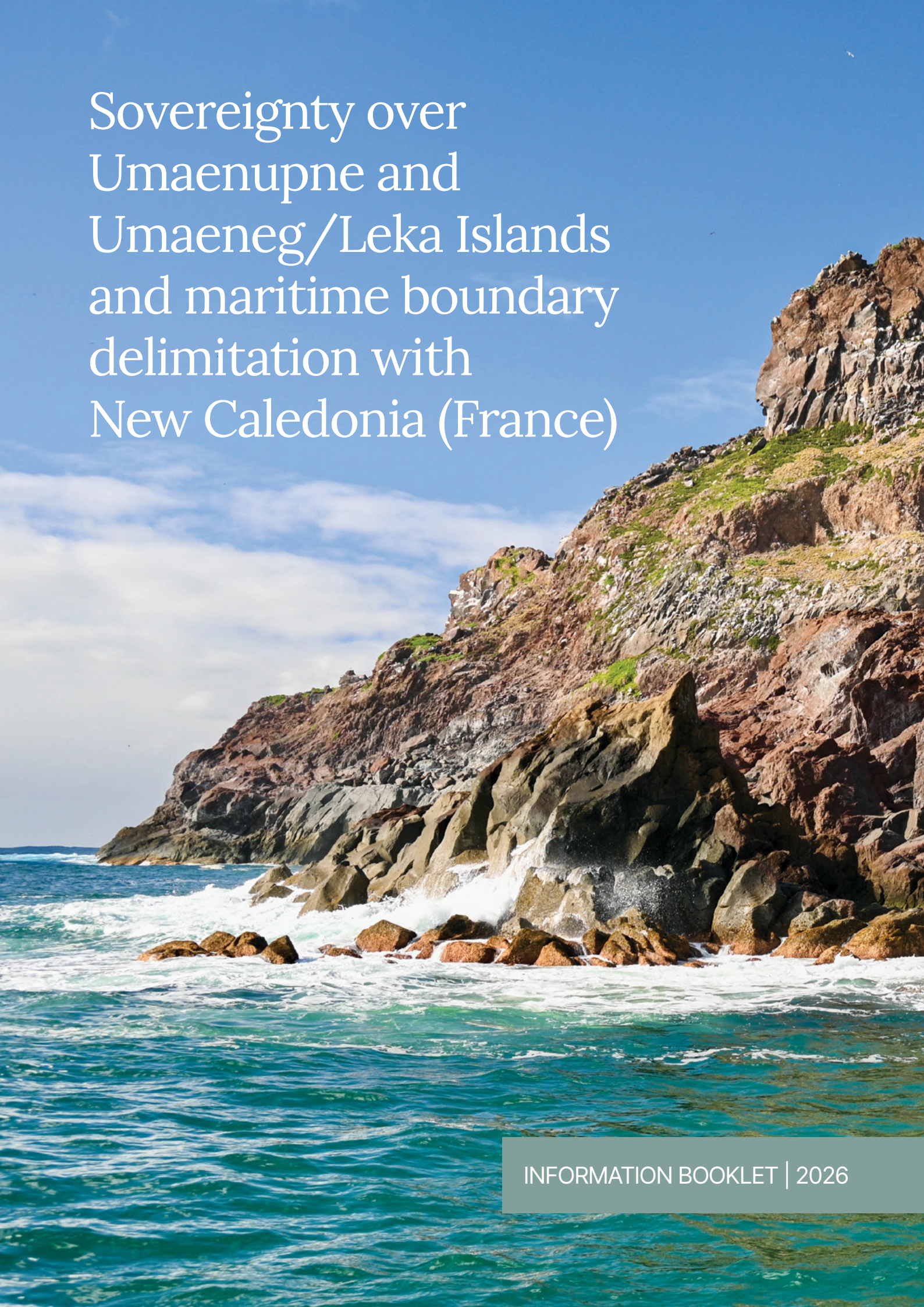




Sovereignty over Umaenupne and Umaeneg/Leka Islands and maritime boundary delimitation with New Caledonia (France)

INFORMATION BOOKLET | 2026

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Message from Prime Minister Jotham Napat

It is my honour to present this information booklet on an issue that goes to the heart of Vanuatu's identity, dignity, and right to self-determination: the recognition of Vanuatu's sovereignty over Umaenupne and Umaeneg/Leka Islands, the delimitation of Vanuatu's permanent maritime boundaries, and the complete decolonisation of our lands.

Vanuatu is a nation of 83 islands spread across the Pacific Ocean. Our people share a strong national identity, shaped by the diverse and unique cultures across our archipelago, and the enduring connections that unite our islands from north to south.

Umaenupne and Umaeneg/Leka, or Matthew and Hunter in English, are two of these islands. Located in the southwest of Vanuatu, these small, volcanic islands have been an integral part of the cultural fabric of Vanuatu for centuries. These islands have been enshrined as part of the territory of Vanuatu in Ni-Vanuatu legislation since the declaration of Vanuatu's independence in 1980.

Since independence, Vanuatu has consistently advocated for international recognition of our sovereignty over these islands, including through domestic legislation, sustained diplomatic engagement and participation in regional and international forums. The Government of Vanuatu is unified in its pursuit of sovereignty and continues to prioritise the finalisation of its maritime boundaries as a matter of national interest.

Talks are now underway between the governments of Vanuatu and France to resolve sovereignty over Umaenupne and Umaeneg/Leka Islands and establish a permanent maritime boundary between Vanuatu and New Caledonia. These talks follow a bilateral meeting in Paris in July 2025 with President of the French Republic, Emmanuel Macron, at which both sides committed to working together to identify an amicable resolution.

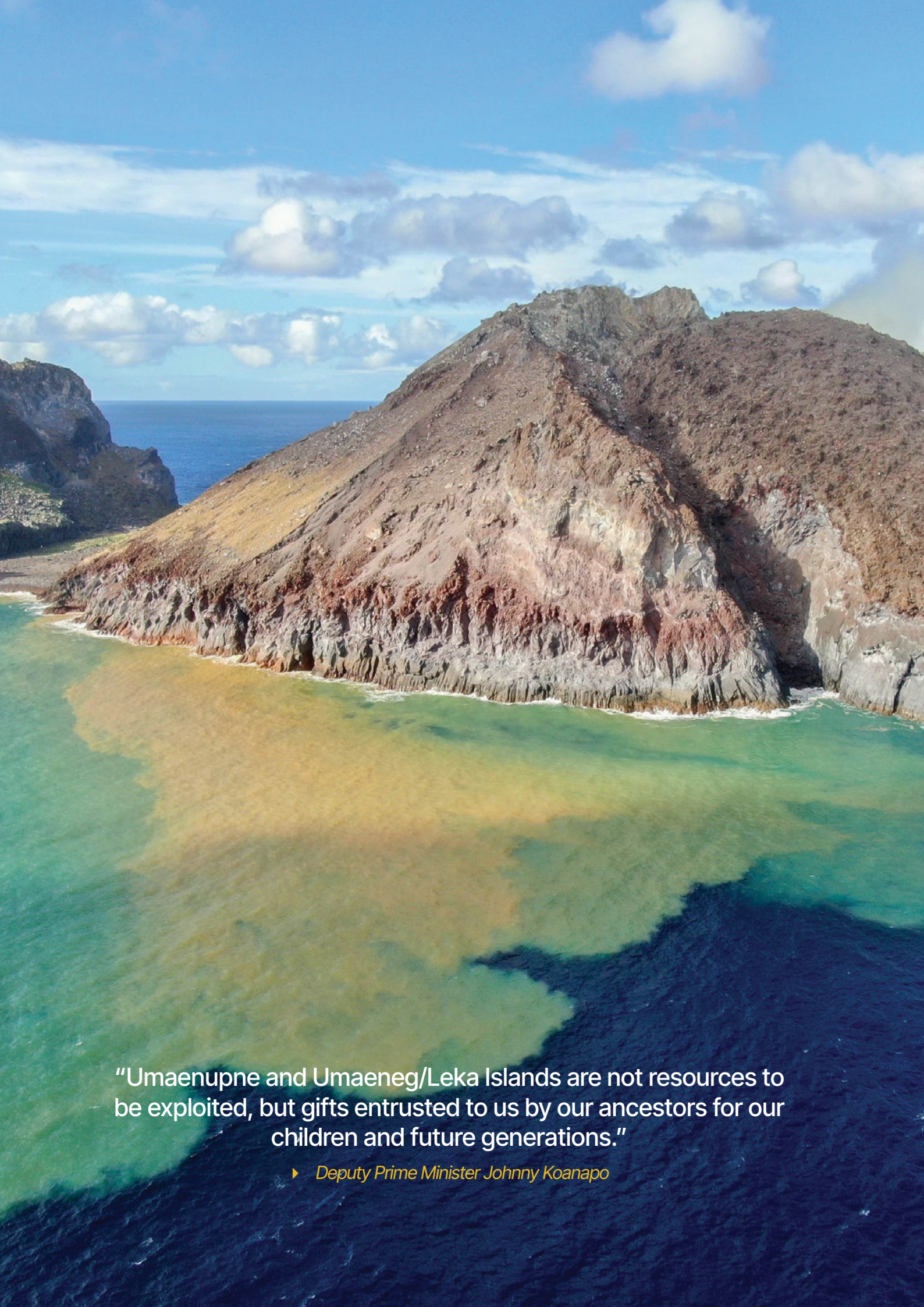
This booklet serves as a record of our ongoing journey to complete independence and correct colonial legacies. It sets out the key aspects of these issues: our history, our connection to the islands, France's wrongful claims, and the international legal framework that supports a resolution.

I encourage government agencies, community leaders, development partners, as well as all Ni-Vanuatu and friends around the world, to read this information booklet and gain an understanding of this issue and its importance and actively support the Government's efforts to secure the acknowledgement of Vanuatu's sovereignty over Umaenupne and Umaeneg/Leka Islands. These islands are not only a matter of law and policy, but of identity and connection for the people of Vanuatu, whose voices, engagement, and collective support are essential to bringing this longstanding chapter of our decolonisation to a just conclusion.



"Since independence we have consistently advocated for international recognition that these islands belong to us."

► *Prime Minister Jotham Napat*



"Umaenupne and Umaeneg/Leka Islands are not resources to be exploited, but gifts entrusted to us by our ancestors for our children and future generations."

