

Boundary Delimitation and Demarcation

*National Law of the Sea*

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Lecture 6 – National Law of the Sea

*Kutipan hari ini*

- Seperti halnya, tekanan, pujian juga adalah motivasi yang sangat dasyat!
- Similar to pressure, compliment is also a powerful motivation
- ma

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Lecture 6 – National Law of the Sea

*Lecture outline*

- Evolution of Indonesian maritime claims
- Concept of the archipelagic state
- Indonesian archipelagic baseline
- Indonesian archipelagic sea lanes
- Domestic maritime law
  - Territorial sea and Maritime Environment Ordinance 1939
  - Deklarasi Djuanda 1957
  - Law No. 1/1973 (Continental Shelf)
  - Law No 5/1983 (EEZ)
  - UU No 17/1985 (LOS ratification)

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Lecture 6 – National Law of the Sea

*Introduction*

- Indonesian Land Territory

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*Introduction*

- Territorial sea and Maritime Environment Ordinance 1939 → 3 M TS

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Lecture 6 – National Law of the Sea

*Introduction*

- Djoeanda Declaration 1957 – Wawasan Nusantara

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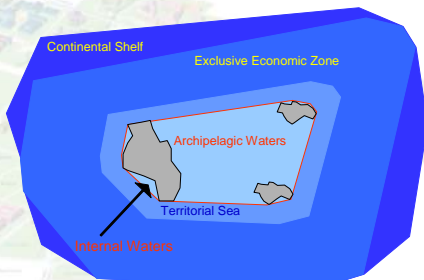
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### UNCLOS

#### • Territorial sea and Exclusive Economic Zone



### Indonesian Maritime Regime after UNCLOS III



### Concept of the archipelagic state

#### • Part IV of UNCLOS (Article 46)

- (a) "archipelagic State" means a State constituted wholly by one or more archipelagos and may include other islands;
- (b) "archipelago" means a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.

### Archipelagic baselines

- The claimant state's "main islands" must be included within the archipelagic baseline system.
- The ratio of water to land within the baselines must be between 1:1 and 9:1.
- The length of such baselines shall not exceed 100 nm, except that up to 3 per cent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nm.
- Such baselines "shall not depart to any appreciable extent from the general configuration of the archipelago." (LOSC, Article 47(3))

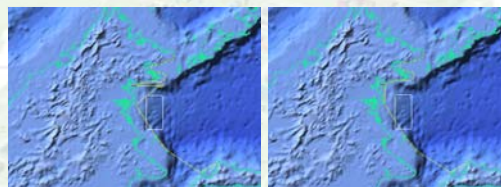
### Indonesian archipelagic baseline

#### • PP 38/2002



### Indonesian archipelagic baseline

- Some problems
  - Not yet a closed system
  - Sipadan and Ligitan are still considered as basepoints



### Indonesian archipelagic sea lanes



### Domestic maritime law

- Territorial sea and Maritime Environment Ordinance 1939
- Djoeanda Declaration 1957
- Law No. 4/Prp/1960
- Law No. 1/1973 (Continental Shelf)
- Law No 5/1983 (EEZ)
- UU No 17/1985 (LOSC ratification)
- Law No. 6/1996 (Indonesian waters)
- PP 38/2002 (baselines)

### What to do next?

- Next week materials
  - Penggunaan peta laut
  - Penentuan basepoint dan baseline (Datum Vertical dan Horizontal, Jenis Baseline)
  - Garis Pangkal Kepulauan
  - Penentuan zona laut dari garis pangkal
  - Publikasi baseline
- Student presentation!