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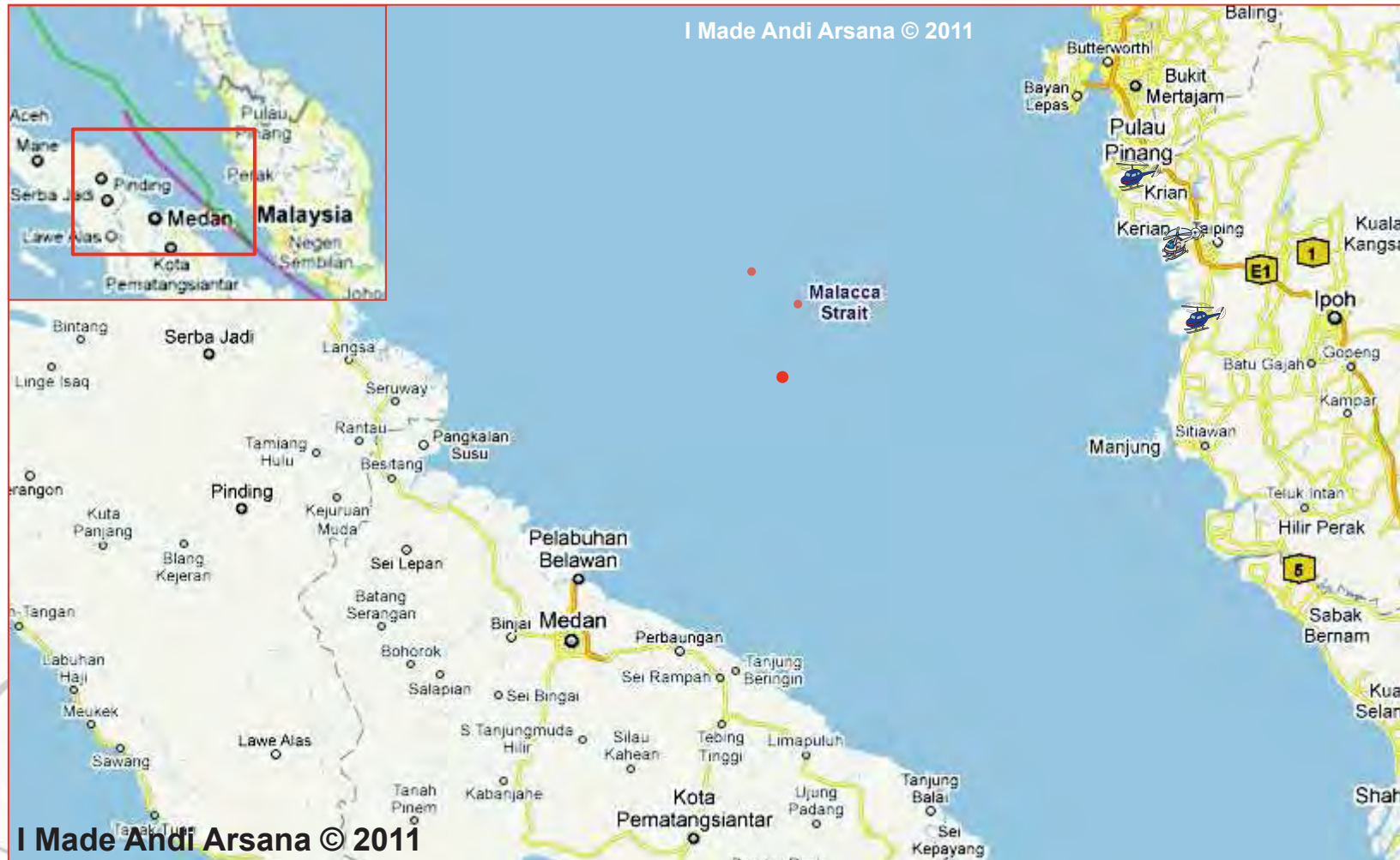
A Historical Survey of Indonesia's Maritime Boundary Agreements

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Jointly organised by:
Castan Centre for Human Rights,
the School of Social Sciences at Monash University
&
Swinburne University of Technology

Symposium on
Maritime Boundaries in the Timor Sea: Perspectives in International Law
Melbourne, 15 February 2016

A story from the Malacca Strait – 7 April 2011





- Indonesia and the Law of the Sea
- Maritime zone of jurisdiction and delimitation
- Indonesia and its ten neighbours
- Settled and pending maritime boundaries
- Indonesia-Australia and Indonesia-Timor Leste
Maritime boundaries
- Concluding Remarks

