

Copyright statement

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Liz Buxton, External Relations & Marketing Manager, IBRU,
Department of Geography, Durham University DH1 3LE, UK
Tel: +44 191 334 1965 ♦ Fax: +44 191 334 1962 ♦ Email: e.a.buxton@durham.ac.uk

Thank you.



Maritime delimitation negotiation exercise Tasmania–Victoria maritime boundary



Context

In a parallel universe...

Following the acrimonious 2019 referendum over the retention of the British monarchy, the Commonwealth of Australia dissolved along state lines. Fervently republican Tasmania was the first state to secede on 1 January 2020. Staunchly royalist Victoria reluctantly declared independence in July 2021, but continues to recognise the British monarch as head of state.

Official relations between the two new states have been courteous, but popular feelings are strained. With each country's tabloid press blaming the other for the break-up of the Commonwealth, Prime Minister Prescott of Victoria recently invited Tasmania's President Ponting to a 'goodwill summit' at which a number of initiatives were agreed. Foremost among these was an agreement in principle to delimit the maritime boundary between the two countries, with negotiations commencing immediately. As your government's experts on maritime boundary delimitation, you have been called in to find an equitable solution.

The task

Working in teams representing either Tasmania or Victoria, you should seek to agree a maritime boundary (or boundaries) that produces an equitable division of maritime space between the two countries. If possible you should produce a draft agreement defining the line or lines you have agreed – or at least a list of points of agreement between the parties.

If no agreement can be reached by 1530, you should seek to agree a course of action for resolving any disputes that exist.

Please base your negotiations on the information provided in this briefing document. If you require additional information about relevant issues, please consult Martin Pratt – do not invent facts to suit your country's position!

Feel free to meet with your opposing team as often as you see fit. However, the following timetable may be helpful in planning your negotiation:

- ◆ 0930-1100 Preparation
- ◆ 1115-1145 Initial exchange of views
- ◆ 1145-1215 Preparation
- ◆ 1215-1300 Negotiation
- ◆ 1300-1400 *Lunch*
- ◆ 1400-1430 Preparation
- ◆ 1430-1500 Negotiation
- ◆ 1500-1515 Preparation
- ◆ 1515-1600 Negotiation / Preparation for debrief
- ◆ 1600-1700 Debrief

Roles

It is recommended that each team member be assigned a role as a representative of a particular ministry (e.g. foreign affairs, energy, fisheries, environment, tourism, defence, transport) or a technical expert. Although in real negotiations it is common for there to be a single team leader who speaks for the whole team throughout the negotiations, in order to allow everyone to participate in the exercise as fully as possible, teams may wish to consider allowing different members to speak for the team during each meeting. It is highly recommended that at least one person in each team takes notes during the meetings. The team should also appoint a spokesperson to report on the exercise during the debrief session.

Debrief

Following the negotiation, each pair of teams will be asked to make a ten minute presentation on its experience of the negotiation. The following questions should be addressed:

- ◆ What were the key factors in the delimitation?
- ◆ What was your opening position?
- ◆ What arguments did you use to justify your claim?
- ◆ What did you feel represented an equitable solution?
- ◆ What creative proposals and/or concessions were made during the negotiation?
- ◆ Were you able to achieve an agreement? If not, why not?
- ◆ If you could begin the negotiation again, what would you do differently the second time?
- ◆ What alternative methods for dispute resolution were explored?