► Deputy Prime Minister Johnny Koanapo



Message from Deputy Prime Minister and Lead Negotiator for Maritime Boundary, Sovereignty, and Decolonisation, Johnny Koanapo

"The Hon. Prime Minister Jotham Napat appointed me as Lead Negotiator for Maritime Boundary, Sovereignty and Decolonisation in August 2025, and it is my honour to serve in this role on behalf of the Government and the people of Vanuatu.

In July 2026, Vanuatu celebrates 46 years of independence. However, our fight for independence endures, and will only be complete when we secure sovereignty over our land and our seas. The restoration of sovereignty over Umaenupne and Umaeneg/Leka Islands, together with the finalisation of our permanent maritime boundaries, is integral to that national objective.

Umaenupne and Umaeneg/Leka Islands are deeply sacred to us and intrinsically linked to our cultural identity. Communities across the southern islands of Aneityum, Futuna, and Tanna maintain enduring bloodlines and cultural connections to the islands, reflecting a long and living relationship. These extensive pre-colonial connections extend northward to Erromango and Efate through longstanding networks of trade, kinship and cultural exchange.

Umaenupne and Umaeneg/Leka Islands are not resources to be exploited, but gifts entrusted to us by our ancestors for our children and future generations. As guardians, it is our duty to protect them. We will continue to fight for international recognition that these islands belong to Vanuatu and will never abandon our claim.

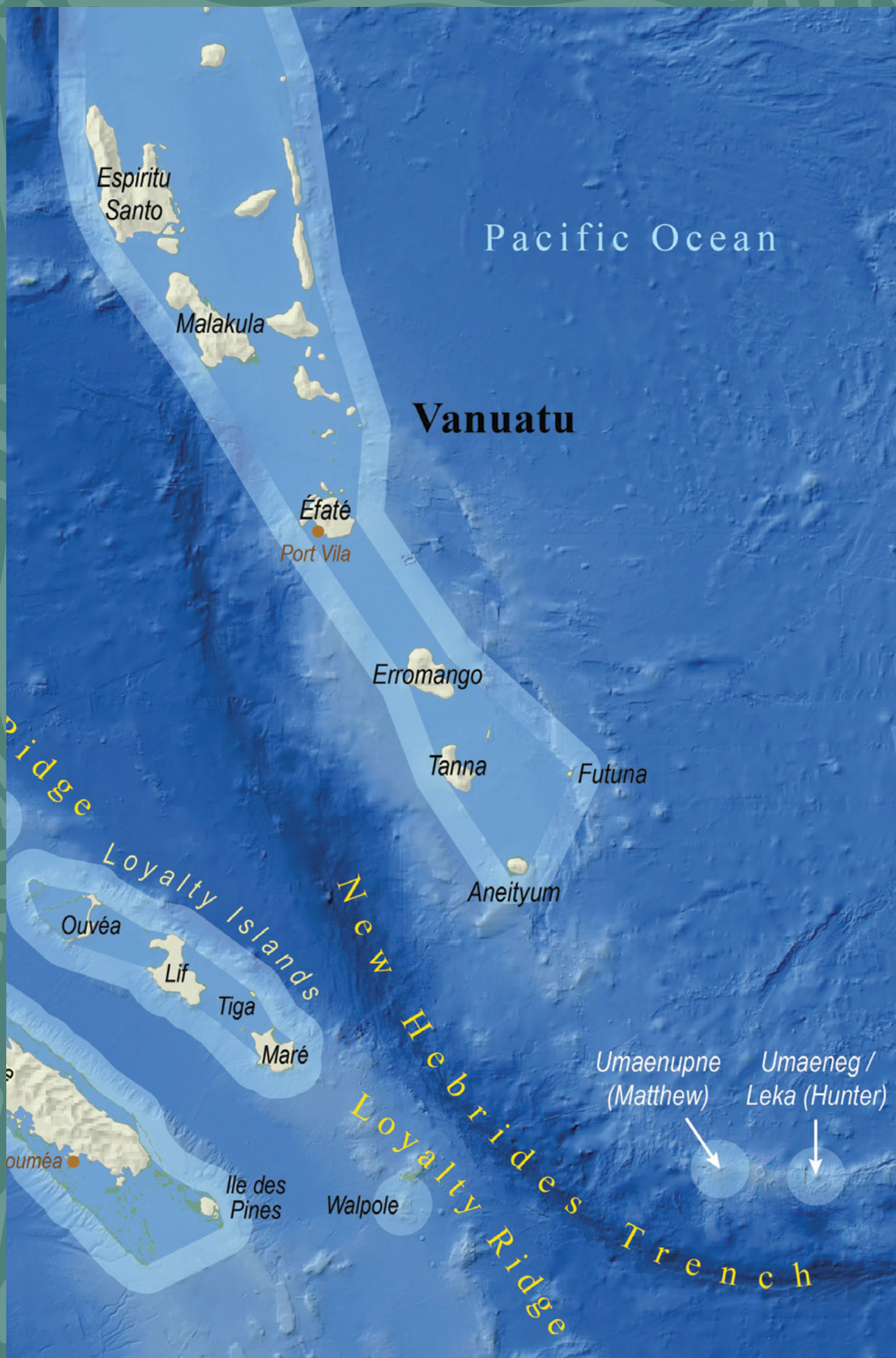
Vanuatu stands firmly in support of the international rules-based order and the peaceful resolution of disputes through international law. In seeking acceptance that Umaenupne and Umaeneg/Leka belong to Vanuatu, we are not departing from that system – we are relying on it, using the very legal processes it provides to assert our rights with dignity and determination in the face of an unresolved colonial legacy.

The principle of self-determination, enshrined in international law and long championed by the United Nations, affirms the right of peoples to freely determine their political status and to exercise authority over their lands and resources without external interference. Sovereignty must therefore be determined to reflect indigenous ties and the right to self-determination, not the legacy of colonial occupation.

Sovereignty is not only a legal concept – it is about identity, dignity, and self-determination. The protection of our territorial integrity is fundamental to our nationhood, ensuring that our people retain authority over our lands and seas, and that our future is determined by our own collective will.

We are confident that resolving these matters will have broader, enduring benefits, fostering regional cooperation and stability both at home and in the region, and enhancing respect for international law.

A just resolution will also create the foundation for a deeper and more constructive partnership between Vanuatu and France, enabling both countries to turn towards new opportunities for cooperation. It will demonstrate that even the most sensitive questions of sovereignty can be addressed through dialogue, mutual respect, and adherence to international law.



Overview

Sovereignty over Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands and the delimitation of maritime boundaries between Vanuatu and New Caledonia (France) is one of the Pacific's remaining legacies of colonisation.

Almost half a century after Vanuatu achieved independence, sovereignty over these islands remains contested between Vanuatu and France, leaving unresolved questions around sovereignty over land and maritime boundaries. For Vanuatu, the dispute is not simply a territorial one; it is part of a broader process to restore territorial integrity and exercise its right to self-determination.

Located approximately 300 kilometres east of Aneityum, Vanuatu's southernmost inhabited island, the two volcanic islands of Umaenupne and Umaeneg/Leka lie at the southern end of Vanuatu and occupy a strategically important position in the South Pacific Ocean.

For Vanuatu, Umaenupne (Matthew) and Umaeneg/Leka (Hunter) are an integral part of its territory, based on geographic continuity, customary governance and longstanding, historic connection and indigenous ownership. The people of Tafea Province - particularly the communities of Aneityum, Tanna, and Futuna - have maintained cultural, spiritual and economic connections with the islands for generations, through their traditional systems of authority, resource management and customary law.

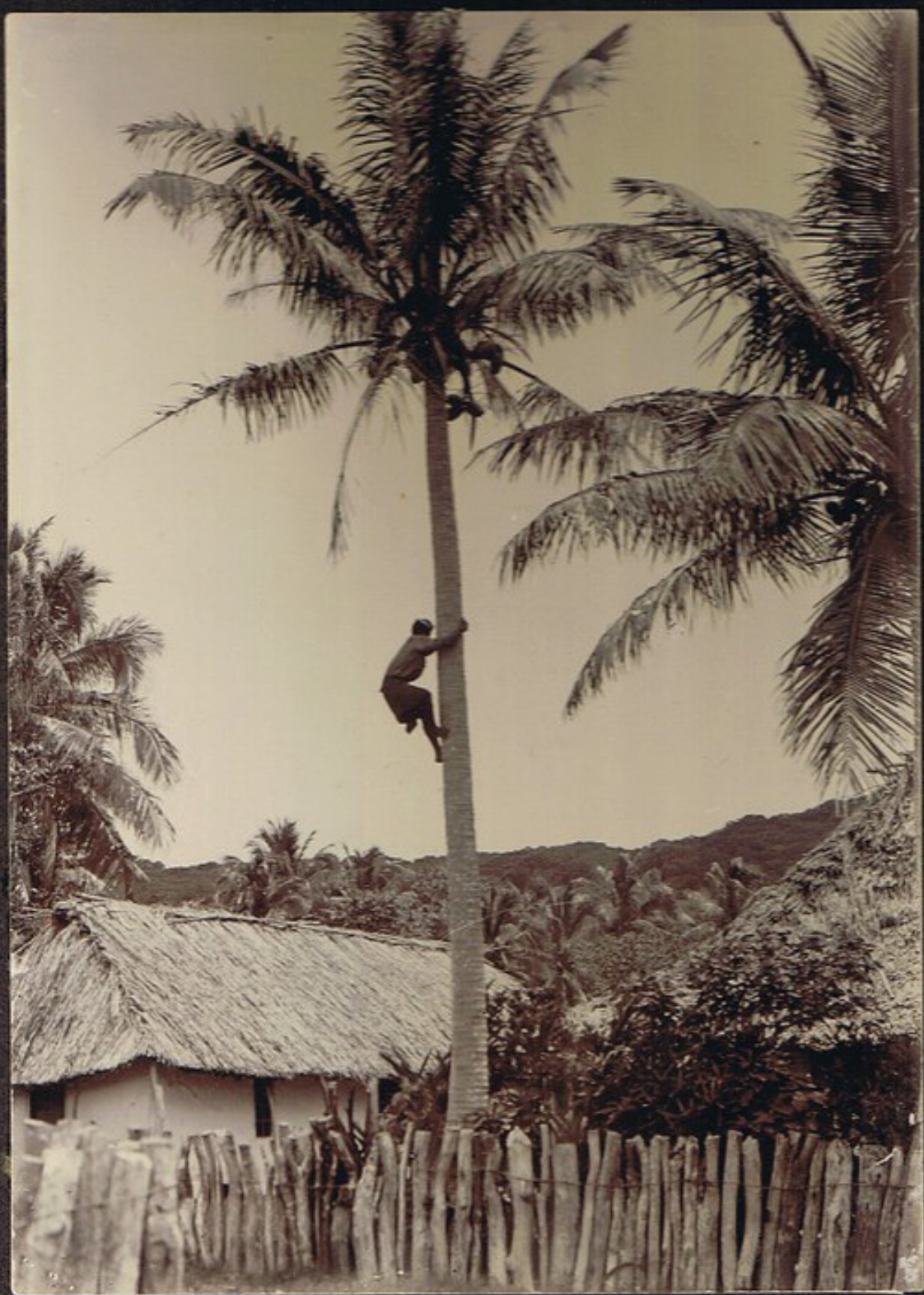
France asserts sovereignty based on nineteenth-century colonial-era actions. As colonial powers, France and the United Kingdom agreed that the islands would belong to France, despite not having the authority to do so, and without consulting the indigenous peoples of the New Hebrides (as Vanuatu was known at the time) nor New Caledonia, particularly the communities of Aneityum, Tanna, and Futuna.

