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## Annex 1

### List International Agreements Ratified by the Government of Indonesia

<b>INTERNATIONAL AGREEMENT</b>	<b>SIGNED</b>	<b>RATIFIED BY</b>	<b>ADMINISTERING AGENCY/ INSTITUTION</b>
IMO Convention (1948)		Law No. 19/1961	Min. of Communication
- IMO amendments (1991)			Min. of Communication
- IMO amendments (1993)			Min. of Communication
Convention on the High Seas	1958		Min. of Foreign Affairs
Convention on the Continental Shelf	1958	Law No. 1/1973	Min. of Foreign Affairs
Optional Protocol of Signature concerning the Compulsory Settlement of Disputes	1958		Min. of Foreign Affairs
International Convention for Safety Life at Sea, 1960		Presidential Decree No. 203/1966	Min. of Communication
International Regulations for Preventing Collisions at Sea (COLREG), 1960		Presidential Decree No. 107/1968	Ministry of Communication
International Convention on Load Line (LL), 1966		Presidential Decree No. 47/1976	Ministry of Communication
International Convention on Tonnage Measurement of Ship (TONNAGE), 1969		Presidential Decree No. 5/1989	Ministry of Communication
CLC Convention, 1969		Presidential Decree No. 18/1978	Ministry of Communication
- CLC Protocol, 1992			
STP Agreement, 1971		Presidential Decree No. 73/1972	Ministry of Communication
STP Protocol 1973			
International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention) 1971		Presidential Decree No. 19/1978	Ministry of Communication
Convention on Wetland of International Importance Especially as Waterfowl Habitat (RAMSAR), 1971			Min. of Forestry

<b>INTERNATIONAL AGREEMENT</b>	<b>SIGNED</b>	<b>RATIFIED BY</b>	<b>ADMINISTERING AGENCY/ INSTITUTION</b>
Convention on the International Regulations for Preventing Collision at Sea (COLREG), 1972		Presidential Decree No. 50/1979	Ministry of Communication
International Convention for Safe Containers (CFC), 1972		Presidential Decree No. 33/1989	Ministry of Communication
Customs Convention on Containers, 1972		Presidential Decree No. 45/1989	Ministry of Communication
Protocol on Space Requirements for Special Trade Passenger Ships 1973		Presidential Decree No. 43/1979	Ministry of Communication
Convention on the Security of Human Life at Sea (SOLAS), 1974		Presidential Decree No. 65/1980	Ministry of Communication
- SOLAS Protocol, 1978		Presidential Decree No. 21/1988	Ministry of Communication
Agreement for the Facilitation of Search for Ships in Distress and rescue of Survivors of Ship Accidents		Presidential Decree No. 26/1976	Ministry of Communication
International Convention for the Prevention of Pollution from Ships, 1973 and its 1978 Protocol (MARPOL 73/78), Annex I/II.		Presidential Decree No. 46/1986	Ministry of Communication
Convention on the International Maritime Satellite Organization (INMARSAT), 1976		Presidential Decree No. 14/1986	Ministry of Communication
- INMARSAT Operating Agreement, 1976			Ministry of Communication
- INMARSAT Amendments, 1994			Ministry of Communication
- INMARSAT Amendments, 1998			Ministry of Communication
International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978			Ministry of Communication

<b>INTERNATIONAL AGREEMENT</b>	<b>SIGNED</b>	<b>RATIFIED BY</b>	<b>ADMINISTERING AGENCY/ INSTITUTION</b>
United Nations Conventions on the Law of the Sea 1982	1982	Law No. 17/1985	Ministry of Foreign Affairs
Basal Convention for the Control of Transboundary Movement of Hazardous Wastes and their Disposal (1989)			Ministry of Environment
Basal Convention for the Control of Transboundary Movement of Hazardous Wastes and their Disposal (1989)			Ministry of Environment
SALVAGE Convention, 1989			Ministry of Communication
International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990			Ministry of Communication
Agenda 21	1992		Min. of Environment
United Nations Framework on Climate Change	1992		Min. of Environment
Convention on Biological Diversity	1992	Law No. 5/1994	Min. of Forestry
Agreement relating to the Implementation of Part XI of the UNCLOS 1982	1994		Min. of Foreign Affairs
Agreement for the Implementation of the Provisions of the UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks	1995		Min. of Foreign Affairs & Min. of Marine Affairs and Fisheries
Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)		Presidential Decree No. 43/1978	Ministry of Forestry

## **Annex 2**

### **Maritime boundary delimitation agreements**

#### **with Australia**

Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing certain sea-bed boundaries, 18 May 1971

Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing certain sea-bed boundaries in the area of the Timor and Arafura seas, supplementary to the Agreement of 18 May 1971, (9 October 1972)

Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of Australia Concerning the Implementation of a Provisional Fisheries Surveillance and Enforcement Arrangement

Treaty between Australia and the Republic of Indonesia on the Zone of Cooperation in an area between the Indonesian Province of East Timor and Northern Australia [Timor Gap Treaty], 11 December 1989

Treaty between the Government of Australia and the Government of the Republic of Indonesia establishing an exclusive economic zone boundary and certain seabed boundaries, 14 March 1997

#### **with India**

Agreement between the Government of the Republic of India and the Government of the Republic of Indonesia relating to the delimitation of the continental shelf boundary between the two countries (with annexed chart), 8 August 1974

Agreement between the Government of the Republic of India and the Government of the Republic of Indonesia on the extension of the 1974 continental shelf boundary between the two countries in the Andaman Sea and the Indian Ocean, (14 January 1977)

#### **with Malaysia**

Agreement between the Government of Malaysia and the Government of Indonesia on the delimitation of the continental shelves between the two countries, 27 October 1969

Treaty between the Republic of Indonesia and Malaysia Relating to the delimitation of the Territorial Seas of the Two Countries in the Strait of Malacca, 17 March 1970

**with Papua New Guinea**

Agreement between Australia and Indonesia Concerning certain Boundaries between Papua New Guinea and Indonesia (with chart), 12 February 1973

Agreement between the Government of Indonesia and the Government of Papua New Guinea Concerning the Maritime Boundary between the Republic of Indonesia and Papua New Guinea and Cooperation on related Matters (13 December 1980)

**with Singapore**

Agreement Stipulating the Territorial Sea Boundary Lines between Indonesia and the Republic of Singapore in the Strait of Singapore (25 May 1973)

**with Thailand**

Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the delimitation of a continental shelf boundary between the two countries in the northern part of the Straits of Malacca and in the Andaman Sea (with charts), 17 December 1971

Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the delimitation of the sea-bed boundary between the two countries in the Andaman Sea ( with charts), 11 December 1975

**with India and Thailand**

Agreement between the Government of the Kingdom of Thailand, the Government of the Republic of India and the Government of the Republic of Indonesia concerning the determination of the trijunction point and the delimitation of the related boundaries of the three countries in the Andaman Sea, 22 June 1978

**with Malaysia and Thailand**

Agreement between the Government of the Republic of Indonesia, The Government of Malaysia and the Government of the Kingdom of Thailand Relating to the Delimitation of the Continental Shelf Boundaries in the Northern Part of the Strait of Malacca, 21 December 1971

NOTE: Please see print copy for Annex 3: The Doctrin of 'Wawasan Nusantara' (1973)

## Annex 4

### A Chronology of the Major Marine and Coastal Policy Actions of Indonesia 1945-2002

- 1945 The Republic of Indonesia came to birth on August 17, 1945. Indonesia's territorial arrangement was still administered under *the Territoriale Zee en Maritieme Kringen Ordonantie 1939*. This ordinance stipulated that the country's sovereignty extended *three miles* from the low-water mark.<sup>1</sup>
- 1956 The creation of *the Interdepartmental Committee* by Prime Minister Ali Sastroamidjojo on October 17, 1956. The primary task of this committee was to re-evaluate the 1939 ordinance and "prepare a draft on the Law on Indonesian Territorial Waters and Maritime Environment".<sup>2</sup>
- 1957 The Djuanda Declaration of 1957 was issued by Prime Minister Djuanda Kartawidjaja to the effect that the colonial ordinance was being shelved in favour of a completely new territorial model. In this declaration, the Prime Minister asserted the new approach:
- The government declares that all waters surrounding, between and connecting the islands constituting the Indonesian state, regardless of their extension or breadth, are integral parts of the territory of the Indonesian state and therefore, parts of the internal or national waters which are under the exclusive sovereignty of the Indonesian state. .... The delimitation of the territorial sea (the breadth of which is 12-miles) is measured from baselines connecting the outermost points of the islands of Indonesia. (see Appendix 2)
- 1960 The Djuanda Declaration was finally ratified by Legislative/ Assembly with the enactment of Act No. 4 regarding Indonesian Waters on February 18, 1960, thus finally formalizing a new territorial structure which in 1957 was merely a political declaration short of legal force. The bill expanded Indonesia's overall territory by about 2.5-fold, from 2,027,087 sq.km to 5,193,250 sq.km. With the exception of the land area of West Irian, the bulk of the newly-claimed territory involved the maritime area within the Indonesian archipelago. Furthermore, the new territorial configuration consisted of 196 straight baselines, which formed a circumference around the Indonesian islands and which amounted to 8,069.8 nautical miles in overall length. (Kusumaatmadja, 1982:22).
- 1961 Ratification of the Geneva Continental Shelf Convention of 1958.
- 1962 Enactment of the Act on Innocent Passage of 1962 on July 28, 1962. The Act deals with navigational conduct, and establishes the operational criteria by which to determine the "innocent" character of maritime passage through its waters. It also contains regulations which must be obliged by foreign ships

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<sup>1</sup> For a complete documentation of the 1939 ordinance, see *Hukum Laut Nasional: Himpunan Peraturan Perundang-undangan Kemaritiman*, edited by N.H.T. Siahaan and H. Suhendi (Jakarta: Djambatan, 1989).