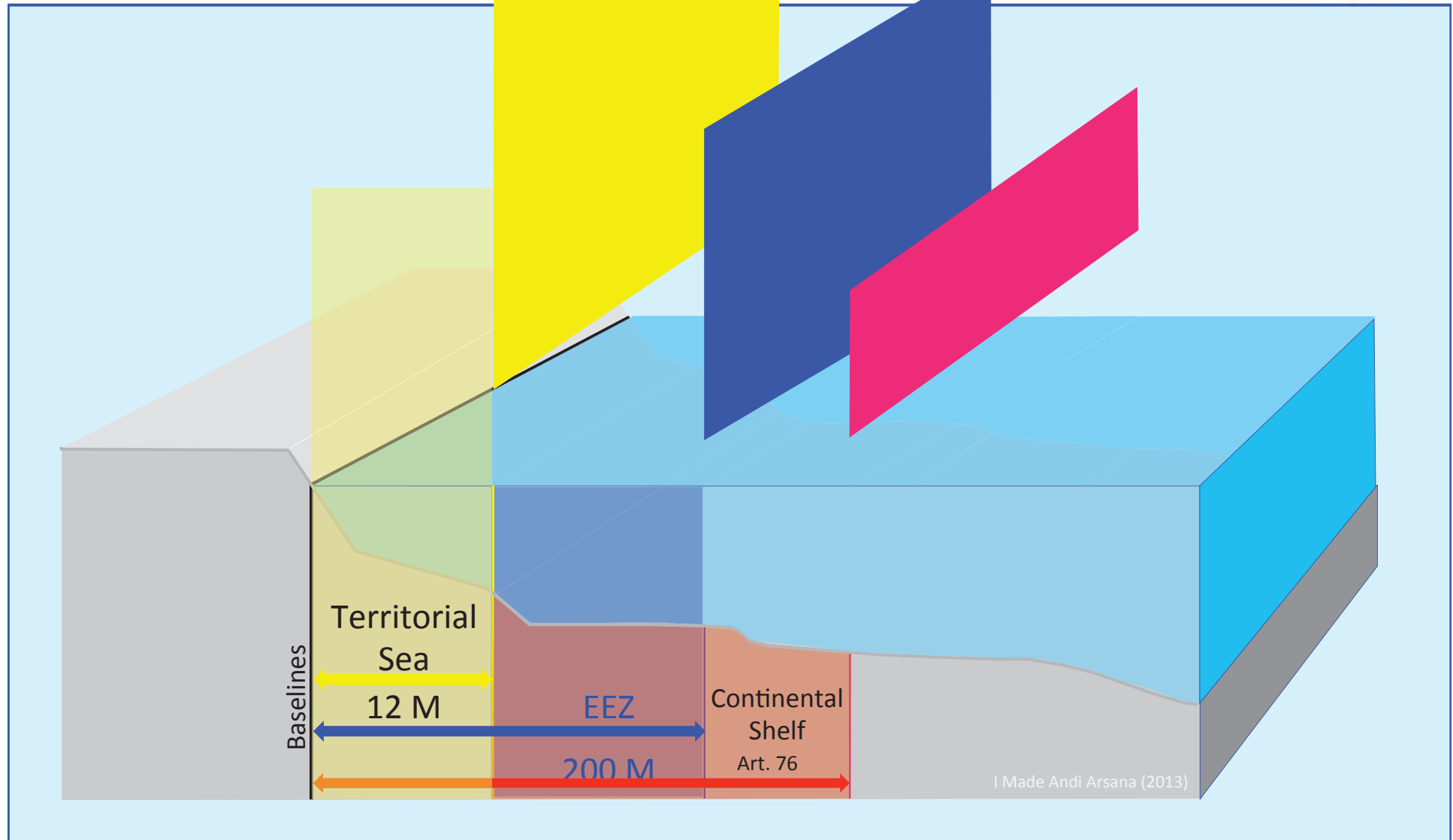


Indonesia and the Law of the Sea

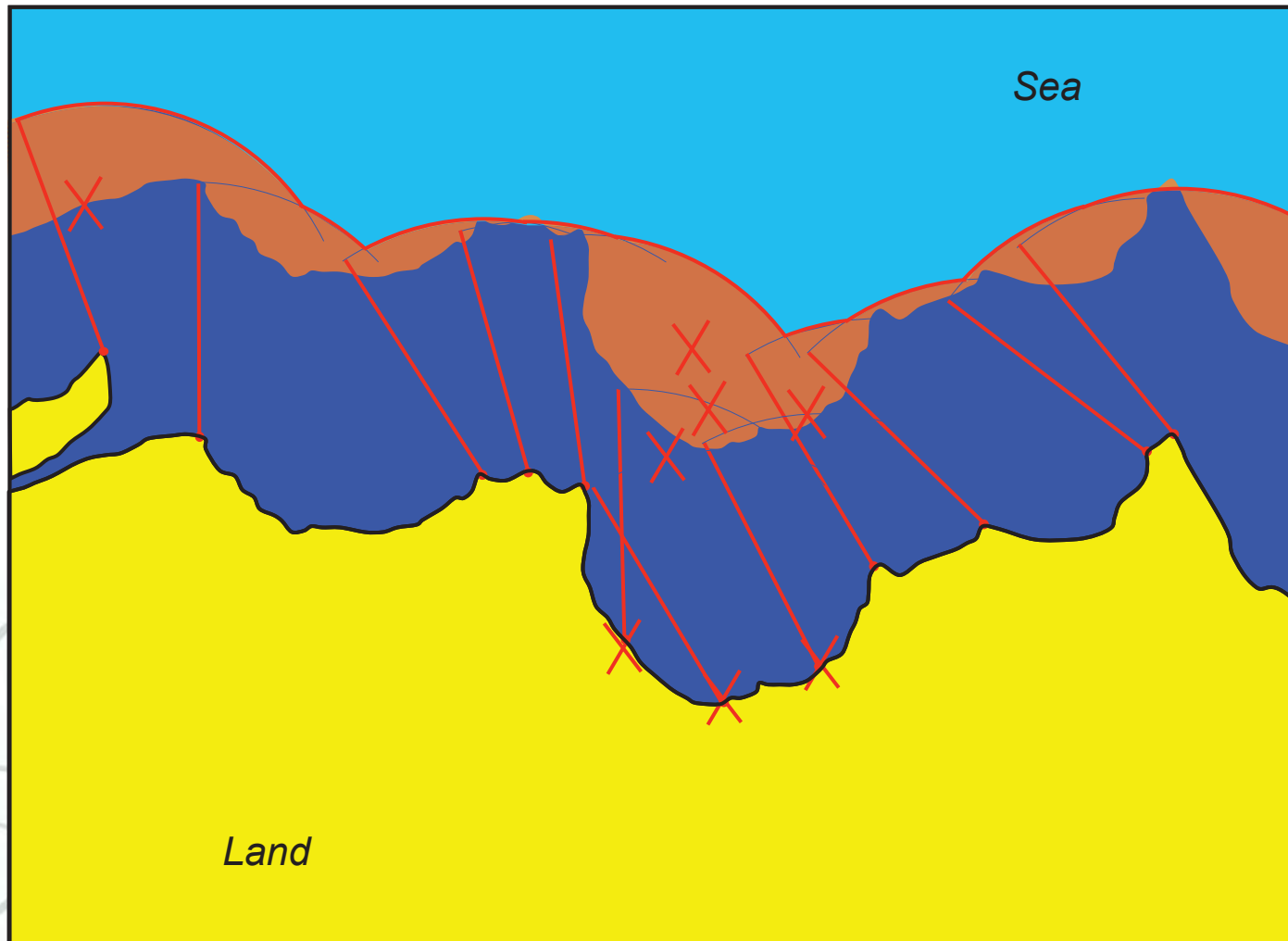
International Negotiation



Maritime Zone of Jurisdiction pursuant to UNCLOS

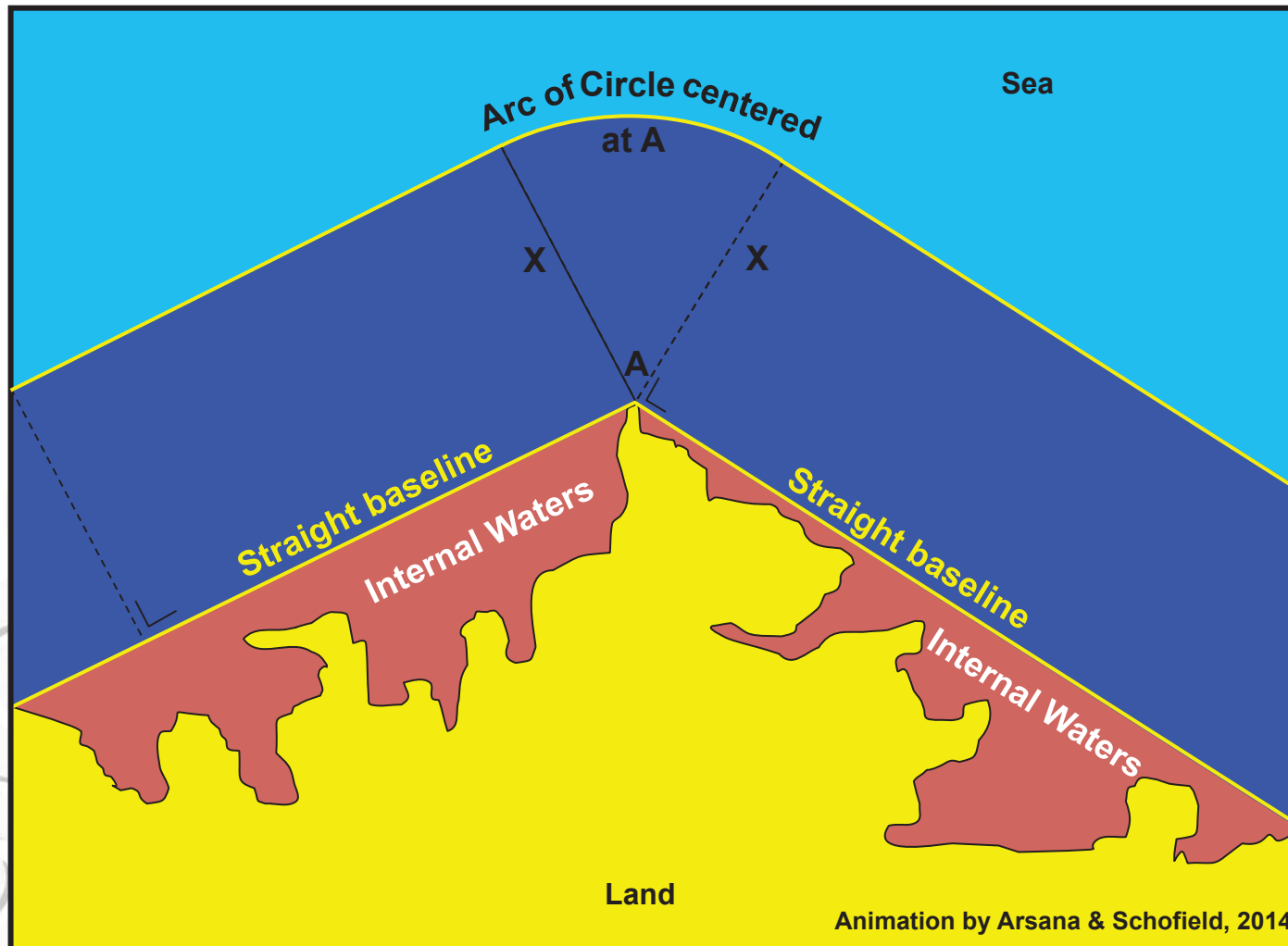


Normal Baselines and Maritime Limits



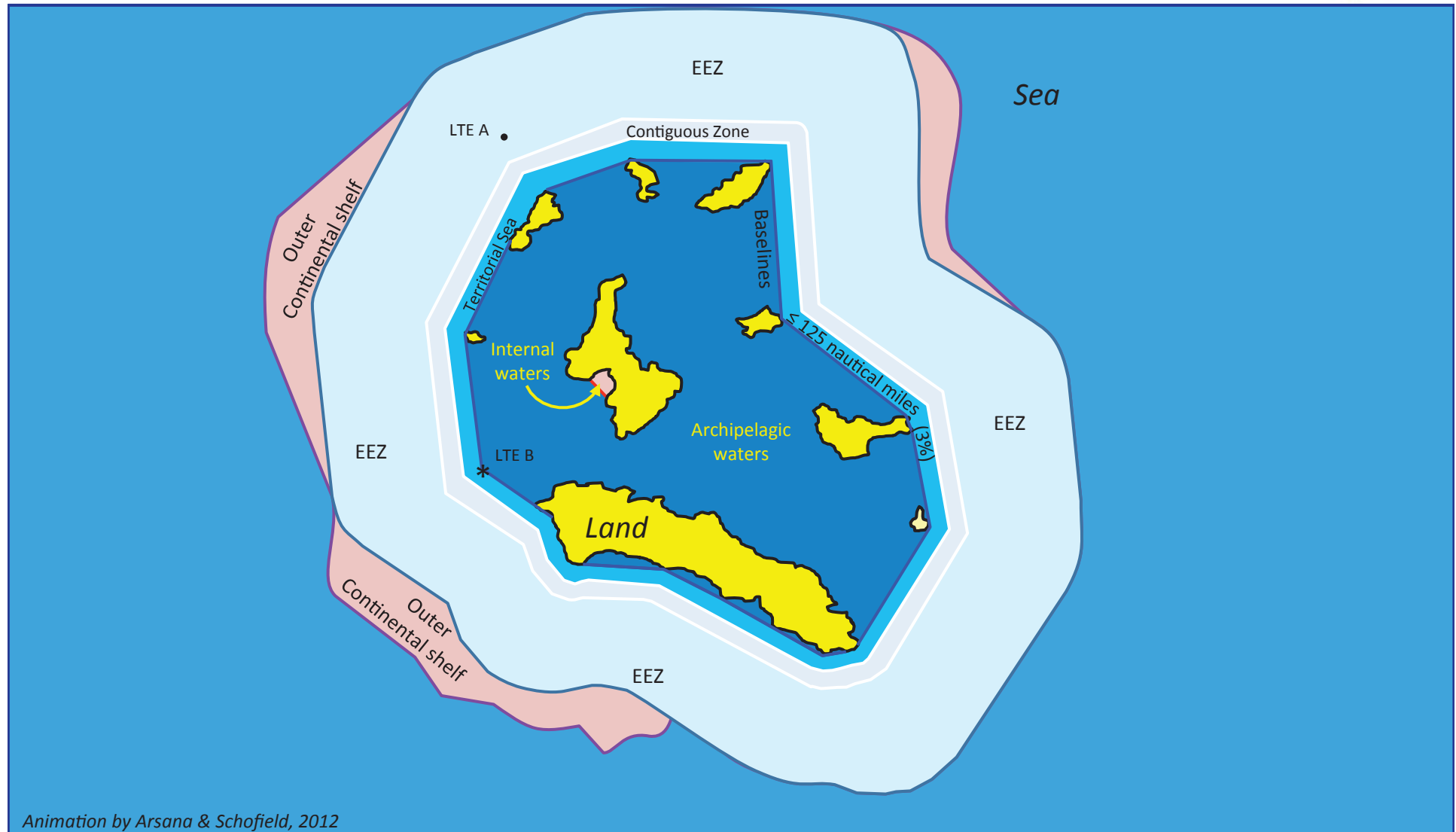
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Straight baselines and maritime limits



