

DELIMITATION OF INTERNAL WATERS ON ARCHIPELAGIC STATES CASE STUDY INDONESIA

Sigit Sutadi Nugroho

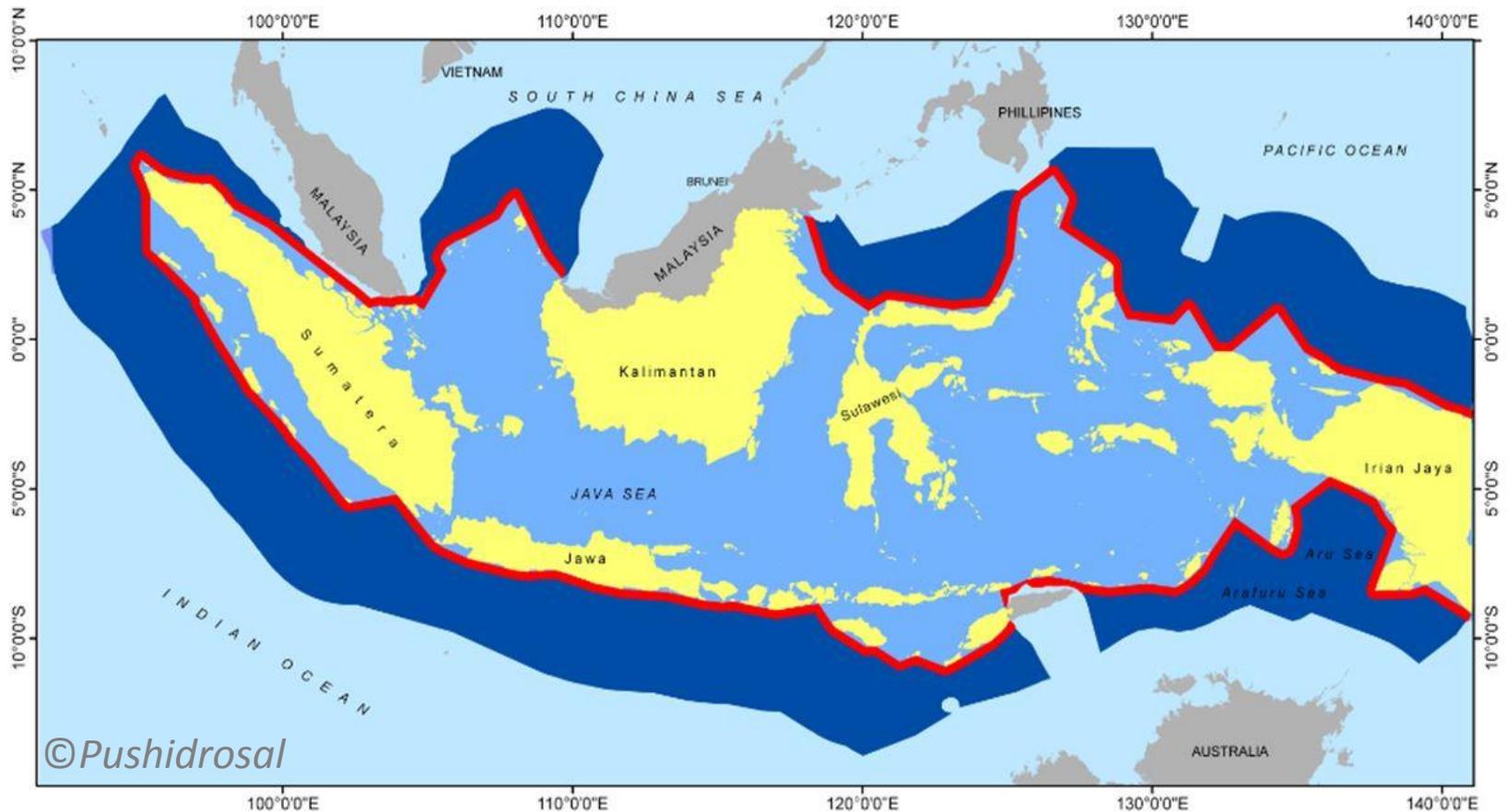
ABLOS Conference 10th Monaco, 8-9 October 2019

OUTLINE

1. Introduction
2. Discussion
 - a. Archipelagic States Practice
 - b. Identification Of Indonesian Internal Waters
 - 1) Mouth of Rivers
 - 2) Bays
 - 3) Ports
3. Closing
Conclusion

