

10-15-79 aft  
LSI / EESTEM

Choon Ho Park

5 major disputes - none are acknowledged as disputes

- ① Japan / USSR - islands
- ② Japan / S Korea - 2 rocks in Sea of Japan  
(S. Korea now controls).  
(no capacity for human habitation)
- ③ Japan / China - islands - only 3 with vegetation
- ④ China / VN / Philippines / Taiwan - 200 islands in S. China Sea.  
important strategically. (flyspecks)
- ⑤ VN / Kampuchea - islands

Hideo Takabayashi - favors (?) coastal state sovereignty

(Venezuela) / over highly migratory species (?)  
July 1978 (~~Mexico~~?) EEE

Choon Ho

Def. of island is obviously in ambiguous terms

Too hard to pin down

Inevitable ambiguity

Art 64  
Islands.

Carl Fleisher

A few claims have been made for a continental shelf

- { Rockhall
- { Clipperton (!)

Is this a rule or an exception?

[ Clipperton Ideas ]

10-15-79

Caldona (Venezuela)

L. Alexander / Hudson

✓ Terrin (Misty) Hanson  
Just Marine Studies in Washington

Tromelin Island in Indian Ocean

France is claiming  
Under water at high tide?

Carl Fleischer  
~~Germany~~

Jan Mayen

Nowegian Island (20 people)  
n of Iceland  
Iceland disputes whether it  
deserves an EEZ. Negotiation?

Norway hasn't yet decided what to  
do about Bowet's EEZ & CS

10-15-79

Clipperton Ideas

Check 1976 US Act on line drawing & uninhabited islands.

Oxman says he interprets Art 121 broadly - ~~not~~ any island capable of being made habitable. 10-15-79  
French & Mexican Memorials.

(Peter Beazley) What about uninhabited islands that contribute to the economic life of other places?

How many mining sites around Clipperton anyway?

Most uninhabited islands were originally claimed for purpose of boundary delimitation - not EEZ's

1983 crisis situation under Art 121 but debated by authors

Wm Brewer: 4<sup>US</sup> mining companies - not a significant lobby really

Carl <sup>A.</sup> Fleiter (Norway) says France has claimed an EEZ & CS for Clipperton!

Caldwell (Venezuela)

Art 121 - note difference between "island" & "rock".

Navasa

Aves - keys in Jamaica - fishermen gather

Clipperton ideas

10-16-79

Andres Rosental : Mex Foreign Ministry &

Delegate to UNCLOS 3

→ said Mexico has no current interest  
in Clipperton.

See CEESTEM #3 Alberto Szekely (sp).

where he acknowledges without  
comment France's sovereignty  
over Clipperton.

Needs new introduction -- emphasize 2 Qs:

Was Clipperton decision properly decided?

Should Clipperton have an EEZ?

And explain how the 2 questions are interrelated.

10-17-79

Alberto Székely

Said that Clipperton definitely gets a 200 mi zone because it is not a "rock". Only rocks need to be capable of being inhabited, not islands, which get zones whether they are habitable or not. He said this was clear from the first SNT (1975 - Geneva) & no one has ever departed from that principle.

1976 - Mexican 842 proclamation, included Clavon, etc.

Now modules near Clipperton are not viewed as of great value, but those near Clavon are.

Alberto  
Lunch w/ n Szeleky & Andres Rosental 10-18-79

Andres concerned Alberto's view on  
islands v. roads.

Both thought hardest argument on Clayton  
was Mexico's Senate's acquiescence.

[→ look at Arbitral Award Convention --  
have Mex & France ratified?]

They weren't too impressed with a  
"change of circumstances" arg (i.e. → new value of  
£42)

Andres: Would that allow us to  
reclaim Texas after oil was discovered  
there?

1910-30 civil unrest in Mexico

1910 P. Diaz overthrown.

Bob ~~Pitman~~  
Pitman } Southwest Fisheries  
          } La Jolla

4-23-84(?)

French are talking of developing Clipperton  
- blowing a hole in the reef & putting  
a settlement on it.

Mexico has made some move to reestablish their old claim.

In Tahiti they are trying to enlist some people to settle on  
Clipperton.

10% endemism - 10% is unique

12 unique species - fish

Largest booby colony

Only coral reef in E Pac

Robt L. Pitman  
Southwest Fisheries Center  
PO Box 271  
La Jolla California 92038

7-11-84

Rose Pfund

An activity of LSI? Talk to John  
Or emphasize that this will be  
Sponsored by LSI.

Emphasize synergy between Hawaii & Rhode Island  
on this.

Who publishes?

First week in Sept is absolute deadline.  
Better if (much) sooner.

Big hang up is the budget.  
More realistic would be:

Student stipends 1 yr only?  
Some (not all) travel stipends expenses.

Reduce expenses by having some off-campus??

Emphasize LSI contributions to expenses.

6/19/86

Joe flunks Section III on NW Hawaii  
should go after Section IV

Overlap with "Pertinent Definitions" is IV A & III A  
Keep IV A & Joe will rewrite III A.

