

APPENDICES

APPENDIX A

DECLARATION BY THE GOVERNMENT OF THE REPUBLIC OF INDONESIA CONCERNING THE EXCLUSIVE ECONOMIC ZONE OF INDONESIA

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

- Bearing in mind : that improving the nation's welfare by exploiting all available natural resources, both living and non-living, is the aim and purpose of the Indonesian Government and Nation.
- Being Aware : that in order to attain the above aim and purpose, the natural resources of the sea-bed and sub-soil and the superjacent waters have to be protected and managed in an appropriate, purposeful and rational manner.
- Noting : that state practice indicates that the regime of an exclusive economic zone of 200 nautical miles has been accepted as part of the new international law of the sea.
- Recognizing : the need for Indonesia to proclaim a Government Declaration concerning the Exclusive Economic Zone of Indonesia.

DECLARES AS FOLLOWS:

1. The Exclusive Economic Zone of Indonesia is the area beyond the Indonesian Territorial Sea as promulgated by virtue of Law No. 4 of 1960 concerning Indonesian Waters, the breadth of which extends to 200 nautical miles from the baselines from which the breadth of the Indonesian Territorial Sea is measured.
2. In the Exclusive Economic Zone, Indonesia has and exercises:
 - a. sovereign rights for the purpose of exploring and exploiting, managing and conserving living and non-living natural resources of the sea-bed and sub-soil and the superjacent waters and sovereign rights with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds;

- b. jurisdiction with regard to:
 - (1) the establishment and use of artificial islands, installations and structures.
 - (2) marine scientific research.
 - (3) the preservation of the marine environment.
 - (4) other rights based on international law.
3. The sovereign rights of Indonesia as referred to in paragraph 2 of this Government Declaration shall, with respect to the sea-bed and sub-soil, continue to be exercised in accordance with the provisions of the laws and regulations of Indonesia concerning Indonesian Waters and the Indonesian Continental Shelf, international agreements and international law.
4. In the Exclusive Economic Zone of Indonesia, the freedoms of navigation and overflight and of the laying of sub-marine cables and pipelines will continue to be recognized in accordance with the principles of the new international law of the sea.
5. Where the boundary line of the Exclusive Economic Zone of Indonesia poses a problem of delimitation with an adjacent or opposite State, the Indonesian Government is prepared, at an appropriate time, to enter into negotiations with the State concerned with a view to reach an agreement.
6. The above provisions will further be regulated by a law and regulations.

This Government Declaration will come into force on the date of its announcement.

Jakarta, 21 March 1980
President of the Republic of Indonesia
(Signed)
Soeharto

APPENDIX B

DOCUMENT A/CONF.62/C.2/L.49

Fiji, Indonesia, Mauritius and Philippines: draft articles relating to archipelagic States

*[Original: English]
[9 August 1974]*

These draft articles are largely based on proposals contained in documents A/AC.138/SC.II/L.15 and 48 (A/9021 and Corr. 1 and 3, vol. III, sects 2 and 38) submitted to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in 1973.

Article 1

1. These articles apply only to archipelagic States.
2. An archipelagic State is a State constituted wholly by one or more archipelagos and may include other islands.
3. For the purpose of these articles an archipelago is a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.

Article 2

1. An archipelagic State may employ the method of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago in drawing the baselines from which the extent of the territorial sea, economic zone and other special jurisdictions are to be measured.
2. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
3. Baselines shall not be drawn to and from low-tide elevations unless light-houses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.
4. The system of straight baselines shall not be applied by an archipelagic State in such a manner as to cut off the territorial sea of another State as determined under article. . . of chapter. . . of this Convention.
5. If the drawing of such baselines encloses a part of the sea which has traditionally been used by an immediately adjacent neighbouring State for direct communication, including the laying of submarine cables and pipelines, between one part of its national territory and another part of such territory, the continued right of such communication shall be recognized and guaranteed by the archipelagic State.