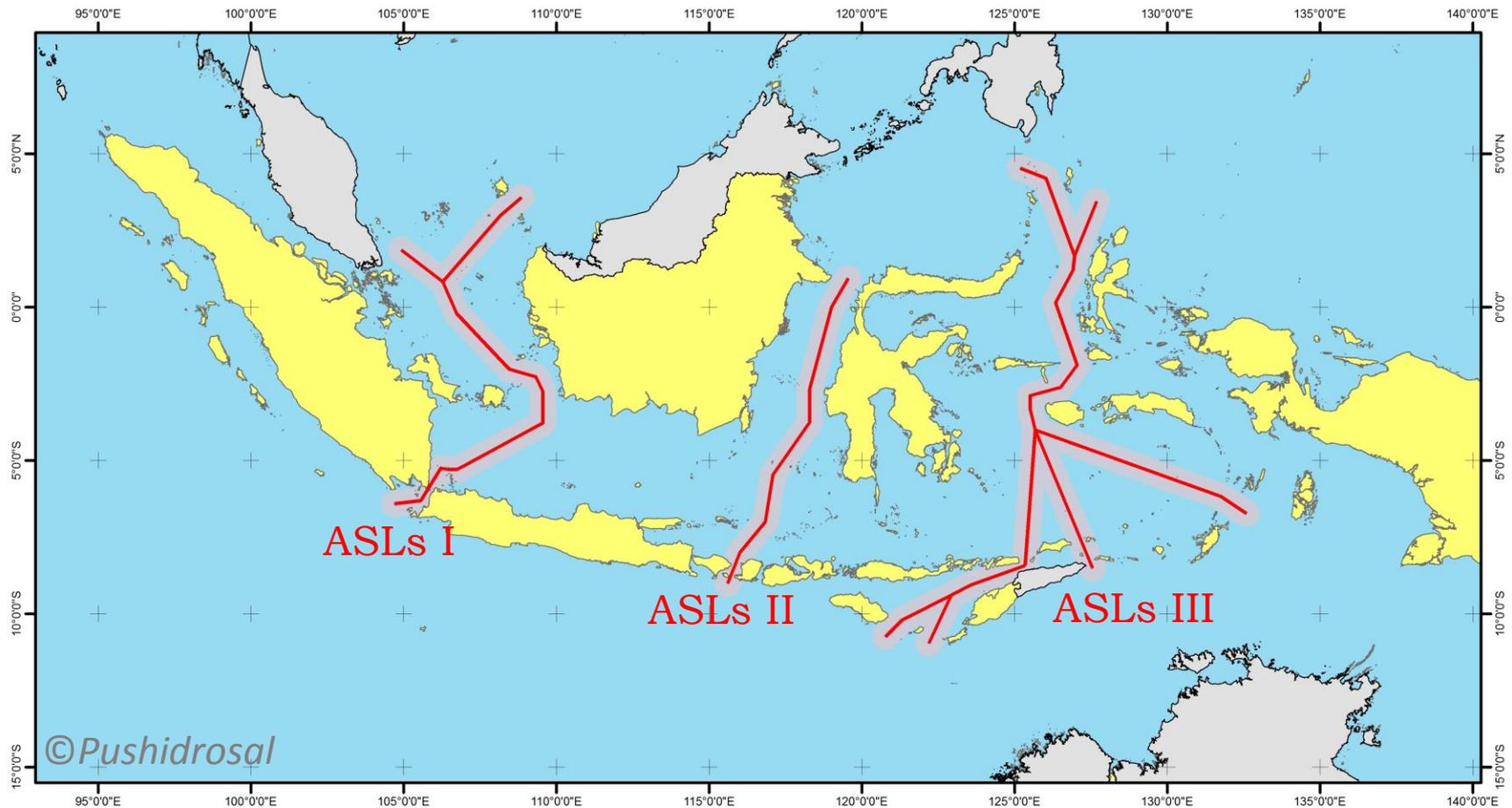
I. INTRODUCTION

INDONESIAN ARCHIPELAGIC BASELINES



Illustrative Map of Indonesian Archipelagic Baseline
(Indonesian Government Regulation Number 38 of 2002, and 37 of 2008)

INDONESIA'S ARCHEPELAGIC SEA LANES



Illustrative Map of Indonesian Archipelagic Sea Lanes with deviate 25 nautical miles
to either side of such axis lines
(Indonesian Government Regulation Number 37 of 2002)

ASLs = Archipelagic Sea Lanes

- 
- Article 50 UNCLOS permits archipelagic States to draw closing lines for the delimitation of internal waters, in Mouth Of Rivers, Bays, Ports.
 - The coastal state enjoys full sovereignty over its internal waters. Consequently, there is no right of innocent passage such exist in the territorial sea (archipelagic waters), through them.
 - By entering foreign ports and other internal waters, ships put them selves within the territorial jurisdiction of the coastal state.

