



**JOINT SUBMISSION
TO THE COMMISSION ON THE LIMITS OF THE
CONTINENTAL SHELF BY TUVALU, THE REPUBLIC OF
FRANCE AND NEW ZEALAND (TOKELAU)**

EXECUTIVE SUMMARY

TFT-ES-DOC



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PREFACE

This Executive Summary forms part of the Joint Submission prepared collectively and collaboratively by Tuvalu, the Republic of France and New Zealand (in respect of the non-self-governing Territory of Tokelau).¹

¹ The Joint Submission was prepared by:

Tuvalu: Ministry of Land Use, Office of the Attorney-General, Commonwealth Secretariat (Maritime Boundaries Program, Economic and Legal Section), GeoLimits Consulting.

Republic of France: Secrétariat Général de la Mer (SGMer), L'Institut français de recherche pour l'exploitation de la mer (Ifremer) and, Le Service hydrographique et océanographique de la Marine (SHOM).

New Zealand: Institute of Geological & Nuclear Sciences Ltd and the Ministry of Foreign Affairs and Trade.



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1. Introduction

- 1.1 This Executive Summary forms part of the Submission made by Tuvalu, the French Republic (in respect of the Territory of the Wallis and Futuna Islands) and New Zealand (in respect of the non-self-governing Territory of Tokelau) ('the three coastal States'), pursuant to paragraph 8 of Article 76 of the United Nations Convention on the Law of the Sea, 1982 ('the Convention'), in support of the establishment by the three coastal States of the outer limits of the extended continental shelf that lies beyond 200 nautical miles ('M') from the territorial sea baselines in the region of the Robbie Ridge.
- 1.2 Where the continental shelf extends beyond 200 M from the territorial sea baselines, a coastal State seeking to establish the outer limits of the continental shelf beyond 200 M, is required under paragraph 8 of Article 76 to submit information on such outer limits to the Commission on the Limits of the Continental Shelf ('the Commission'), which makes recommendations to the coastal State concerning the outer limits of the continental shelf consistent with the relevant provisions of Article 76 of the Convention.
- 1.3 As provided for under paragraph 1 of Article 76, the three coastal States have a continental shelf comprising the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the relevant land territory to the outer edge of the continental margin, up to the limits provided for in paragraphs 4 to 6 of Article 76.
- 1.4 The three coastal States are each Contracting Parties to the Convention and have, for the purposes of preparing this Submission, applied the relevant provisions of Article 76 of the Convention, the Rules of Procedure of the Commission on the Limits of the Continental Shelf (CLCS/40/Rev. 1) adopted by the Commission on 17 April 2008 ('Rules of Procedure') and, the Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (CLCS/11) adopted by the Commission on 13 May 1999 ('the Guidelines').
- 1.5 The three coastal States have, for the purposes of this Submission, interpreted all references in Article 76 of the Convention to 'a coastal State', 'the coastal State', 'its territorial sea', 'the territorial sea', and 'its land territory' as applicable to 'the coastal States', 'their territorial seas' and 'their land territories' respectively.

2. Joint Submission

- 2.1 In accordance with paragraph 4 of Annex I to the Rules of Procedure, the three coastal States have agreed to make a joint submission to the Commission in support of the establishment by them of the outer limits of their continental shelf in the region of the Robbie Ridge that lies beyond 200 M from the territorial sea baselines of the three coastal States.
- 2.2 This Submission is therefore of a joint nature, and comprises a single document prepared collaboratively by the three coastal States.



