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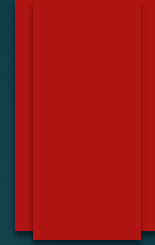
Thank you.



Boundary Negotiations within Regional and / or Multilateral Frameworks

Rosemarie Cadogan

IBRU Training Workshop
Negotiating Maritime Boundaries
The Hague 6-8 June 2022



Introduction

Challenges for small States

Regional perspectives

The Commonwealth experience

Introduction (Cont'd)

Background

- ▶ Small State (Guyana)
- ▶ MBD training from IBRU
- ▶ Negotiations with neighbours
- ▶ Commonwealth Secretariat TA recipient - provider
- ▶ IBRU Workshop Tutor



- ▶ Guyana Land and maritime boundary issues (Venezuela, Suriname)

NB: Depictions in this presentation are made without any representation as to maritime limits yet to be determined



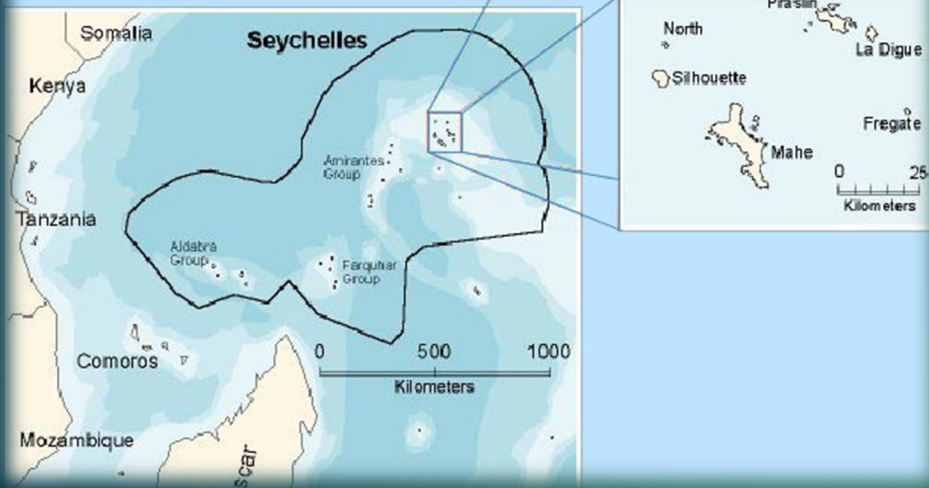
Introduction

Challenges for small States

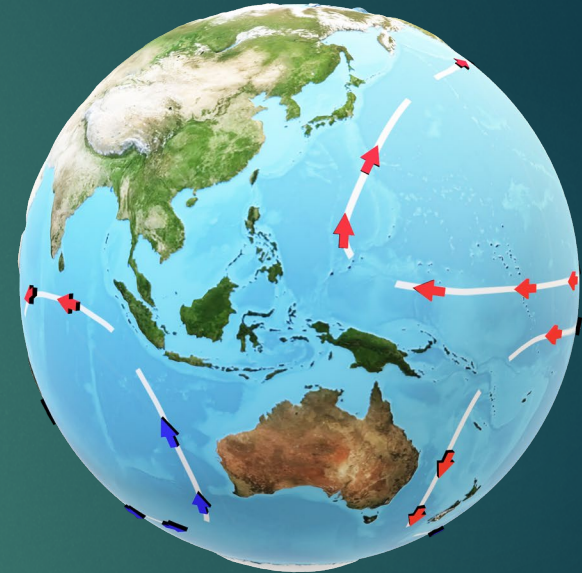
Regional perspectives

The Commonwealth experience

Small Island Developing States / Large Ocean States



Seychelles land area = 455 km²
Seychelles EEZ +> 1.3 million km²



SIDS - custodians of no fewer than 15 (30 per cent) of the 50 largest EEZs

Ronny Jumeau, former Seychelles Ambassador for Climate Change and SIDS Issues



Organization of Eastern Caribbean States OECS land area = 3,500 km² (Illustration: Commonwealth Secretariat)



5 SIDS' characteristics relevant to maritime boundary delimitation

'SIDS'

'Although they are afflicted by economic difficulties and confronted by development imperatives similar to those of developed countries generally, Small Island Developing States also have their own peculiar vulnerabilities and characteristics, so that the difficulties they face in the pursuit of sustainable development are particularly severe and complex'

**Barbados Declaration of the
Barbados Programme of Action (BPOA):**

Where does
MBD sit for
SIDS ?