II. DISCUSSION

➤ Antigua and Barbuda



Based Antigua and Barbuda,
Maritime Areas Act, 1982

ARCHIPELAGIC BASELINE CO-ORDINATES		
North American Datum-1927		
NUMBER	LATITUDE (N)	LONGITUDE (W)
①	16 59 51	61 44 50
②	16 55 55	62 20 45
③	16 55 57	62 20 55
④	16 56 00	62 20 58
⑤	16 56 39	62 20 57
⑥	17 42 46	61 53 28
⑦	17 43 32	61 52 50
⑧	17 44 47	61 51 21
⑨	17 44 18	61 49 37
⑩	17 42 22	61 47 41
⑪	17 40 30	61 46 00
⑫	17 39 07	61 44 58
⑬	17 38 02	61 44 16
⑭	17 37 22	61 43 56
⑮	17 36 08	61 43 39
⑯	17 04 08	61 39 30
⑰	17 04 05	61 39 30
⑱	17 03 08	61 40 08
⑲	17 02 41	61 40 31
⑳	17 01 59	61 41 12
㉑	17 00 06	61 44 06
㉒	17 00 04	61 44 10

LIST OF INTERNAL WATERS	
LETTER	NAME
A	St John's Harbour
B	Deep & Galley Bays
C	Five Island Harbour
D	Mosquito Cove
E	Cades Bay Lagoon
F	Carlisle Bay
G	Falmouth Harbour
H	English Harbour
I	Indian Creek
K	Mamora Bay
L	Willoughby Bay
M	Hudson Cove
N	Half Moon Bay
O	Exchange Bay
P	Marigalante Bay
Q	Nonsuch Bay
R	Belfast & Guiana Bay
S	Unnamed
T	Parham Harbour
U	Goat Island Flush
V	Codrington Lagoon

ANTIGUA AND BARBUDA

Chart showing the archipelagic baselines, territorial sea limits, and areas of internal waters of Antigua and Barbuda prepared in pursuance of Section 18A of the Maritime Areas Act, 1982.

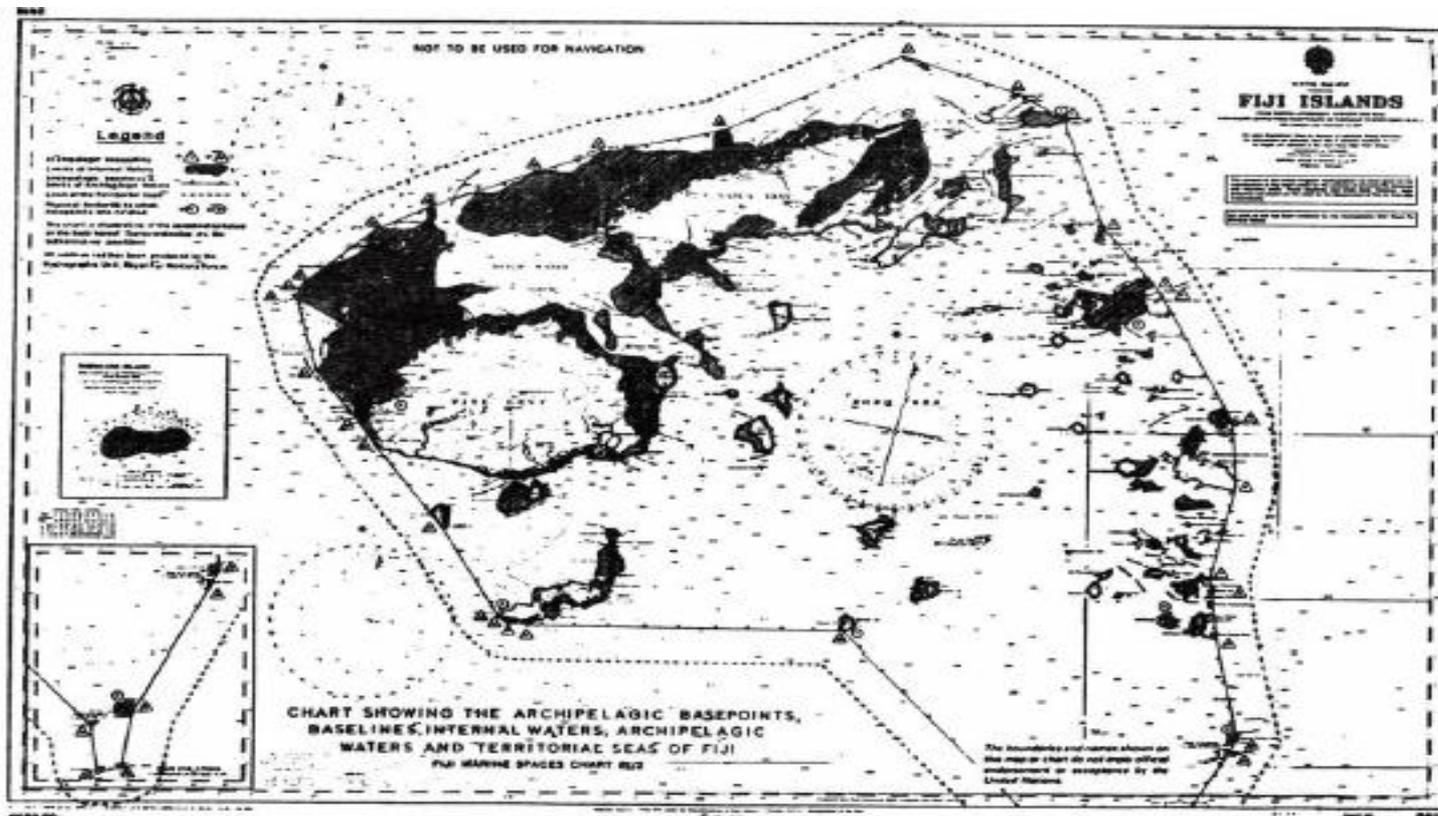
Projection: Mercator
Scale 1:300 000 (at Lat 17°30')

