Normal)/Archipelagic Baselines deposited with UNCLOS	No	Yes updated	No	Yes	Yes	Yes being reviewed	Yes	Yes – provisional only, being reviewed	Yes – being updated	Yes – being updated	Yes	No	Yes updated	No
Maritime Boundaries deposited with UNCLOS	Yes -EEZ	Yes – being reviewed	No	Yes	Yes	Yes being reviewed	Yes	Yes – provisional only, being reviewed	No	No	Yes	No	No	No
CS beyond 200 nautical miles submitted to the Commission on the Limits of the Continental Shelf (CLCS)	Yes: 16 April 2009	Yes: 20 April 2009 <small>*Remaining preliminary submissions for North Fiji Basin, Charlotte Bank region</small>	Y: (1) Ontong Java Plateau 5 May 2009, (2) Eauripik Rise 30 Aug 2013	Yes: 24 Dec 2012	NA	NA	NA	Yes: 8 May 2009	Y: Ontong Java Plateau 5 May 2009	Y: Ontong Java Plateau 5 May 2009 <small>*Remaining preliminary submissions for North Fiji Basin, Charlotte Bank region</small>	Yes: 7 Dec 2012	Yes: (1) 11 May 2009 (2) western part of the Lau-Colville Ridge 23 April 2014	Yes: preliminary submission 10 Aug 2009 <small>*Remaining preliminary submissions for North Fiji Basin.</small>	NA