Since independence, Vanuatu has consistently maintained its sovereignty over the islands. Successive governments have treated the issue as a matter of national sovereignty, that sits at the heart of national identity and self-determination.

The dispute has consequences extending beyond the islands themselves. The islands occupy a strategically significant location near important fisheries and maritime routes, making their status relevant to resource management, maritime security, environmental protection, and regional governance.

This information booklet provides an overview of the historical, legal, cultural, and geopolitical dimensions of the dispute. It describes the indigenous connections between the islands and the people of southern Vanuatu, the colonial history that gave rise to competing claims, the implications for maritime boundary delimitation, and the principles of international law relevant to the dispute.

Vanuatu asks for nothing more than what it is entitled to under international law—and what its people have known, in their hearts, for three thousand years.



Climbing a Coconut tree

Vanuatu: geography and history

Vanuatu is an independent, archipelagic country made up of 83 islands that spread across the Pacific Ocean. Vanuatu lies approximately 1,750 kilometres east of Australia, 215 kilometres northeast of New Caledonia, a French-administered territory, and 150 kilometres southeast of the Solomon Islands. Vanuatu's islands are arranged in a Y-shaped chain that traces the eastern limit of the Coral Sea.

The island chain sits upon one of the most geologically active plate boundaries on Earth, the Vanuatu island arc, where the Indo-Australian Plate slips beneath the Pacific Plate along the Vanuatu Trench. Stretching for 1,200 km along the Ring of Fire, which has a maximum depth of seven kilometres and curves around the southernmost reaches of the country, the chain is punctuated by active volcanoes. The same tectonic forces that formed these islands ten million years ago continue to shape them today.

Vanuatu's maritime space encompasses approximately 823,000 square kilometres of ocean, making it more than 60 times larger than the country's land area. For the people of Vanuatu, like many nations in the Pacific, the ocean is the foundation of their Ni-Vanuatu identity, livelihoods and cultural continuity.

A significant proportion of households in Vanuatu depend directly on coastal fisheries for their livelihoods, and fish exports are a major component of the country's goods exports.

► History

Vanuatu was first settled more than 3,000 years ago by Austronesian-speaking Lapita people. These were seafarers whose ancestors originated in Taiwan and navigated outward from island to island, settling along the way. From roughly 2,500 years ago, successive Melanesian (Papuan) migrations from the Bismarck Archipelago followed, but the Austronesian languages endured.

Today, the indigenous people of Vanuatu, known as Ni-Vanuatu, are predominantly Melanesian, and the country holds the remarkable distinction of having the highest linguistic density per capita on Earth: 138 living languages for a population of 350,000.

For millennia, islanders have navigated the waters of the Pacific, sustaining rich systems of custom and connection. Islands were known and named in local dialects, and sea routes were charted through knowledge passed down through generations, linking neighbouring communities and fishing areas. Sailing canoes traversed the seas, connecting people and sustaining a flourishing inter-island trade. Forged over the centuries, these cultural exchanges and networks continue to shape relationships across the Pacific today.

From the 17th century onward, Vanuatu began to encounter European contact. In 1606, Portuguese navigator Pedro Fernandes de Queirós, sailing under the Spanish flag, became the first European to reach the archipelago, landing on the shores of the island he named Tierra Australia del Espíritu Santo. More than a century later, in 1774, English explorer James Cook assigned the archipelago the name 'the New Hebrides'.

By the early nineteenth century, sustained contact with European traders, missionaries and settlers began to disrupt Melanesian life. These early encounters were frequently violent. France and Great Britain became increasingly involved, seeking to protect their citizens' growing commercial interests and settlements in the New Hebrides. In 1887, the two powers agreed to establish a Joint Naval Commission, which conducted disciplinary expeditions against indigenous people defending their land from usurpation by French, British, and Australian colonisers. Simultaneously, Presbyterian missionaries lobbied the British to formalise a colonial administration to protect the sites of their missions from land grabs by French settlers.

In 1906, France and Great Britain established a joint administration, the Anglo-French Condominium. This was later dubbed the 'Pandemonium' for its separate and duplicative residencies, police forces, currencies, legal codes, schools, hospitals and prisons. The two systems converged primarily in the Condominium Joint Court.

Vanuatu's indigenous people had no status within the colonial structure. They were not granted citizenship of either France or Great Britain and were denied political rights. The islands and surrounding waters of the New Hebrides were never ceded to the colonial powers; they were taken.

Rivalry between the two colonial powers fuelled a fragmented and dysfunctional system of governance. Yet, rather than extinguishing indigenous systems, this environment allowed resistance and political organisation to take root, gradually coalescing into a broader movement for independence. Beyond the colonial enclaves, customary systems and culture endured, sustaining communities and preserving deep cultural ties to land and sea. Islanders may have been treated as stateless, but their enduring connection to their ancestral lands was never displaced.

By the 1970s, anti-colonial agitation had gathered force. In 1975, after much lobbying, Melanesian islanders were finally granted seats in a Representative Assembly and participated in the first ever nationwide election. Indigenous political leaders used their newfound political representation to demand independence, driven in large part by the return of lands alienated by colonisation and the protection of customary systems.

The paths of the two colonial powers then diverged. Britain departed willingly, eager to decolonise. France, by contrast, was reluctant to go, fearing that Vanuatu's independence would energise independence movements in New Caledonia and French Polynesia. This divergence contributed to a turbulent and, at times, violent period marked by tensions between Anglophone pro-independence groups and Francophone parties, until a dialogue was brokered to draft a constitution.

That Constitution placed land ownership at its centre. It vested all land in indigenous custom owners, recognised custom as the basis of land ownership, and reserved perpetual ownership for indigenous citizens. Following the victory of Father Walter Lini's pro-independence Vanua'aku Pati in the 1979 elections, the transition to independent rule became inevitable.

The Republic of Vanuatu was proclaimed on 30 July 1980. The name chosen for the new nation was drawn from *vanua*, meaning 'land' in many indigenous languages, and *tu*, 'to stand'—combined to signify that Vanuatu was 'Our Land Forever'. At independence, all freehold land reverted to custom ownership.

From the outset of independence, securing territorial integrity became a top priority for Vanuatu's first government, consistent with broader international developments around the law of the sea and the rights of newly independent nations. Of primary importance was the delimitation of Vanuatu's maritime boundaries, including the return of sovereignty over Umaenupne and Umaeneg/Leka Islands – islands that lie within the natural southern extension of Vanuatu's archipelago, and to which Vanuatu's southern island communities, particularly the peoples of Tafea Province (Aneityum, Futuna, and Tanna), who have maintained cultural and customary connections with these islands for centuries.





► *Vanuatu culture and kastom*

Custom, known locally as kastom, is a living expression of identity, deeply anchored in place. Kastom is a Bislama term far broader than the English 'custom'. It encompasses inherited knowledge, ritual, kinship obligations, dispute resolution, ceremonial exchange, song, dance, navigation, environmental stewardship and spiritual relationships to ancestors and place. Unlike the Western concept of 'tradition', kastom is understood as both ancestral and adaptive, something embodied and enacted, not simply inherited.

Kastom is profoundly local: every island, language group and clan maintains its own kastom, carrying moral weight and shaping relationships between people, ancestors, land, and ocean. Its systems of dispute resolution are fundamentally restorative rather than punitive, reflecting an emphasis on balance and continuity within communities.

Today, kastom continues to shape naming, marriage, fishing rights, sacred sites, grade-taking ceremonies, and the language of moral judgment. Kastom is the deep grammar of Vanuatu life and the underlying structure through which social and cultural life is organised.

This connection between identity and place is also expressed in the Bislama concept of 'ples'. While often translated to the English word 'place', ples carries a deeper cultural meaning connected to identity, ancestry, and belonging. For Ni-Vanuatu, identity is inseparable from ples, which may exist in many forms, such as a stone, a banyan tree, a ceremonial dancing ground, an ancestral burial site, tabu areas for ancestral spirits.

On the island of Tanna, this is captured through the metaphor of the tree (rootedness in soil and ancestry) and the canoe (mobility along established roads of alliance and exchange). Identity is rooted, but can be reproduced through networks of marriage, ceremony and trade between places.

Embedded in kastom is a deep knowledge of the lands and the oceans. Intricate knowledge systems have been developed over many generations to sustainably manage the natural resources that maintain life. Traditional knowledge pervades all aspects of life: every day, people across Vanuatu use their traditional knowledge to forecast weather and climate and to make decisions about how to manage their resources and livelihoods, including for future generations. This knowledge was built up from thousands of years of observing the patterns and cycles of change of plants, animals, and weather.

Across Vanuatu's islands, cultural groups are socially organised around the relationship between people and their local environments into customary governance systems. Governance is intimately bound up with local environments and changing socioeconomic conditions.

Vanuatu operates a hybrid governance system in which customary governance structures operate together with a modern Westminster-style state system. These systems operate alongside each other and frequently overlap in practice.

The Malvatumauri National Council of Chiefs, established under the Constitution, is consulted on all legislation relating to land, tradition, and custom. It comprises Island Councils of Chiefs, which in turn are formed by the local nakamals within the island's customary system.

Customary leaders preside over land disputes, marriages, grade-taking ceremonies and reconciliation. Customary law has continuing legal effect under the Constitution, and most rural disputes are resolved through kastom mediation rather than through the formal courts. Kastom is the everyday system that the people of Vanuatu use to organise our lives, resolve our disputes, manage our resources, and maintain our connection to their land and sea. The customary authority of Vanuatu's southern customary leaders over the waters extending toward Umaenupne and Umaeneg/Leka is part of this living system—a system that the Constitution of Vanuatu recognises, protects, and empowers.

