The Status of Clipperton Atoll Under International Law, and the Right to Fish in Its Surrounding Waters

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Introduction.

Remote and tiny Clipperton Atoll is 1,120 kilometers southwest of Mexico.[1] Its land area forms a circle with an average width of about 200 meters and a circumference of about 12 kilometers, making up about 1.6 square kilometers of land area. If its stagnant brackish-water interior lagoon is also included it measures about six square kilometers, 12 times larger than the size of The Mall in Washington, D.C.[2] The Atoll had been located earlier by Spanish navigators, but was named after the English pirate John Clipperton who was said to have hidden there in 1705 with 21 other mutineers.[3]

The French claim of sovereignty over Clipperton is based on a visit to the atoll in November 1858 by the merchant ship *L'Amiral*, operated by a French shipowner named Lockhart and carrying the French Lieutenant Victor le Coat de Kerveguen who was authorized by Napoleon III to assert sovereignty over guano islands.[4] The crew landed, after considerable difficulty, in a small boat, sampled the guano deposits (finding that they were not rich in phosphates), and left no permanent plaque on shore. When *L'Amiral* arrived in Honolulu, Hawaii the next month, its crew published a

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[1]U.S. Central Intelligence Agency, *Clipperton Island* in THE WORLD FACTBOOK, <http://www.cia.gov/cia/publications/factbook/geos/ip.html> (site visited May 9, 2006).

[2] *Id.*

[3] PACIFIC ISLANDS YEAR BOOK 59 (John Carter ed., 14th ed. 1981).

[4] Sachet, *Histoire de l'Ile de Clipperton*, 2 CAHIERS DU PACIFIQUE 1, 6-8 (1959?)

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two-square-inch advertisement in the newspaper of the Kingdom of Hawaii – *The Polynesian* – proclaiming "that from this day the full sovereignty of Clipperton Island belongs to His Majesty the Ermperor Napoleon III, his heirs and successors in perpetuity."[5] No other public recordation of France's claim was ever made. Because of the poor quality of the guano, as well as the landing and loading difficulties made by the reef, neither Lockhart nor any other French citizen ever used the atoll[6] and no record exists of any French activity on or near Clipperton for another 39 years, until 1897.

The French took a renewed interest when they learned that a U.S. company was removing guano from Clipperton and that a British company had been granted a concession to remove guano from Clipperton by the Mexican government.[7] Mexico claimed the atoll based on historic links traced back to earlier Spanish explorers. After a series of diplomatic exchanges, Mexico and France agreed in 1907 to arbitrate their dispute over the atoll and selected King Victor Emmanuel III of Italy to be arbitrator in their compromis of 1909.[8] Victor Emmanuel did not issue his opinion until 1931, rejecting Mexico's claims of earlier discovery and the view that France had abandoned its claim based on nonuse and inattention to the atoll, and he awarded the atoll to France based on

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[5] THE POLYNESIAN, Dec. 18, 1858, at 2.

[6] Sachet, *supra* note –, at 8-9.

[7] Jon Van Dyke and Robert A. Brooks, *Uninhabited Islands and the Ocean's Resources: The Clipperton Island Case*, in Law of the Sea: State Practice in Zones of Special Jurisdiction 351, 359-60 (Law of the Sea Institute, Thomas A. Clingan Jr. ed., 1982).

[8] Convention en vue de regler, par la voie de l'arbitrage, le desaccord au sujet de al souverainte de l'ile de Clipperton, signee a Mexico, le 2 mars 1909, *reprinted in* 5 G. MARTENS, NOUVEAU RECEUIL GENERAL DE TRAITES 8-9 (3rd ser. 1912); English translation in G. IRELAND, BOUNDARIES, POSSESSIONS, AND CONFLICTS IN CENTRAL AND NORTH AMERICA AND THE CARIBBEAN 320 (1971), and in 26 AMERICAN JOURNAL OF INTERNATIONAL LAW 390-91 n. 2 (1932).

