

International Boundary Study

SERIES A

LIMITS IN THE SEAS

Territorial Sea Boundary

INDONESIA - MALAYSIA



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No. 50

INDONESIA-MALAYSIA TERRITORIAL SEA BOUNDARY

The Geographer
Office of the Geographer
Bureau of Intelligence and Research

INDONESIA-MALAYSIA TERRITORIAL SEA BOUNDARY

The Republic of Indonesia and the Government of Malaysia signed an agreement on March 17, 1970, delimiting the territorial sea boundary between the two states in the Strait of Malacca. The treaty came into force on March 10, 1971.

Malaysia is a party to the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone; Indonesia is not.

The specifics of the treaty are:

TREATY BETWEEN THE REPUBLIC OF INDONESIA AND MALAYSIA ON DETERMINATION OF BOUNDARY LINES OF TERRITORIAL WATERS OF THE TWO NATIONS AT THE STRAIT OF MALACCA

THE REPUBLIC OF INDONESIA AND MALAYSIA,

OBSERVING that coast-lines of the two countries confront each other at the Strait of Malacca and the width of the territorial waters of the respective countries is 12 nautical miles.

DESIRIOUS to fortify the friendly tie which has long bound the two countries;

DESIRIOUS ALSO to determine the boundary lines of territorial waters of the two countries at the narrow part of the Strait of Malacca, bounded:

- a. In the North by the line which connects Tandjung Thu, Latitude 02°51.1'N, Longitude 101°16.9'E to Point 1, Lat. 02°51.6'N, Long. 101°00.2'E to Batu Mandi Isle Lat. 02°52.2'N, Long. 100°41.0'E and
- b. In the South by the line which connects Tandjung Piai, Lat. 01°16.2'N, Long. 103°30.5'E to Point No. 8, Lat. 01°15.0'N, Long. 103°22.8'E to Iju Ketjil Isle Lat. 01°11.2'N, Long. 103°21.0'E and Tandjung Kedabu, Lat. 01°05.9'N, Long. 102°58.5'E.

HAVE APPROVED AS FOLLOWS:

Article 1.

(1). Without curtailment of provision in Section (2) of this Article, boundary lines of territorial waters of Indonesia and Malaysia at the Strait of Malacca in areas as stated in the preamble of this Treaty shall be the line at the center drawn from base lines of the respective parties in said areas.

(2). (a) Except that which is stated in sub b, Section (2) of this Article, co-ordinates of points of said boundary lines shall be as follows:

Point 1	101°	00.2'E	02°	51.6'N
Point 2	101°	12.1'E	02°	41.5'N
Point 3	101°	46.5'E	02°	15.4'N
Point 4	102°	13.4'E	01°	55.2'N
Point 5	102°	35.0'E	01°	41.2'N
Point 6	103°	02.1'E	01°	19.1'N
Point 7	103°	03.9'E	01°	19.5'N
Point 8	103°	22.8'E	01°	15.0'N

(b) Point 6 shall not apply to Malaysia.

(3). Co-ordinates of points stipulated in Section (2) shall be geographical co-ordinates and boundary lines which connect them as shown on the map attached to this Treaty as Attachment "A".

(4). Actual sites of points stated above shall be determined through means jointly approved by authorized officials of both parties.

(5). What are referred to by "authorized officials" stated in Section (4) shall be for Indonesia the Director of Naval Hydrography of the Republic of Indonesia, including every person so authorized, and for Malaysia, Director of Mapping of the State of Malaysia including every person so authorized.

Article II.

The respective parties herewith shall promise assurances that every necessary measure shall be taken in their countries to comply to provisions inserted in this Treaty.

Article III.

Any dispute which may arise between the two parties from interpretation or implementation of this Treaty shall be settled amicably via consultation or negotiation.

Article IV.

This Treaty shall be legitimate in accordance with the constitutional procedure of the respective countries.

Article V.

This Treaty shall be effective as of the date of exchange of Charters of Legalization.

DONE IN DUPLICATES in Kuala Lumpur on March 17, 1970, in Indonesian, Malaysian and English languages. In case of differences of interpretations between the drafts, the English Draft shall be decisive.