Traditional food and water security

Vanuatu faces many threats, from extreme weather events to earthquakes, volcanic eruptions and tsunamis. Over the millennia, Ni-Vanuatu have responded by creating a body of traditional knowledge around food security that reflects the depth of their adaptation to these islands. Traditional food preservation techniques, knowledge of crop selection, pest control and harvesting tabus not only sustains agricultural production across generations but also helps communities survive natural disasters. Food surpluses are maintained not only by individual households but are shared through traditional reciprocal exchanges during times of scarcity. The suqe customary governance system in the Banks Islands, for example, binds people politically, economically and socially throughout the island group, so that following disasters, communities are able to obtain relief supplies from other islands. This is the mark of a society that has lived with, adapted to and thrived within this environment for over three thousand years.



The Namarawan of Erromango Island

On Erromango in southern Vanuatu, knowledge of place is intimately linked to a clan's standing within the island's social order. A kinship group's namarawan, or origin source, binds them to either 'sea' or 'stone'. The sea people have marine totems; the stone or land people are bound to a particular stone marker. Estimated to have had a population of more than 10,000 at the point of European contact, Erromango's kastom 'roads' mediate interclan relations and connect sea and land clans to a common customary governance system called the simanlou. In addition to their sea or stone totem, each clan maintains unique links with menuc (birds), nei (trees), food crops, nakave (kava) and nu (water), as well as with the spiritual realm in relation to each clan's ancestral land. These totemic relationships confer custodianship obligations, as well as specific identities and symbols used in peacemaking ceremonies. Historical movements of species and individuals across the island and within the wider oceanic neighbourhood via kastom roads are recorded through traditional songs and marked by the naming of land and seascapes. At Potnarvin in the northeast, a traditional story recounts a time when the guardian of the whale, a man named Rungu, failed to complete a customary honour protocol, violating the sacred bond and causing a local tsunami. The transgression of the spiritual bond with nature and place is recounted as a cautionary tale, a reminder that the relationship between people and their environment carries obligations that cannot be neglected without consequence.



The ancient links between southern Melanesia's islands

The distribution of yam varieties across southern Vanuatu and neighbouring islands reflects ancient patterns of mobility, trade and cultural exchange. Oral traditions on Maré Island hold that the source of the highest-quality “true yams” lies in Keamu (Aneityum) and Tanna. Yams were a source of cultural wealth and a prized trade commodity, moving through extensive inter-island networks. On Erromango, whose name means “island of the good yams”, the popular “Maré yam” recalls its origins in the Loyalty Islands, while on Efate the same variety is known as the “Erromango yam”, reflecting its passage through successive centres of exchange. Similar connections are preserved in other crops, including the banana variety wa-Kiamu on Ouvea and Lifou, named for Keamu, and traditions on the Isle of Pines that credit people from Keamu with introducing new fruits and vegetables. Historical accounts and oral traditions also describe voyages linking Futuna, Keamu (Aneityum), Umaenupne (Matthew) and Umaeneg (Hunter) with Maré and Lifou. Umaenupne and Umaeneg served as traditional fishing grounds and important transit points along these sailing routes. The enduring significance of these connections is reflected in place names: the reef passage on Lifou marking the southern end of the route from Keamu remains known in French as le passage de Keamu.



Umaenupne and Umaeneg/Leka (Matthew and Hunter) Islands

► *General overview of the islands*

Two of Vanuatu's 83 islands are Umaenupne and Umaeneg/Leka Islands located in the southeast of Vanuatu's waters.

The name Umaenupne comes from the language of Aneityum, the island with the strongest traditional connection to Umaenupne. According to Aneityumese tradition the name has been interpreted as "House of the Gods" or "Home of the Spirits" and is associated with beliefs that the spirits of the dead travel there or rest there after death. It is where sacrifices are performed to the gods for good weather and bountiful harvests. It is known as Matthew in English. Lying on the western end of the Hunter Ridge, Umaenupne is located roughly 150 nautical miles south-southeast of Aneityum. It is of volcanic origin and shows evidence of several phases of volcanic activity. The island measures approximately 1.2 by 0.8 kilometres, with an area of 0.7 square kilometres and a maximum elevation of 177 metres. It consists of an older volcanic cone in the east, and a more recent crater and lava flow in the northwest.

The island known as Umaeneg, or similar variants in Aneityumese traditions, is known as Leka in the language of Futuna. One traditional interpretation translates Umaeneg as: "Home of the Coconut Tree". The coconut tree is considered in kastom as one of the trees that sustain life. It is referred to as Hunter in English. Umaeneg/Leka lies around 40 nautical miles east of Umaenupne, approximately 178 nautical miles from Aneityum in the southeast. The island is slightly smaller but steeper than Umaenupne, measuring 1 by 0.7 kilometres in size, with a total area of 0.6 square kilometres and a maximum elevation of 297 metres. One of its most distinctive features is a 100-metre deep, steep-sided crater occupying the northwest part of the island, while the summit of its southern cone is filled by a lava dome. The last volcanic eruption on Umaeneg/Leka was in 1903, and the presence of green vegetation suggests an older surface compared to Umaenupne. Like Umaenupne, the island is also currently uninhabited.

Geologically, both islands form part of the same Pacific tectonic plate as Vanuatu's other islands. The New Hebrides Trench, a major subduction zone marking the boundary between the Indo-Australian and Pacific tectonic plates, lies to the immediate south of both islands, curving around its southernmost reach. Like many islands in Vanuatu, Umaenupne and Umaeneg/Leka are of volcanic origin. By contrast, the islands of eastern and northern New Caledonia are mainly coral in nature and are situated on the Indo-Australian plate. Both islands are small, steep-sided volcanic edifices rising sharply from the seabed and lacking extensive fringing reefs. The islands exhibit signs of relatively recent volcanic activity, with their shape and surface features having evolved as a result of volcanic eruptions and associated erosional processes.

Condominium-era scientific records treated the islands as part of the New Hebrides volcanic system. For example, the 1964 publication "Report of the Geological Survey for the period 1959 - 1962" includes a description of both Matthew and Hunter Island in its summary of recorded volcanic activity in the New Hebrides. This is an official

government (Condominium) geological report produced by the New Hebrides Anglo-French Condominium Geological Survey produced for the purpose of mapping and studying the geology of the New Hebrides. This treatment sits within the broader geological reality that the New Hebrides Trench and Pacific Plate place the two islands firmly in Vanuatu's geological system.

The economic significance of Umaenupne and Umaeneg/Leka lies not in the islands themselves but in the maritime zones they generate. Sovereignty over the islands determines the extent of Vanuatu's maritime entitlements, including exclusive economic zone and continental shelf rights over the surrounding areas. These maritime entitlements provide access to a substantial area of ocean, containing valuable tuna fisheries and other marine resources, which are critical for sustainable economic development for Vanuatu.

However, the economic value of the surrounding waters, while significant, is secondary to the cultural significance of the islands for the people of Vanuatu. Vanuatu places far greater value on the enduring cultural relationship between the Ni-Vanuatu people and the islands, forged over centuries of worship, cultural ceremony and sacred rituals.

► *The islands have always been a part of Vanuatu*

Umaenupne and Umaeneg/Leka Islands are of deep cultural and spiritual significance to the people of Vanuatu and have been for millennia. The islands feature prominently in traditional knowledge, oral histories, customary practices, and ancestral connections that have been maintained across generations. They are especially significant to the people of Tanna, Futuna and Aneityum, the southernmost islands that together with Erromango and Aniwa form Tafea Province.

For the people of Tanna and Futuna, the islands are considered to be the dwelling-place of the god Maorijikjik (also known as Majikjiki or Moitikitiki), a figure found across the Pacific and traditionally said to have fished the land out of the sea.

For the people of Aneityum, the islands are revered as the dwelling-place of the god Nemda U Nagesga, used interchangeably with Nagesga Rada which translates to "Power of the Rising Sun." It is believed His power resides in the islands. The sun and moon hold a "distinguished place" among the gods of the province. Offerings are made to them for life and health, and feasts are held in their honour. These spiritual traditions reflect a cosmological connection between the peoples of Tafea Province and the two islands that has endured across generations. These islands have long been, and continue to be, regarded in Aneityumese kastom as falling under the authority of the paramount chief of the south, known by the title matua aeled, who oversees the ritual sacrifices carried out on the island of Umaenupne.

For centuries, the indigenous people of Tafea Province have performed sacred rituals on or in the direction of Umaenupne and Umaeneg/Leka. Even after Christianity became Vanuatu's dominant religion, Umaenupne and Umaeneg/Leka continue to hold deep cultural and spiritual significance. Sacred rituals directed at the islands remain part of the cultural life of these communities today.

Vanuatu possesses a rich and enduring tradition of oral storytelling, through which history, genealogy, and knowledge is preserved and transmitted. Oral history about the two islands is rich and compelling. One account from the traditional folklore of Futuna is the story of "Latta's Stay with the Sun and Moon," which tells the story of a boy lost at sea who "formed a little islet and lived there" until he was helped by the sun and moon, who provided him with taro and kava. This narrative bears strong similarities to stories told by the chiefs of Futuna in relation to Umaenupne and Umaeneg/Leka.

The people of Tafea Province have also traditionally used Umaenupne and Umaeneg/Leka as vital rest stations for fishing canoes travelling between and around the southern islands. The islands are incorporated into the local indigenous systems of governance, resource management, and trade. The people of Tafea Province maintained regular trade networks between the islands, navigating long sea routes and stopping at intermediary points along the way to exchange goods like oranges, mats, and other customary items.

The people of Tafea Province have long maintained an unbroken connection to these sacred islands. In 1983, following French government intervention on the two islands, Chief Ravei Samana of Futuna (the island's representative to the Malvatumauri Council of Chiefs) travelled to Umaeneg/Leka to perform a customary ceremony. In 2013, the late Tuta Fanua'ariki Edward Nipake Natapei expressed the strong view that all customary and indigenous people with historical ties to the islands should continue to visit them and perform all customary and traditional rituals native to their history. These continuing acts of cultural observance demonstrate that the islands remain a living part of Ni-Vanuatu identity, governance, and spiritual life.

► *New Caledonia's Kanaks*

Before colonisation imposed modern political boundaries, people navigated extensively throughout the network of islands across southern Vanuatu and the Loyalty Islands off the coast of New Caledonia. Oral traditions, kinship ties, marriage alliances, ceremonial exchanges, voyaging and trade connected communities across what is now the yet to be formally agreed international boundary between Vanuatu and New Caledonia. The sea was seen as a connector more than a barrier.