6. An archipelagic State shall clearly indicate its straight baselines on charts to which due publicity shall be given.

Article 3

1. The waters enclosed by the baselines, which waters are referred to in these articles as archipelagic waters, regardless of their depth or distance from the coast, belong to, and are subject to the sovereignty of, the archipelagic State to which they appertain.

2. The sovereignty and rights of an archipelagic State extend to the air space over its archipelagic waters as well as to the water column and the sea-bed and subsoil thereof, and to all of the resources contained herein.

Article 4

Subject to the provisions of article 5, ships of all States [whether coastal or not] shall enjoy the right of innocent passage through archipelagic waters.

Article 5

1. An archipelagic State may designate sea lanes suitable for the safe and expeditious passage of foreign ships through its archipelagic waters, and may restrict the passage of such ships, or any types or classes of such ships, through those waters to any such sea lanes.

2. An archipelagic State may, from time to time, after giving due publicity thereof, substitute other sea lanes for any sea lanes previously designated by it under the provisions of this article.

3. An archipelagic State which designates sea lanes under the provisions of this article may also prescribe traffic separation schemes for the passage of such ships through those sea lanes.

4. In the designation of sea lanes and the prescription of traffic separation schemes under the provisions of this article an archipelagic State shall, *inter alia*, take into account:

(a) The recommendations or technical advice of competent international organizations;

(b) Any channels customarily used for international navigation;

(c) The special characteristics of particular channels; and

(d) The special characteristics of particular ships.

5. An archipelagic State shall clearly demarcate all sea lanes designated by it under the provisions of this article and indicate them on charts to which due publicity shall be given.

6. An archipelagic State may make laws and regulations, not inconsistent with the provisions of these articles and having regard to other applicable rules of international law, relating to passage through its archipelagic waters, or the sea lanes designated under the provisions of this article, which laws and regulations may be in respect of all or any of the following:

(a) The safety of navigation and the regulation of marine traffic;

(b) The installation, utilization and protection of navigational aids and facilities;

(c) The installation, utilization and protection of facilities or installations for the exploration and exploitation of the marine resources, including the resources of the sea-bed and subsoil, of the archipelagic waters;

(d) The protection of submarine or aerial cables and pipelines;

(e) The conservation of the living resources of the sea;

(f) The preservation of the environment of the archipelagic State, and the prevention of pollution thereto:

(g) Research in the marine environment, and hydrographic surveys;

(h) The prevention of infringement of the fisheries regulations of the archipelagic State, including *inter alia* those relating to the stowage of gear;

(i) The prevention of infringement of the customs, fiscal, immigration, quarantine, sanitary and phytosanitary regulations of the archipelagic State; and

(j) The preservation of the peace, good order and security of the archipelagic State.

7. The archipelagic State shall give due publicity to all laws and regulations made by it under the provisions of this article.

8. Foreign ships exercising the right of innocent passage through the archipelagic waters or the sea lanes designated under the provisions of this article shall comply with all laws and regulations made by the archipelagic State under the provisions of this article.

9. If any foreign warship does not comply with the laws and regulations of the archipelagic State concerning its passage through the archipelagic waters or the sea lanes designated under the provisions of this article and disregards any request for compliance which is made to it, the archipelagic State may suspend the passage of such warship and require it to leave the archipelagic waters by such safe and expeditious route as may be designated by the archipelagic State.

10. Subject to the provisions of paragraph 9 of this article, an archipelagic State may not suspend the innocent passage of foreign ships through sea lanes designated by it under the provisions of this article, except when essential for the protection of its security, after giving due publicity thereto and substituting other sea lanes for those through which innocent passage has been suspended.

[The foregoing provisions relating to archipelagic States are without prejudice to the regime concerning coastlines deeply indented and cut into and to the waters enclosed by a fringe of islands along the coast.]

APPENDIX C

DOCUMENT A/CONF.62/C.2/L.64

Malaysia: amendments to document A/CONF.62/C.2/L.49²⁸

[Original: English]
[16 August 1974]

1. Article 2

Paragraph 5 should be amended to read as follows (amended parts underlined*):

“5. If the drawing of such baselines encloses a part of the sea which has traditionally been used by an immediately adjacent neighbouring State for direct *access and all forms of communications*, including the laying of submarine cables and pipelines, between one part of its national territory and another part of such territory, *such rights of direct access and communications shall continue* to be recognized and guaranteed by the archipelagic State.”