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its "discovery" of the feature 1858.[9] The opinion explained that something more than mere discovery is normally required to establish ownership, and that typically "effective occupation" will also be necessary, which occurs "when the state establishes in the territory itself an organization capable of making its laws respected."[10] "Effective occupation" usually requires a presence in the territory and some exercise of sovereign authority, but the arbitrator determined that for uninhabited islets these requirements are reduced. All that is necessary is that "from the first moment when the occupying State makes its appearance there, the territory is "at the absolute and undisputed disposition of that state."[11] Although U.S. citizens had subsequently removed guano from the atoll and British citizens were seeking a concession from Mexico to do the same, the arbitrator concluded that these actions had not dislodged the superior French claim based on earlier formal announcement of its claim, done "in a clear and precise manner."[12] This decision is sometimes viewed as departing in some respects from the 1928 arbitral ruling in *The Island of Palmas Case*,[13] and from decisions on sovereignty disputes that came later,[14] because it focused on the moment of

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[9] *Arbitral Award of His Majesty the King of Italy on the Subject of the Difference Relative to the Sovereignty over Clipperton Island (France v. Mexico),* Jan. 28, 1931, 26 AMERICAN JOURNAL OF INTERNATIONAL LAW 390 (1932).

[10] *Id.* at 394.

[11] *Id.*

[12] *Id.* at 393.

[13] *The Arbitral Award Rendered in Conformity with the Special Agreement Concluded on January 23, 1925 Between the United States of America and the Netherlands Relating to the Arbitration of Differences Respecting Sovereignty over the Island of Palmas (or Miangas),* 2 R.I.A.A. 829 (April 4, 1928), *reprinted* in 22 AMERICAN JOURNAL OF INTERNATIONAL LAW 867, 909 (1928) [hereafter cited as *Palmas Arbitration*].

[14] *See, e.g., Legal Status of Eastern Greenland (Denmark v. Norway)*, 1933 P.C.I.J., Ser. A/B, No. 53, at 22, 75; *Minquiers and Ecrehos Case (France/United Kingdom),* 1953 I.C.J. 47; *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras; Nicaragua intervening),* 1992

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discovery rather than requiring continuous displays of sovereignty ("effective occupation") on the islet. In *Palmas*, for instance, Spain's "discovery" of the disputed island did not confer title because it was not acompanied by any subsequent occupation or attempts to exercise sovereignty. These differences may result from the fact that Clipperton was uninhabited, and was determined by the Emperor to be "*territorium nullius*,"[15] and therefore susceptible to "discovery," in contrast to Palmas, which was inhabited, and was therefore not *terra nullius*.

Does International Law Support France's Claim to an Exclusive Economic Zone Around Clipperton?

France claimed an exclusive economic zone (EEZ) around Clipperton on February 12, 1978,[16] but did not take any steps to patrol the area around the atoll or prohibit the ships of other countries from fishing around it until very recently. Is France's assertion of exclusive jurisdiction over a 200-nautical-mile EEZ around Clipperton justified?

The Language in the Law of the Sea Convention. Article 121(3) of the 1982 United Nations Law of the Sea Convention[17] says that "rocks" that "cannot sustain human habitation or economic life of their own" are entitled to a 12-nautical-mile territorial sea, but not an exclusive

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I.C.J. 351, 606-09, paras. 415-20 [hereafter cited as *Gulf of Fonseca Case*]; *Sovereignty over Pulau Ligitan and Pulau Sipadan* (*Indonesia v. Malaysia)*, I.C.J. (Dec. 17, 2002).

[15] 26 AMERICAN JOURNAL OF INTERNATIONAL LAW at 393.

[16] *See* Krueger and Nordquist, *The Evolution of the 200-Mile Exclusive Economic Zone: State Practice in the Pacific Basin,* 19 VIRGINIA JOURNAL OF INTERNATIONAL LAW 3, 341 (1979) (*citing* an announcement in the personal files of the authors claiming EEZs around the Kerguelen Islands, New Caledonia, French Polynesia, the Southern French Territories, Wallis and Futuna Islands, Tromelin Island, the Glorieuses Archipelago, Juan de Nova, the Europa Basses, the India and Clipperton Islands).

[17] United Nations Convention on the Law of the Sea, Dec. 10, 1982, U.N. Doc. A/CONF.62/122, *reprinted in* 21 I.L.M. 1261 (1982) *and The Law of the Sea: Official Text of the United Nations Convention on the Law of the Sea with Annexes and Index*, UN Sales No. E.83.V.5 (1983).