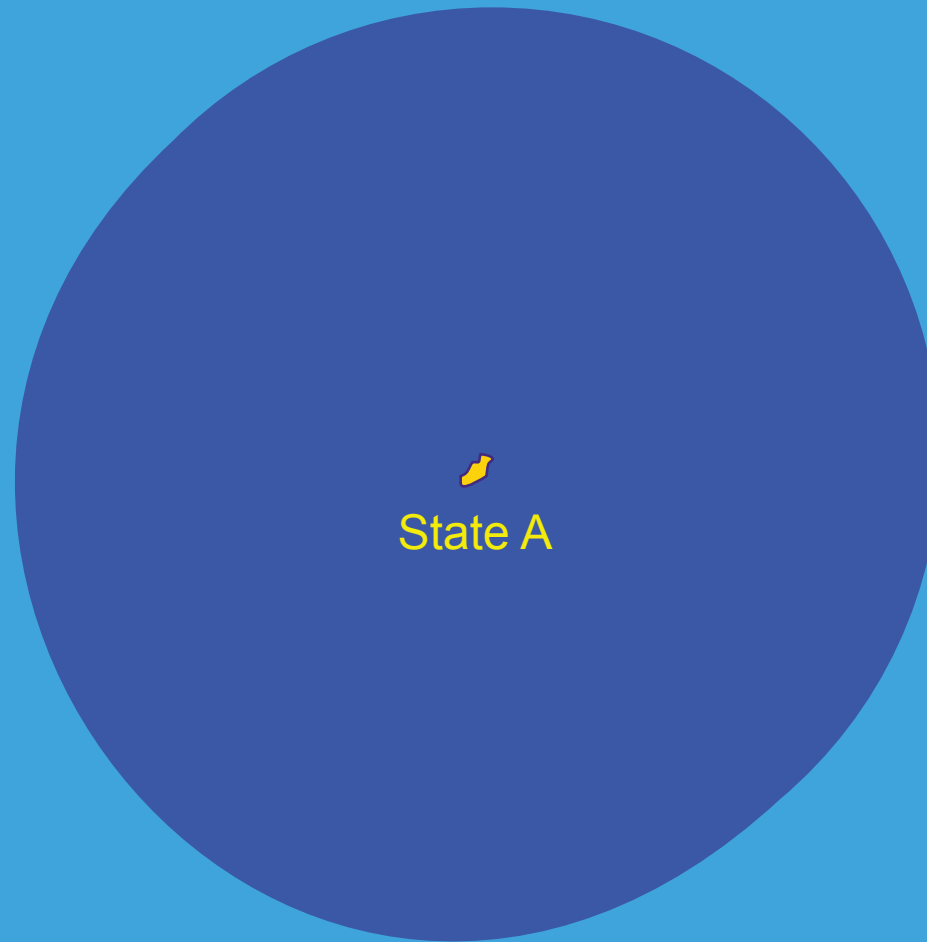
Tech

An Archipelagic State's maritime zones pursuant to UNCLOS



Animation by Arsana & Schofield, 2012

Imagine, a small State in the middle of the ocean. Alone

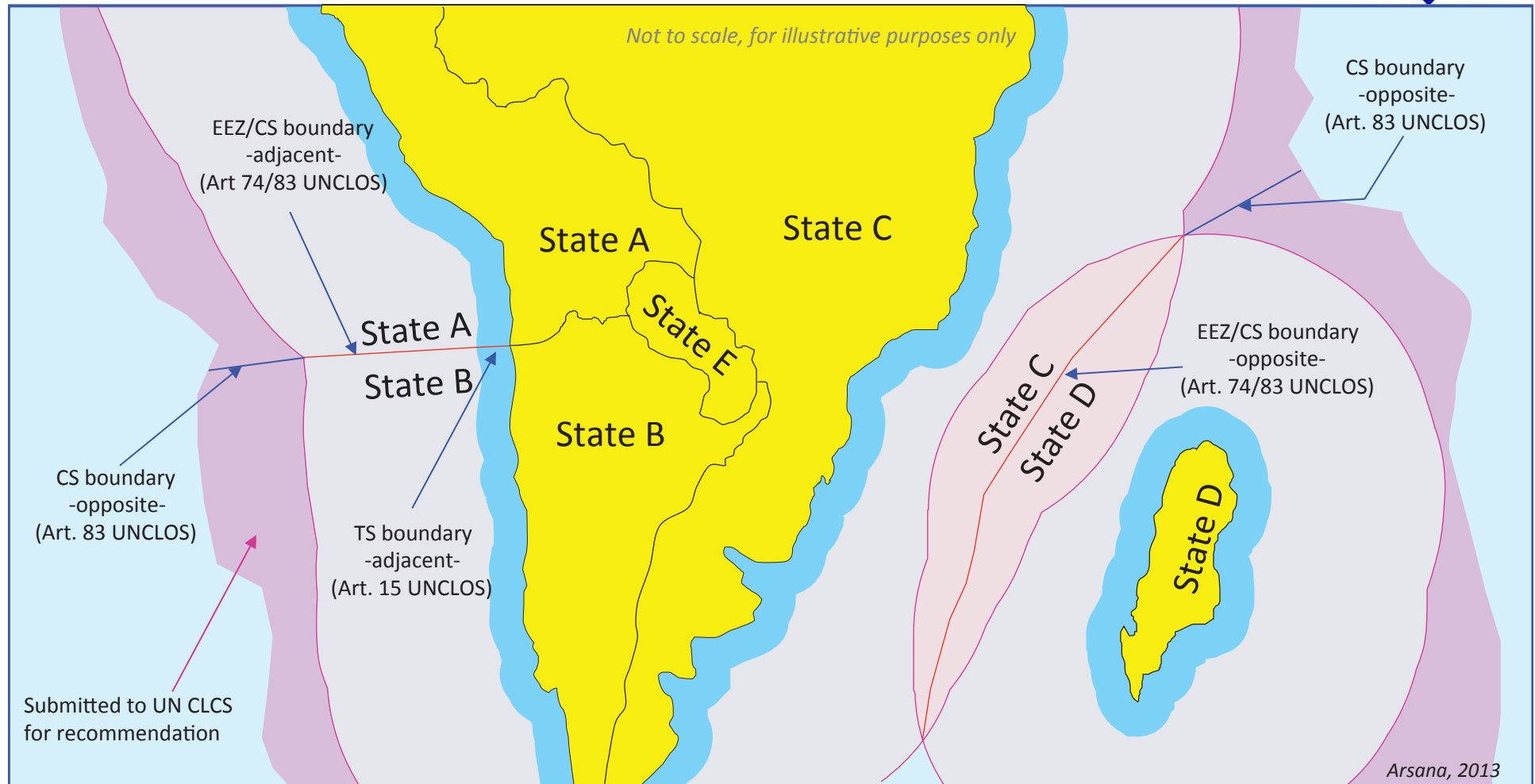


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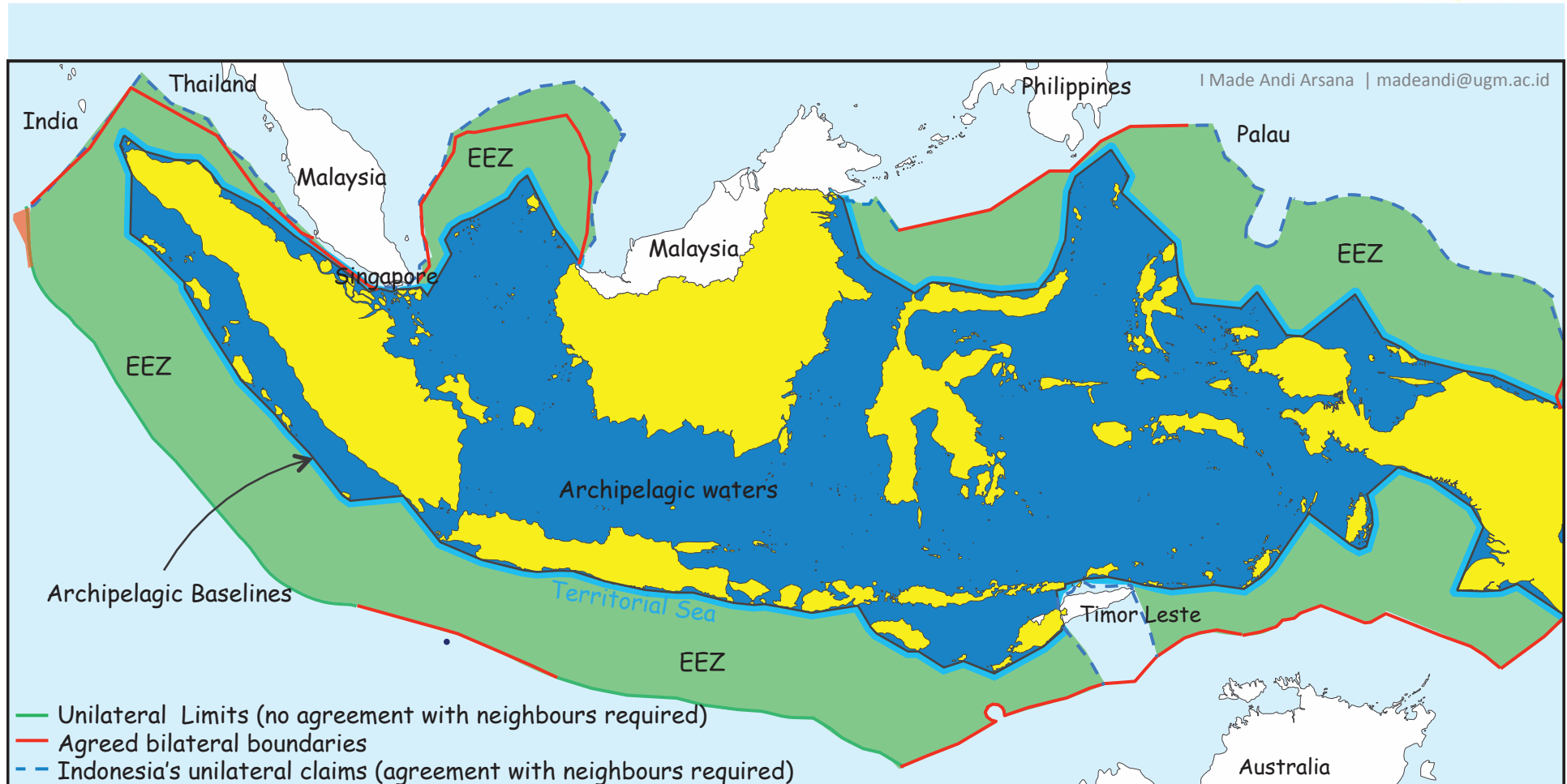


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Principles & Methods of Maritime Boundary Delimitation