Facts about the two countries

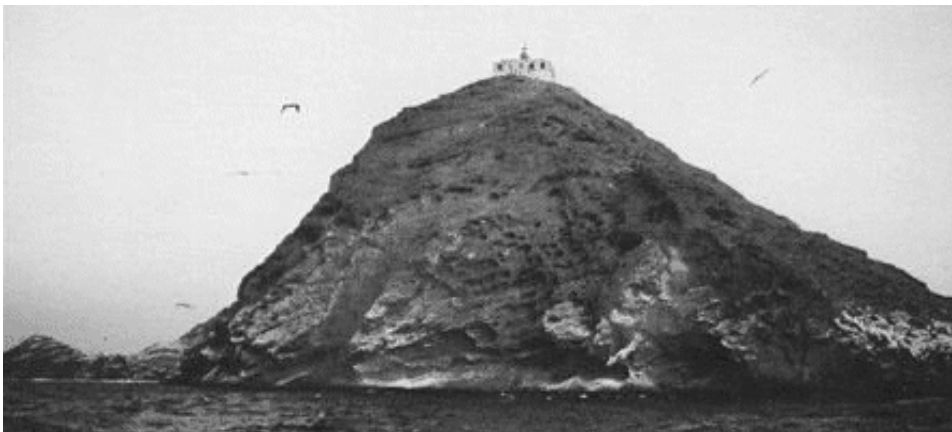
1. The Republic of Tasmania comprises numerous islands, including Tasmania itself, the Fleurieu Group and the Furneaux Group (including Craggy Island, Beagle Rock and Wright Rock). Although it covers an area of over 68,000 km², it has a population of only 300,000 people, more than half of whom live in the capital, Hobart. Tasmania is a mountainous state, and the majority of its population are either sheep farmers or fishermen. It has few natural resources and relies primarily on hydro-electric power.
2. Victoria covers nearly 230,000 km² and has approximately 1,200 km of coastline. In addition to its mainland territory, Victoria has sovereignty over King Island, the Curtis, Hogan and Kent Groups, and Bass Pyramid. It has a population of 4.5 million, around 3 million of whom live in and around Melbourne, which is its capital, principal port and an important transport hub. Compared to Tasmania, Victoria is a prosperous state, with abundant forestry resources and a highly-productive series of oilfields in the northeast Bass Strait. It is also home to a large naval base in Corner Inlet.
3. Victoria recently ratified the United Nations Convention on the Law of the Sea (UNCLOS) and claims a 12 nautical mile (nm) territorial sea, a 12 nm contiguous zone and an EEZ out to 200 nm. It has yet to publish details of the limits of these zones. Tasmania has yet to ratify UNCLOS or enact its own maritime legislation. However, it has indicated that it plans ratify the Convention and define maritime zones in conformity with its provisions.

The territorial sea and contiguous zone limits depicted on UKHO chart AUS487 are those defined by Australia prior to the independence of Tasmania and Victoria and should not be considered as a definitive depiction of the maritime limits of either of the two new states.

4. Of the numerous small islands in the Bass Strait between Flinders Island and Wilson's Promontory, only Deal Island in the Kent Group is inhabited. Deal Island is home to a community of fishermen who have fished the waters around the Furneaux Group for over a century. In recent weeks the Deal Islanders have threatened to blockade the shipping lanes south of Wilson's Promontory – and even secede to Tasmania – if they are denied access to their traditional fishing grounds. Almost all of the fish caught by the Deal Island fleet are sold in markets in Victoria; the annual value of the catch is around A\$100 million.
5. The Curtis islands are a breeding ground for the Australian fur seal and were declared a protected reserve by the Victorian state government in 1975.
6. In the run-up to the boundary negotiations the energy minister of Tasmania publicly stated that he believed that the Yolla A gas well in the central Bass Strait (39° 41' S, 145° 48' E) is located on the continental shelf of Tasmania. The well was developed before the breakup of Australia and the provincial government of Tasmania fought a long but ultimately unsuccessful campaign to have the pipeline from the well feed Tasmania rather than Victoria.
7. Bass Pyramid (39° 49' S, 147° 15' E) is a tiny rocky outcrop, above water at high tide but almost completely devoid of vegetation. It is shown overleaf, along with South West Island (39° 31' S, 147° 7' E) for comparative purposes. Further information on the coastal geography of the Bass Strait can be found in the sailing directions which will be available during the exercise.