Move IV C after IV A (w/modification)

### Conclusions

- 1) 121 is relevant
- 2) complex mix of factors
- 3)

In face to face negotiations & arbitrations  
spirit of 121(3) has been followed  
& rods have received us 287  
(exception Area)

Therefore - when common heritage is involved -  
same balance should occur

7-2-86

Oroluk

### Tharngan (Pohupeia)

Qs - What kind of island is it?

vegetation?

animals? if any?

Any valuable resources on or around the island?

What are the traditional practices of Pohupeia + Truk  
before contact

How many people? What languages

Myth & folk lore?

When contact occurred - whalers & other explorers?

Was it charted by any captain or seafaring people?

Where did name Oroluk come from?

How treated under German, Japan & US administrations  
FSM Const. carries forward original boundaries.

### Skilling (Truk)

Who owns Mito Reef

The people who live there are Kapingamarangi people.

Cornelius - Court speaks of equity.

Kapingamarangi & Nukuoro were also once part  
of Truk -- etc

Matter should be decided by the inhabitants themselves

Coal island - dispute between public + private ownership

Son is a member of (state) legislature.

Introduced a bill that land should go to  
father.

Europik - 100 people  
Sorol - 10 (less than)

7/3/86  
Thursday

① FSM EEZ - should all the uninhabited atolls generate zones? If people occasionally go to fish there? Look at Article 121(3) again on p. 192.

② Problem on 248 - move to FSM

Micronesian Maritime Authority

How to prove location?

How should state & fed work together?

③ Ocean Pearl incident on 191 -

What remedies are available if any?

### NW Hi Islands

US by denying access is asserting control over the islands.

Having a wildlife refuge is part of the overall economic life of the US.

An intermediate zone → 50 miles.

#### ④ Environmental protection 257

→ What obligations have been accepted by the US? → comply w/ NEPA for its projects (29-20.)

What exemptions under §162(e)? Examples

→ What obligations have been accepted by PBA?

Develop standards to protect the environment!

§162(b), p. 30!

Enforceable? Self-executing?

Could a private citizen challenge an act of the US govt because of environmental concerns?

No §162(b) → only the affected govt.

⑤ Termination + Survivability

Compare 453 + 452 of RSM/Plan p 52 + 80

Discuss Stepdown provision of 211 (a)(2) on 35-36  
Economic Development Plan + US Review of it.

⑥ Nuclear Free!

Palau Compact

Judge Marar:

Judge Santos

"used in warfare"

"votes cast"

NW H: Islands  
7/9/88

Craig MacDonald

Economic value of non consumptive uses?

How much do we value the protection of the  
wildlife resources?

Plus seabirds feed on fish in the EEZ.

5/15/87

Richard C. Wass

Didle Wars // N I Natl Wildl/ik Refug

Appears now to be some \$ for maintenance & equipment.

Now looking at year-round occupation by 1-2 or FWS

Research season - breeding - considerably more people

Looks like flights will continue

Are making tentative plans to re-roof & maintain runway

Solar generator

& new water catchment system

Fewer flights & less maintenance.

Have been every 5 weeks

plus ~6 or so each year by other facilities

18-20 flights/yr

Now: 12-14/year

Biological effort will continue.

7-26-88

I'll <sup>get</sup> great a printer's proof within a week? With all  
changes

Andy Kozlowski

619-239-1901 ext 275-

Clipperton - New Research  
Four bases for breaking an  
arbitration agreement?!

Where is the 1909 documentary  
material from Mexico?

Discusses the 1885 Berlin agreement?

Frindwig maps of  
Selected Uninhabited Islands

Jon (me) - 5 minutes

Jonathan 10 min - Kennadec  
Revillapieds  
Rockall  
Clipperton

Joe 25 minutes

me 5 minutes

Falkland Islands

58 Norte Dame I. Rev.

6 BC Int'l & Comp L R 391

75 Am J Int'l L 161-162

32 Int'l & Comp L. Q 1013-1025  
C. Rockall

Facts On File: World News Digest  
with Index (F.O. N.Y. Facts  
on File, Inc)

Feb 19 Vietnam lodged complaints  
Chs China has has violated its  
sovereignty by allowing foreign oil  
companies to drill in Tonkin Gulf.

[87142 (1978)]  
[132C3 (1980)]

Vietnam based its argument for  
Sovereignty on a pact it said China and  
France had signed in 1887 that  
declares the two island group Vietnamese  
p 245

p. 362

A U.S. research firm had  
reported that China was involved  
in more territorial disputes than any  
other nation, according to the  
Asian Wall Street Journal on April 22  
(1983)

Of the ten disputes it is involved in  
Frost and Sullivan assessed the Spratly  
Island dispute as the most dangerous

U.K. claims 200 mile limit  
on jurisdiction over fisheries  
(1977)

Source: The Statesmen's Yearbook

ed. John Paston 1984-85 (121<sup>st</sup> ed.)

see FAO U.N.

France overseas claims  
a) has declared EEZ.

Kerguelen Islands situated

Matthew & Hunter islands are  
claimed by France (New  
Caledonia)

Vanuatu also claims these islands  
which has also claimed an EEZ.