SPC Geoscience Division  
Responsibility

Country Responsibility

# Why is it important?

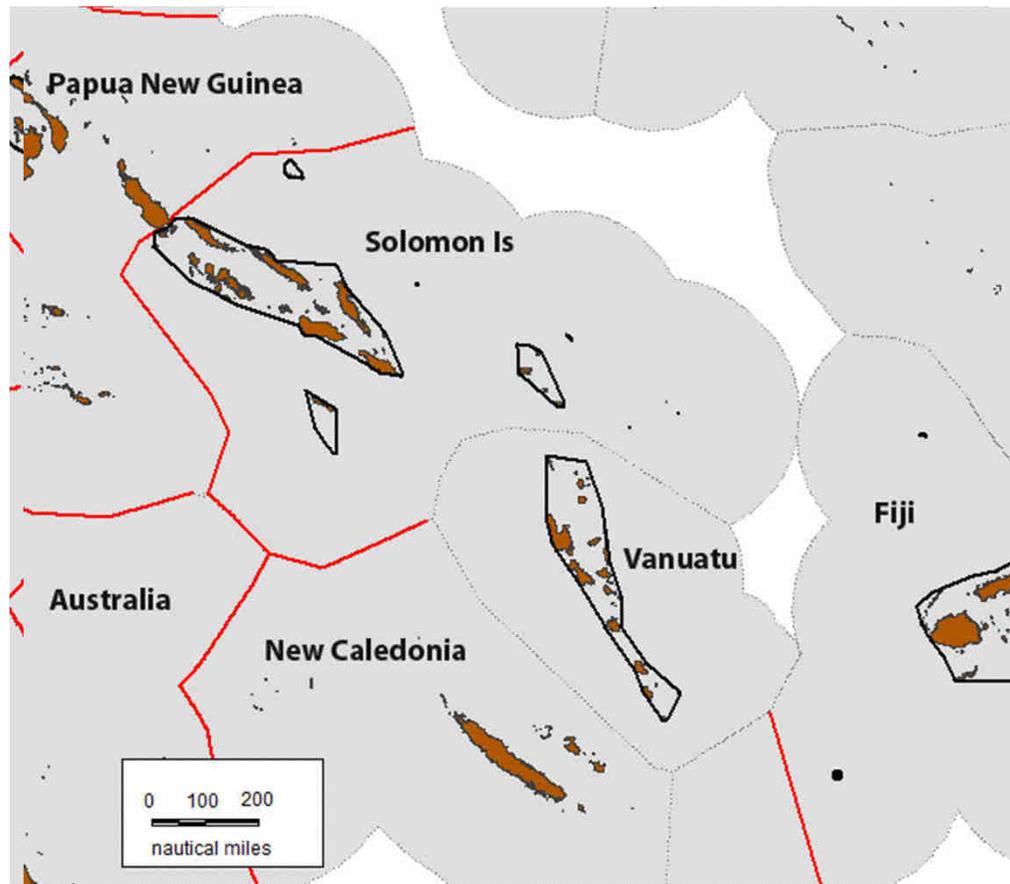


The clear definition of the limits of the maritime jurisdiction is important as it provides the legal framework for the governance of maritime space and the management of the valuable marine resources within the country's national jurisdiction areas:

- **Fisheries management**
- **Deep sea minerals development**
- **Security**
- **Biodiversity**
- **Conservation**
- **Research**
- **Transport**
- **Vessel monitoring**

# Fisheries Management

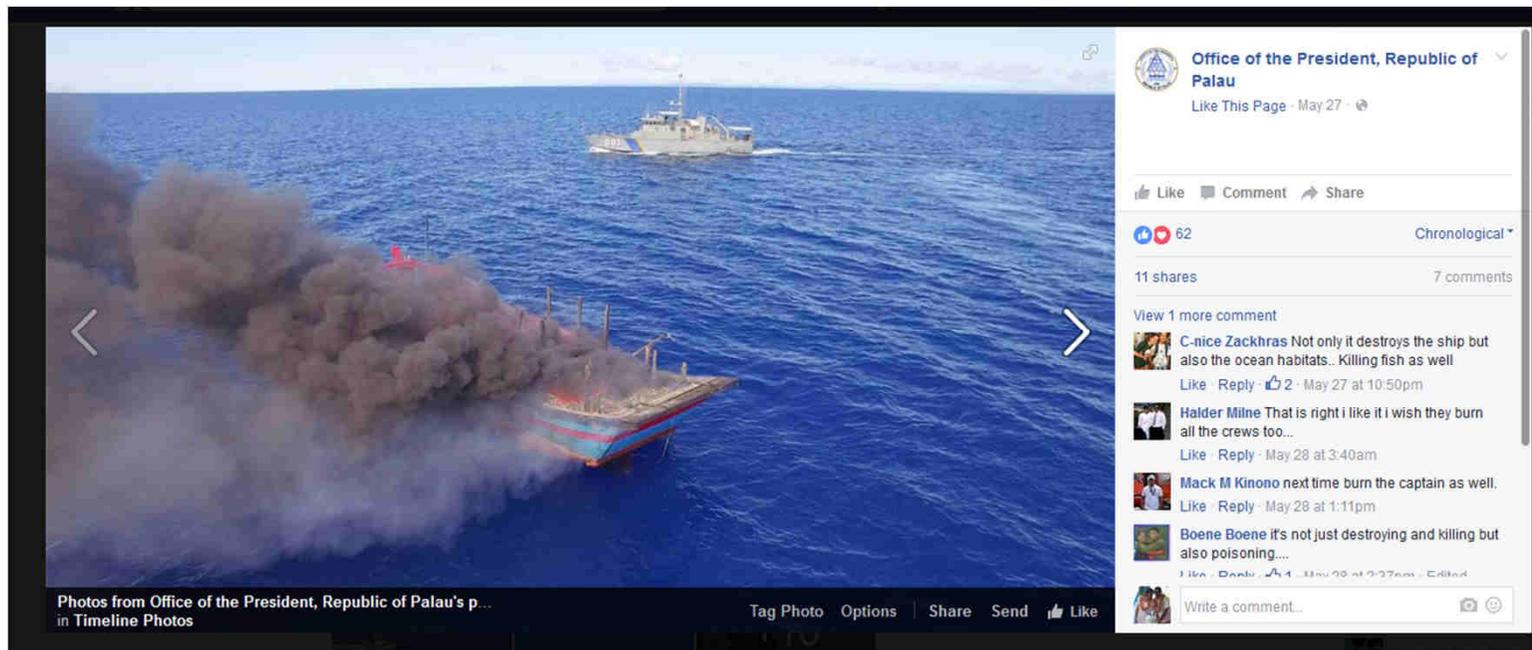
- Formalising the shared boundaries between neighbouring countries; AND
- Declaring the outer limits of the EEZs which borders with the high seas



# Future Challenges

- **Increasing reports of IUU fishing activities in the region**

Leaders need to formally establish their maritime boundaries (including signed treaties for overlapping EEZs) in a legal manner and deposit this information with the UN.