<sup>2</sup> For the content of this document, see Munadjat Danusaputro, *Tata Lautan Nusantara: Dalam Hukum dan Sejarahnya* (Bandung: Binacipta, 1980), 131-134.

intending innocent passage. The phrase “innocent passage”, however, is fundamentally different from the principle of “navigational freedom” as found in the high sea. Innocent passage is granted so long as it does not pose a threat to Indonesia’s “security, public order, interest and/or ... the peace of the Republic of Indonesia” (see the Document in Appendix 2).

- 1966 The first exploration of offshore oil in Indonesia.
- 1967 Enactment of Foreign Capital Investment Act.
- 1967 Enactment of Act No. 11/1967 regarding Oil and Natural Gas as the basis for offshore oil and gas exploration and exploitation in Indonesia. The basic principle from this Act is that the right to the minerals (including oil and gas) remain vested in the State rather than the holder or owner of the land. Regarding the method of extraction, there are two concepts: (1) Kontrak Karya (contract of work) for hard minerals and (2) a ‘production sharing contract’ (PSC) for oil and gas.
- 1969 In the late 1960s when international efforts began to seek a solution to many LOS issues, particularly with regard to navigation, exploitation of resources on the continental shelf, fisheries jurisdiction, environmental protection as a result of the birth of the era of super tankers, the following Committees in Indonesia came into being:
- The Continental Shelf Committee in the Department of Mining;
  - The Fishery Committee in the Department of Agriculture and Fisheries;
  - The Straits of Malacca Committee in the Department of Communication;
  - The LOSC Committee in the Department of Foreign Affairs.
- 1969 Declaration of Indonesia’s Continental Shelf.
- 1971 By 1971, with Indonesia’s efforts to promote its interests in the third UNCLOS Conference, scheduled for 1973, there was a need for intensified coordination among the activities of the various Committees. The Coordinating Committee for the National Territory (Panitia Koordinasi Wilayah Nasional/PANKORWILNAS) was established in 1971 by Presidential Decree No. 36/1971. During 1970s and 1980s, this Committee was able to effectively coordinate the various activities of the various Committees in the various departments.
- 1973 “Wawasan Nusantara” as a *political doctrine*.
- 1973 Enactment of the Law No. 1/1973 regarding the Indonesian Continental Shelf which illustrates Indonesia’s concern over its natural resources on the sea-bed and subsoil beyond its territorial sea. Five main points of this Law are as follows (Agoes, 1997):
- (1) the Indonesian continental shelf comprises the sea-bed and subsoil of the submarine areas beyond the limit of its territorial sea as determined by Law No.4/PrP/1960, to a depth of 200 m or beyond where the superjacent waters admit the exploration and exploitation of natural resources;

- (2) full authority and exclusive rights over the natural resources of the Indonesian continental shelf shall be vested in the State of Indonesia;
  - (3) in the event that the Indonesian continental shelf, including any depression found therein, lies adjacent to the territory of another state, a boundary line shall be established by agreement with that state; and
  - (4) any exploration for and exploitation of the natural resources therein shall be governed by laws and regulation in force;
  - (5) anyone conducting exploration and exploitation activities is required to take necessary steps to prevent the pollution of the superjacent waters and the airspace above the continental shelf.
- 1974 Issued Government Regulation No. 17/1974 regarding Monitoring of Exploration and Exploitation of Offshore Oil and Natural Gas;
- 1976 In the view of minimizing the conflict between the modern and traditional fishermen, as well as for the purpose of the ecological preservation of Indonesia's marine environment, the Government introduced two bills:
- Ministry of Agriculture Decision No. 607/1976 set-up the offshore areas into four categories of Fishing Belts; the first three belts are located within 12 miles from the shore, while the fourth covers marine area beyond the 12-mile line.
  - Ministry of Agriculture Decision No. 609/1976 structured the Indonesian waters into four Fishing Zones, whereby trawlers engaged in demersal fisheries must obtain a certain license which permits them access to a different part of the zones. These zones consist of the Indian Ocean (Zone A); the Strait of Malacca and South China Sea (Zone B); the Straits of Karimata and Makassar, Java Sea (Zone C); and the seas on the eastern part of the Archipelago (Zone D).
- 1982 Enactment of Act No. 32/1982 regarding Environment.
- 1983 Enactment of the Act No. 5/1983 regarding the Indonesian Exclusive Economic Zone (EEZ) on 8 October, 1983, following Indonesian declaration of claim to an exclusive economic zone. Some important aspects of the Act are as follow:
- (1) the Law grants Indonesia sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources of its EEZ;
  - (2) any exploration and exploitation activities shall be carried out with the consent of, or through international agreement concluded with, the Indonesian Government;
  - (3) foreign legal entities or governments have a guaranteed access to the surplus of the allowable catch;
  - (4) an obligation to take necessary measures to prevent, reduce and control pollution of the marine environment.
- 1984 Issued Government Regulation No. 15/1984 regarding Living Resources Management in Indonesian EEZ.