3. Partial Submissions and Preliminary Information

- 3.1 This Submission also represents a partial submission in respect of a portion only of the continental shelf beyond 200M from the territorial sea baselines of two of the three coastal States. In this regard, the French Republic has previously submitted a series of partial submissions for which the Executive Summaries have been duly publicised. New Zealand similarly made a partial submission on 19 April 2006 for its continental shelf ('Submission of the Government of New Zealand to the Commission on the Limits of the Continental Shelf pursuant to Article 76, paragraph 8 of the United Nations Convention on the Law of the Sea'), which was duly publicised.
- 3.2 New Zealand also submitted on 11 May 2009, preliminary information indicative of the outer limits of Tokelau's continental shelf beyond 200 M and a description of the status of preparations and intended date of making a submission. This information was provided without prejudice to the final submission or its consideration by the Commission, and satisfied the time period referred to in Article 4 of Annex II to the Convention consistent with the decision of the eighteenth meeting of States Parties to the Convention held in New York in June 2008 ('SPLOS/183'). The present Joint Submission represents the final submission in respect of the continental shelf of Tokelau beyond 200M of the territorial sea baselines in the west.
- 3.3 The Republic of France also submitted on 8 May 2009, preliminary information indicative of the outer limits of Wallis and Futuna's continental shelf beyond 200 M and a description of the status of preparations and intended date of making a submission. This information was provided without prejudice to the final submission or its consideration by the Commission, and satisfied the time period referred to in Article 4 of Annex II to the Convention consistent with the decision of the eighteenth meeting of States Parties to the Convention held in New York in June 2008 ('SPLOS/183'). The present Joint Submission represents the final submission in respect of the continental shelf of Wallis and Futuna beyond 200 M of the territorial sea baselines in the north.

4. Absence of Disputes

- 4.1 In accordance with paragraph 2 (a) of Annex I of the Rules of Procedure, the three coastal States confirm that the area of continental shelf that forms the basis of the present Submission is not the subject of any dispute between the three coastal States, or with regard to any other State.
- 4.2 The three coastal States have agreed further, pursuant to paragraph 4(a) of Annex I to the Rules of Procedure, to make this Submission in respect of the establishment of the outer limits of the extended continental shelf in the region of Robbie Ridge without prejudice to the delimitation of the extended continental shelf between them. Therefore, the delimitation of the area that is the subject of this joint Submission shall be agreed once the Commission has concluded its consideration of the Joint Submission and after the outer limits of the area concerned have been duly established.



5. Form of Submission, Maps and Tables

5.1 In accordance with Article 1 of Annex III to the Rules of Procedure and paragraphs 9.1.3 to 9.1.6 of the Guidelines, the Submission consists of three parts comprising:

- this Executive Summary (TFT-ES-DOC);
- the Main Body (TFT-MB-DOC); and,
- Supporting scientific and technical data (TFT-SD).

A separate section of this Executive Summary provides a brief outline of the region of continental shelf beyond 200M, including a depiction of the outer limits of the continental shelf determined by the three coastal States.

5.2 Two maps at an appropriate scale are included in this Executive Summary and have been duly supplied as separate A0-size maps. Map 1 (Figure 1: TFT-ES-DOC-MAP 1) depicts the outer limits of the continental shelf showing the outer limit line and area of continental shelf extending beyond 200 M from the territorial sea baseline. Map 2 (Figure 2: TFT-ES-DOC-MAP 2) depicts the outer limits of the continental shelf and the provisions of Article 76 invoked.

5.5 Coordinates of the Article 76 fixed points that define the outer limits of the continental shelf are supplied in Table 1, which lists the fixed points defining the outer limits of the continental shelf of the three coastal States in decimal degrees and specifies the provisions of Article 76 invoked to support the establishment of each fixed point, together with the distance between adjacent points.

6. Provisions of Article 76 Invoked

6.1 The three coastal States invoke paragraphs 3, 4(a)(ii), 5 and 7 of Article 76 of the Convention in support of the determination of the outer limits of the continental shelf included in the Submission, as outlined in Section 8 of this Executive Summary.

7. Geographic, Morphological and Geological Overview

7.1 This Submission concerns the region of the South West Pacific adjacent to the territory of Tuvalu, Tokelau and Wallis and Futuna, which is characterised by a series of seamounts, plateaus, bathymetric elevations, trenches and basins. In this region, the three coastal States share an area of common continental shelf located on the northern side of Robbie Ridge, a bathymetric elevation between 3500 and 4000 m deep. North of Robbie Ridge, the deep ocean floor in the Ellis Basin is 5000 to 5500 m deep.