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economic zone or a continental shelf. The terms in this provision are not defined elsewhere in the Convention, and commentators have debated whether a geological feature must literally be a "rock" to be denied an EEZ or continental shelf or whether all features that "cannot sustain human habitation or economic life of their own" are in this category.[18]

Historical Background to the Language in Article 121(3). The 1930 League of Nations Codification Conference at The Hague did not produce a treaty, but the language it developed was widely viewed as codifying the customary international law of the time. Its Final Act included a report of Subcommittee II of the Second Committee that contained language saying: "Every island has its own territorial sea. An island is an area of land, which is permanently above high-water mark."[19] The French delegate at this conference, B. Gidel, an authority on the law of the sea, expressed concern about this definition and proposed an alternative that required an island to have the natural conditions that permit a stable community of organized humans: "Une ile est une elevation naturelle du sol maritime qui, entouree par l'eau, se trouve d'une maniere permanente au-dessus de la maree haute et dont les conditions

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[18] *See, e.g.,* Jon M. Van Dyke and Robert A. Brooks, *Uninhabited Islands: Their Impact on the Ownership of the Oceans' Resources,* 12 OCEAN DEVELOPMENT & INTERNATIONAL LAW 265-300 (1983); MARK J. VALENCIA, JON M. VAN DYKE, AND NOEL A. LUDWIG, SHARING THE RESOURCES OF THE SOUTH CHINA SEA 41-45 (1997); Jon M. Van Dyke, Joseph R. Morgan, and Jonathan Gurish, *The Exclusive Economic Zone of the Northwestern Hawaiian Islands: When Do Uninhabited Islands Generate an EEZ,* 25 SAN DIEGO L. REV. 425 (1988); Barbara Kwiatkowska and Alfred H.A. Soons, *Entitlement to Maritime Areas of Rocks Which Cannot Sustain Human Habitation or Economic Life of Their Own*, 21 NETHERLANDS YEARBOOK OF INTERNATIONAL LAW 153 (1990); Jonathan I. Charney, *Rocks That Cannot Sustain Human Habitation*, 93 AMERICAN JOURNAL OF INTERNATIONAL LAW 863 (1999).

[19] League of Nations, 3 Acts of the Conference for the Codification of International Law 219 (League of Nations Doc. No. C.230.M.117.1930.V).

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naturelle permettent la residence stable de groupes humaine organises."[20]

Georges Scelle, the French delegate at the First United Nations Conference on the Law of the Sea in Geneva in 1958 also expressed concern about the broad definition being utilized for islands, noting that "the [International Law] Commission's decision incalculably diminished the freedom of the high seas, for the smallest rock, the merest patch of sand, might be the culminating point of a huge submarine plateau."[21] This concern became more focused when the value of seabed resources became more clear, and Ambassador Arvid Pardo warned against defining islands in a manner that would reduce the shared areas of the sea:

> It is entirely unacceptable that the Continental Shelf doctrine should apply without modification to rocks and remote and uninhabited islands. The justification for the Continental Shelf doctrine is based on the test of equity and reasonableness; it is just and reasonable that a coastal state should exercise national jurisdiction and seek exclusive rights to resources situated on the seabed adjacent to this coast, but where not only no state, but no population exists, basis for the doctrine is lacking.[22]

Concern Regarding the Impact of Small Insular Structures on the Common Resources of the Sea. Many participants in the discussions that led to the ambiguous language

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[20] B. Gidel, 3 Le Droit International Public de la Mer 684 (1934). This language has been translated to read: "An island is a natural elevation of the sea-bed, surrounded by water, which is above water at high-tide and the natural conditions of which permit the stable residence of organized groups of human beings." ALFRED SOONS, ARTIFICIAL ISLANDS AND INSTALLATIONS IN INTERNATIONAL LAW 17 (Law of the Sea Institute Occasional Paper No. 22, 1974).

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[22] Arvid Pardo, *An International Regime for the Deep Sea-Bed: Developing Law or Developing Anarchy?* 5 TEXAS INTERNATIONAL LAW FORUM 205, 210 (1970). *See also* Declaration of Mr. Pardo (Malta), 57th Session of the Seabed Committee, U.N. Doc. A/Ac.138/S.R.57, at 167 ("If a 200 mile limit of jurisdiction could be founded on the possession of uninhabited, remote or very small islands, the effectiveness of international administration of ocean space beyond national jurisdiction would be gravely impaired.").

