Defining Forward Position for Maritime Delimitation using Oil Concessions:
A Critical Review on the Case of the Sulawesi Sea and the South China Sea

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ABSTRACT

In the absence of agreed maritime boundaries, States usually have their unilaterally claimed boundary lines. In many cases, these lines represent the most forward possible line such States would prefer to be the final boundary lines. Thus, such lines are also known as forward positions, which are usually used by coastal States as their initial position in negotiating their maritime boundaries. In the case of Indonesia’s maritime boundaries, for example, these forward positions have been depicted clearly on its official map.

In the Sulawesi Sea, where maritime boundaries between Indonesia and Malaysia are pending, both States have proposed their maritime claims defined by their forward positions. Indonesia, on one side, utilises oil concession it defined since the 1960s in defining its forward position. Malaysia, on the other hand, started to define its forward positions and then define oil concessions within those forward positions. Ongoing negotiations between Indonesia and Malaysia apparently consider the previously defined oil concessions in the Sulawesi Sea. Similarly, the utilisation of oil concession definition to represent maritime claims has also been the case in the South China Sea as demonstrated by, for example, China and Vietnam.

This research presentation analyses the roles of oil concession definitions in defining forward position and how they may affect the delimitation of maritime boundaries between coastal States. The cases in the Sulawesi Sea and the South China Sea are investigated with reference to relevant cases in different parts of the world. Findings and conclusions regarding the pattern and roles of oil concession in defining forward position for maritime delimitation are then presented.

Keywords: oil concession, forward position, maritime delimitation, Sulawesi Sea, South China Sea