Conflict

Conflict avoidance

Internal Factors

Existential Factors

External Factors



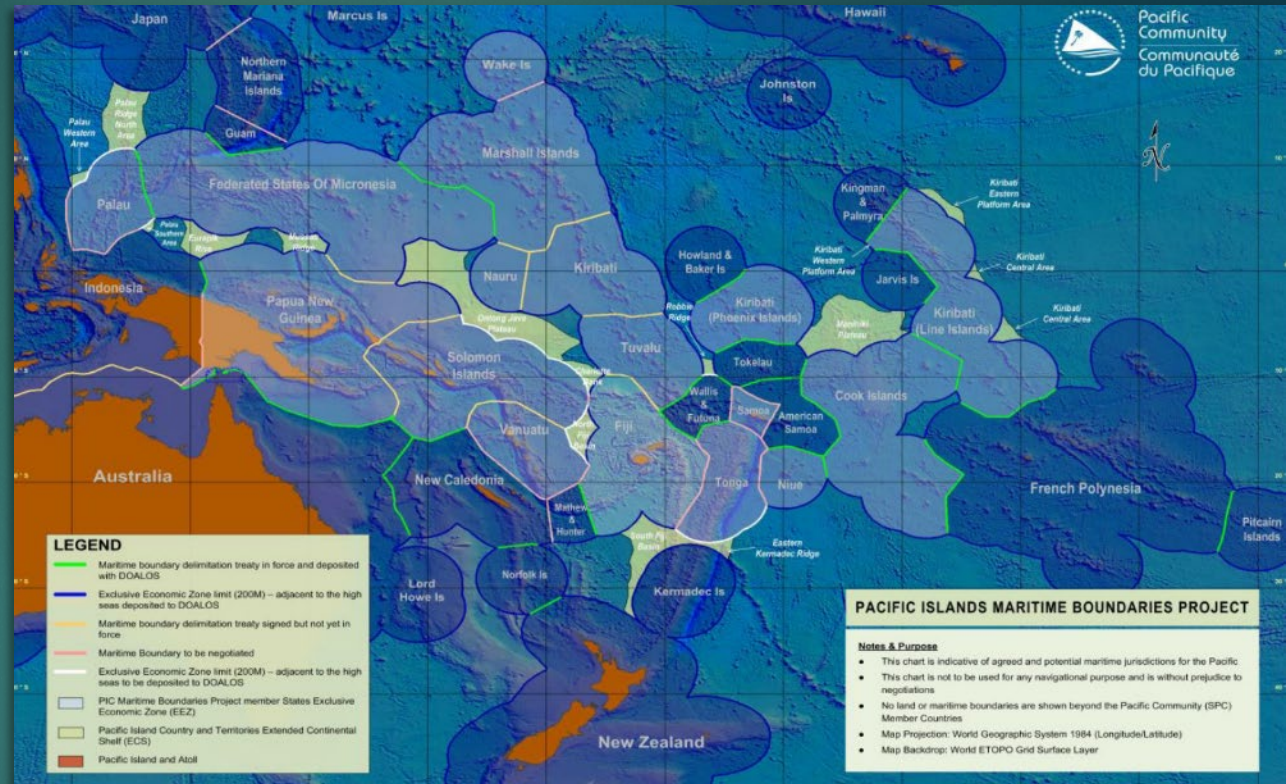
Challenges for small States

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Pacific Maritime Boundaries as of July 2020

- ▶ 48 shared or overlapping boundaries
- ▶ 35 formalized by agreement
- ▶ 13 outstanding bilaterals
- ▶ 5 high seas
- ▶ 17 continental shelf beyond 200M
- ▶ Recommendations in 2017 (FSM, PNG, Sol Is); 2019 (Tonga)



(Illustration: Secretariat of the Pacific Community (SPC))

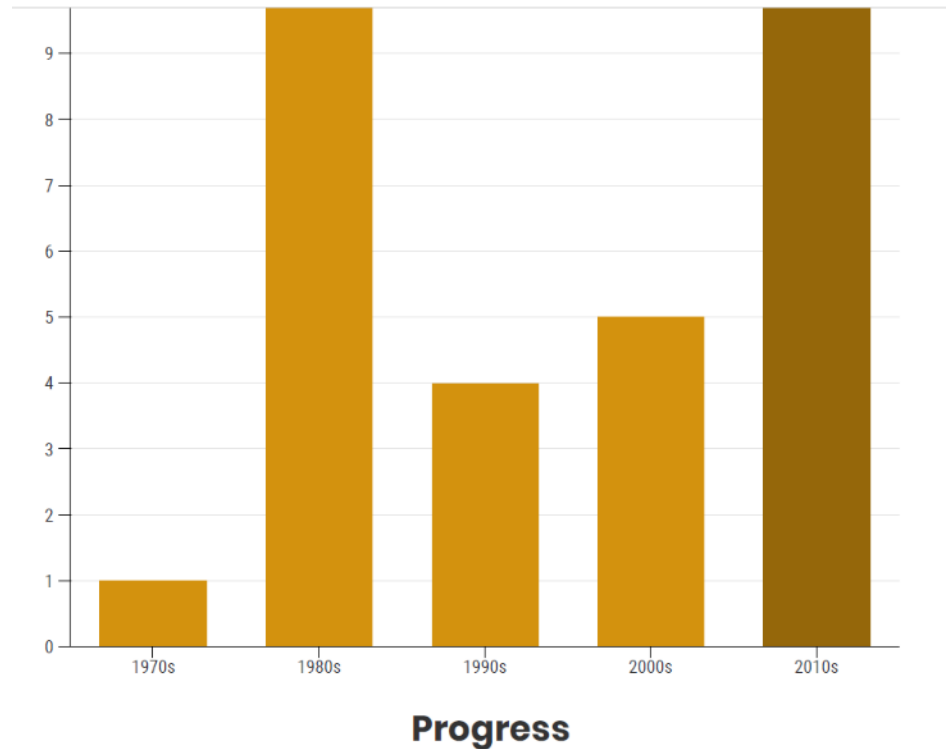
Pace of Resolution of Pacific Maritime Boundaries