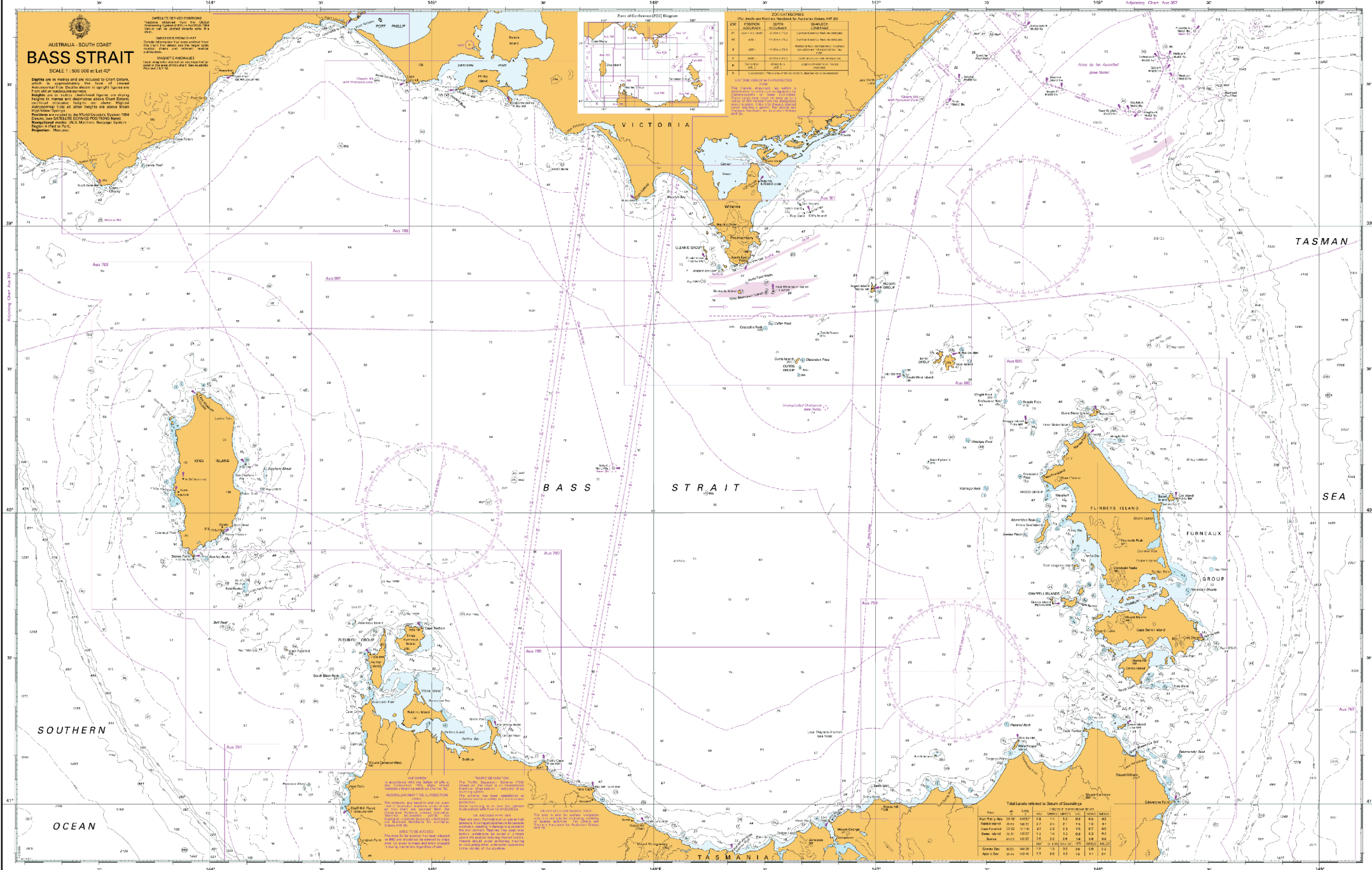


Bass Pyramid



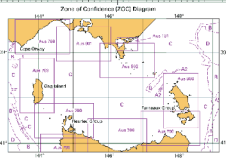
South West Island

NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT AUTHORIZED BY THE PUBLISHERS



AUSTRALIA - SOUTH COAST
BASS STRAIT
 SCALE: 1:500 000 at Lat 42°

Depths are in metres and are rounded to next entire metre in appropriate case. Level of Lowest Tide is indicated by the number 0.0. Heights in metres are shown above Chart Datum. Chart Datum is the Mean High Water Springs of the Port of Melbourne. The datum for the Tasmanian coast is the Mean High Water Springs of the Port of Hobart. The datum for the Tasmanian coast is the Mean High Water Springs of the Port of Hobart.