These longstanding relationships continue to inform the views of the Indigenous Melanesian population of New Caledonia, the Kanak people. Based on customary knowledge, oral history and shared cultural traditions, Kanak leaders recognise the traditional rights and connections of the people of Vanuatu to Umaenupne and Umaeneg/Leka. They acknowledge that the strongest customary and historical ties to the islands are held by the peoples of Tanna, Aneityum, and Futuna.

In early 2009, the Kanak Customary Senate (Sénat coutumier) declared that, according to customary law, Umaenupne and Umaeneg/Leka belonged to the chieftainships of Tanna.

Later that year, following customary ceremonies held on Tanna in July 2009, representatives of the people of Vanuatu and Kanaky—including chiefs of Tafea Province and members of the Kanak Customary Senate (Sénat coutumier)—signed the Kéamu Declaration. Framed in terms of Melanesian custom and tradition, the declaration affirms that Umaenupne and Umaeneg/Leka fall within the customary boundaries of Vanuatu and acknowledges that the Kanak people have no historical links to the islands. The Kéamu Declaration was described by Kanak and Socialist National Liberation Front (FLNKS) spokesperson Victor Tutugoro as “a solemn commitment between the Kanak people and the people of Vanuatu that, whatever the political and institutional future of New Caledonia, Matthew and Hunter Islands will always remain the property of the people of Vanuatu.”

The significance of this statement extends beyond political solidarity. It reflects a customary understanding that the islands fall within the traditional sphere of influence of southern Vanuatu communities rather than that of New Caledonia. Kanak support is also consistent with broader principles of decolonisation and the right to self-determination, the fundamental belief that colonial powers should not retain territory acquired without the consent of indigenous peoples.

Kanak support of Vanuatu's position is an expression of Melanesian solidarity and a recognition of the historical, cultural, and customary connections that bind the islands to the people of southern Vanuatu. It reflects a shared commitment to decolonisation, indigenous rights, and the just resolution of enduring colonial legacies.





France's claim and the position at law

► *France's claim*

Sovereignty over territory is a fundamental principle of international law and lies at the heart of the modern international legal system. It denotes the exclusive legal authority of a State to exercise control over its people, land, maritime zones, and natural resources.

France maintains a competing sovereignty claim over Umaenupne and Umaeneg/Leka Islands, considering them to be part of New Caledonia.

The dispute surfaced primarily from the actions of an Australian named Bob Paul, who was a planter and aviation pioneer living on Tanna Island in the 1950s and 1960s, when Vanuatu was known as the New Hebrides and jointly administered by both Britain and France.

In 1962, Bob Paul, together with a French resident of New Caledonia, Henri Martinet filed an application to register title to Umaenupne (Matthew) with the Joint Court of the New Hebrides. They claimed private ownership of the island on the basis that they believed it to have no previous owner, was a deserted island, and had never been occupied or inhabited.

The Judges of the Joint Court were unable to determine whether the Court had the power to decide the case because it was unclear to them whether the island was part of the New Hebrides or New Caledonia (and the Joint Court only had jurisdiction over the former). The Joint Court Judges referred the question to the Resident Commissioners, prompting investigations by both the French and British as to who had – notably, unceded – sovereignty of the two islands. Britain undertook investigations within its internal departments, and consulted with France and Australia on the status of the islands. France only undertook limited internal investigations. Significantly, neither of these inquiries, conducted between 1962 and 1965, were able to identify any reliable documentary basis for a French or British claim to the islands.

On 2 March 1965, the French Embassy wrote to the British Foreign Office claiming the islands as French, relying on three foreign publications that identified the islands as part of New Caledonia, the absence of any express mention of the islands in the Condominium Agreements, and their geographical proximity to Walpole Island. Notably, France did not cite a single act of effective occupation: no administrative measures, no official visits, no scientific expeditions, no registrations, no legislative enactments, no displays of governmental authority of any kind, and no evidence of any sovereign intention to possess. Nor did France refer to any consultation with, or acknowledgement of, the rights, interests or views of indigenous peoples of the region, including in both the New Hebrides and New Caledonia.

On 22 November 1965, the Resident Commissioners together wrote to the Joint Court stating: "The islands of Matthew and Hunter are considered by the French Administrative authorities as being attached to New Caledonia. The British Government is content with this view."

► *Vanuatu's competing sovereignty claim*

International law recognises a limited number of methods through which territorial sovereignty may be acquired, including discovery, occupation, cession and prescription. The law governing the acquisition of territory is directly relevant to the sovereignty dispute over Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands because it requires an assessment of whether Umaenupne and Umaeneg/Leka Islands were terra nullius at the relevant time.

The most significant of these modes, for Vanuatu as it challenges France's assertion of sovereignty over Umaenupne and Umaeneg/Leka islands, are (i) the occupation of territory considered to be terra nullius ('land belonging to no-one') and the exercise of effective control (also called *effectivités*); and (ii) title derived from treaty-based cession.

The characterisation of a land as terra nullius depends on whether there was an existing sovereign or a people with a social and political organisation equivalent to sovereignty exercising authority over that land. The people of Vanuatu's Tafea Province – including Tanna, Aneityum and Futuna – maintained sophisticated customary governance structures which were established centuries ago, and survived throughout and beyond colonisation. The people of Tafea Province also maintained deep cultural and traditional ties to the islands for thousands of years. It is therefore in no way accurate to describe the islands as "belonging to no-one."

Related to this is the right of peoples to self-determination, a fundamental principle of customary international law governing the decolonisation of non-self-governing territories. As the ICJ confirmed in the Chagos Advisory Opinion, in 2019, the exercise of that right must be "the expression of the free and genuine will of the people concerned."

This requirement is inseparable from the principle of territorial integrity. States have consistently emphasised that respect for the territorial integrity of a non-self-governing territory is a key element of the exercise of the right to self-determination under international law. The ICJ in the Chagos Advisory Opinion also affirmed that "the peoples of non-self-governing territories are entitled to exercise their right to self-determination in relation to their territory as a whole, the integrity of which must be respected by the administering Power."

Critically, the ICJ confirmed in the Chagos Advisory Opinion that "any detachment by the administering Power of part of a non-self-governing territory, unless based on the freely expressed and genuine will of the people of the territory concerned, is contrary to the right to self-determination." The Court further concluded that the detachment of the Chagos Archipelago from Mauritius did not reflect a "free and genuine expression of the will of the people concerned" and was therefore contrary to international law.

Further, understandings or agreements reached between colonial authorities cannot be substituted for genuine consultation with the indigenous population concerned. The ICJ has stressed that administering Powers are not entitled to rely on assumptions, silence, or limited inquiry in lieu of genuine consultation. Where a colonial or administering Power determines the fate of territory without consulting the affected population, this is contrary to the right to self-determination.

The duty to consult is not merely procedural, but substantive. It reflects the basic proposition that colonial administrations cannot lawfully dispose of territory, redefine boundaries, or attribute sovereignty in ignorance of, or in disregard for, the people of a territory whose rights are directly affected. The 1965 understanding between two colonial powers, made without the consent of the affected indigenous population, cannot remove prior indigenous title or override the right to self-determination.

Further, this determination was reached without any consultation with the indigenous people of the New Hebrides (or New Caledonia), and in particular, without any consultation with the communities of Aneityum, Tanna, and Futuna who maintained the closest ties to the islands.

Britain's own records reflect desk-based exchanges and archival queries rather than any structured and meaningful consultation with affected Ni-Vanuatu communities. There is no evidence that France, which was under an equal obligation as an administering Power to consult the local population, did so. This omission is particularly significant given that both France and Great Britain were fully aware that the New Hebrides was comprised of many different indigenous groups with their own systems of local governance and cultural practices.

Rather than properly investigating the historical and cultural connections between the people of Vanuatu's southern islands and Umaenupne and Umaeneg/Leka, both administering Powers proceeded on unverified assumptions and determined, incorrectly, that the islands were terra nullius and could be attached to New Caledonia.

Instead of consulting the indigenous population or conducting any meaningful investigation, following this decision, France adopted a series of symbolic measures intended to consolidate and defend its claim to the islands.

When Vanuatu became independent in 1980, it considered that the two islands formed part of its territory and that sovereignty over them had never been lawfully transferred to France (New Caledonia).





History of the sovereignty dispute between Vanuatu/France

The first government of the Republic of Vanuatu enshrined sovereignty over Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands in the Maritime Zones Act No 23 of 1981.

Since independence, Vanuatu has consistently sought to engage with France to resolve the status of the islands.

Early efforts focused on clarifying any colonial-era basis for France's claim. The Vanuatu Government also protested any actions that appeared to recognise French sovereignty, including the 1983 France–Fiji maritime boundary delimitation treaty and France's and Fiji's later extended continental shelf submissions. Vanuatu has also continuously objected to French activity around the islands. From 2010, Vanuatu repeatedly proposed bilateral dialogue on sovereignty, maritime boundaries, and access to the islands for Ni-Vanuatu communities, including through United Nations channels and direct correspondence with France.

Those efforts gradually led to renewed engagement: France first confirmed its readiness for high-level discussions in 2014. However, this engagement was limited to maritime boundary delimitation and France was not willing to discuss the matter of sovereignty over Umaenupne and Umaeneg/Leka Islands. Vanuatu and France held maritime boundary negotiations in 2018 and 2019, and throughout that process Vanuatu maintained that the issue of sovereignty could not be detached from maritime boundary delimitation.



In July 2023, President Emmanuel Macron visited Port Vila, becoming the first French President to do so since Charles de Gaulle in 1966. While attending the Melanesian Arts and Cultural Festival at Saralana Park he met with senior leaders from the Government and parliament. When pressed on the issue he conferred with the Kanak leaders of New Caledonia who, without hesitation, confirmed that there was no question that the islands have always belonged to the people of Vanuatu. Immediately after, President Macron confirmed, for the first time, France's willingness to engage on the question of sovereignty over the islands.

In July 2025 Vanuatu's Prime Minister Jotham Napat and Deputy Prime Minister and Lead Negotiator Johnny Koanapo visited Paris to meet President Macron. This led to a formal commitment by the leaders of both countries to commence structured bilateral negotiations addressing both sovereignty over the islands and maritime delimitation, with a view to reaching a peaceful and mutually agreed resolution. A commitment was made that two rounds of negotiations would be held before the end of 2025.