20%



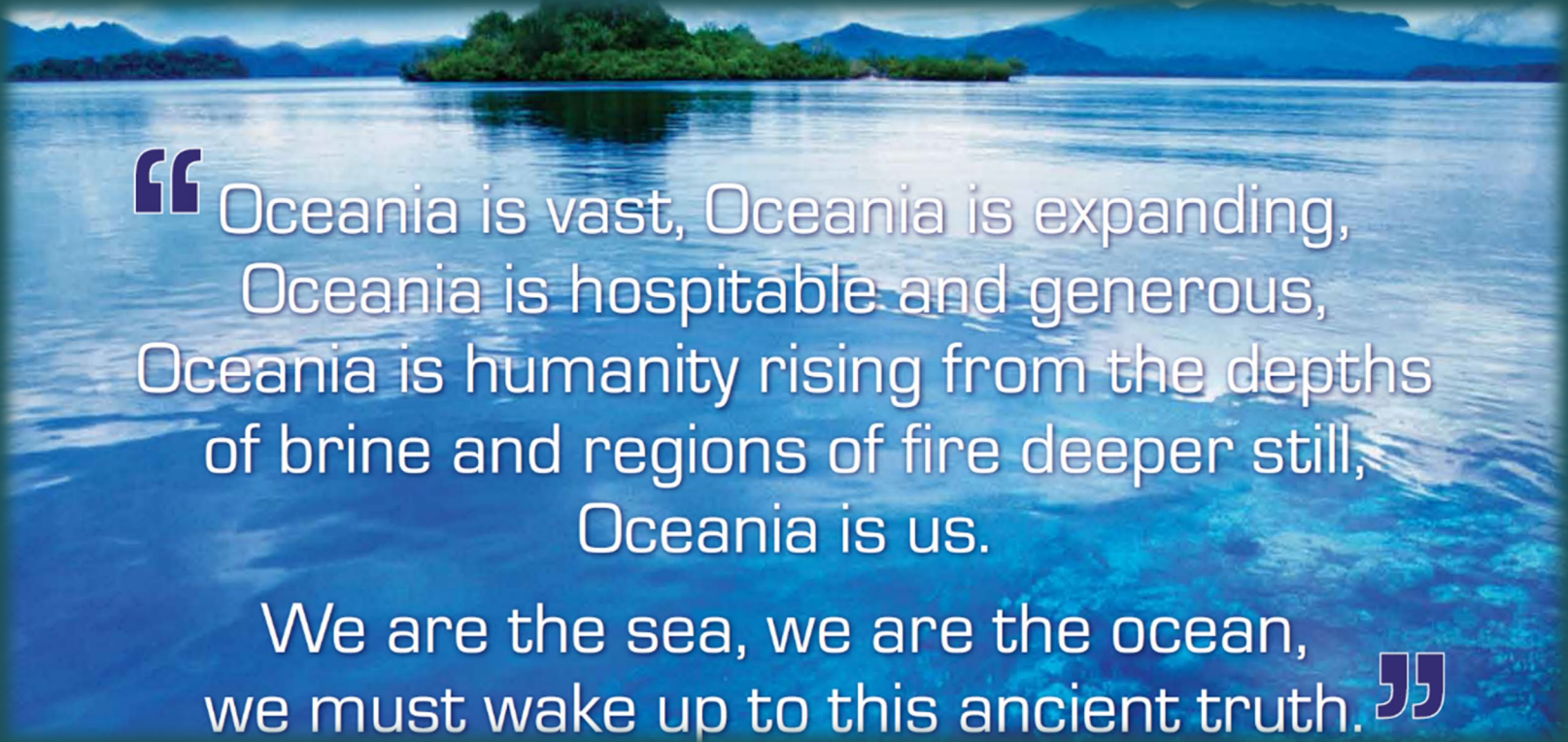
Ocean Space

The 22 Pacific Island Countries and Territories manage 20% of the world's ocean in their Exclusive Economic Zones.



The number of treaties signed has increased in response to strengthened regional cooperation

Impacts of Regionalism on Pacific Maritime Boundary Delimitation



“Oceania is vast, Oceania is expanding,
Oceania is hospitable and generous,
Oceania is humanity rising from the depths
of brine and regions of fire deeper still,
Oceania is us.

We are the sea, we are the ocean,
we must wake up to this ancient truth.”