NOT TO BE USED FOR NAVIGATION

	Archipelagic Baseline
	12 mile Territorial Sea Limit
	Median line
	Internal Waters

➤ Fiji

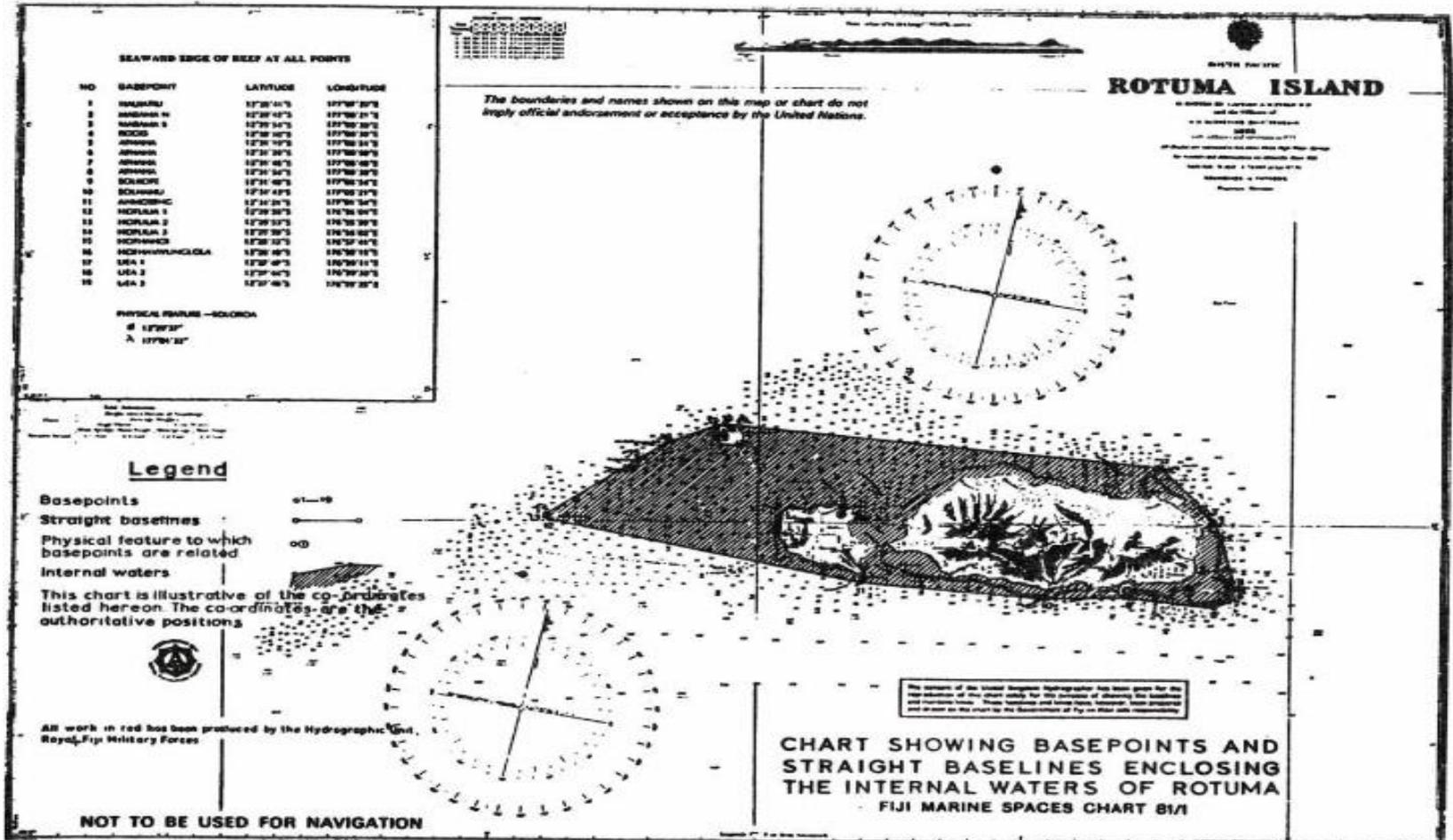
Marine Spaces Act Laws of Fiji Chapter 158A Marine Spaces Acts No. 18 of 1977, 15 of 1978