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in Article 121(3) have expressed concerns regarding the impact that small insular structures could have on the shared areas of the oceans. Hodgson, for instance, wrote that:

> A 200-mile boundary about Clipperton or Ascension, for example, allocates to each approximately 125,000 square miles of seabed. Do they warrant such great areas with the corresponding reduction in the international zone? The uninhabitable rocks may or may not deserve one-eighth of a million square miles of seabed...[23]

Northcutt Ely agreed that uninhabited islets claimed by distant absentee landlords should not be able to generate extended maritime zones: "If an island is too small or insignificant to have attracted its owner's national resources, in terms of population and investments, it is too small to serve as a baseline" for ocean space.[24]

"Rock" Geographers and geologists define the word "rock" as a solid geological structure composed of rocky material without any accompanying land. But this limiting definition is not the definition that applies to the word "rock" in Article 121(3). Hodgson and Smith noted that "it is fairly obvious that 'rock' is intended to refer to a small-sized island."[25]

Capable of Sustaining Human Habitation or an Economic Life of its Own. The concept of "human habitation" must refer to some form of habitation that exists apart from a desire to enable an insular structure to generate extended maritime zones. It must be a habitation that exists for its own sake, as part of an ongoing community that sustains itself and continues through the generations. Gidel emphasized this in his 1934 definition, explaining that to qualify

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[23] Hodgson, *Islands: Normal and Special Circumstances,* in LAW OF THE SEA: THE EMERGING REGIME OF THEOCEANS 137, 196 (J. Gamble ed.).

[24] Northcutt Ely, *Seabed Boundaries Between Coastal States: The Effect to Be Given Islets as "Special Circumstances,"* 6 INTERNATIONAL LAWYER 219, 232-33 (1972).

[25] Hodgson and Robert Smith, *The Informal Single Negotiating Text (Committee II): A Geographical Perspective,* 3 OCEAN DEVELOPMENT & INTERNATIONAL LAW JOURNAL 225, 230 (1976).

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as an "island" a location had to have "natural conditions" that permitted a "stable residence of organized groups of human beings."[26]

A military or police garrison is, therefore, insufficient to constitute "human habitation" or to qualify as "an economic life of its own." This view was endorsed by the Turkish delegate to the Caracas meeting of the Third U.N. Conference on the Law of the Sea in 1974, observing that "navigation rights and military and police installations were not sufficient justification for estalbishing an economic zone."[27]

Very small numbers of individuals lived on Clipperton in difficult circumstances between 1892 and 1917 removing guano and serving in a small garrison, but no one has tried to live there before or since that period.

Scholarly Commentators. Some scholars have concluded that the undefined words in Article 121(3) provide enough flexibility to allow countries to claim EEZs and continental shelves around virtually every insular structure that is above water at high tide.

The International Tribunal of the Law of the Sea. Judge Budislav Vukas has recently explained that the latter interpretation is the correct one, because of the underlying purposes of establishing the exclusive economic zone regime.[28] The reason for giving exclusive rights to the coastal states was to protect the economic interests of the coastal communities that depended on

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[26] *See supra* text and note at note –.

[27] Summary records of the second session (1974), Second Committee 284, U.N. Doc. A/Conf.62/C.2/Sr.

[28] *"Volga" (Russian Federation v. Australia), Prompt Release, Judgment*, Declaration of Judge Vukas, ITLOS Reports 2002, <http://www.itlos.org/start2_en.html>.

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the resources of the sea, and thus to promote their economic development and enable them to feed themselves.[29] This rationale does not apply to uninhabited islands, because they have no coastal fishing communities that require such assistance.[30] The EEZ regime may also be "useful for the more effective preservation of the marine resources,"[31] but it is not necessary to give exclusive rights to achieve this goal, and multilateral solutions such as Convention on the Conservation of Antarctic Marine Living Resources[32] can serve to protect fragile resources.[33]

State Practice: Rockall. An important example of "state practice" relevant to the meaning of Article 121(3) occurred in 1997 when the United Kingdom renounced any claim to an EEZ or continental shelf around its barren granite feature named Rockall which juts out of the ocean northwest of Scotland.[34] Rockall is a towering granite feature measuring about 200 feet (61 meters) in circumference, which is about seventy feet (21 meters) high.[35]

The United Kingdom had been leaning toward claiming extended maritime zones around Rockall, but protests were announced by Denmark and Iceland, and the United Kingdom then reconsidered its position.

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[29] *Id.*, paras. 3-5.

[30] *Id.*, para. 6.

[31] *Id.*, para. 7.

[32] Convention on the Conservation of Antarctic Marine Living Resources, May 20, 1980.