President Macron appointed well-respected diplomat Special Envoy Director, Benoît Guidée, to lead the delegation from Paris.

The first formal negotiation on sovereignty took place in Port Vila in November 2025. Following an opening address by Prime Minister Jotham Napat, Lead Negotiator and Deputy Prime Minister Johnny Koanapo chaired the meeting on behalf of Vanuatu. Customary leaders from the southern islands of Aneityum, Futuna, and Tanna also gave presentations, conveying the significance of the islands and the important role they play in Vanuatu's cultural life.



Post-independence timeline of the sovereignty dispute between Vanuatu and France

1980 Independence	Vanuatu gains independence on 30 July 1980.
1980s Early efforts by the Vanuatu Government to clarify status of the islands	First government of newly independent Republic of Vanuatu legislates its claim to islands through the Maritime Zones Act No 23 of 1981. Vanuatu Government actively objects to France's sovereignty claim and seeks information from France and Britain on how the islands were claimed during the Condominium.
1981 Vanuatu's <i>Maritime Zones Act No 23</i> of 1981 is passed	Affirms sovereignty over its archipelago, including Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands, and provides that the territorial sea is measured from archipelagic baselines and the low-water line of those islands.
19 January 1983 Maritime boundary agreement between France and Fiji	France and Fiji sign a maritime boundary treaty for the delimitation of their maritime boundary which may be considered as implicitly recognising French sovereignty over Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands.
9 and 10 March 1983 Vanuatu Government administrative tour	Vanuatu Government officials and customary leaders conduct an administrative tour of Tafea Province and successfully visit Umaeneg/Leka (Hunter) Island. The delegation performs cultural ceremonies on the island, removes a French plaque on Umaeneg/Leka (Hunter), and raises Vanuatu's flag.
20 April 1983 French removal of Vanuatu's flag	Vanuatu's flag was removed by French authorities.
3 October 1986 Activities related to the disputed islands	Vanuatu writes to French Embassy protesting France's illegal occupation of Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands.
24 April 2009 Recognition of Vanuatu's sovereignty by the indigenous people of New Caledonia	The President of New Caledonia's Customary Senate signs The Kéamu Declaration on behalf of the Kanaky people. The Declaration notes that the Kanak people had no historical linkages to Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands and further declared the two islands to be part of Vanuatu since time immemorial, with cultural and traditional linkages from Tafea Province.
18 June 2010 Vanuatu passes new Maritime Zones Act No. 6 of 2010	Vanuatu passes its Maritime Zones Act No. 6 of 2010, which repealed the Maritime Zones Act No. 23 of 1981. The Act explicitly recognizes that the sovereignty of Vanuatu comprises all islands within the archipelago including Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands.

12 August 2010 Request for dialogue	Vanuatu proposes dialogue with France on sovereignty over Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands. No reply from France was received.
17 November 2010 Request for dialogue	Vanuatu reiterates proposal for dialogue with France.
18 October 2011 Request for dialogue	Vanuatu raises Ni-Vanuatu access to the disputed islands with UN Special Rapporteur on the Rights of Indigenous Peoples.
17 November 2014 Discussion between Vanuatu PM and French official	Vanuatu's Prime Minister Joe Natuman discusses the status of the disputed islands with a French official at the High-Level Dialogue on Climate Change.
5 December 2014 Dialogue	France confirms readiness to discuss the status of the disputed islands.
January 2017 Dialogue	Vanuatu's Prime Minister visits France and discusses the disputed islands with the French Foreign Minister.
9 August 2017 Activities related to the disputed islands	Vanuatu objects to French marine scientific research around the disputed islands.
13 to 14 February 2018 First maritime boundary negotiation between France and Vanuatu	First maritime boundary negotiation between France and Vanuatu. Vanuatu maintains that the issue of sovereignty over the islands cannot be detached from maritime boundaries.
3 April 2018 Activities related to the disputed islands	Vanuatu protests incursion of French naval vessel into its territorial waters.
24 to 25 June 2019 Second maritime boundary negotiation between France and Vanuatu	The second maritime boundary negotiation was held in Brussels, Belgium. Vanuatu reiterated that maritime delimitation could not be divorced from the question of sovereignty.
27 July 2023 Dialogue	French President Emmanuel Macron visits Vanuatu and commits to resolving sovereignty dispute.
23 July 2025 Bilateral discussion on sovereignty and maritime boundaries	President Emmanuel Macron and Vanuatu's Prime Minister Jotham Napat meet in Paris for bilateral discussions on the delimitation of maritime boundaries and express a willingness to pursue an amicable resolution, with a full mandate to negotiate all outstanding issues.
20 to 21 November 2025 First formal negotiation on sovereignty and maritime boundaries	Deputy Prime Minister Johnny Koanapo leads the Vanuatu delegation for the first negotiation in Port Vila, Vanuatu. The parties discuss sovereignty only and agree that discussions on sovereignty and maritime boundaries would occur in parallel during the second negotiation (set for mid-2026).





Overview of the law of maritime boundary delimitation

► *International law of the sea*

International law governs how countries address overlapping claims to the seas that lie between them. Modern international law of the sea was developed to balance two ideas: that countries should have sovereignty and control over the maritime spaces next to their territories and that the ocean is a shared resource that belongs to everyone.

These laws govern and regulate what maritime zones coastal countries can claim, the rights and responsibilities they have in those zones, how marine resources can be exploited and protected, and how disputes over overlapping maritime claims should be resolved.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS), which entered into force in 1994, codifies this legal framework. UNCLOS is the culmination of nine years of negotiations between more than 160 nations and sets out the rules, amongst other things, governing maritime entitlements, maritime boundary delimitation, and the settlement of maritime disputes. It has 172 parties, including both Vanuatu and France.

► *Maritime zones*

A key part of UNCLOS is that it formalised a distance-based methodology to determine maritime entitlements between States. Under UNCLOS, Coastal States are entitled to maritime zones measured from baselines along their coast. Those zones include:

- a territorial sea, which can extend up to 12 nautical miles from the baseline. Generally, these baselines are drawn along the low-water line of the coast, subject to a few exceptions permitted under UNCLOS. Countries have sovereignty over the airspace above the territorial sea. Coastal States have complete control in the territorial sea over activities such as fisheries, trade, and law enforcement, subject only to allowing innocent passage of foreign vessels.
- an exclusive economic zone (EEZ), which can extend up to 200 nautical miles from the baseline. Within their EEZ, countries have the rights to explore, exploit, and conserve living and non-living resources in the water column and continental shelf, and have obligations to protect and preserve the marine environment.
- a continental shelf, which comprises the seabed and subsoil that extends at least 200 nautical miles from the baseline and, in some circumstances, beyond that distance if there is a 'natural prolongation' of the geographical continental shelf up to a maximum of 350 nautical miles, or 100 nautical miles beyond the 2,500-metre isobath (a line connecting ocean depths of 2,500 metres), whichever is more favourable.

► *Maritime entitlements and overlapping claims*

Under international law, a State's land territory generates its maritime entitlements. Therefore, before maritime delimitation can occur, the question of which State has sovereignty over the relevant coast or island must be determined. This principle, often expressed as "the land dominates the sea", is of central importance where disputed islands are said to generate maritime zones or to operate as base points for drawing a delimitation line.

Where the maritime entitlements of neighbouring coastal States overlap, the countries are obligated to delimit the maritime boundary between them. Overlap commonly occurs where opposite coasts are less than 400 nautical miles apart, meaning each State's 200-nautical-mile exclusive economic zone or continental shelf entitlement would extend into the same maritime area. It can also occur where adjacent coasts project into the same sea area.

UNCLOS addresses delimitation of the exclusive economic zone in Article 74 and delimitation of the continental shelf in Article 83. The two provisions are essentially identical. They require delimitation between countries with opposite or adjacent coasts to establish a maritime boundary by agreement based on international law, with the aim being to achieve an equitable solution. An equitable solution does not necessarily mean that the contested maritime space must be divided into equal halves. Rather, the solution reached must be fair and just in the view of the States involved.

International courts and tribunals have developed a standard methodology for delimiting overlapping exclusive economic zones and continental shelves. The modern approach is known as the equidistance/relevant circumstances or "three-stage methodology" which involves (i) drawing a provisional equidistance line, (ii) adjusting it in light of relevant circumstances (such as the location of islands) to achieve equity, and (iii) verifying that the result is not disproportionate.

Until a final agreement is reached, Articles 74 and 83 also require countries, to make every effort, in a spirit of understanding and cooperation, to enter into provisional and practical arrangements during the transitional period, and to avoid actions that could jeopardise or hamper reaching a final agreement. These provisional arrangements are without prejudice and do not affect the final delimitation. This allows countries to cooperate on practical arrangements on matters such as resource management, enforcement, fishing, environmental protection, or hydrocarbon activities while preserving their legal positions on the permanent boundary.

► *Duty to negotiate*

States with overlapping maritime claims have a duty to negotiate in good faith to reach an agreement. This duty requires more than simply exchanging positions. It requires the parties to engage meaningfully and to consider each other's legal rights and interests, and to pursue a boundary agreement consistent with international law. Negotiating in good faith does not mean a State has to abandon its legal position or accept what it views as an inequitable settlement, but it does require a genuine effort to reach agreement.

In practice, maritime boundary negotiations usually involve both legal and technical work. Beyond geographical circumstances, negotiations may also deal with practical issues, including traditional fishing access, marine environmental protection, resource development, navigation, enforcement cooperation, and transitional arrangements.

Negotiations may need to address sovereignty and delimitation together or at least preserve the parties' positions on sovereignty while making without-prejudice arrangements for practical cooperation.

► *Dispute settlement options under UNCLOS*

UNCLOS establishes a framework for the peaceful settlement of disputes when negotiation fails. If negotiation fails to resolve a dispute, a State may seek binding settlement before one of the legal bodies contemplated by Article 287, including the International Court of Justice, the International Tribunal for the Law of the Sea, an arbitral tribunal constituted under Annex VII, or a special arbitral tribunal constituted under Annex VIII. If the parties have not agreed to the same procedure, arbitration under Annex VII operates as the default compulsory procedure.

However, UNCLOS also allows countries to make optional declarations excluding certain categories of disputes from compulsory binding settlement. Article 298 allows a State to exclude, among other matters, disputes relating to maritime boundary delimitations under Articles 15, 74, and 83. Where such a declaration applies,



another State cannot unilaterally compel binding adjudication or arbitration of the excluded maritime boundary dispute under the ordinary compulsory procedures of Part XV.

