Lecture 2 – Land Boundaries: Delimitation and Delineation

Alkisah.. tentang batas

Figure: North Korea – South Korea Land Boundary
Lecture outline

- Legal reference and historical arguments
- Treaties and agreements
- Boundary management
- Delimitation, delineation and demarcation process
- General structure of boundary agreement
- International boundaries
  - Legal reference
  - Delimitation
  - Demarcation
- Nasional boundary
  - Legal reference
  - Autonomous era
  - Local government and administration (UU No. 32/2004)
  - Technical aspects and specification

Legal reference and historical arguments

- Legal reference
  - National context (Indonesia)
    - UUD 1945
    - Law No. 32/2004 \local government
    - Peraturan Mendagri No. 1/2006
  - International context
    - Colonialism treaty
- Historical arguments
  - National context
    - Customary occupation
    - Kingdom territory
  - International context
    - Chain of title based on history
Boundary management

- Generating boundaries
- Boundary maintenance
- Boundary information system
  - AMBIS
  - ILMBIS [idea]
- Joint patrol
- Development for border area
- In case of natural disaster (change of natural boundary, etc), what happen to boundaries?

Delimitation, delineation & demarcation

- Delimitation
  - Definition of boundaries on paper/map
  - Also (usually) used in maritime boundary
  - I think when one is talking of a science it is not out of place to consider the name of that science. In my opinion, delimitation (which, as we know, is a new word, not to be found in any dictionary, at least not in Webster or Johnson or any classical dictionary) means the laying down – not the laying down on the ground, but the definition on paper, either in words or on a map – of the limits of a country. Delimitation covers...all the preliminary processes and procedure involved before a boundary is laid down on the ground... Having done all that, you then come to work on the ground, and then the process ceases to be delimitation and becomes demarcation.
  (Captain A. H. (later Sir Henry) McMahon at a meeting of the Royal Artillery Institution in 1896).
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Delimitation, delineation & demarcation

• Delineation
  – Similar to delimitation
  – Usually used in land boundary
  – The dictionary definition for "delineate" is "portray by drawing or in words". I tend not to use it but would think its pretty much equivalent to "delimitation" rather than demarcation. (Schofield, 2006)

• Demarcation
  – Demarcation on the ground – the agreed line is transferred from the map to the ground where it is physically marked with pillars, posts, fences, etc.
  – the word demarcation is rarely applicable to maritime boundaries as they are rarely amenable to being physically marked though there are a couple of examples (e.g. the US-Mexico border fence extends into the sea a little way and the use of buoys to mark part of the Israel-Jordan territorial sea boundary
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General structure of boundary agreement

- **National land boundary**
  - Assignment: obtain general structure of boundary agreement

- **International Land Boundary**
  - Assignment: obtain examples of international land boundary agreement

International Land boundaries

- **Legal reference**
  - No public international law
  - Colonial treaty (e.g., Treaty 1904 between The Netherlands and Portugal)
  - Customary law

- **Delimitation**
  - Interpretation of legal reference
  - Determination of coordinate (cartometric, based on maps)

- **Demarcation**
  - CBRF (common border reference frame)
  - Border points
  - Positioning technology (GPS, TS, technical specification)
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National Land boundaries

• Legal reference
  – UUD 1945
  – Law No. 32/2004
  – Permendagri No. 1/2006

• Autonomous era
  – Centralisation → decentralisation
  – Level of autonomy
  – Positive vs. negative impacts
  – The roles and importance of land boundaries

• Technical aspects and specification
  – Refer to Permendagri No. 1/2006

Bibliography

• Undang-undang Nomor 32/2004 tentang Pemerintahan Daerah
• Teknik Geodesi. (2003) Laporan penegasan batas darat RI-Timor Leste, Yogyakarta
What to do next?

- Read Permendagri No. 1/2006
- Next week materials (Delimitation and Demarcation of land boundaries)
  - Delimitation and Demarcation of land boundaries
  - Demarcation method and definition of geodetic datum
    - Positioning methods
    - Field survey
    - Standard Operational Procedure (SOP)
    - Technical specification
    - Field demarcation (monuments, pillars)
  - Institutions of boundary demarcation
- Prepare for student presentation
- Assignment: RI-Indonesia land boundary determination