FOR THE REPUBLIC OF INDONESIA

ADAM MALIK

FOREIGN MINISTER.

FOR MALAYSIA

TUN HAJI ABDUL RAZAK
BIN DATO HUSSEIN

VICE PRIME MINISTER

ANALYSIS

For the analysis of the territorial sea boundary (TSB), the following chart was utilized: U.S. Naval Oceanographic chart N.O. 71000, 15th Edition, June 1940, revised October 27, 1969.

NOTE: There are two cartographic errors on the chart. (1) Points 4 (red), and 7 (blue) are actually located two nautical miles southwest of the point shown on the chart. (2) During the reproduction process, slight slippage of the red line occurred but did not greatly displace the boundary points.

Both Indonesia and Malaysia claim a 12-nautical-mile territorial sea. The TSB establishes a boundary in a narrow section of the Strait of Malacca extending from 02°51.6'N., 101°00.2'E.; to 01°15.0'N., 103°22.8'E. The respective TSB's claimed by each state differ in length because of the small area of high seas that remains in the Strait.¹ The Indonesia TSB is 174 and the Malaysian TSB 173 nautical miles in length.

BOUNDARY POINTS

Turning Points		Distance to Baseline (n.m.)	Distance Between Points (n.m.)
Territorial	Continental		
1	-	11.5	15.0
2	5	10.5	43.5
3	6	10.0	33.0
4	7	10.5	25.0
5	8	12.0	

¹ The territorial sea boundary between Indonesia and Malaysia is separated by high seas, i.e., the triangular area 5-6-7. The Malaysian TSB extends directly from Point 5 to 7 (the blue continental shelf boundary line which is coextensive with the territorial sea boundary). The Indonesian TSB is delimited by Points 5-6-7, and is therefore longer than the Malaysian TSB.

Turning Points		Distance to Baseline (n.m.)	Distance Between Points (n.m.)
Territorial	Continental		
6**	-	12.0	36.5*
7	9	11.5	3.5*
8	10	4.0	17.5

* Distances are for the Indonesia TSB. The distance from Point 5-7 of the Malaysian TSB is 39.0 n.m.

** Point 6 does not appertain to Malaysia as it is beyond the Malaysian territorial sea limit claimed by Malaysia.

The treaty specifies that the TSB is a median line between the respective baselines of Indonesia and Malaysia. Indonesia has promulgated straight baselines and issued charts showing the system.²

Malaysia appears to have a system of straight baselines based on the Indonesian example. However, Malaysia has never promulgated straight baselines other than a reference to such a system in the Indonesia-Malaysia Continental Shelf Boundary Agreement of November 7, 1969.³

From looking at the territorial sea and continental shelf boundary agreements between Indonesia and Malaysia, it is obvious that Malaysia employed some system of straight baselines from which to measure the extent of its claimed territorial sea. The system was also used by Malaysia to acquire an "equitable" share of the continental shelf of the Strait of Malacca.

The TSB coincides with the continental shelf boundary set in 1969 except in the vicinity of the triangular region 5-6-7. All turning points on the TSB coincide with points on the continental shelf boundary except for Points 1 and 6. Point 1 lies on the shelf boundary but not on a shelf boundary point. Point 6 relates only to the Indonesian TSB.

With the conclusion of the Indonesia and Malaysia territorial sea and continental shelf agreements regarding the Strait of Malacca, only agreements by Indonesia and Malaysia with Thailand remain to complete and assertion of maritime jurisdiction over the shelf and seas of the Strait.

Indonesia and Thailand have reportedly negotiated a continental shelf boundary agreement which has not entered into force. No Indonesia-Thailand TSB is required.

² U.S. Department of State, Office of the Geographer. Indonesia: Straight Baselines. International Boundary Study, Series A, Limits in the Seas, No. 35 of July 20, 1971

³ U.S. Department of State, Office of the Geographer. Indonesia-Malaysia: Continental Shelf Boundary. International Boundary Study, Series A, Limits in the Seas, No. 1 of January 21, 1970.

Both territorial sea and continental shelf agreements will be required between Malaysia and Thailand. The TSB would presumably be a 12-nautical-mile seaward extension of the land boundary between the two states.

Indonesia-Malaysia Territorial Sea Boundary