Indonesia and ten neighbours



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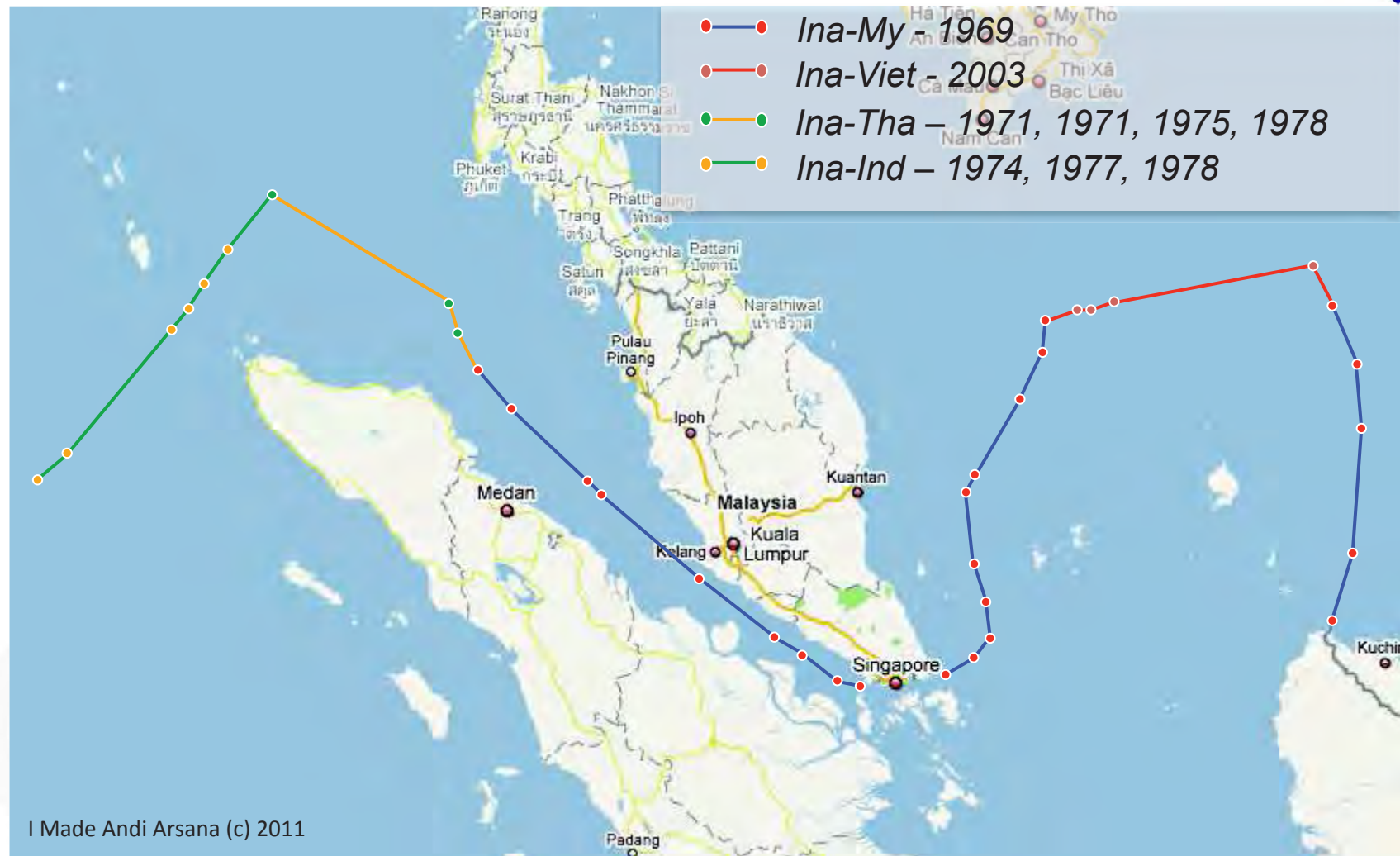
Java, Christmas Island and Australia





Settled Maritime Boundaries

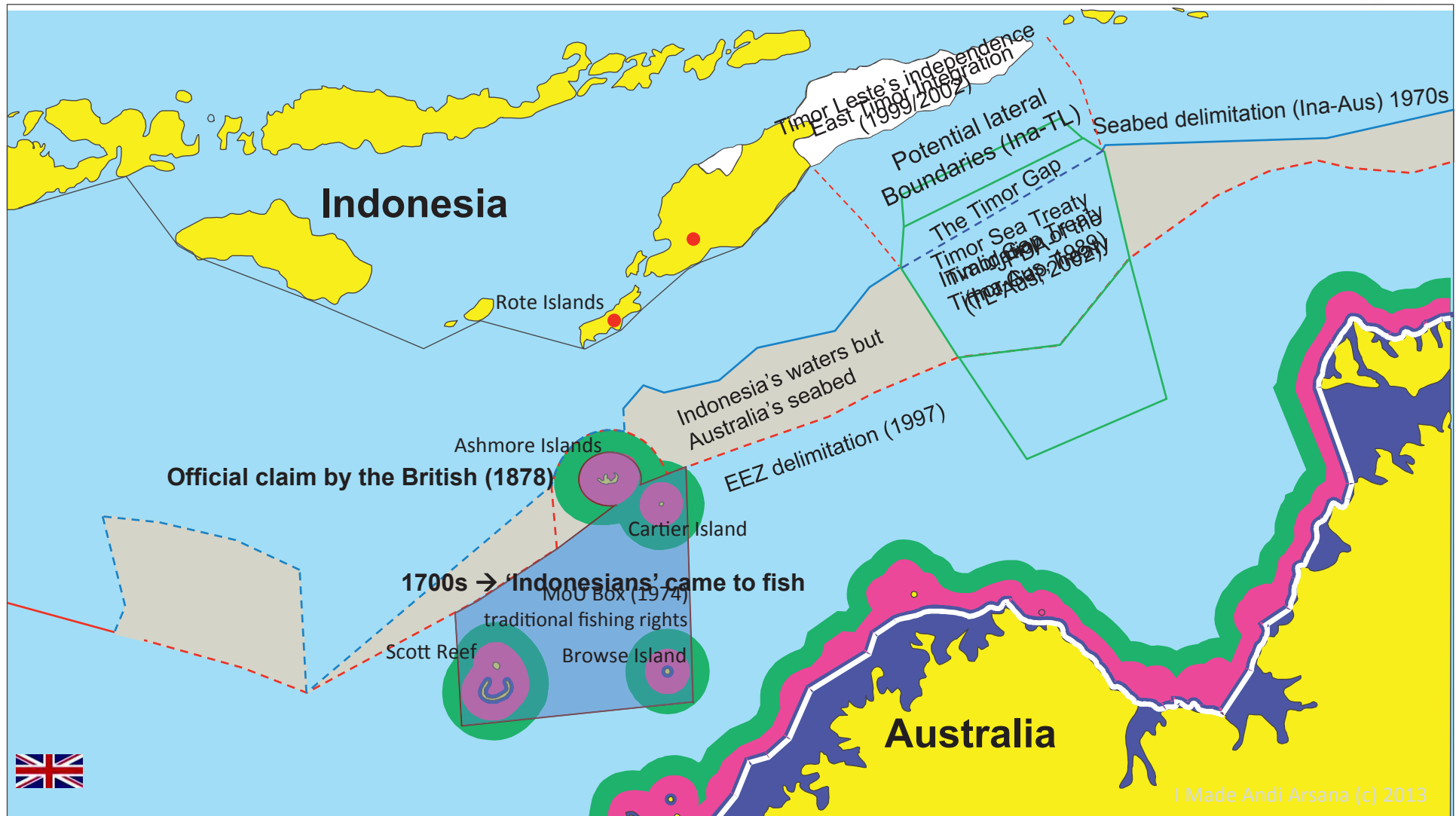
Indonesia-Malaysia-Vietnam-Thailand-India



Only seabed, not water column!

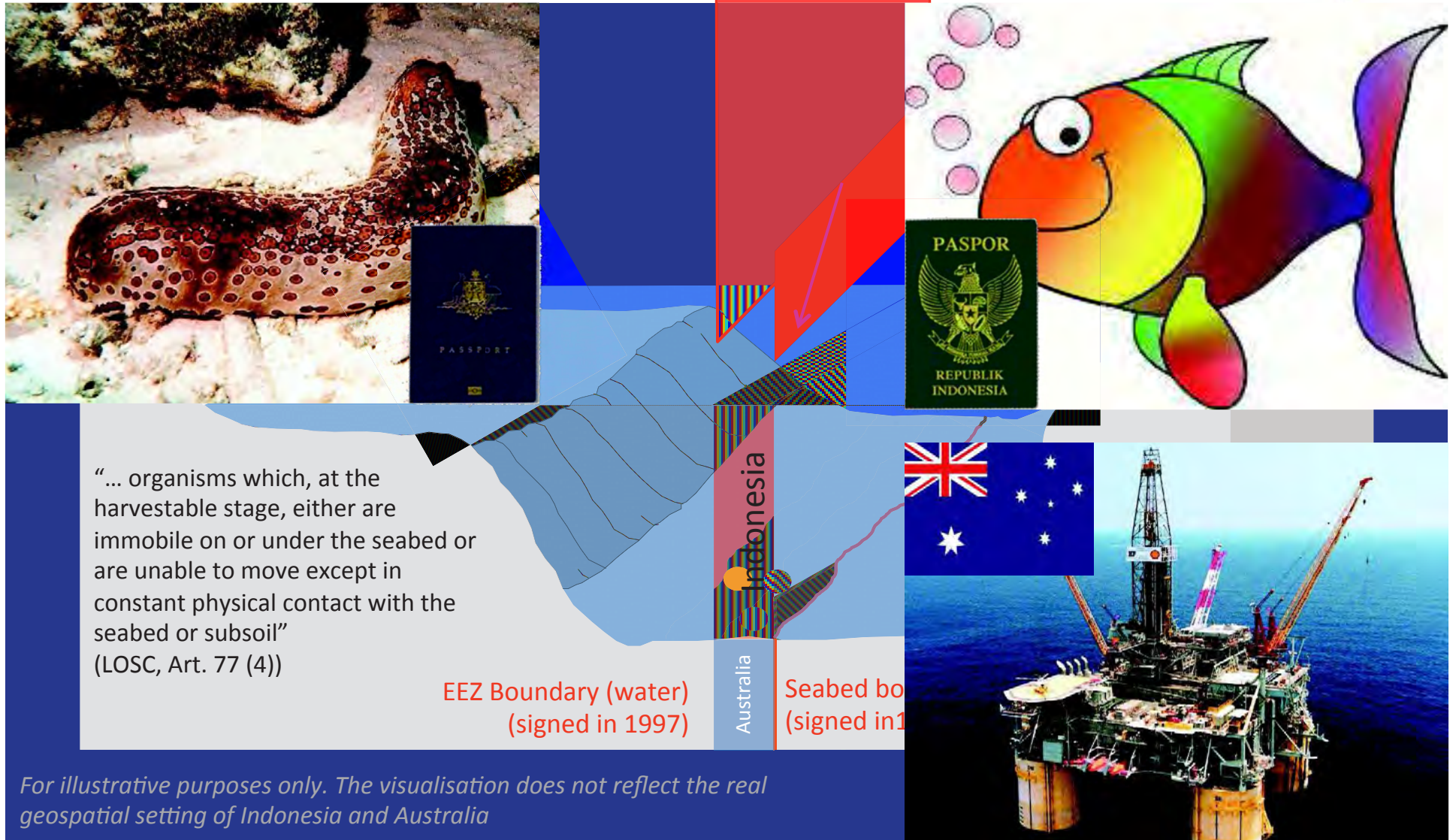
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Indonesia-Australia-Timor Leste



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Non coincident lines for EEZ and CS: Not unprecedented!



“... organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil”
(LOSC, Art. 77 (4))

EEZ Boundary (water)
(signed in 1997)

Seabed bo
(signed in 1

For illustrative purposes only. The visualisation does not reflect the real geospatial setting of Indonesia and Australia

Locally Rooted, Globally Respected

www.ugm.ac.id



23 May 2014

A 20 year negotiation

Two Archipelagic States

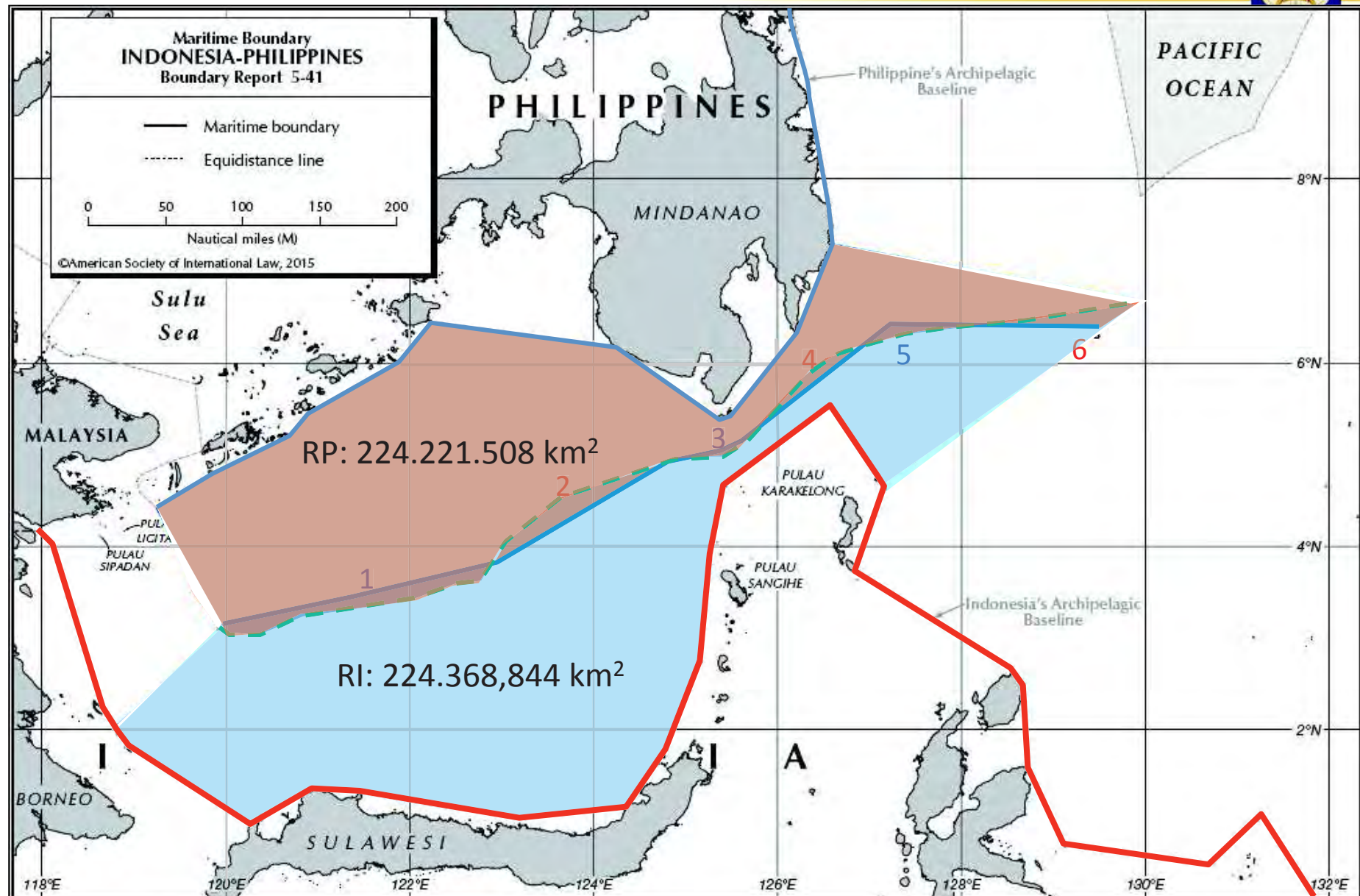
Archipelagic Baselines

Philippines

*Only EEZ,
not
Continental Shelf*

Indonesia

Indonesia-Philippines



Indonesia-Singapore



I Made Andi Arsana © 2014

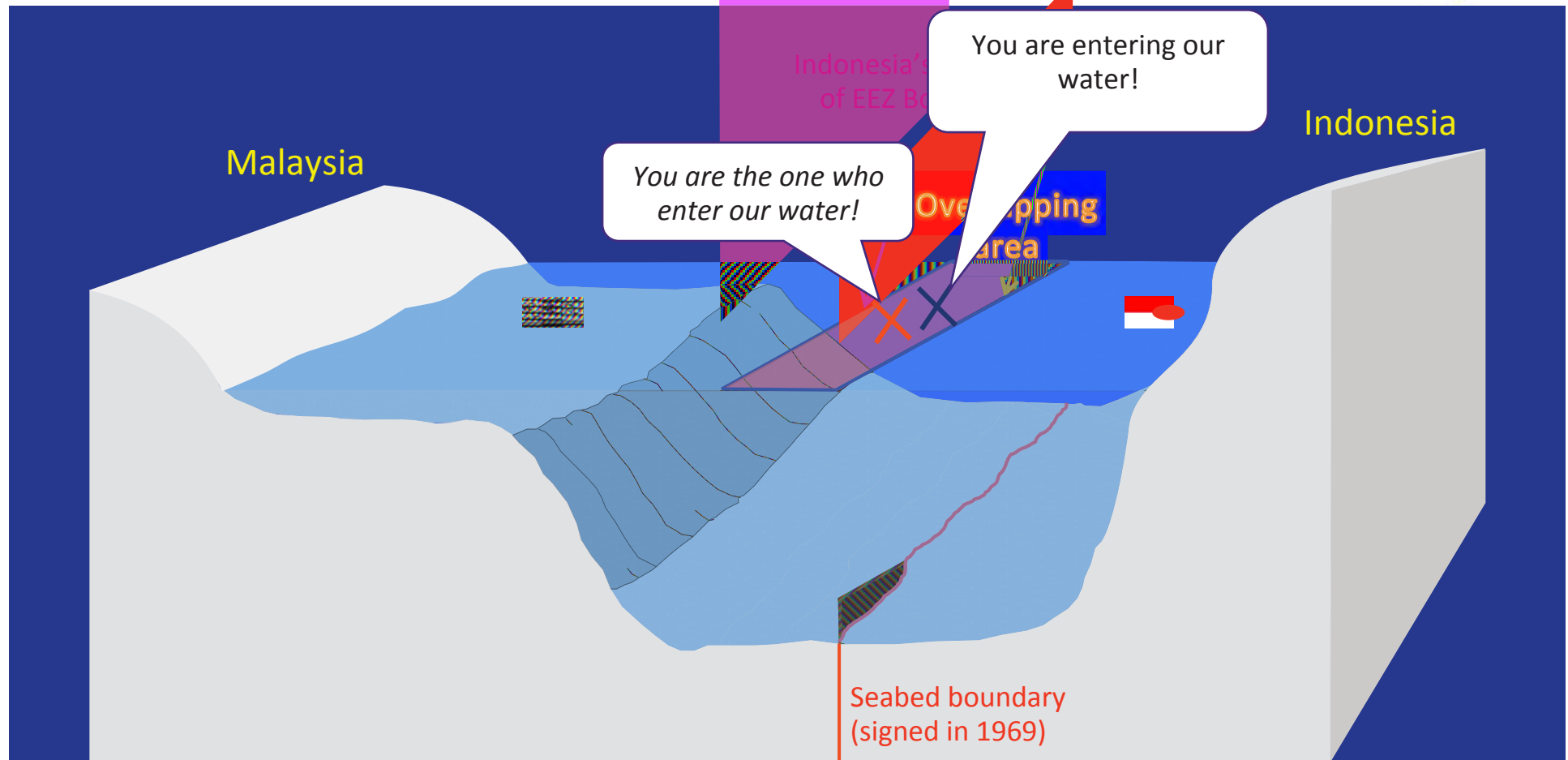


Pending Maritime Boundaries

Pending EEZ boundaries where Continental Shelf boundaries exists



Pending EEZ boundaries where Continental Shelf boundaries exists

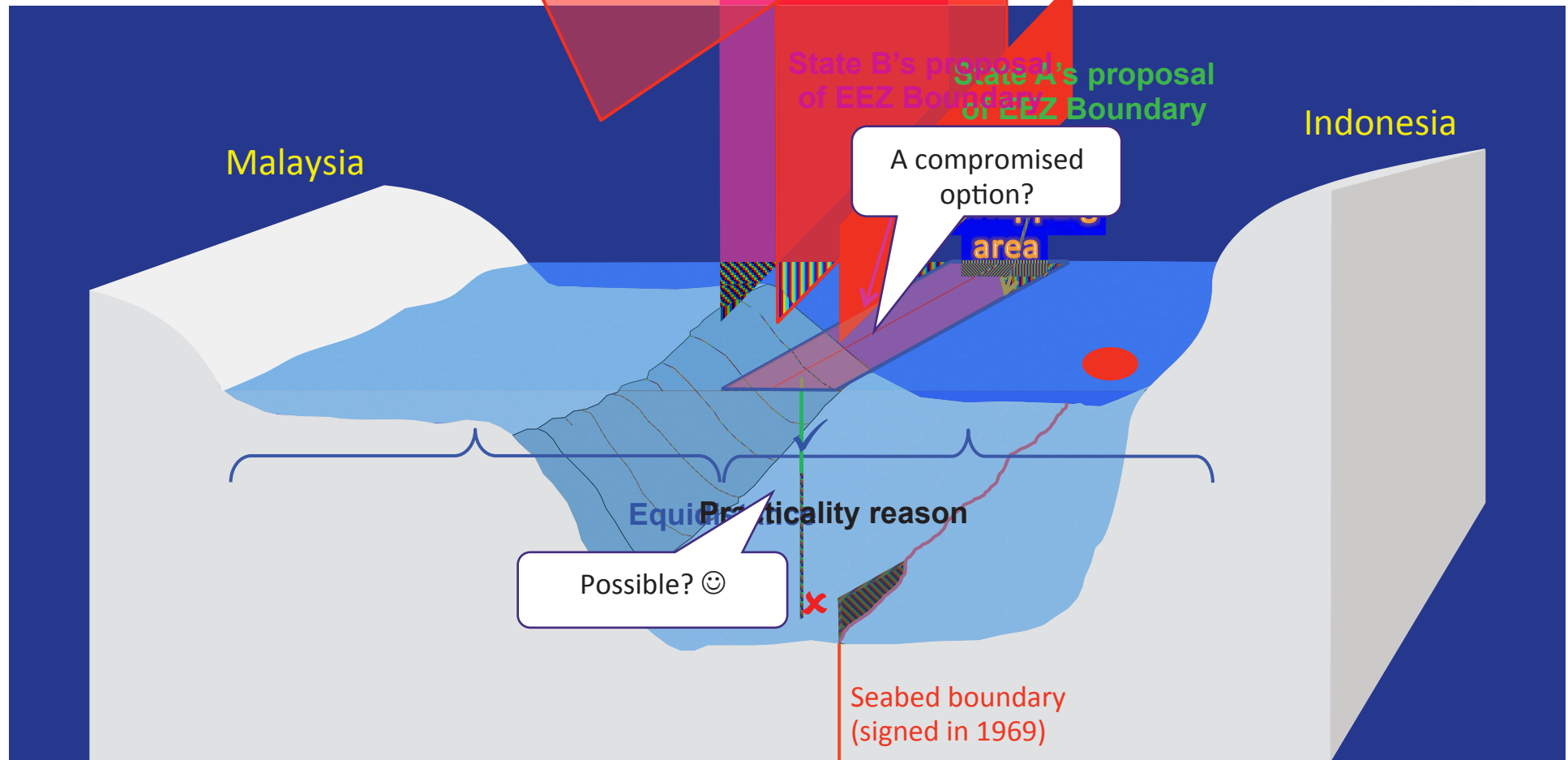


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The visualisation does not reflect the real geospatial setting of Indonesia and Malaysia

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Proposing a 3D EEZ Delimitation [?]