7.2 The Robbie Ridge is believed to have formed as part of a large igneous province that until 120 Ma also included the Ontong Java, Manihiki and Hikurangi plateaus. This view of large igneous provinces as continental shelf has already been endorsed by the Commission in its recommendations to Australia and France in the case of the Kerguelen Plateau, New Zealand in



the case of the Hikurangi Plateau and Philippines in the case of Benham Rise – features that share many of the characteristics and have the same origin as Robbie Ridge.

- 7.3 *Niulakita Island*, which forms part of the territory of Tuvalu, and the relevant islands of Tokelau (*Atafu*, *Nukunonu* and *Fakaofu*) are coral atolls that formed on top of extinct volcanoes. *Wallis Island*, which forms part of the territory of Wallis and Futuna, is a volcanic island with a fringing reef. The geologic and tectonic history of the region shows that the landmasses of all three coastal states lie on a geological feature with a continuous geological connection to the region of common continental shelf north of Robbie Ridge.
- 7.4 A detailed examination of the geology of the region is presented in the Main Body of the Submission, which includes a discussion that is intended to demonstrate clearly the natural prolongation from the relevant landmass.

8. The Outer Limits of the Continental Shelf

- 8.1 The scientific and technical data submitted by the three coastal States in support of this Submission establishes that the outer edge of the continental margin extends beyond 200 M measured from the territorial sea baselines. Accordingly, the three coastal States have defined the outer limits of the continental shelf by applying the rules of paragraphs 4 to 10 of Article 76 of the Convention.
- 8.2 In accordance with paragraph 7 of Article 76 of the Convention, the three coastal States have established the outer limits of the continental shelf beyond the 200 nautical mile limit by fixed points defined by longitude and latitude coordinates connected by straight lines not exceeding 60 M. In this regard, the three coastal States have used GEOCAP to determine the optimized location of the fixed points on the combined formula and constraint lines in addition to the 200 M of Tokelau, Tuvalu and neighbouring coastal States.
- 8.3 The outer limits of the continental shelf consists of two separate straight line segments drawn in conformity with Article 76 paragraph 7, not exceeding 60 M in length, connecting fixed points, defined by coordinates of latitude and longitude.
- Straight Line Segment 1 is defined by a fixed point located on the 200 M line of Tuvalu and a second fixed point not exceeding 60 M (59.74 M), located on the FOS+60 M line;
 - Straight Line Segment 2 is defined by a fixed point located on the 200 M line of New Zealand (Tokelau) and a second fixed point not exceeding 60 M (59.32 M), located on the FOS+60 M line. The fixed point on the Tokelau 200 M line is located where that limit intersects the 200 M limit for Kiribati.
- 8.4 The three coastal States note in this regard that the configuration of the outer limits of the continental shelf in this Joint Submission does not result in a more extensive area of continental shelf being jointly delineated than the sum of the areas to which the coastal states would be individually entitled.
- 8.5 The list of Article 76 fixed points delineating the outer limits of the continental shelf of the three coastal States is presented in Table 1 below.



Table 1: Table of Fixed Points listing the coordinates for the two straight line segments defining the outer limits of the continental shelf. Both FOS + 60M points are derived from FOS point TFT_FOS_4.

	Fixed Point	Longitude	Latitude	Segment Length (M)	Fixed Point Location
Straight Line Segment 1	TFT_FP_1	-177.2163849	-7.7247696	59.74	Tuvalu 200M
	TFT_FP_2	-176.3416443	-8.2209978		FOS + 60M
Straight Line Segment 2	TFT_FP_3	-175.7987671	-7.7845654	59.32	Tokelau (NZ) 200M
	TFT_FP_4	-176.6644135	-8.2956457		FOS + 60M

9. Commissioners Who Provided Assistance during the Preparation of the Submission

9.1 The three coastal States were assisted in the preparation of this Submission by Walter R. Roest (Netherlands, nominated by France), a serving Member of the Commission (2012-present) and Mr Philip Alexander Symonds, a former Member of the Commission (2002-2012).