Fiji Marine Spaces Chart 81/2
which is British Admiralty Chart No. 2691

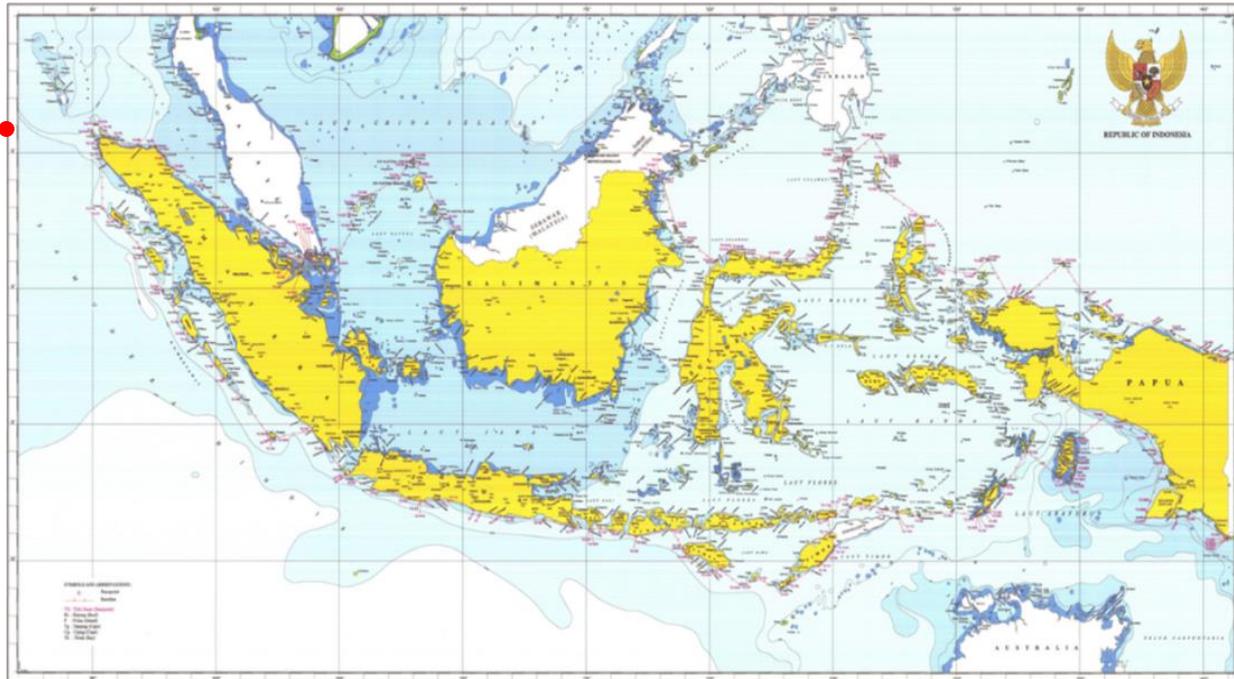
STATE PRACTICE

➤ Fiji



Fiji Marine Spaces Chart 81/1
 which is British Admiralty Chart No. 2992

IDENTIFICATION OF INDONESIAN INTERNAL WATERS

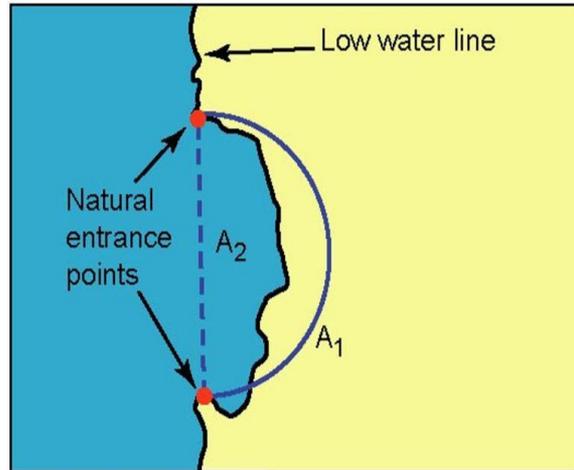


Illustrative Map of Indonesian Archipelagic Baselines
(Based Indonesian Government Regulation Number 38 of 2002, and 37 of 2008)