[33] Vukas Declaration, *supra* note --, para. 8.

[34] Fishery Limits Order (United Kingdom), S.I. 1997, No. 1750; *see generally* D.H. Anderson, *British Accession to the UN Convention on the Law of the Sea*, 46 INTERNATIONAL AND COMPARATIVE LAW QUARTERLY 761, 778 (1997) (*citing* House of Commons Hansard, vol. 298, written answers, col. 397).

[35] Van Dyke, Morgan, and Gurish, *supra* note 61, at 452; *see generally* O'Donnell, *Rockall – The Smallest British Isle*, 23 SEA FRONTIERS 342 (1977).

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The Senkakus/Diaoyu Dao Islands.[36] Another example of state practice can be found concerning these eight uninhabited features in the East China Sea (five islets and three barren rocks), which are disputed between China/Taiwan and Japan. Altogether, they have a land area of seven square kilometers, and the largest (Diaoyu Dao/Uotsuri Shima) has an area of 4.3 square kilometers, with two peaks rising to about 1100 feet, but with no anchorages for any but the smallest ships to use for landings. The islets are 170 kilometers from Taiwan and 410 kilometers from Okinawa. The 2,270-meter-deep Okinawa Trough separates these islets from the nearest undisputed Japanese island. Historically, these outcroppings have been used only as navigational aids.

In 1970, when the Republic of China (Taiwan) issued a reservation when ratifying the Convention on the Continental Shelf,[37] apparently with reference to the Daioyu-Dao (Senkakus), stating that in "determining the boundary of the continental shelf of the Republic of China, exposed rocks and islets shall not be taken into account."[38] One prominent scholar from the

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[36] *See generally* Daniel Dzurek, *The Senkaku/Diaoyu Islands Dispute,* <http://www-ibru.dur.ac.uk/docs/senkaku.html> (site visited Oct. 23, 2004); William B. Heflin, Note, *Diayou/Senkaku Islands Dispute: Japan and China, Oceans Apart*, 1 ASIAN-PACIFIC LAW & POLICY JOURNAL 18 (2000); K.T. Chao, *East China Sea: Boundary Problems Relating to the Tiao-Yu-T'ai Islands,* [1982] CHINESE YEARBOOK OF INTERNATIONAL LAW AND AFFAIRS 45, 52 (*citing* 1953 I.C.J. at 47); Ying-jeou Ma, *The East Asian Seabed Controversy Revisited: Relevance (or Irrelevance) of the Tiao-yu-T'ai (Senkaku) Islands Territorial Dispute*, [1982] CHINESE YEARBOOK OF INTERNATIONAL LAW AND AFFAIRS 1; Thomas R. Ragland, *A Harbinger: The Senkaku Islands,* 10 SAN DIEGO LAW REVIEW 664 (1973); Toshio Okuhara, *The Territorial Sovereignty Over the Senkaku Islands and Problems on the Surrounding Continental Shelf,* 15 JAPANESE ANNUAL OF INTERNATIONAL LAW 97 (1971).

[37] Convention on the Continental Shelf, April 29, 1958, 15 U.S.T. 471, T.I.A.S. 5578, 499 U.N.T.S. 311.

[38] *See* CLIVE SYMMONS, THE MARITIME ZONES OF ISLANDS IN INTERNATIONAL LAW 136 and 270 n. 539 (1979) (*citing* Allen & Mitchell, *The Legal Status of the Continental Shelf of the East China Sea*, 51 OREGON LAW REVIEW 789, 808 (1972)).

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People's Republic of China has reported that the position of the People's Republic of China is similar: "China holds that the Diaoyudao Islands are small, uninhabited, and cannot sustain economic life of their own, and that they are not entitled to have a continental shelf."[39]

Okinotorishima. More recently, and more confrontationally, a series of incidents[40] have occurred near the tiny insular structure called Okinotorishima, sometimes referred to as Douglas Reef, which was claimed by Japan in 1931, is 1,740 kilometers south of Tokyo, and is thus the southernmost Japanese possession. This reef system has only two natural structures that remain some 70 centimeters above water at high tide, and are about the size of two king-size beds (or four-and-a-half tatami mats). But since 1987 Japan has been trying to protect these precious pieces of real estate from being washed away by erosion and from sinking into the sea by spending 48 billion yen to bring vast amounts of wave-dissipating concrete blocks and cement to the location.[41] Another 200 million yen is spent annually to monitor activity around Okinotorishima, and in July 2003, Japan's Ministry of Land, Infrastructure, and Transport