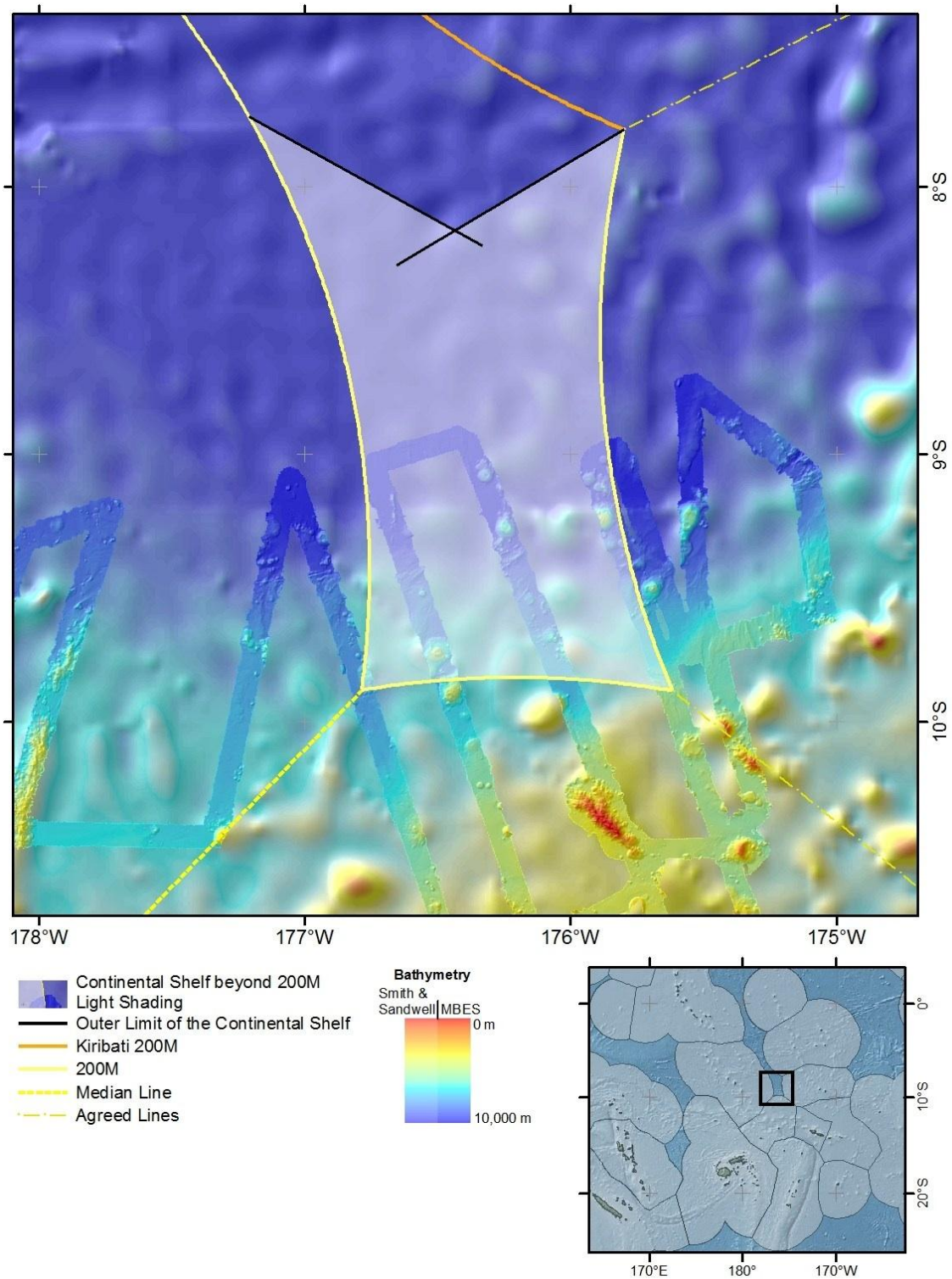


Figure 1: Map illustrating the outer limits of the continental shelf showing the outer limit line and area of continental shelf extending beyond 200M from the territorial sea baseline.