Rationale

Rallying Cry

Revenue/Resource Management

Raising Awareness

How Will This Operate?:

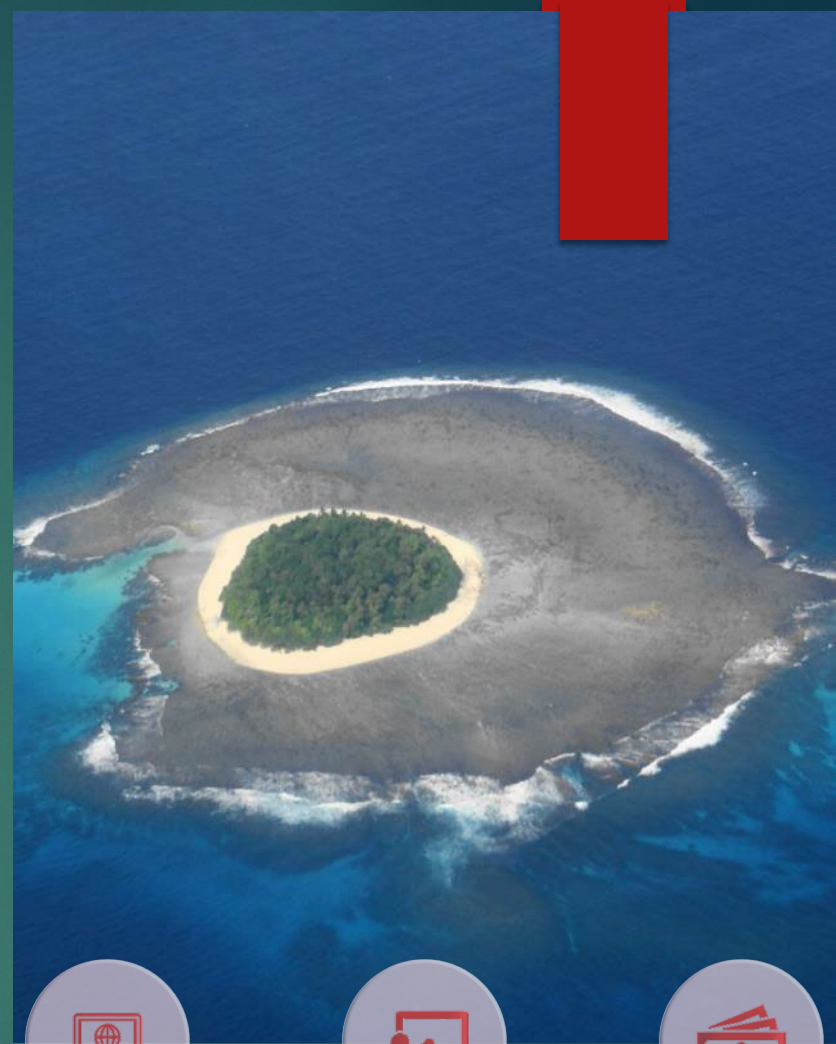
Policy:

Strategic Priority 1 of the Framework for a Pacific Oceanscape - Action 1(b):

- ▶ '... the implications of climate change, sea-level rise and environmental change on the highly vulnerable baselines that delimit the maritime zones of Pacific Island Countries and Territories should be addressed. This could be a united regional effort that established baselines and maritime zones so that areas could not be challenged and reduced due climate change and sea level rise.'

Advocacy:

- ▶ ILC Submission coordinated by Tuvalu – state delimitation practice, laws, pronouncements
- ▶ Cross-regional SIDS alliance – Antigua and Barbuda and Tuvalu - Commission of Small Island States on Climate Change and International Law - tasked with developing and implementing fair and just global environmental norms and practices.
- ▶ Commission may also request advisory opinions from the International Tribunal for the Law of the Sea (ITLOS) on the legal responsibility of States for carbon emissions, marine pollution, and rising sea levels.
- ▶ Vanuatu – ICJ Advisory Opinion?



TECHNICAL
COOPERATION –
LEGAL AND
TECHNICAL
ADVICE



TRAINING –
BUILDING
CAPACITY



TARGETED
ACTIVITIES
THROUGH
PROJECT
FINANCING

Project based activities

RBBP

- ▶ Risk based assessments - Identifying, analysing and evaluating natural features and legal implications that pose risk of destabilising maritime zones
- ▶ Providing risk treatment options (legal, technical, diplomatic)
- ▶ Identifying and articulating potential Pacific-led solutions consistent with international law.