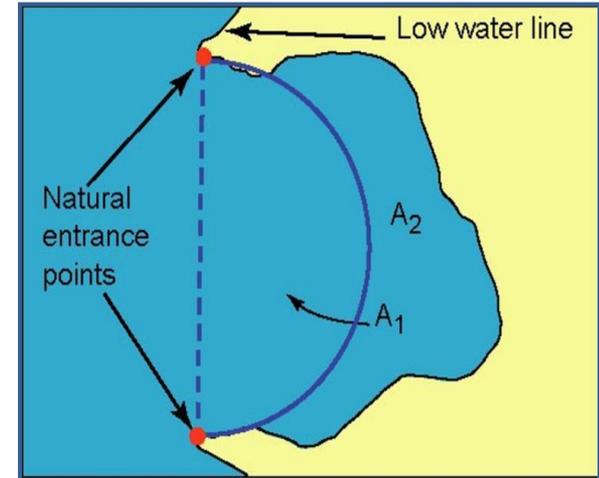
➤ Indonesia have 3201 Bays Toponym

1. Sumatera : 404
2. Jawa : 272
3. Kalimantan : 86
4. Balinusa : 1076
5. Sulawesi : 445
6. Maluku : 105
7. Papua : 813

BAYS (JURIDICAL & HISTORIC)



Not a juridical bay



Juridical bay

Closing Bays for Internal Waters

- The foregoing provisions do not apply to so-called "historic" bays ?