Swains Islands in Caribbean claimed  
by U.S.

Dicer Island (Now claimed by  
N. Z.)

... ..

... ..

... ..

... ..

... ..

... ..

... ..

## line islands

Kingman Reef disc. 1798 US, annex 1922 used 1937 by Pan Am

Palmyra disc 1862 US. Hi. annexed 1889, UK 1889, US 1898

formal possession 1912

Jarvis 3x1.5 km disc 182 UK, US guano claim 1857-1879

annexed by UK 1889, US occup + claim 1935

now uninhabited

~~✶~~

Midway disc Hi 1859, US possession 1867

weather/rainy station

Chesterfield Archipelago 600 km W of Caledonia

disc ~~1871~~ 1793 France, possession 1877

oil leases in seabed

Ducie Is. <sup>UK</sup> 300 km east of Henderson 470 km E of Pitcairn

Wake 6.5 km<sup>2</sup> only pop is people work on base

Chile

Juan Fernandez 185 km<sup>2</sup> / 300 pop

- Selkirk 95 km<sup>2</sup>

- Robinson Crusoe 85 km<sup>2</sup> inhabited

- Santa Clara 5 km<sup>2</sup>

<sup>NZ</sup> Kermadec nature reserve  
habitable? plenty rain, wooded, fertile 1450mm/yr

- Raoul 29.1 km<sup>2</sup> 10 workers at weather station

MacLaren 3.09 km<sup>2</sup> Curtis .59 km<sup>2</sup>

Herald .34 km<sup>2</sup> Esperance .05 km<sup>2</sup>

Revilla Gigedo

Socorro 167 km<sup>2</sup>

San Benedicto 6.15 km<sup>2</sup>

Clarion 28.6 km<sup>2</sup> — 345 km West of Socorro

Roca Partida 90m x 45m

<sup>Nor</sup> Peter 140 km<sup>2</sup> annexed 1931 desc. Bellushauer 1819-21

uninhabited

~~St. Helena 128 km<sup>2</sup> pop < 4000~~

St. Paul <sup>US</sup> 7 km<sup>2</sup> uninhabited? pop 250

600mi NE of Brazil

St. Peter + Paul Rocks c. 4 acres

Scott

BRAZIL

Trindade, Uruade 5 km x 2.4

Ascension <sup>UK</sup> lat  $7^{\circ}55'S$ ; long  $14^{\circ}25'W$   
88 km<sup>2</sup> pop 400 almost destitute of vegetation / sea turtles, wild rabbits, goats / for 100 years Brit Naval Station

Baker <sup>US</sup> weather station satellite tracking, Telegraph pop 1400  
2.2 km x .8 km Howland <sup>US</sup> 1.6 x 1.4

Bonnet <sup>Nor</sup> uninhab. guano  
58 km<sup>2</sup>

Crozet <sup>UK</sup> 500 km<sup>2</sup>? small uninhabited

(Pac) 18 mi<sup>2</sup>  
Locos 20 km<sup>2</sup> uninhab

Clipperton 1.6 km<sup>2</sup>

~~Fernando de Noronha 26 km<sup>2</sup> pop 2000~~

Gough <sup>UK</sup> 65 km<sup>2</sup> weather station

Guadeloupe 264 km<sup>2</sup> uninhab. game reservation small garrison

Heard <sup>Aus</sup> 200 km largely covered by ice + glaciers

Jau Mayen <sup>Nor</sup> 380 km<sup>2</sup> not perm. inhabited  
meteorological station

Kerkennah - Tunisia  
population, (1966:) 12,600

Group of islands  
in cen. Mediterranean  
Sea, off E coast  
of Tunisia

F: Ifla - Malta  
(uninhabited)  
size & where

CIA maps,  
Docs PR Ex

3.10/4 M29/6

Worsker's New Geographical Dictionary (1984)

The Columbia - Lippincott's Gazetteer of the World (1961)

9 1019 H205

Gazetteers - SINC REF 6103 .W45 1972

Atlases - SINC - REF 61021 .G6

Consider adding material on Malpelos. (Columbia)

Joe Morgan, Jonathan Gush  
Anna Ramirez

Li-Wa (Lay-Wa)

Tern Island on French Frigate Shoals  
has structures of the Wildlife

Service which are generally occupied by a few people - more or less  
continuously.

Kure & Midway are occupied. { Continental Shelf Commission. }  
↳ occupied by Coast Guard - 16 inhabitants

Midway has several hundred people.

- ① Spratleys?
- ② Rockall
- ③ Islands near Falklands
- ④ Kermadecs
- ⑤ Clavin / Revillagigedo Chain
- ⑥ Cocos / Isla de Malpelo
- ⑦ Ducie
- ⑧ Swan Islands
- ⑨ Bonvet
- ⑩ Crozet
- ⑪ St Peter & St Paul Rocks
- ⑫ Chesterfield Archipelago
- ⑬ Jan Mayen
- ⑭ Plum Pudding etc.
- ⑮ Matthew & Hunter.

Kruzenstern Rock

375 mi SW of Laysan Island