S-121

- ▶ Australia, Canada initiative – 2004-2019 and continuing
- ▶ Data system using mbd for visibility of marine spaces beyond the region
- ▶ Relationship with SPC used for work with countries in region to develop data to enable deposit with DOALOS



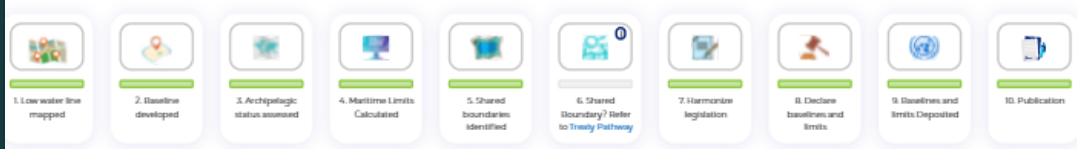
Resilient Boundaries for the Blue Pacific



*Surveying basepoints in Kiribati
(Photo: SPC)*

Pacific Datahub Dashboard

1. Pathway to maritime zones



2. Pathway to Maritime Boundaries Treaty

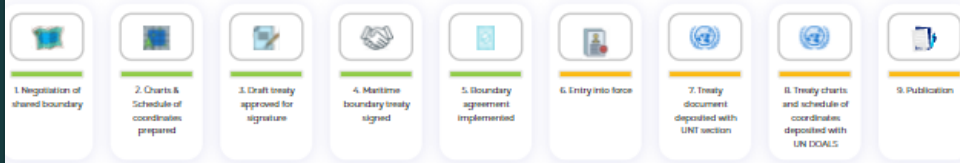
2.1 Treaty In force

N/A

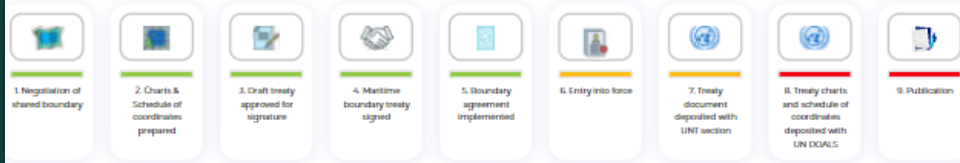
2.2 Treaty signed but not yet in force

Nauru & Kiribati

Download PDF file



Nauru & Marshall Islands



2.3 Treaty not signed

N/A

3. Extended Continental Shelf Pathway

N/A

Related Datasets

Nauru Contiguous Zone (24 Nautical Miles)

Organization:

View dataset

Nauru Exclusive Economic Zone (200 Nautical Miles)

Organization:

View dataset



Marshall Islands

Nauru

France (New Caledonia)



Nauru

National Legislation
The [Sea Boundaries Act 2007](#) defines the baseline, territorial sea, internal waters, contiguous zone, exclusive economic zone and continental shelf of Nauru.

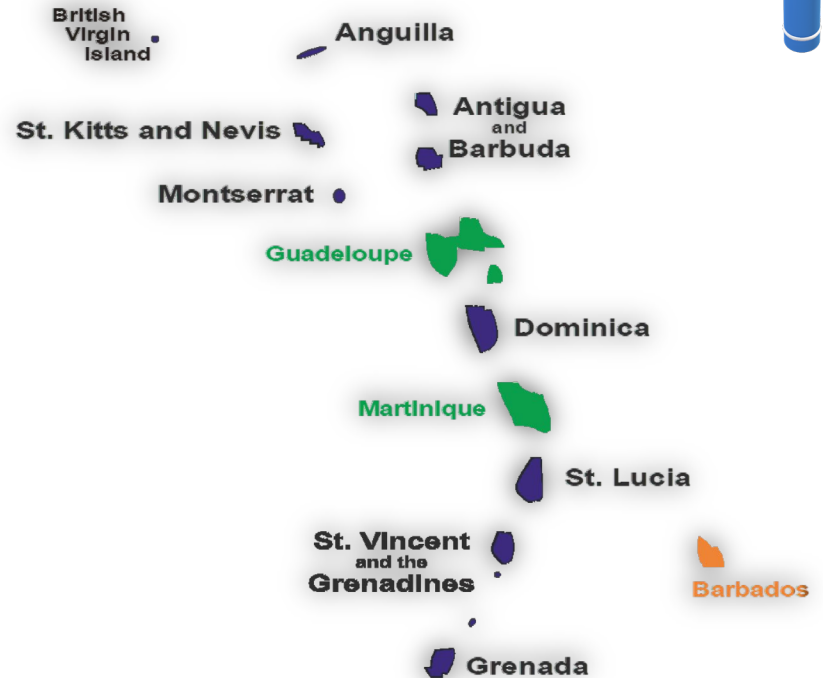
Territorial Sea Baselines
The [Doc](#)

[Read more](#)

Maritime Boundaries of Nauru

<https://pacificdata.org/dashboard/maritime-boundaries/nauru>

Eastern Caribbean Maritime Boundary Delimitation



5 Maritime Boundaries in 6 years
(Illustration: Commonwealth Secretariat)

Drivers of Eastern Caribbean Maritime Boundary Delimitation (MBD)

- ▶ *Mandate from the OECS Authority*
- ▶ *ECROP 2013 & 2020 and ongoing processes such as the MSP*
- ▶ *SDGs, SGD2040, Green-Blue Economy focus*
- ▶ *Provision of legal and technical support*
- ▶ *Practical implementation of roles and responsibilities*
- ▶ *Changing situation in climate change and related environments*



How is mbd addressed?