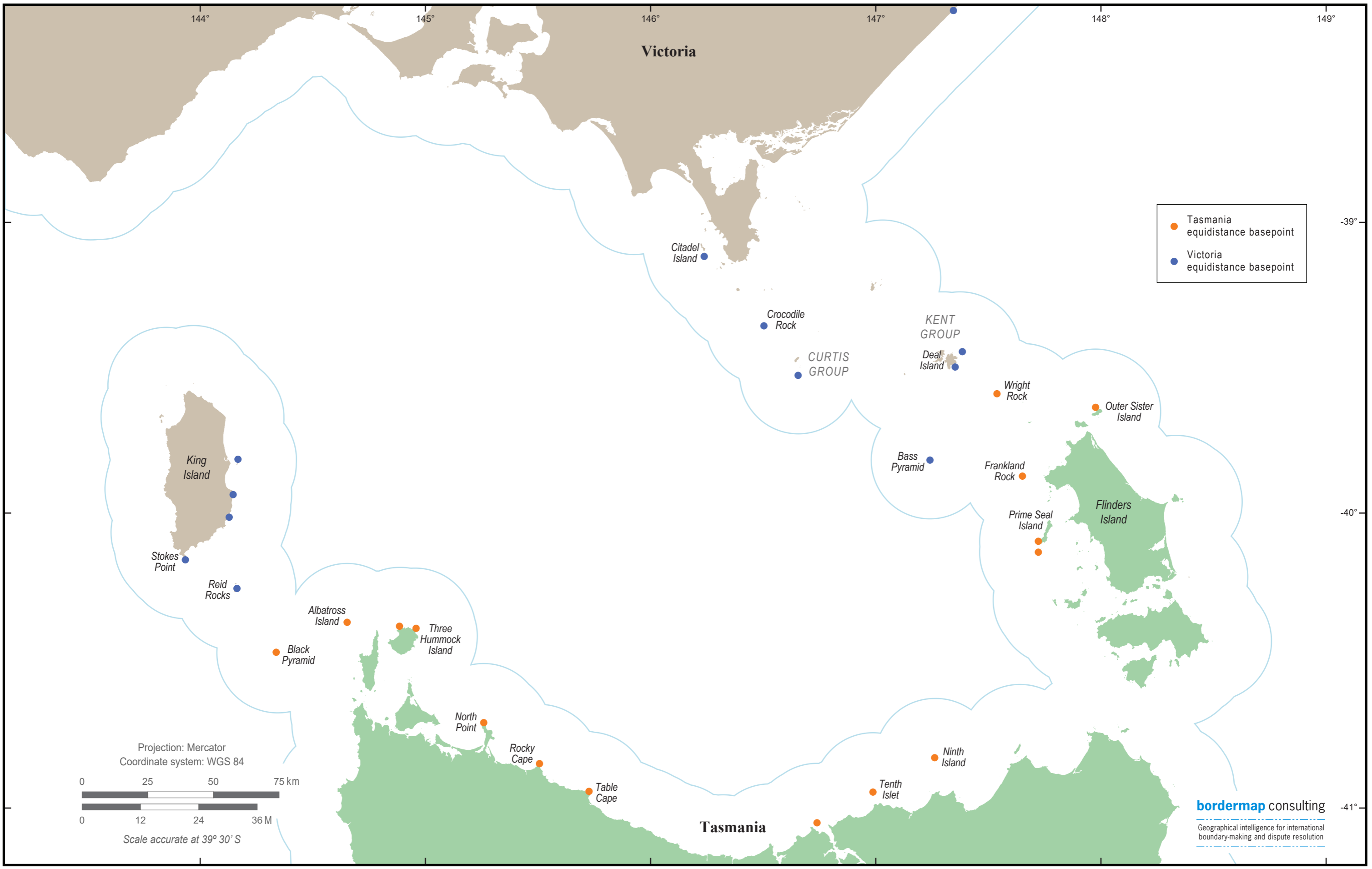
CONVERSIONS

The depths are in metres. The scale is 1:500,000 at Lat 42°.

DEPTH	DEPTH	DEPTH
IN METRES	IN METRES	IN METRES
1.000	1.000	1.000
2.000	2.000	2.000
3.000	3.000	3.000
4.000	4.000	4.000
5.000	5.000	5.000
6.000	6.000	6.000
7.000	7.000	7.000
8.000	8.000	8.000
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50.000	50.000	50.000

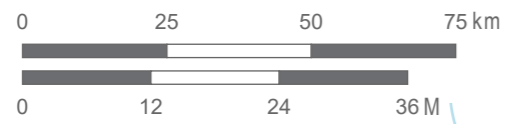
Total Levels referred to Datum of Geodetic

Height	Mean	Lowest	Lowest	Lowest
in metres	in metres	in metres	in metres	in metres
1.000	1.000	1.000	1.000	1.000
2.000	2.000	2.000	2.000	2.000
3.000	3.000	3.000	3.000	3.000
4.000	4.000	4.000	4.000	4.000
5.000	5.000	5.000	5.000	5.000
6.000	6.000	6.000	6.000	6.000
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46.000	46.000	46.000	46.000	46.000
47.000	47.000	47.000	47.000	47.000
48.000	48.000	48.000	48.000	48.000
49.000	49.000	49.000	49.000	49.000
50.000	50.000	50.000	50.000	50.000