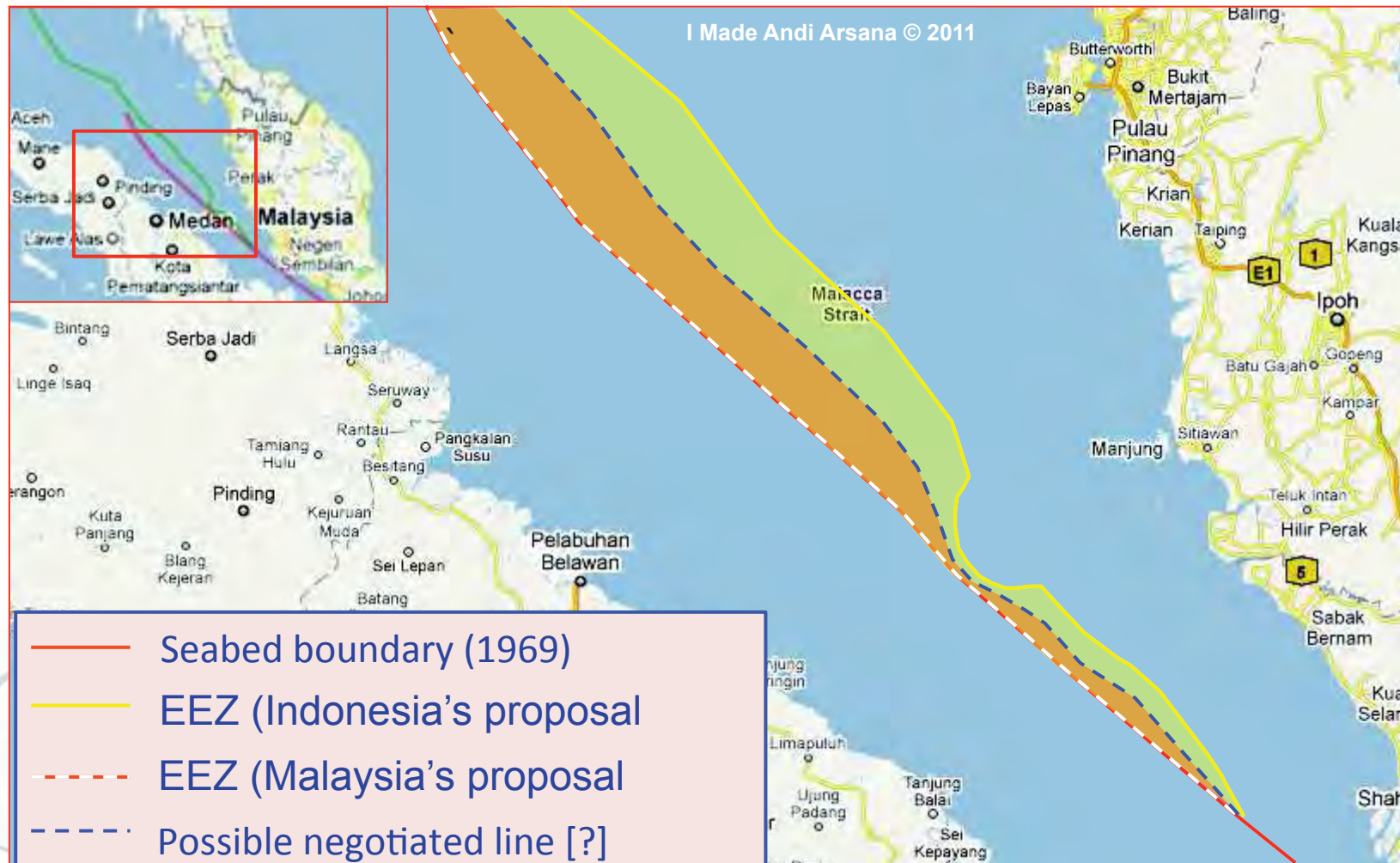


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The visualisation does not reflect the real geospatial setting of Indonesia and Malaysia

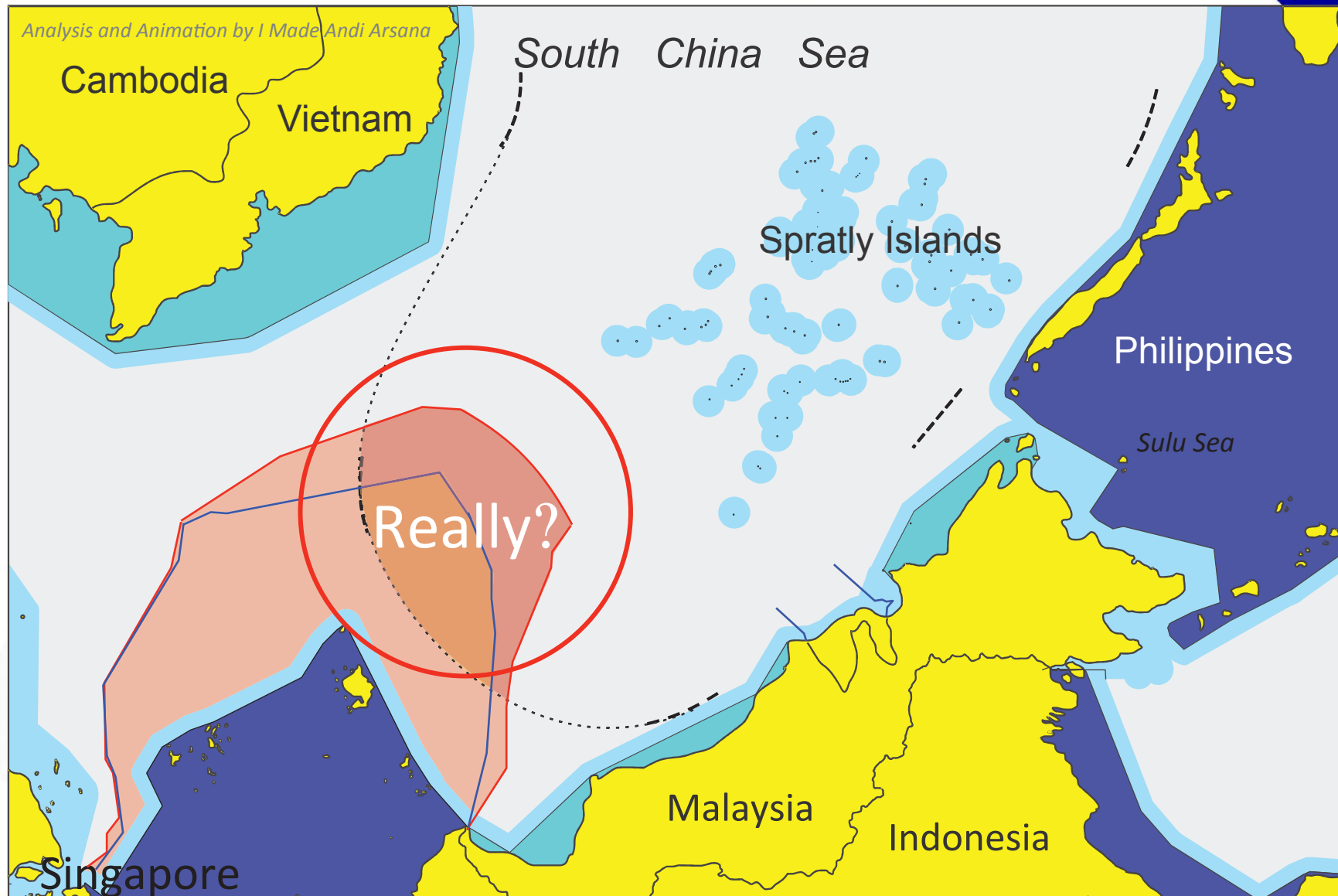
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Two different proposals & a negotiated line [?]



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Indonesia and the complexity of the SCS





Indonesia-Timor Leste Maritime Boundaries

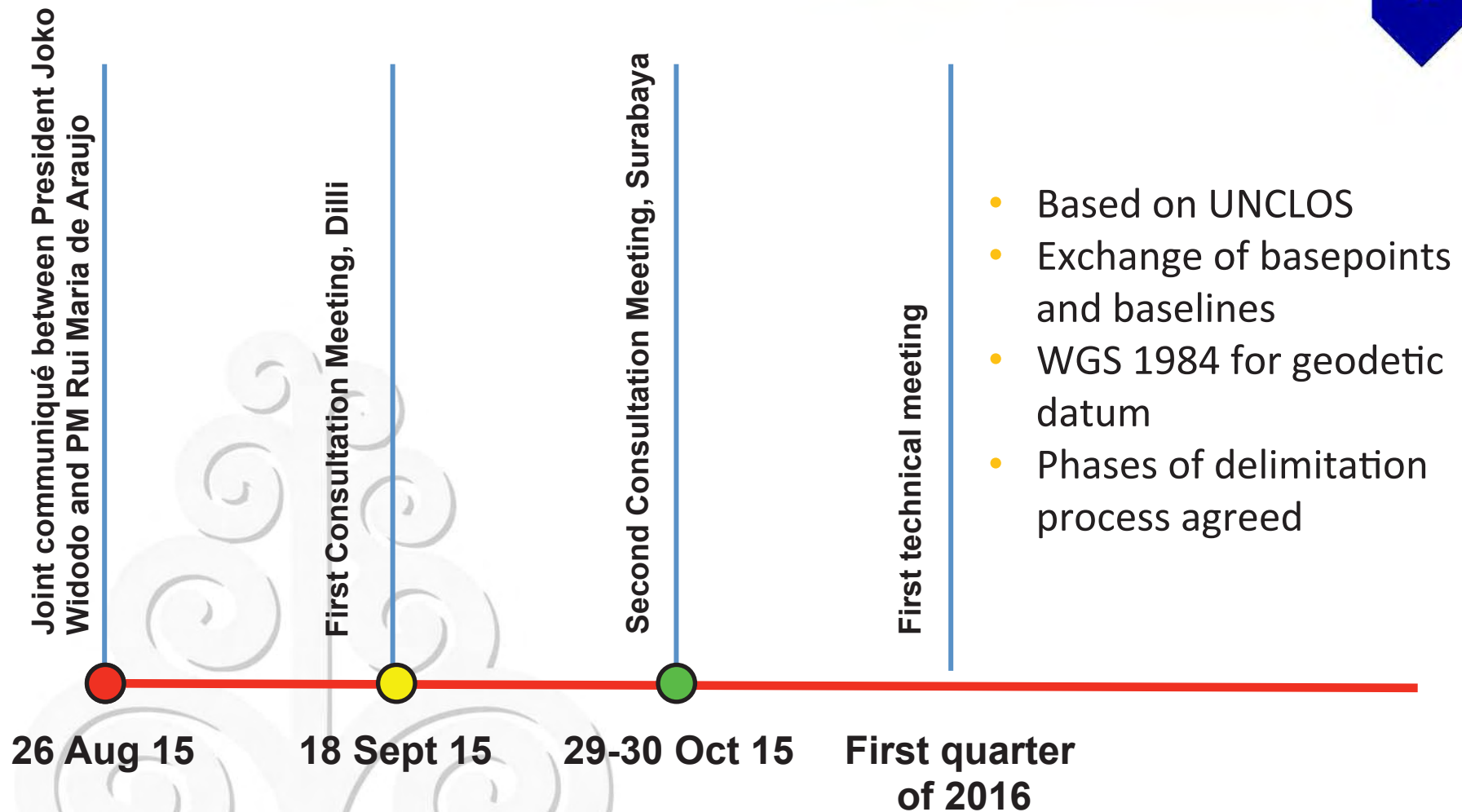
A matter of life or death?