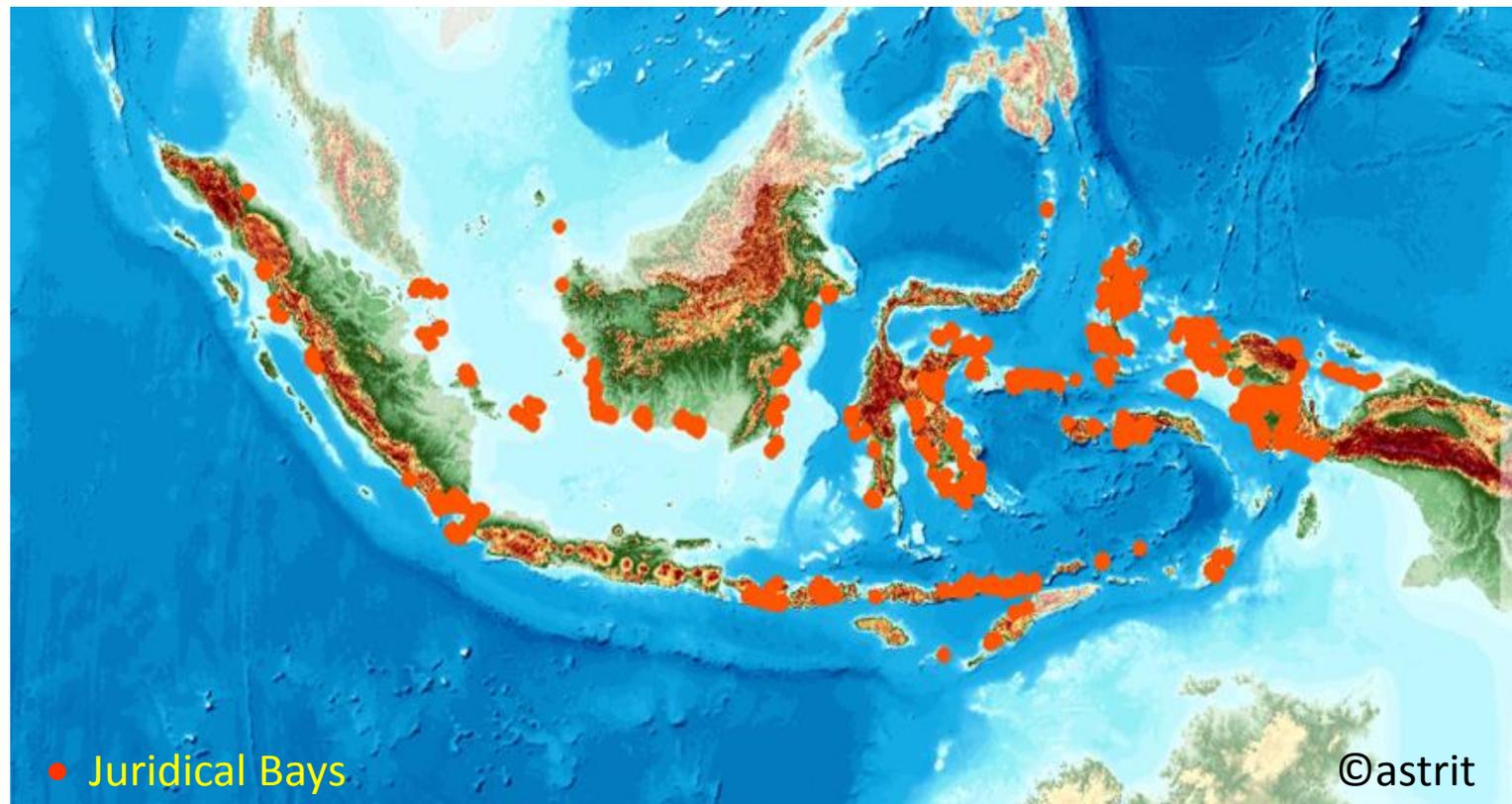
NO	NAME OF THE BAY	LENGTH OF CLOSING LINE (NM)	AREA OF SEMI-CIRCLE (M ²)	BAYS AREA (M ²)	INTERNAL WATERS	LOCATED	SEA LANE
1.	Kasuaris	5.8345	45,645,386.4982	52,215,797.1831	Yes	Banten	I
2.	Legon Kuntianak	0.6460	558,176.9543	674,919.0038	Yes	Banten	I
3.	Carita	1.3665	2,531,102.5491	2,720,641.0457	Yes	Banten	I
4.	Pangabuan Besar	0.3838	198,305.2736	254,124.3475	Yes	Banten	I
5.	Pangabuan Kecil	0.2177	63,284.5689	89,447.8481	Yes	Banten	I
6.	Legon Semadang	0.3922	206,527.3680	289,112.9183	Yes	Banten	I
7.	Lentah	0.2210	66,029.6578	80,106.6017	Yes	Banten	I
8.	Legon Kadana	0.3941	209,026.8046	309,225.2591	Yes	Banten	I
9.	Tembuyung	0.0864	10,073.4817	9,547.1725	No	Banten	I
10.	Legonwaru	0.0682	6,287.1571	8,218.7554	Yes	Banten	I
11.	Bajo	0.2243	66,922.0045	37,382.7469	No	Banten	I
12.	Kalidano	0.7751	800,182.7466	343,213.4593	No	Banten	I
13.	Tengah	0.5477	406,710.0717	286,934.5635	No	Banten	I
14.	Lada	3.9837	21,246,965.3869	20,514,693.6067	No	Banten	I
15.	Legon Kalicaah	0.2014	54,948.2264	42,309.2338	No	Banten	I
16.	Cikujang	0.1913	49,599.9303	26,828.2061	No	Banten	I
17.	Camara	1.4396	2,811,561.0126	1,722,887.1290	No	Banten	I
18.	Penyu	2.8688	11,104,918.4630	5,425,798.5672	No	Banten	I
19.	Legon Barukuning	0.4689	293,258.8482	197,361.2283	No	Banten	I
20.	Legon Karenceng	0.4674	291,289.5312	131,476.2326	No	Banten	I
21.	Legon Butun	0.8660	1,005,684.0538	562,976.7548	No	Banten	I
22.	Banten	7.4105	74,130,252.5346	128,824,983.5690	Yes	Banten	I
23.	Peucang	2.0999	5,873,541.2923	6,763,380.1080	Yes	Banten	I