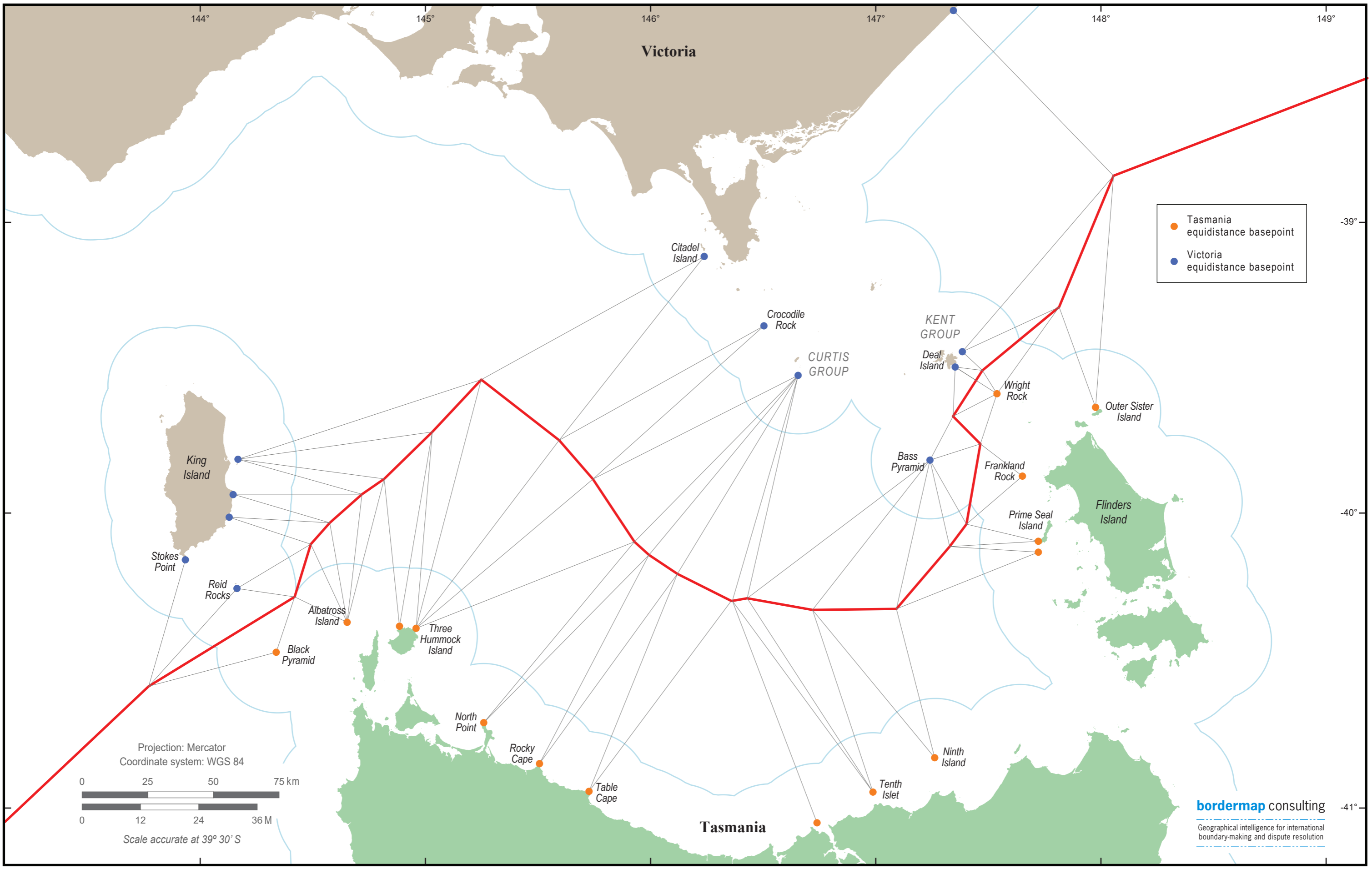
- Tasmania equidistance basepoint
- Victoria equidistance basepoint

Projection: Mercator
 Coordinate system: WGS 84



Scale accurate at 39° 30' S

bordermap consulting
 Geographical intelligence for international
 boundary-making and dispute resolution