Mari Alkatiri: “success or failure of maritime delimitation negotiations, especially those with Australia, is a ‘**matter of life and death**’ for East Timor” (Oxfam 2004)

President Xanana Gusmao: Without access to Timor Sea resources: “**we will end up being just one more failed State**”

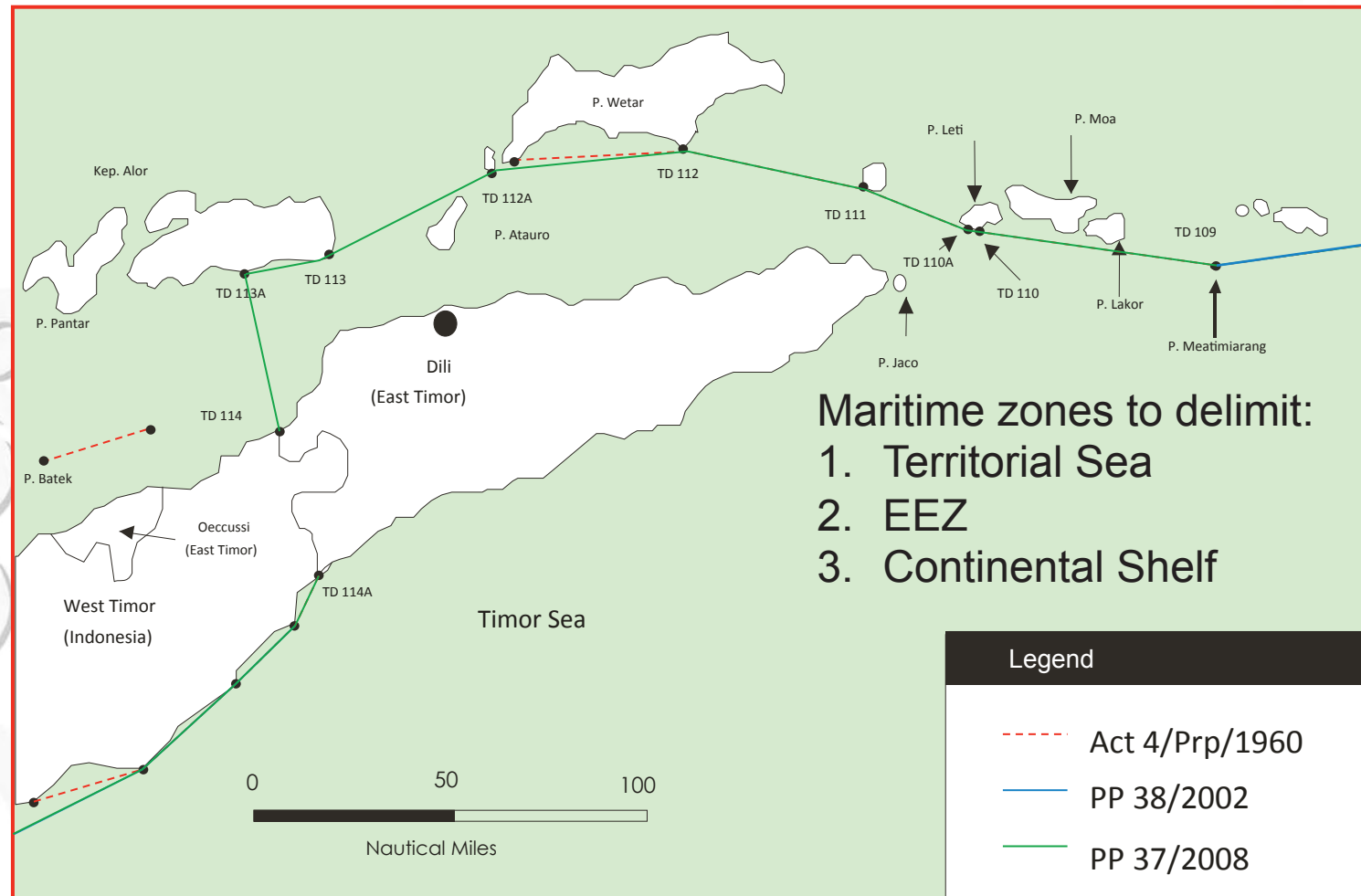
Recent Development



Indonesia's Archipelagic Baselines and zones to delimit



Timor



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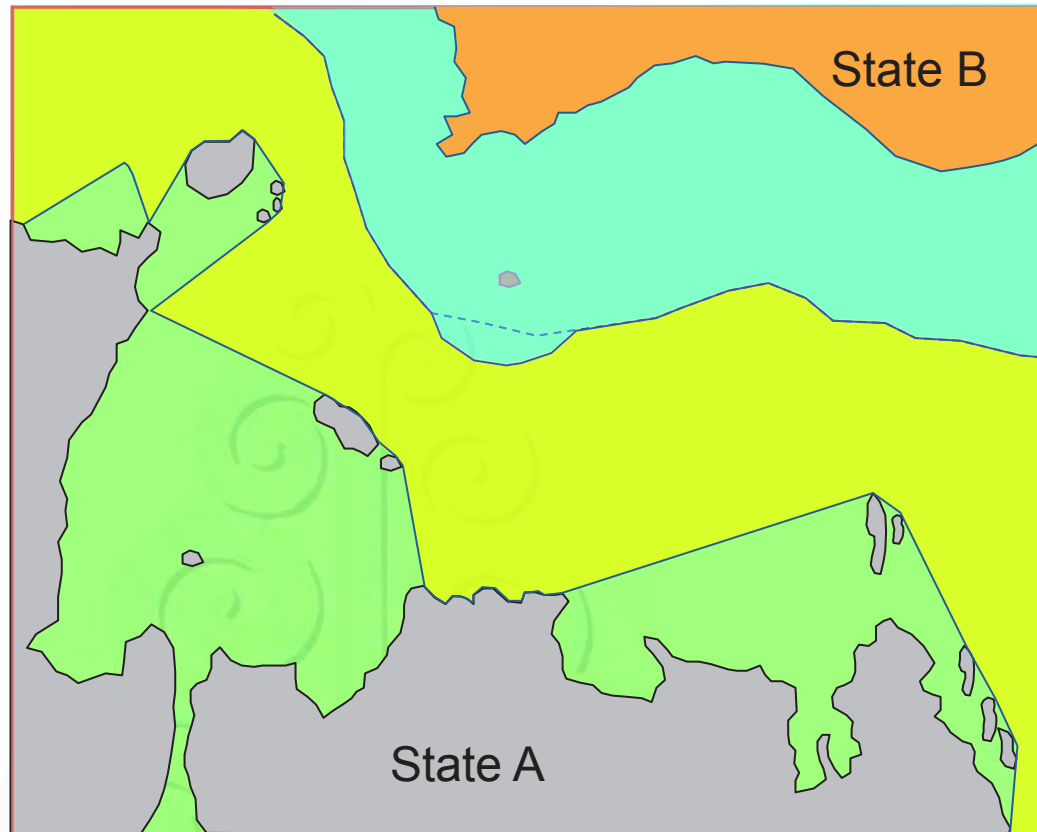
[...] “neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the **median line** every point of which is **equidistant** from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured.” [...]



“The delimitation of exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, **in order to achieve an equitable solution.**”

CS Delimitation – UNCLOS, Art. 83

The Three-stage Approach



Provisional line:
equidistance

Adjusting
provisional line →
relevant
circumstances

Test of disproportionality

The Black Sea Case (Romania v Ukraine), 3 Februari 2009 → ICJ
Bay of Bengal (Bangladesh v Myanmar), 14 March 2012 → ITLOS