Table: Identification of Bay

NO	NAME OF THE BAY	LENGTH OF CLOSING LINE (NM)	AREA OF SEMI-CIRCLE (M ²)	BAYS AREA (M ²)	INTERNAL WATERS
1.	Kumai	18.9477	484,093,269.4050	599,131,529.7103	Yes
2.	Airhitam	13.8766	259,703,116.4150	265,185,839.4322	Yes
3.	Sabun	0.4388	259,652.2144	308,648.0350	Yes
4.	Dalam	0.3560	170,461.5772	297,867.4168	Yes
5.	Periuh	0.5870	464,335.5401	1,000,081.5913	Yes
6.	Pangkoh	0.2289	70,714.5767	269,035.0242	Yes
7.	Nuri	3.4864	16,392,453.7108	17,919,034.7555	Yes
8.	Bangkalan	1.4390	2,792,705.9818	2,841,217.4568	Yes
9.	Piyai	2.7648	10,312,664.1424	12,002,691.5567	Yes
10.	Sangkulirang	10.6008	151,544,276.4720	186,354,160.8819	Yes
11.	Lombok	1.2597	2,139,603.8375	4,587,615.6505	Yes
12.	Kabak	0.9870	1,313,172.1232	1,931,391.6235	Yes
13.	Pandan	0.9944	1,331,498.4522	1,431,750.5491	Yes
14.	Sekatup	1.0192	1,398,545.0122	5,874,022.3880	Yes
15.	Sekangat	2.7032	9,837,259.2155	20,859,178.6502	Yes
16.	Balikpapan	8.4074	95,319,941.4741	162,024,890.3012	Yes
17.	Adang	11.9301	191,834,820.5960	269,065,175.0003	Yes
18.	Pamukan	3.9675	21,230,627.1611	111,527,941.5956	Yes
19.	Kelumpang	6.3991	55,110,321.5960	190,943,112.6470	Yes
20.	Tamiang	2.8991	11,333,514.3187	13,896,049.1100	Yes
21.	Gumbang	3.5576	17,081,404.3779	29,217,087.7158	Yes

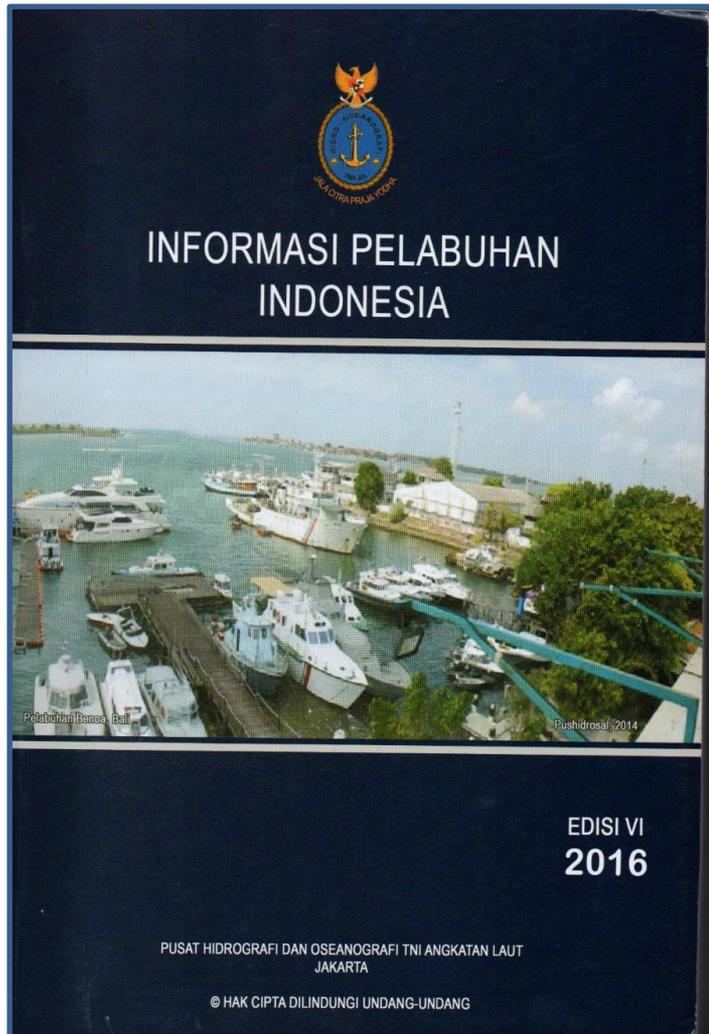
Table: Identification of Bay

IDENTIFICATION OF JURIDICAL BAYS



Illustrative Map of the Juridical Bays Identification

PORTS



Publication of Indonesian Port Information

- Indonesia have more than 111 Ports
- to draw closing lines for the delimitation of internal waters, in Mouth Of Rivers, Historical Bays, Ports will require further study

III. CLOSING

CONCLUSION

- Therefore, it becomes very important for archipelagic states to delimitation of their internal waters.
- Article 50 UNCLOS permits archipelagic states to draw closing lines for the delimitation of internal waters. Indonesia has accommodated that Article in Article 7 Paragraph (1) of Law No.6 of 1996 regarding Indonesian Waters.
- The Government of Indonesia to draw closing lines for the delimitation of internal waters, in Mouth Of Rivers, Historical Bays, Ports need require further study.
- The Government of Indonesia need push for regulations regarding the delimitation of internal waters in the form of law. The law includes the delimitation of Indonesian internal waters by including geographical coordinates and describe the delimitation of internal waters on the Indonesian Nautical Charts.

THANK YOU

sigitsutadinugroho@gmail.com