- Tasmania equidistance basepoint
- Victoria equidistance basepoint

Projection: Mercator
 Coordinate system: WGS 84

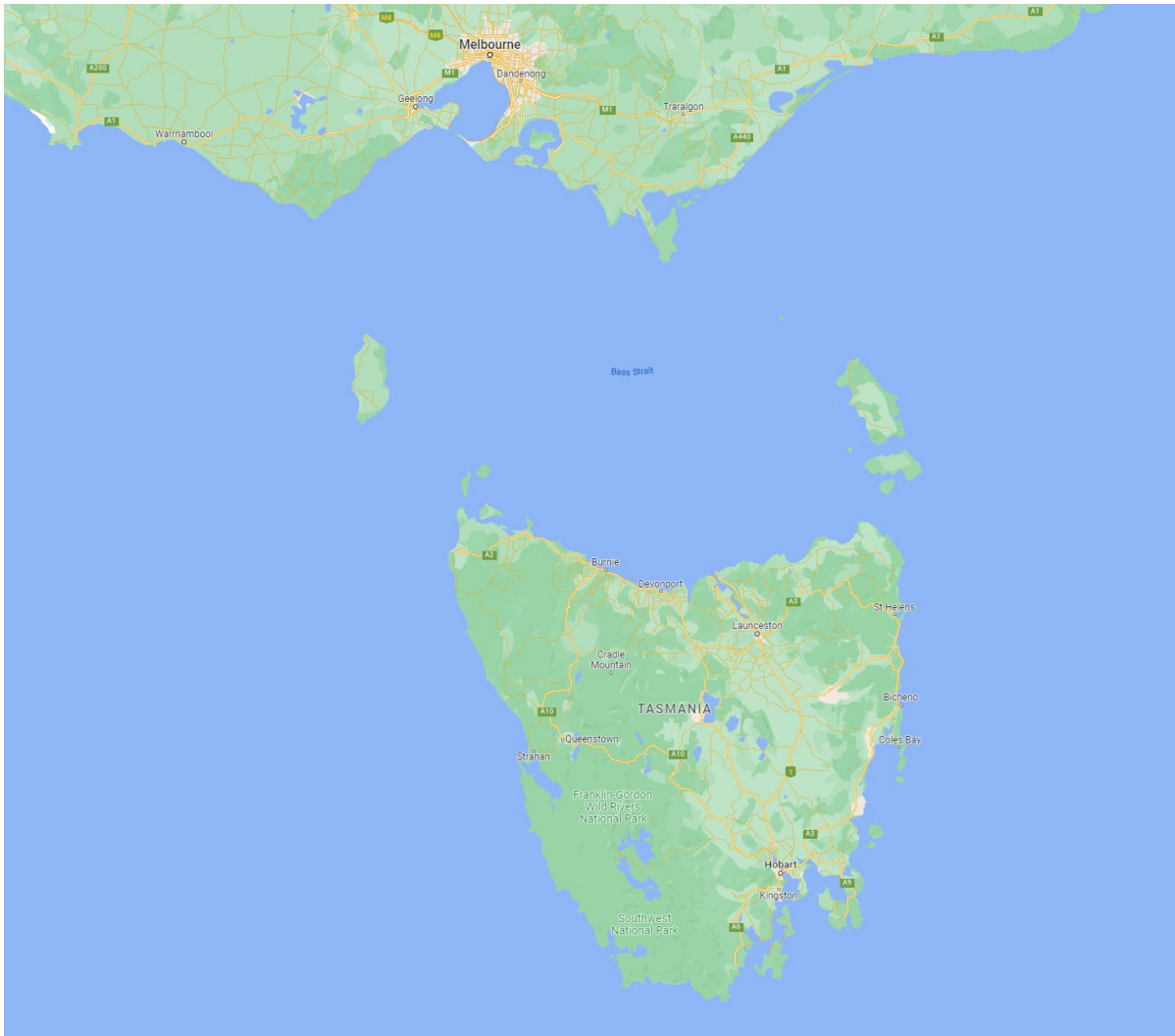
0 25 50 75 km

0 12 24 36 M

Scale accurate at 39° 30' S

bordermap consulting

Geographical intelligence for international boundary-making and dispute resolution



Tasmania and southern Victoria (Source: Google Maps)



Regional context with maritime limits and agreed international boundaries (Source: Sovereign Limits)



Australia's territorial sea and EEZ limits around Tasmania and southern Victoria (Source: Sovereign Limits)



Bass Strait with Australia's territorial sea limits (Source: Sovereign Limits)