# Future Challenges

- **Tools, Technology to combat IUU using effective methods of Monitoring, Control and Surveillance (MCS) is improving**

## Palau ends drone patrol tests to deter illegal fishing

By Sean Dorney for [Australia Network](#)

Updated 5 Oct 2013, 2:40am

**One of Australia's richest men, Andrew Forrest, has funded a demonstration in Palau on how unmanned drones could help combat illegal fishing in the Pacific.**

Mining magnate and chairman of the Munderoo Foundation, Mr Forrest visited the tiny Pacific nation earlier this year.

He is helping Palau's President Tommy Remengesau to better police its Exclusive Economic Zones of the Pacific (EEZ).

Palau has only one patrol boat to cover its economic zone which is roughly the size of France.

This makes it a prime target for illegal trawlers.



**PHOTO:** Palau is hoping to use drone patrols to deter illegal fishermen from using its waters. (Reuters: Jackson Henry)

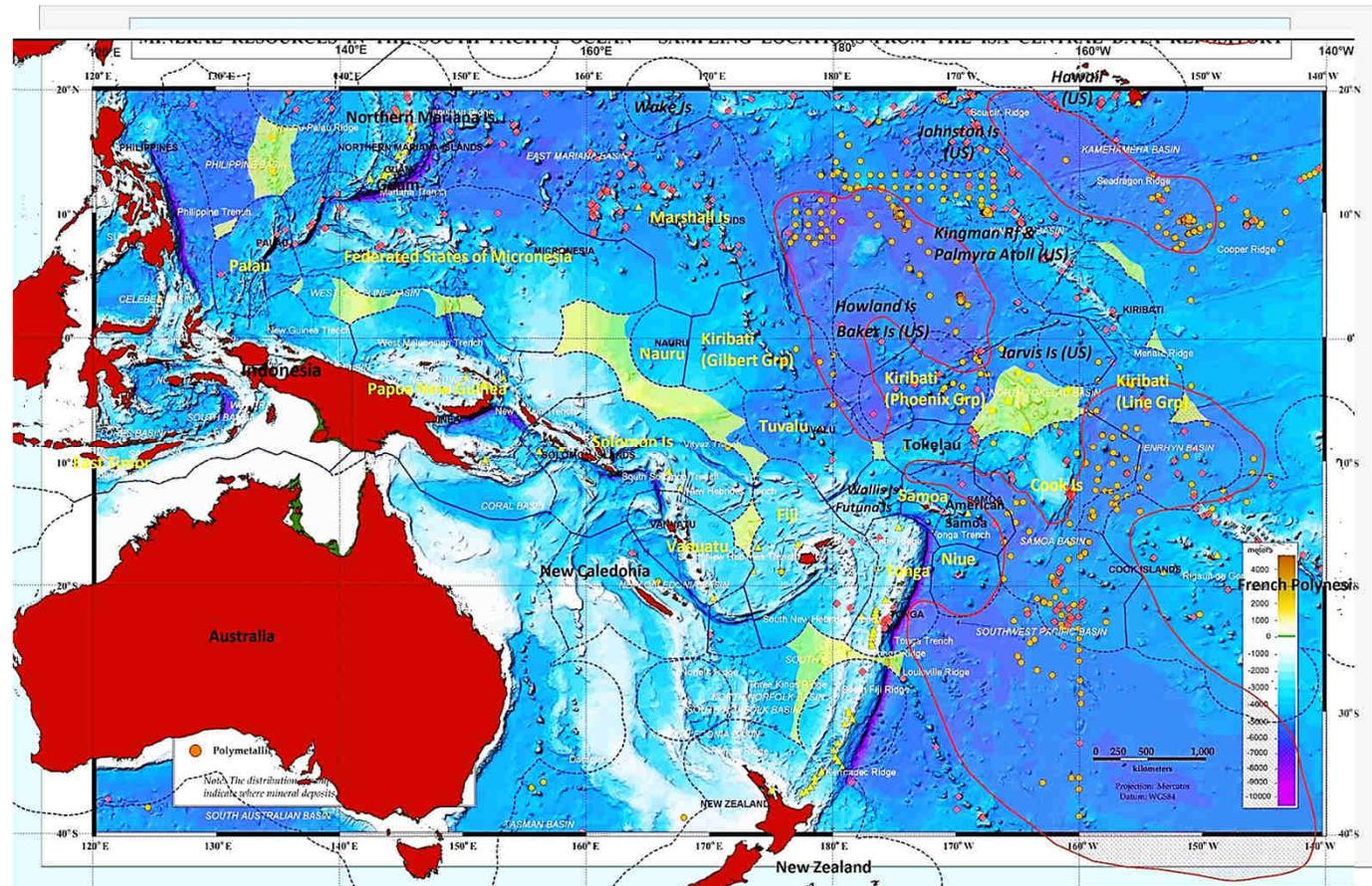
**MAP:** Palau



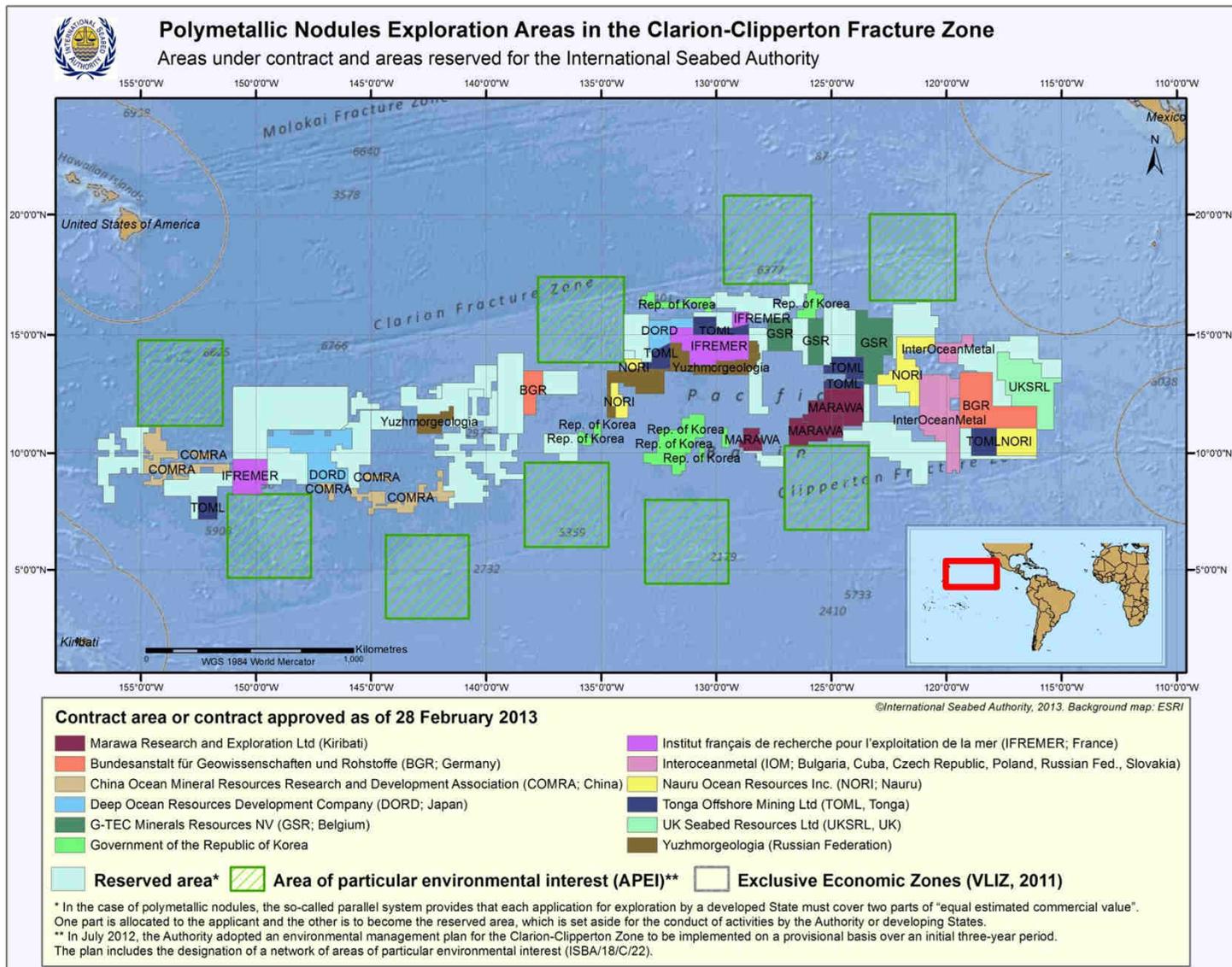