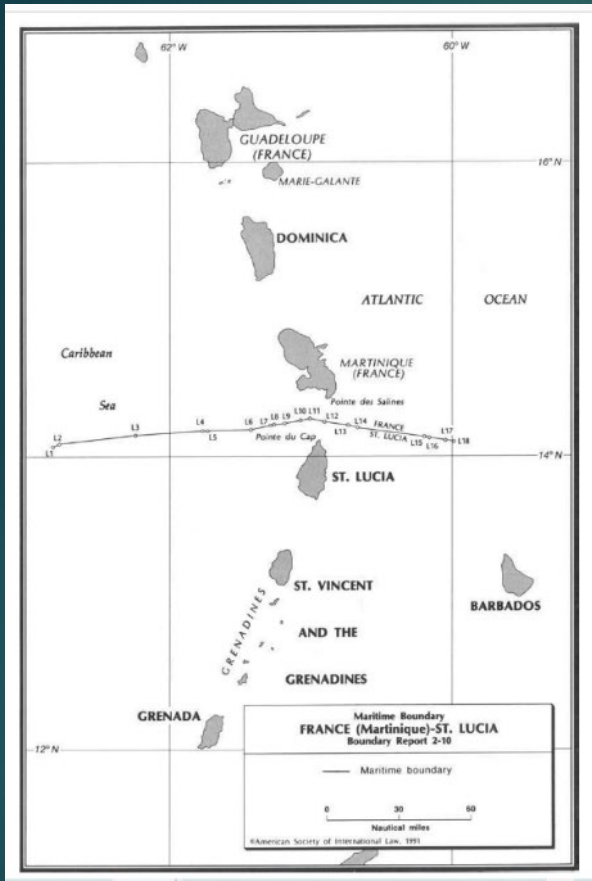
- ▶ Core Secretariat 'Cluster'
- ▶ Technical Cooperation – legal and technical advice – bilaterally and plurilaterally
- ▶ Training – building capacity
- ▶ Targeted Funding through Project Financing to fill data gaps
- ▶ Technical / Political Framework for decisionmaking



(Photo: OECS Commission)



Case Study: Saint Lucia 1981-2015



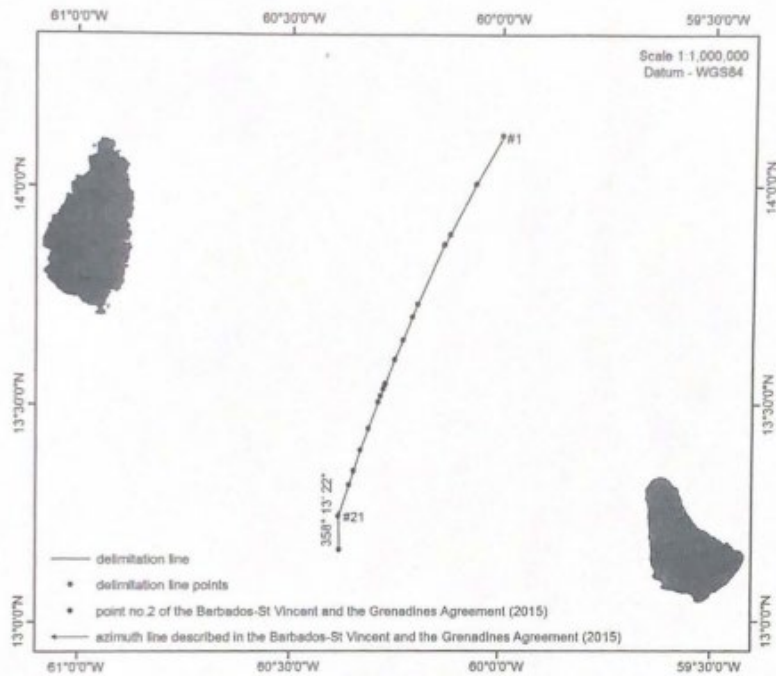
French Republic / Saint
1981

(Illustration: IMB Reports)



