The Problems of Completing Maritime Boundary Delimitation between Australia and Indonesia

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Australian and Indonesian representatives have been holding informal consultations on the outstanding problems of maritime boundary delimitation. These problems arise in two distinct areas. First, there is the need to draw a boundary between Christmas Island and Java. Second, there is the need to complete existing boundaries at the western end of the Timor Sea. These two problems have different degrees of difficulty.

The Christmas Island Boundary

Christmas Island lies 190 nautical miles (n.m.) south from Tanjong Genteng, the nearest point on the south coast of Java. This low, wooded peninsula provides Point 146 of Indonesia's archipelagic baseline. Christmas Island lies 755 n.m. from North West Cape, the nearest point on the Australian mainland. It is composed mainly of limestone that has been extensively mined for phosphates and it has a population of about 2,000.

The sea-bed between Christmas Island and Java plunges into the Sunda Trench where the Indian Ocean's deepest point is found at 7,244 metres. The axis of the trench lies about 124 n.m. from Java and 66 n.m. north of Christmas Island.

Australia has persistently argued in favour of an approach based on a line of equidistance adjusted for the regional characteristics. The first part of this concept was endorsed by Australia's definition of the outer edge of its Exclusive Economic Zone (EEZ) in July 1994. The outer limit between Christmas Island

1 The Geographer (1971); Straight Baselines: Indonesia, Limits in the Seas, Series A, No.35, Bureau of Intelligence and Research, Washington DC.

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and Java is defined by 28 points. The western terminus lies 200 n.m. north-west of Christmas Island and south-west of Tanjong Guhakolak, while the eastern terminus is 200 n.m. east of Christmas Island and south of a point on the coast of Java at 110°25’ E. The coordinates of the points are given to the nearest second, which represents 31 metres, in terms of the World Geodetic System 1972. By this line Australia would secure about 20,000 n.m.\(^2\) north of Christmas Island (Fig. 1).

Indonesia believes that Australia’s claim to maritime zones north of Christmas Island should be discounted because of its remoteness from the mainland and its proximity to Java. It would regard a zone 24 n.m. wide as being appropriate around the north coast of the island. Such a zone would give Australia an area of about 900 n.m.\(^2\) north of the island. If negotiations about Christmas Island and the western end of the Timor Sea are linked Australia might be wise to consider making concessions in respect of claims from Christmas Island. The island has a negligible continental margin and stands in very deep water, which reduces any prospect of mineral wealth from the sea-bed. In addition, the fishing resources of the waters north of Christmas Island are not of an exceptional quality in regional terms. Perhaps Australia would agree to a zone 66 n.m. wide around the north of the island. That corresponds to the approximate distance between the island and the axis of the Sunda Trench. Such a zone would secure for Australia an area of about 7,700 n.m.\(^2\) north of the island (Fig. 1).

**The Western Timor Sea**

The problems associated with boundary delimitation at the western end of the Timor Sea are more complicated than the Christmas Island case for four reasons. First, there are already two boundaries agreed in 1972 and 1981 dealing respectively with the sea-bed and the water column above it. Second, those boundaries were drawn according to different principles. In the region under consideration there were elements of natural prolongation and equidistance in the sea-bed delimitation, and of equidistance and discounted claims from Australian islands for the line dividing the water column. Third, there are some small Australian islands up to 190 n.m. from the mainland and within 70 n.m. of Indonesia’s archipelagic baselines. Fourth, the Timor Trough that lies between Australian and Indonesian islands is not as deep or wide as the Sunda Trench.

The essence of this problem is how the division of the sea-bed can be continued to the edge of the legal continental margin and the division of the water column to a distance of 200 n.m. from agreed basepoints.

It is necessary to begin by noting the different natures of the sea-bed and water column boundaries. The sea-bed line created in 1972 was drawn to … settle permanently … ” the limits of sea-bed jurisdiction.\(^3\) In contrast, the fisheries

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