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[39] Ji Guoxing, *The Diaoyudao (Senkaku) Disputes and Prospects for Settlement*, 6 KOREAN JOURNAL OF DEFENSE ANALYSIS 285, 306 (1994). *See also* Ji Guoxing, *Maritime Jurisdiction in the Three China Seas: Options for Equitable Settlement* (before footnote 22) (Institute on Global Conflict and Cooperation, University of California at San Diego, Policy Paper No. 19, October 1995) ("China holds that the Senkaku Islands are small, uninhabited, and cannot sustain economic life of their own, and that they are not entitled to have continental shelf.").

[40] *See, e.g., Japan Expresses Concern Over Chinese Ship Entering Exclusive Zone,* KYODO NEWS SERVICE, March 8, 2004 (reporting that the Chinese research vessel *Dongfanghong No. 2* was seen near Okinotorishima on February 29 and March 2-4, 2004, apparently conducting underwater tests using sonar); *Chinese Research Boats Breach EEZ 11 Times*, DAILY YOMIURI (TOKYO), March 11, 2004 (reporting that vessels from China's Education Ministry and State Oceanography Bureau were spotted near Okinotorishima in January, February, and March 2004); *Chinese Navy Ship Spotted in Japan's EEZ Waters,* DAILY YOMIURI (TOKYO), July 8, 2004 (reporting that the *Nandiao 411* survey ship was seen conducting oceanographic research and dragging a wire 200 kilometers west of Okinotorishima in July 2004).

[41] *Japan to Better Manage Southernmost Okinotorishima Island,* KYODO NEWS SERVICE, July 11, 2003.

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announced it would set up more advanced television equipment to provide 360 degree views of activities around this structure.[42] If Japan is allowed to claim an EEZ around these outcroppings, it would obtain jurisdiction over 422,158 square kilometers of ocean resources, an area about the size of California, which is larger than all of Japan's land territory.

China has acknowledged Japan's possession of this islet, but contends it is a "rock" and not an "island," citing Article 121(3) of the Law of the Sea Convention, and thereby explaining that Okinotorishima is not entitled to generate an exclusive economic zone or a continental shelf.[43] Also relevant is Article 60(8) which says that artificial islands do not generate territorial seas, EEZs, or continental shelves.[44]

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[42] *Id.*

[43] *China Says Okinotorishima a Mere Rock, Not an Island,* THE DAILY YOMIURI (TOKYO), April 24, 2004.

[44] Japan has vigorously protested China's argument, with Chief Cabinet Secretary Yasuo Fukuda saying in April 2004 that "[t]he Chinese claim that the island is a rock is absolutely unacceptable. We designated the area around the island as an exclusive economic zone based on international and domestic law. China is the only country that insists it is a rock." *Id.* Japan's position apparently is that any and all naturally formed land areas above water at high tide are entitled to generate EEZs and continental shelves, without regard to their size or habitability. *Japan to Protest Chinese Marine Survey Near Okinotori Island,* KYODO NEWS SERVICE, May 9, 2004. In June, Japan's ruling Liberal Democratic Party developed a proposal to utilize Okinotorishima more as Japanese indigenous territory and to prepare a manual designed to keep Chinese research vessels from entering the waters surrounding the islet without prior permission. *LDP Panel Calls for Stronger Measures Over Disputed Isles,* KYODO NEWS SERVICE, June 11, 2004.

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VN - SCS

Korea Dokdo

Gidel

Cases ignoring & downgrading islets\

Charney

JX4148 .L38 1988 – UN Law of the Sea, Regime of Islands

Virginia commentary JX4421 .U54 1982a

Barbara & Fred

More from my old paper & from NW

Other Mexican Islands.

How does the position that Mexico takes on France's claim to an EEZ around Clipperton affect Mexico's own claim to EEZs around its offshore islands?

Clarion. In May 1979, President Juan Lopez Portillo of Mexico made a widely publicized visit to 11-square-mile cactus-covered Clarion Island in the Revillagigedo archipelago 500 miles west of Puerto Vallarta to reaffirm Mexico's claim to this island.[45]

Historical fishing

laches

estoppel

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[45] New YORK TIMES, May 27, 1979, at 4, col. 1.

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