Case Study: Saint Lucia 1981-2015

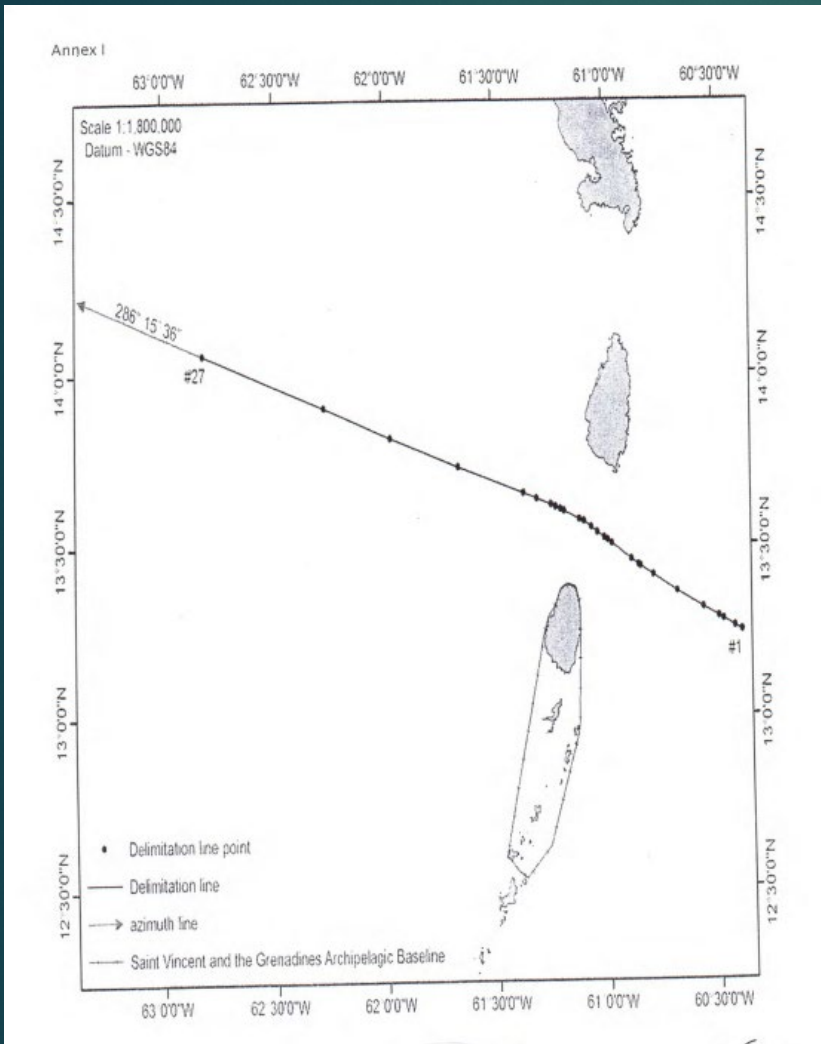
Annex 1



Barbados / Saint Lucia 2017
(Illustration: IMB Reports)



Case Study: Saint Lucia 1981-2015



Saint Lucia / St Vincent and the Grenadines 2017
(Illustration: IMB Reports)





Challenges for small States

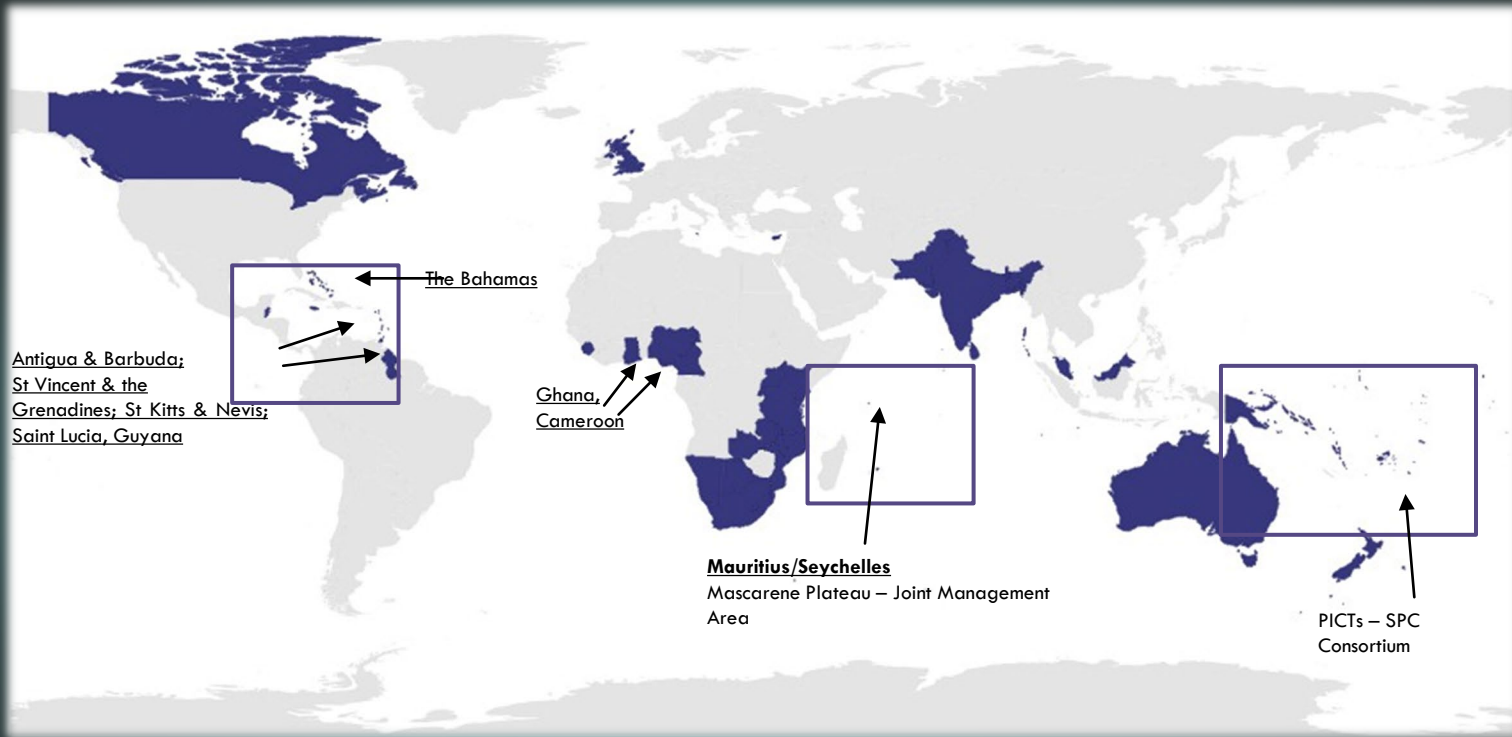
Regional perspectives

The Commonwealth experience

The Application

Technical Assistance – transactional support

Good practices & standards (regional collaboration to develop frameworks)