- 1985 Enactment of the Act No. 17/1985 regarding ratification of United Nations Convention of the Law of the Sea. Indonesia realizes that the effectiveness of UNCLOS depend heavily on its becoming legal force through formal ratification.
- 1985 Enactment of Act No. 9/1985 regarding Fisheries. This Act allow the Minister for Maritime and Fisheries<sup>1</sup> to determine the level of potential capacity of particular fishery resources in a certain area and to allocate 50% of this capacity as maximum sustainable yield (MSY) or total allowable catch (TAC) for domestic and/or foreign fishing. Law No. 5/1983 and Law No. 9/1985 specify that fishing and aquaculture activities in Indonesian waters and EEZ should have a permit from the Minister of Marine Exploration and Fisheries. They must comply with law and regulations, and with conditions specified in their permits. TAC is allocated in a designated area for fishing and a certain water space is allocated for aquaculture. In these fishing grounds and aquaculture areas, no human activity with a detrimental effect on fishery resource and their habitats is allowed.
- 1990 Enactment of the Act No. 5/1990 regarding Conservation of Living Resources and Their Ecosystems. The Act responds to a recognized need for a comprehensive legal framework for promoting the sustainable balanced use of living resources and their ecosystems. It provides for that protection through three measures: (i) establishment of protected areas; (ii) designation and protection of endangered species and their habitat; (iii) introduction of requirements for the sustainable use of resources and their ecosystems.
- 1992 Enactment of Act No. 21/1992 regarding Shipping.
- 1992 Enactment of Act No. 24/1992 regarding Spatial Planning. The principles and objective of Law No. 24/99 include:
- Utilization of space for all interest in an integrated, effective and efficient, harmonious, balanced and sustainable way;
  - Establishment of an ‘environment-oriented’ approach to spatial utilization;
  - Establishment of orderly administration of spatial use in protection and cultivation areas;
  - Wise use of space<sup>57</sup> and resources;
  - Integrated use of natural resources; and
  - Preventing and mitigating negative environmental impact from use.
- 1996 Enactment of Act No. 6/1996 regarding the Indonesian Territorial Waters. The Law is a revision of Law No. 4/PrP/1960 regarding Indonesian Territorial Waters, using principles embodied in the UNCLOS 1982.
- 1997 Enactment of Act No. 23/1997 regarding Environmental Management. As regards to natural resource management, this Act prescribes that environmental management shall be undertaken in an integrated manner and performed as an integral part of spatial management protection of non-biological natural resources, protection of artificial resources, conservation of biological

resources and their ecosystems, cultural preservation, bio-diversity and climate change.

- 1999 Enactment of the Act No. 22/1999 regarding Regional Autonomy. This Act prescribes that the provinces are assigned authority over the lands and waters within the 12 nautical mile limit. Coastal regions are in turn authorized to regulate the exploration, exploitation and management of marine wealth to the extent of their boundaries<sup>50</sup> and spatial use. This will have to be rationalized against national powers for policy making in planning, development, natural resource allocation and conservation.
- 1999 Establishment of Department of Marine Exploration and Fisheries
- 2000 Establishment of Indonesian Maritime Council.
- 2001 Enactment of Act No. 22/2001 on Oil and Natural Gas. This Act replaced PERTAMINA role in oil and gas exploitation.
- 2002 Enactment of Government Regulation (GR) No. 36/2002 on *Right and Responsibilities of Foreign Ship on Exercise Innocent Passage through Indonesian Waters*; GR No. 37/2002 on *Right and Responsibilities of Ships and Aircrafts in Exercising the Right of Transit Passage of Archipelagic Sea Lane through Designated Archipelagic Sea lane*; and GR No. 38/2002 on *List of Geographical Coordinate of Basepoints for Indonesian Archipelagic Baseline*.

NOTE: Please see print copy for Annex 5: The Djuanda Declaration of 1957

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