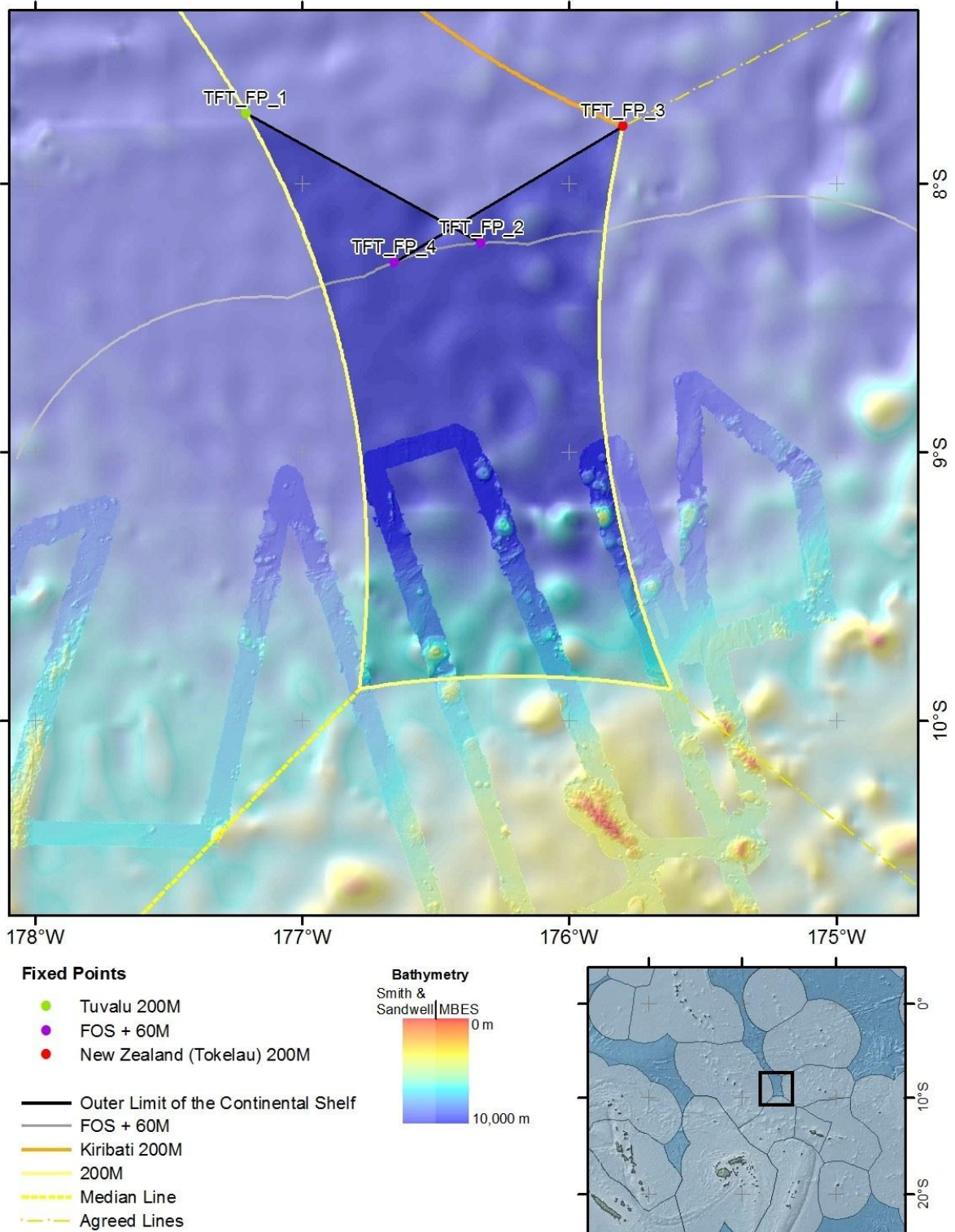


Figure 2: Map illustrating the fixed points of the two straight-line segments defining the outer limits of the continental shelf in addition to the elements used for their construction.