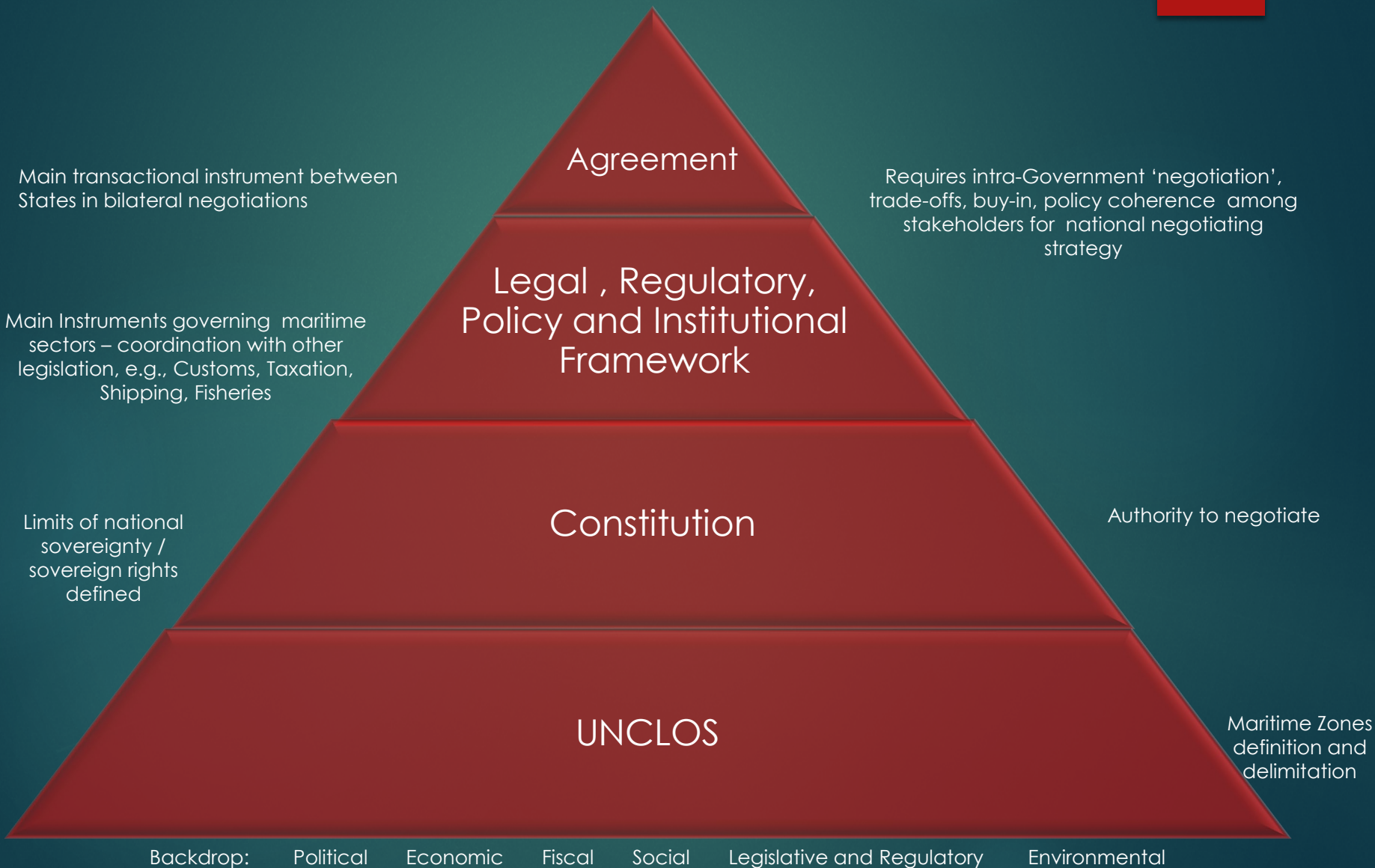


(Illustration: Commonwealth Secretariat)

Capacity building – training programmes. Peer to peer learnings

Peaceful resolution – up to the stage of agreement

Framework for negotiations



Questions and Short Answers

- ▶ Has maritime boundary delimitation been significant in the Pacific and Caribbean Regions?
- ▶ If so, is this likely to be a continuing trend for SIDS?
- ▶ If not, what is needed for overall improvement ?