# Future Challenges

- **Deep Sea Mining Implications**

Application and approval of mining leases for seabed exploration and exploitation within a country's EEZ and also in "the Area"



# Deep sea minerals development “The Area”



# Regional support for remaining Negotiations (14 shared EEZs yet to be finalised)



- Country visit to Palau in March 2015 for a national consultation workshop. Outcome was to develop a strategy paper for the national taskforce to consider in upcoming negotiations.



- SPC & FFA provided technical & legal assistance to the delegation from Palau during the fourth (4<sup>th</sup>) round of negotiations between Palau and Indonesia in July 2015.



# Future Directions (for Project)



- Build on a common platform to share legal MB, Treaties (GIS layers) with other stakeholders (FFA –VMS, etc.)
- Current funding mechanism (via the Enhancing Pacific Ocean Governance – EPOG) from Government of Australia for the regional workshops ceases in 2016



# POLICY (at regional level)



- **Pacific Oceanscape Framework (2010)**- to protect, manage and sustain the cultural and natural integrity of the ocean for present and future generations and for the broader global community.
- **6 strategic priorities** identified for the implementation:
  - *establishing ‘jurisdictional rights and responsibilities’*,
  - fostering ‘good ocean governance’,
  - supporting ‘sustainable development, management and conservation’,
  - promoting ‘listening, learning, liaising and leading’,
  - sustaining action, and
  - facilitating adaptation to a rapidly changing environment.

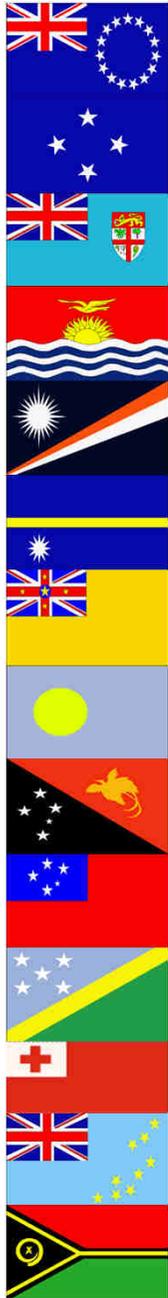
# POLICY (at regional level)



- **The Palau Declaration “The Ocean: Life & Future”  
Charting a Course to Sustainability (2014)**

## – Annex B

10. “We call for strengthened regional efforts to fix baselines and maritime boundaries to ensure that the impact of climate change and sea level rise does not result in reduced jurisdiction.”



# Thank you

Emily Artack – [emilya@spc.int](mailto:emilya@spc.int)