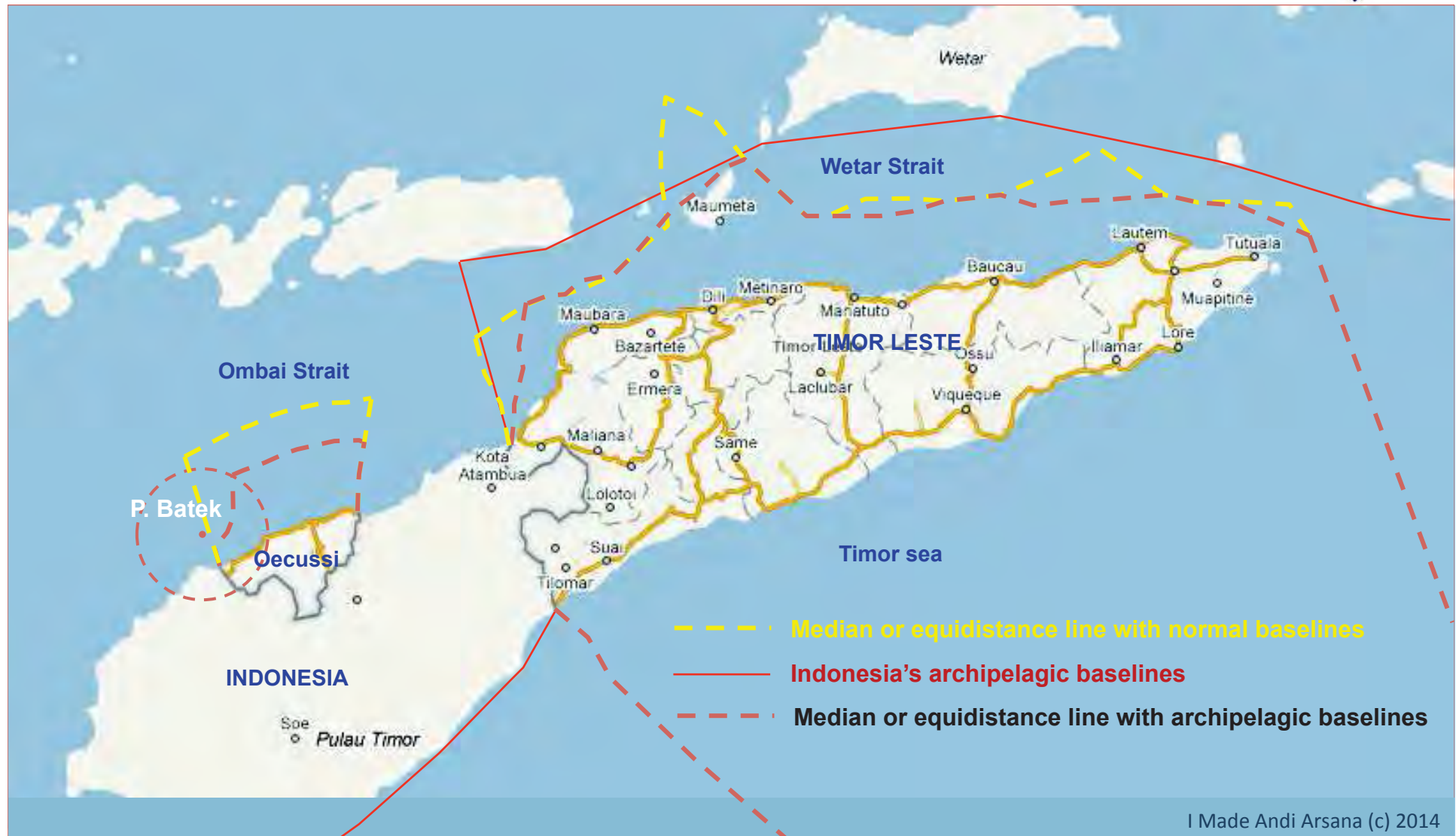
Issues in Indonesia-Timor Leste Maritime Boundaries



1. Land boundaries have yet to be finished (98%, according to the Indonesian Ministry of Foreign Affairs, 2015)
2. How urgent?
(resources, sovereignty or sovereign rights, non-traditional issues)
3. Is it as urgent as Australia-Timor Leste? (life or death)

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Delimitation option: Indonesia v Timor Leste



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Batek Island

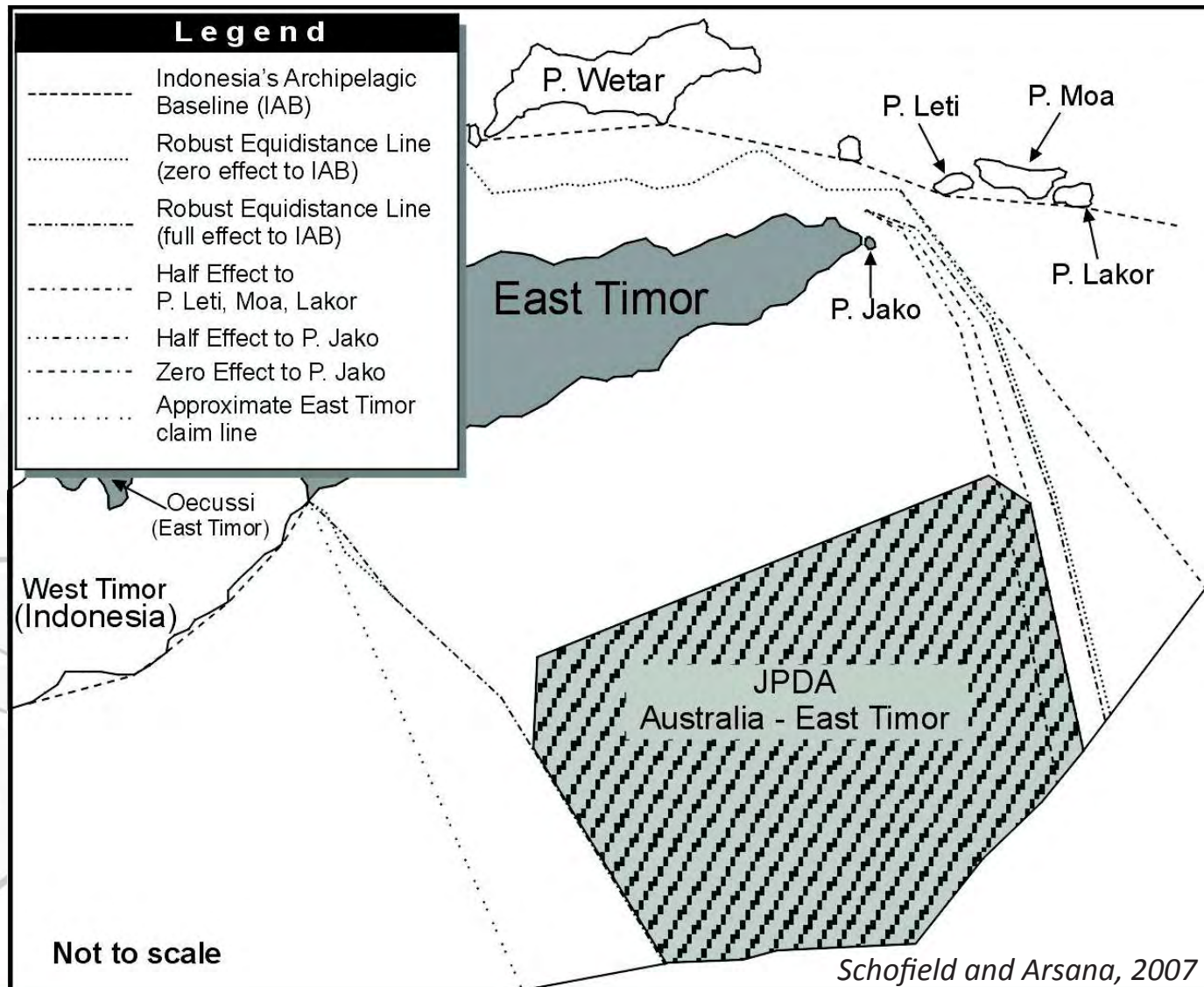


Taken from Google Earth

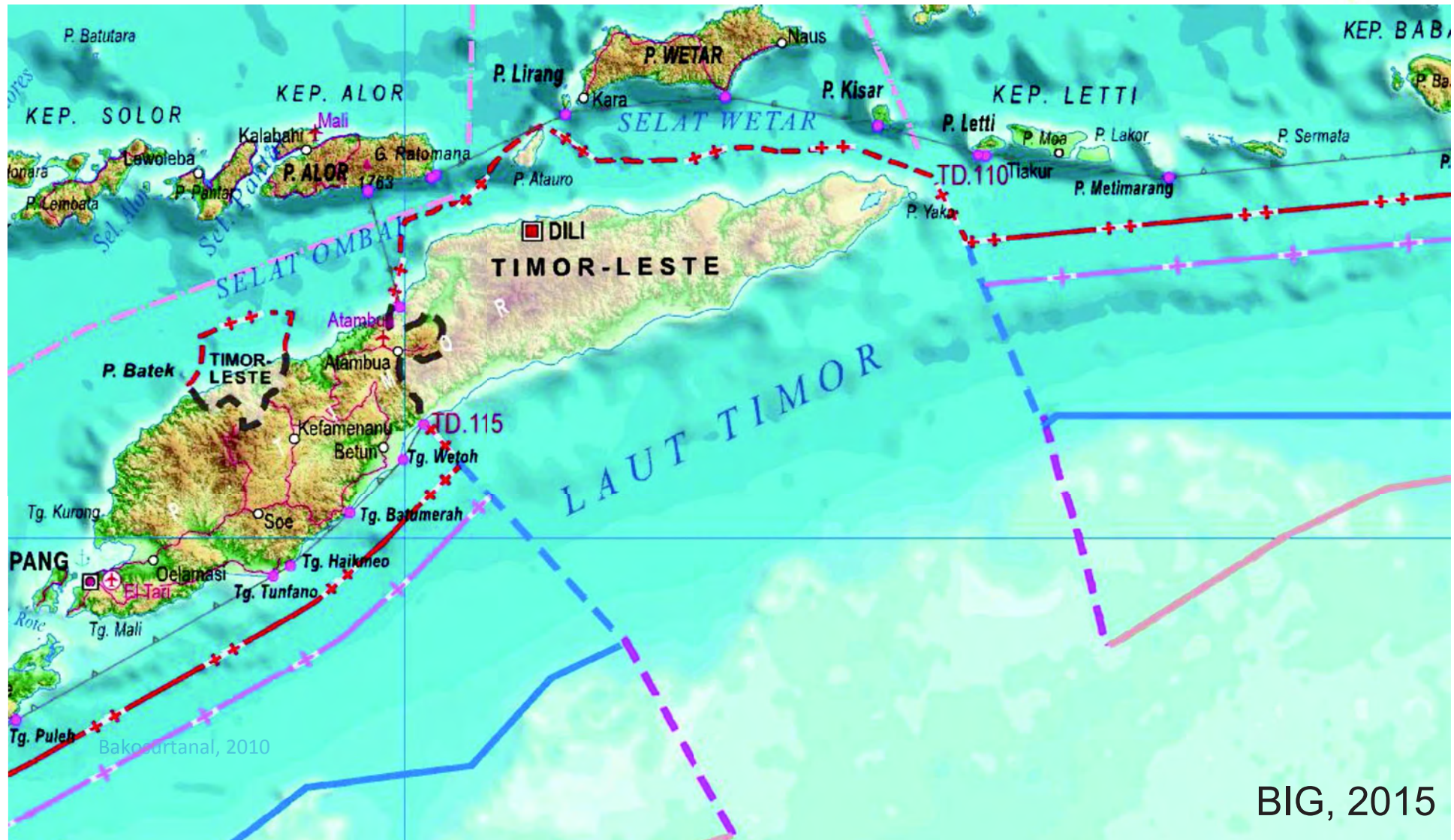
Locally Rooted, Globally Respected

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Options for Lateral Boundaries



Delimitation option: Indonesia v Timor Leste (RI)



BIG, 2015

Concluding Remarks



- Indonesia has ten neighbours to deal with for maritime boundary delimitation
- Settled, partially or fully, with eight neighbours
- 19 agreements, 1 yet to ratify
- All agreements by negotiation
- With Australia, all settled. Boundary administration/management follows
- With Timor Leste, no agreement yet. Negotiation is on progress.



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THANK YOU

