Regional Developments

Existing and Potential Maritime Claims in the Southwest Pacific Ocean

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For the purposes of this analysis the Southwest Pacific Ocean is considered to lie south of the equator between meridians 120° east and 155° west. This definition includes a small sector of the Indian Ocean and that part of the Southern Ocean lying between Australia and Antarctica. It seemed important to include Australia and its adjoining seas for three reasons. First, Australia is a prominent member of the South Pacific Forum, an important regional political organization which has addressed itself to some maritime questions. Second, there are some difficult problems, involving important questions of principle, involved in drawing sea boundaries between Australia and its northern neighbors. Third, Australia is one of the countries which claims sovereignty over a sector of Antarctica, part of which marks the southern coast of the Pacific Ocean.

THE RELEVANT PHYSICAL CHARACTERISTICS OF THE SOUTHWEST PACIFIC OCEAN

There are five major physical characteristics which bear upon any analysis of maritime boundaries in this region. First, most political organizations consist of archipelagos, which frequently include very small islands. In no other part of the world is there such a concentration of archipelagic states, and the continuing debate over the definition and nature of archipelagic waters, together with the importance of islands as special or relevant circumstances in the construction of common sea boundaries, emphasizes the importance of this area in the

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evolution of international maritime law. There is likely to be a reciprocal process by which proposed laws are tested in their application to the Southwest Pacific Ocean, and by which solutions, adopted by countries in this area, are recommended for general consideration. The proximity of these islands ensures that every state or territory must agree on a common boundary with at least one neighbor. All the outer sea limits claimed by Western Samoa and American Samoa must be agreed with neighboring states, and this condition also applies to more than half the length of the outer limits of Niue, New Caledonia, New Hebrides, Wallis and Futuna, Fiji, Tonga, Tokelau, the Solomon Islands, and Papua New Guinea.

The second relevant characteristic is that the pattern of islands ensures that there will be some enclaves of unclaimed seas surrounded by the exclusive economic zones of adjoining countries. There will also be some long culs-de-sac of unclaimed seas separating some national claims. This irregular pattern of sovereignty will create problems both for navigators of vessels fishing in this region and for authorities charged with the enforcement of regulations in claimed seas. The problems associated with enclaves of high seas have not been considered by the UN Conferences on the Law of the Sea, although this was a subject raised at the international conference at The Hague in 1930.3

The volcanic origin of most of the islands in the eastern part of this region is the third important physical feature. It ensures that if any continental shelf exists, it is very narrow, and that there is little chance of mining useful resources under the sea. The composition of the rock, the steepness of the continental slope, and the powerful surges of the surf on many coasts conspire to make undersea mining unattractive. The rapid descent of the continental slope to the abyssal plain which surrounds the islands guarantees that their exclusive economic zones will enclose considerable areas of the deep seabed. Although such areas contain manganese nodules, their collection in commercial quantities would bring individual countries into conflict with the Authority, which will be established by the UN Conference on the Law of the Sea to supervise mining of the deep seabed. Plainly, Australia, New Zealand, and Papua New Guinea are more fortunate than other countries in the region because they are surrounded by continental margins which have produced mineral wealth in the case of Australia and which could yield valuable resources for the other two countries.

There is generally a more even distribution of fish stocks throughout the region than there is of submarine mineral wealth. However, it is important to record as the fourth relevant characteristic that the potential for fisheries on the high seas diminishes toward the east and north of the Southwest Pacific. The variations in the size of fish stocks result from the operation of many factors which influence the distribution of phytoplankton, which is the basic food source for fish. The Geographer of the U.S. Department of State has produced