The Article 298 exception does not eliminate the obligation to negotiate, nor does it authorise unilateral action. In certain circumstances, Article 298 preserves a compulsory conciliation process for maritime delimitation disputes where no agreement has been reached within a reasonable period of time. Conciliation is not the same as binding adjudication. It is a structured process in which an independent conciliation commission helps the parties to reach agreement and may issue non-binding recommendations or a report, but the final boundary still requires agreement between the countries.

France has invoked the exception under Article 298 of UNCLOS excluding maritime boundary delimitation disputes from the Convention's compulsory binding dispute-settlement mechanisms. Therefore, Vanuatu cannot commence a binding dispute resolution procedure on this issue without France's consent. In that respect, France is not alone; Australia too invoked this exclusion, which affected the pathway to resolution with Timor-Leste in their maritime boundary dispute in the Timor Sea.

► *Compulsory conciliation – The Timor-Leste and Australia example*

The experience of Timor-Leste and Australia provides an important and highly instructive example. Timor-Leste, a newly independent State emerging from centuries of Portuguese colonial rule followed by invasion and prolonged occupation by Indonesia, was confronted with the urgent task of securing its sovereignty over its land and seas. Central to that effort was the protection of its entitlement to maritime zones and the associated natural resources in the Timor Sea – resources that were, and remain, critical to the country's capacity for sustainable economic development.

Timor-Leste undertook what has often been described as a “David and Goliath” effort to challenge Australia, a significantly wealthier and more powerful country, to secure a permanent maritime boundary based on international law. Australia had long benefited from provisional arrangements that enabled the exploitation of hydrocarbon resources in disputed areas. Timor-Leste, however, sought to assert its lawful entitlements and bring an end to arrangements that it regarded as inconsistent with its sovereign rights.

Timor-Leste initiated compulsory conciliation proceedings under UNCLOS. This marked the first time that the compulsory conciliation mechanism had been invoked. Unlike adjudication or arbitration, the conciliation process is non-binding and non-adversarial in nature. Yet in this case, it proved to be a highly effective mechanism for narrowing differences, building trust, and bringing the parties to the negotiating table on a principled basis.

The process facilitated a constructive dialogue between the parties and ultimately resulted in an agreement on a permanent maritime boundary within approximately 18 months. The 2018 Australia-Timor-Leste Maritime Boundary Treaty stands as a landmark example of how international legal mechanisms (combined with sustained diplomacy and good faith engagement) can deliver practical and equitable solutions, even in situations characterised by profound asymmetries of power and resources.

Equally importantly, the resolution of the boundary dispute has enabled both Timor-Leste and Australia to move beyond a history of contention and towards a more positive, forward-looking partnership. With the issue of delimitation settled, the two States have been able to focus on cooperation in resource development, economic engagement, and regional stability.

For Vanuatu, the Timor-Leste experience illustrates that even deeply entrenched disputes over sovereignty and maritime boundaries can be addressed in a manner that advances decolonisation objectives, reinforces the authority of international law, and promotes long-term stability and cooperation. It demonstrates, in concrete terms, that smaller States can effectively utilise international legal mechanisms to vindicate their rights, and that negotiated outcomes, grounded in law, can produce durable and mutually beneficial results.

However, there is an important limit when a maritime boundary dispute is linked to an unresolved sovereignty issue over land or islands: Article 298 does not grant a conciliation commission competence over sovereignty disputes (unless the States were to agree). This dispute resolution mechanism, therefore, does not solve the underlying problem of who owns the land. If it is unclear which State has sovereignty over land, a court or tribunal cannot properly draw a maritime boundary without first deciding sovereignty in maritime areas affected by the territory in dispute. This is why sovereignty over Umaenupne and Umaeneg/Leka Islands is closely tied to the maritime boundary between Vanuatu and France.

Cambodia's Compulsory Conciliation

Cambodia has also recently initiated compulsory conciliation proceedings in relation to its maritime boundary dispute with Thailand in the Gulf of Thailand. This dispute concerns overlapping maritime claims in areas containing significant oil and gas resources. On 2 June 2026, the Cambodian government notified Thailand and the UN Secretary-General that it was commencing compulsory conciliation – this is after Thailand terminated the 2001 bilateral memorandum that had provided the framework for maritime boundary negotiations





History of negotiations on maritime boundaries

Vanuatu's experience with delimiting maritime boundaries with its neighbours shows that maritime delimitation in the Pacific involves more than the technical exercise of drawing coordinates. It is also a diplomatic process shaped by history, culture, resource governance, and the need for durable regional relationships.

The diplomatic and cultural approach to relationships and dispute resolution in Melanesia, often called “the Melanesian Way”, emphasises consensus, dialogue, reconciliation, mutual respect, and the preservation of long-term relationships over adversarial confrontation or coercion.

The Pacific Maritime Boundaries Dashboard spearheaded by SPC notes that maritime zones and boundaries “offer economic, social, cultural, and sustainable development opportunities to coastal states around the world”. It also notes that clearly defined maritime zones underpin governance, peace and security, marine conservation, and natural resource management across the Pacific.

For Vanuatu, this broader regional agenda has produced different outcomes with different neighbours: including a binding treaty concluded with Solomon Islands, and the ongoing process of defining maritime boundaries with Fiji.

► *Solomon Islands*

Following more than three decades of negotiations, Vanuatu and Solomon Islands signed a treaty delimiting Vanuatu's northern maritime boundary on 7 October 2016, which entered into force on 3 May 2023. The negotiation and conclusion of the treaty carried significant political weight, reflecting a process shaped by Oceanic diplomacy and kastom legitimacy. The agreement became known as the Mota Lava Treaty because it was signed on Mota Lava Island in Vanuatu at the conclusion of the Torba-Temotu Cultural Arts Festival. After ceremonial dances, feasts and customary exchanges, the Treaty was sealed through kava drinking, betel nut chewing and a pig-killing ceremony. A senior Vanuatu government negotiator explained that the agreement was part of the “unfinished business” of independence, but that the process needed to include a cultural approach that the technical UNCLOS process did not readily accommodate. The same account records the view that UNCLOS prioritised the line, while Vanuatu prioritised the relationship, so that the line would “bridge” rather than divide the two nations.

The signing process also broadened the circle of participation beyond state officials. Chiefs and church representatives led customary rites to obtain permission from the people of Mota Lava to use their land for the State treaty signing. The participation of chiefs, church leaders, provincial communities, and national leaders gave the treaty

public legitimacy among the communities most directly affected by the boundary. This approach helped align international legal form with Melanesian cultural and social practice. For this reason, the Solomon Islands agreement is often cited as an example of how Oceanic diplomacy can support mutually beneficial and politically legitimate outcomes for unresolved Pacific maritime boundaries.

► *Fiji*

Vanuatu's efforts to agree a maritime boundary with Fiji have followed a different path. The process has been complicated by the legacy of the 1983 France-Fiji Maritime Delimitation Agreement.

Concluded shortly after Vanuatu's independence, that agreement adopted Umaeneg/Leka (Hunter) as a base point, thereby implying acceptance of French sovereignty over territory also claimed by Vanuatu. Vanuatu objected to the agreement at the time, and continues to do so. Vanuatu also maintained that the 'without-prejudice' clause in the agreement did not confer any legal rights upon Vanuatu as a non-party and did not cure the practical prejudice caused by reliance on the island for delimitation purposes.

Despite this sticking point, Fiji and Vanuatu have been negotiating their maritime boundaries in other areas since 2012, with the most recent discussions taking place in September 2025. Fiji's broader maritime boundary program is framed around concluding outstanding EEZ agreements and extended continental shelf claims, including a voluntary commitment made at the 2017 UN Ocean Conference to finalise Fiji's maritime boundary issues by 2025. Regional working sessions supported by the Pacific Community and other consortium partners have been central to that process, and Fiji's Ministry of Foreign Affairs has described ongoing engagement with SPC and partners as part of the process through which Fiji concluded maritime boundary agreements with Tuvalu and Solomon Islands while continuing negotiations with Vanuatu and Tonga.

The Vanuatu-Fiji maritime boundary delimitation process also demonstrates how maritime boundary negotiations can be complicated by overlapping continental shelf and seabed claims. In 2012, Vanuatu informed the United Nations that entitlement to a relevant maritime area remained subject to a dispute between Vanuatu and Fiji despite ongoing negotiations. Fiji's own executive summary for its continental shelf submission acknowledged that Fiji continued to work towards finalising remaining overlapping maritime claims with neighbouring coastal States.







The relationship between sovereignty and maritime delimitation

The dispute over sovereignty of Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands has immediate consequences under the law of the sea. The location of any maritime boundary between Vanuatu and France, including rights over the exclusive economic zone, continental shelf, seabed resources and fisheries, is therefore directly dependent on the resolution of the sovereignty question. Vanuatu has continuously acted to protect its position in this regard. In response to France's 2007 submission to the Commission on the Limits of the Continental Shelf for an extended continental shelf south-east of New Caledonia, Vanuatu objected on the basis that the submission had implications for its sovereign rights over Umaenupne and Umaeneg/Leka Islands, and could prejudice Vanuatu's own potential claims. France subsequently requested that the Commission refrain from considering the relevant part of its submission that implicated Umaenupne and Umaeneg/Leka Islands.

Vanuatu has also sought to resolve these matters through dialogue. In 2010, Vanuatu proposed bilateral discussions addressing sovereignty over Umaenupne and Umaeneg/Leka Islands, the delimitation of the maritime boundaries between Vanuatu and New Caledonia, and related matters. This approach is consistent with the international legal framework: where sovereignty and maritime delimitation are intertwined and the appropriate course of action is good faith negotiation directed toward a lawful and equitable settlement.





Resolution – A peaceful Pacific region

Resolving Vanuatu's sovereignty over Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands, together with finalising maritime boundaries between Vanuatu and New Caledonia would deliver profound and enduring benefits for both nations and the wider Pacific region. A resolution would not only bring closure to a longstanding territorial and maritime issue, it would also strengthen regional stability, reinforce international law, and create a foundation for deeper cooperation between Vanuatu and France.

For Vanuatu, internationally recognised sovereignty and clearly defined maritime boundaries would represent the final step in its journey to independence, completing the decolonisation process. It would affirm the legitimacy, continuity, and enduring importance of Ni-Vanuatu culture, identity, and customary connection to land and sea.

The connection between the people of Vanuatu and Umaenupne and Umaeneg/Leka islands is long-standing and established, reflected in customary practice, oral tradition and lived experience across generations. Recognition under international law would not create a new relationship to the islands but formally acknowledge and legitimise a connection that has existed for generations.

At its core, this dispute reflects the legacy of colonisation under which arrangements were often imposed around the world without regard to indigenous systems of belonging. A just and peaceful resolution, grounded in international law and the principle of self-determination, would demonstrate that these colonial legacies can still be addressed constructively and lawfully. Resolution would also provide the legal certainty required to enable appropriate and sustainable ocean governance, strengthening regional cooperation and maritime security in the Pacific.

Beyond the immediate region, it would also open the way for a deeper and more constructive partnership between Vanuatu and France. The two countries already share important strategic interests, including a commitment to addressing climate change.

Vanuatu is widely recognised as one of the most vocal advocates for climate justice and stronger global emissions reduction targets, spearheading the smaller island nations and leading the developing world's drive for greater action through the ICJ Advisory Opinion on Climate Change, heard in The Hague in 2024. In May 2026, the United Nations General Assembly overwhelmingly adopted a resolution welcoming and supporting the ICJ opinion. France was one of the 141 countries to support the resolution.

France likewise positions itself as a leading climate actor, driving the developed world to take greater collective responsibility, notably via the Paris Agreement at COP21 in 2015, but also through promoting renewable energy transition and biodiversity protections.

Vanuatu and France also advocate for greater emphasis on ocean governance and environmental protection in maritime zones, with both countries supporting sustainable fisheries management, marine conservation, and strengthened regional cooperation to address climate impacts on oceans.

Resolving the longstanding matter of island sovereignty and maritime boundaries would remove a lingering point of tension and unlock the potential for a significantly deeper partnership between Vanuatu and France. Rather than remaining a source of historical contention, the issue could become the basis for renewed cooperation, mutual trust, and expanded engagement across the Pacific region.

A successful resolution would also strengthen the rules-based international and regional order by demonstrating that even sensitive sovereignty disputes can be addressed peacefully through negotiation, diplomacy, and international legal mechanisms.

Appendix 1: Glossary of terms

Archipelagic baselines	An archipelagic State under UNCLOS is entitled to use straight archipelagic baselines joining its main islands to measure the breadth of its territorial sea and other zones. Vanuatu is an example of an archipelagic State – waters between Vanuatu’s main islands can be considered archipelagic (and internal) waters under UNCLOS.
Archipelago	A group of islands and interconnecting waters which are so close to each other that they can be considered a single entity, such as Vanuatu.
Baseline	The starting line from which a coastal State measures its maritime zones, including its territorial sea, exclusive economic zone, and continental shelf. The normal baseline is usually the low-water line along the coast, but UNCLOS also permits other types of baselines in certain circumstances, including archipelagic baselines and straight baselines.
Base point	A specific point on a coast, island, or baseline used to construct a maritime boundary, such as an equidistance or median line. The choice of base points can affect where a boundary is drawn, especially where an island is disputed or where neighbouring States’ maritime claims overlap.
Coastal State	A country which has a coast.
Commission on the Limits of the Continental Shelf	A United Nations body established under UNCLOS to review scientific and technical submissions by coastal States seeking to establish the outer limits of their continental shelf beyond 200 nautical miles and up to 350 nautical miles. The Commission makes recommendations on those outer limits, but it does not decide disputes over sovereignty or maritime boundaries between States.
Compulsory Conciliation	Compulsory conciliation is a procedure under UNCLOS (Annex V, Section 2) where a panel of five independent conciliators, known as the Conciliation Commission, assists the parties to try to reach an amicable settlement of their dispute. This procedure can be used in circumstances where no agreement has been reached between neighbouring States and one State has made a declaration excluding the jurisdiction of binding dispute settlement bodies on maritime boundaries, such as France. The Conciliation Commission is empowered to make recommendations, which are non-binding.
Condominium	A system where two or more States jointly administer a territory under agreed rules. In Vanuatu’s history, the New Hebrides Condominium was the arrangement under which France and Great Britain jointly administered the New Hebrides before independence, but the governing agreements limited their powers, conferred no territorial sovereignty on either Power, and required respect for local customs and land rights.
Continental shelf	The continental shelf comprises the seabed and subsoil beneath it. Under UNCLOS, a coastal State is entitled to a continental shelf which extends at least 200 nautical miles from that State’s baseline. In some circumstances, a State can claim an extended continental shelf beyond 200 nautical miles where there is a ‘natural prolongation’ of the shelf.
Custom (or kastom)	Describes the body of traditional knowledge and practices that guide everyday life, identity, and social order in Vanuatu society. It includes traditional customs, values, and ways of life as well as beliefs, knowledge, social rules, rituals, land ownership practices, dispute resolution methods, and cultural ceremonies that have been passed down through generations.
Delimitation	The construction of a maritime boundary between two or more coastal States.



Effective occupation	A way in which a State may establish sovereignty over territory that was legally open to occupation. It requires more than discovery: the State must show an intention to act as sovereign and some actual, peaceful, and continuous exercise of authority over the territory. The level of activity required depends on the nature of the territory, and may be more limited for small, remote, or uninhabited islands.
Equidistance line (or median line)	A continuous line which is equidistant (the halfway point) between two opposite or adjacent coasts. If two States agree to a maritime boundary which follows an equidistance line, every point on that line is the same distance from both States. The line may curve or turn sharply to reflect the two States' coastlines.
Equidistance/relevant circumstances approach or "three-stage methodology"	The modern approach taken by the International Court of Justice (and other major maritime boundary dispute resolution bodies) to determine maritime boundaries for countries with overlapping maritime entitlements. There are three steps to the approach: 1. Construct a provisional 'equidistance line' (or 'median line') half-way between neighbouring coasts, using physical base points along the low-water line of the coasts; 2. Make adjustments for 'relevant circumstances' which may otherwise have a distorting effect, such as the presence of islands (less significant islands may be given less, or even no, weight), or the concavity of the coasts (so that the concavity does not 'pinch' or 'cut off' another State's maritime area); and 3. Apply a 'non-disproportionality' test to ensure an equitable solution has been reached. This involves comparing the ratios of the respective delimited maritime areas and the lengths of each State's coastline.
Exclusive economic zone (EEZ)	The exclusive economic zone extends up to 200 nautical miles from a coastal State's baselines. Within a coastal State's own zone, it has exclusive rights to exploit living and non-living resources in the seabed, subsoil and water column.
International Court of Justice (ICJ)	The principal court of the United Nations, also commonly known as the 'World Court'. Only States can be parties to ICJ contentious cases. States and international organisations can be parties to ICJ advisory proceedings. UNCLOS gives the ICJ jurisdiction to hear maritime boundary disputes between States. The ICJ is located at The Hague in the Netherlands.

International Tribunal for the Law of the Sea (ITLOS)	ITLOS is a tribunal established to resolve disputes arising under UNCLOS, including maritime boundary disputes. ITLOS is located in Hamburg, Germany.
Kastom	See Custom.
Low-water line	Where the sea meets the land at low tide. The low-water line is used as the normal baseline for measuring maritime zones.
Maritime boundary	Coastal States are entitled to define, where necessary by agreement, the extent of their sovereign rights at sea in accordance with international law. UNCLOS recognises different kinds of maritime zones and different rights that apply in those zones, such as the territorial sea (close to the coastline), the exclusive economic zone (which extends up to 200 nautical miles from the coastline), and the continental shelf (which underlies the exclusive economic zone and may extend beyond the exclusive economic zone in certain circumstances). Each State may exercise full sovereignty over its territorial sea and sovereign rights beyond the territorial sea up to its maritime boundary.
Nautical mile	A unit of measurement used at sea. An international nautical mile is equal to 1,852 metres. A coastal State's exclusive economic zone may extend up to 200 nautical miles from its baseline.
Seabed	The ocean floor or the ground under the sea.
Self-determination	The right of a people to determine their political status and pursue their economic, social and cultural development. In the decolonisation context, self-determination requires the freely expressed and genuine will of the people concerned, and any territorial separation by an administering Power must be based on that will.
Sign (a treaty)	State representatives may sign the text of a treaty to indicate their State's intention to be bound by that treaty's obligations. For most States, there is a further requirement that a treaty is ratified (given formal consent by the State), before the treaty becomes law.
Sovereignty	The legal authority of a State to govern a territory and exercise rights over it, subject to international law, free from external interference. The question of sovereignty over Umaenupne (Matthew) and Umaeneg/Leka (Hunter) Islands means which State has lawful authority over the islands and the sovereign rights that may flow from them.
Terra nullius	A Latin term meaning "land belonging to no one". In international law, it describes territory that was considered open to acquisition by a State through occupation because it did not belong to any State or organised people at the relevant time. Modern international law treats the concept narrowly, particularly where indigenous peoples had social and political organisation and connections to the land.
Territorial sea	The territorial sea extends up to 12 nautical miles from a coastal State's baselines (which are generally drawn along the low-water line of the coast). Coastal States have sovereignty over the airspace above their territorial sea, and over the water column, seabed and subsoil below.
Treaty	A formal and legally binding agreement between two or more States.
United Nations Convention on the Law of the Sea (UNCLOS)	The main international agreement relating to the law of the sea. UNCLOS was finalised in 1982 and has been in force since 1994. UNCLOS is one of the world's most widely signed and ratified treaties.

Appendix 2: Useful Resources

► *Treaties*

United Nations Convention on the Law of the Sea (1982) http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

Agreement between the Government of the Republic of France and the Government of Fiji relating to the delimitation of their economic zone (19 January 1983)

<https://faolex.fao.org/docs/pdf/bi-21358.pdf>.

Treaty between the Solomon Islands and the Republic of Vanuatu concerning their Maritime Boundaries (7 October 2016)

<https://treaties.un.org/doc/Publication/UNTS/No%20Volume/57952/Part/I-57952-080000028062b561.pdf>.

► *Legal Resources*

United Nations Division for Ocean Affairs and the Law of the Sea <http://www.un.org/Depts/los/index.htm>

International Tribunal for the Law of the Sea <https://www.itlos.org/en/top/home>

United Nations Maritime Space Database <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/index.htm>

Vanuatu Maritime Zones Act No. 6 of 2010

<https://faolex.fao.org/docs/pdf/van99597.pdf>.

Decree No. 2002-827 of 3 May 2002, Decree defining straight baselines and closing lines of bays used to determine the baselines from which the breadth of French territorial waters adjacent to New Caledonia is measured, https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000230256?page=1&pageSize=10&query=2002-827&searchField=ALL&searchType=ALL&tab_selection=all&typePagination=DEFAULT.

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