2. Article 4

The existing paragraph should be numbered 1, and a new paragraph 2 should be added as follows:

“2. The provisions of paragraph 1 of this article shall not apply to the provisions of paragraph 5 of article 2.”

*In ital. in the text.

²⁸These amendments are submitted without prejudice to the right of Malaysia to submit further amendments to other provisions contained in document A/CONF.62/C.2/L.49.

APPENDIX D

DOCUMENT A/CONF.62/C.2/L.92

Malaysia: amendment to document A/CONF.62/C.2/L.49*

[Original: English]
[29 April 1976]

If the drawing of such baselines results in enclosing an area or areas of the sea separating two or more parts of an immediately adjacent neighbouring State, all existing rights which that State has traditionally exercised and all rights stipulated under agreements already concluded and other legitimate interests shall enure and remain unaffected.

*This text replaces the one contained in document A/CONF.62/C.2/L.64/Rev. 1; see *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IV. (United Nations publication, Sales No. E.75.V.10).

APPENDIX E

PROCLAMATION

BY HIS MAJESTY THE YANG DI-PERTUAN AGONG BY THE GRACE OF ALLAH OF THE STATES AND TERRITORIES OF MALAYSIA, SUPREME HEAD

.....
SULTAN AHMAD SHAH,
Yang di-Pertuan Agong

WHEREAS international law and practice now recognize that a coastal state may establish an exclusive economic zone in an area beyond and adjacent to the territorial waters up to a distance of 200 nautical miles from the baselines from which the breadth of the territorial waters is reassured:

WHEREAS a coastal state has, in the exclusive economic zone—

- (a) sovereign rights, for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds;
- (b) jurisdiction with regard to—
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research;
 - (iii) the preservation of the marine environment;
- (c) other rights and duties as may be prescribed from time to time;

WHEREAS, without prejudice to the exercise of her sovereign rights over the natural resources in the sea-bed or subsoil of her continental shelf, it is necessary that Malaysia should claim sovereign rights and exercise jurisdiction as aforesaid;

AND WHEREAS a number of States have taken action in pursuance of the existing law and practice and have made declarations in regard to their exclusive economic zones;

NOW THEREFORE WE, Sultan Haji Ahmad Shah Al-Musta'in Billah Ibni Al-Marhum Sultan Abu Bakar Ri'ayatuddin Al-Mu'Adzam Shah by the Grace of Allah Yang di-Pertuan Agong of the States and territories of Malaysia, hereby declare and proclaim that the Federation of Malaysia shall have—

- (a) sovereign rights, for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

(b) jurisdiction with regard to—

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

(iii) the preservation of the marine environment

in the exclusive economic zone which is hereby established and that such exclusive economic zone shall extend to 200 nautical miles from the baselines from which the breadth of the territorial waters is reassured.

GIVEN at Our Istana Negara in Our Federal Capital of Kuala Lumpur, this twenty-fifth day of April one thousand nine hundred and eighty.

By His Majesty's Command,

DATO HUSSEIN ONN,
Prime Minister

APPENDIX F

MALACANANG Manila

PRESIDENTIAL DECREE NO. 1599

ESTABLISHING AN EXCLUSIVE ECONOMIC ZONE AND FOR OTHER PURPOSES

WHEREAS, an exclusive economic zone extending to a distance of two hundred nautical miles from the baselines from which the territorial sea is measured is vital to the economic survival and development of the Republic of the Philippines.

WHEREAS, such a zone is now a recognized principle of international law;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order:

SECTION 1. There is hereby established a zone to be known as the exclusive economic zone of the Philippines. *The exclusive economic zone shall extend to a distance of two hundred nautical miles beyond and from the baselines from which the territorial sea is measured:* Provided, that, where the outer limits of the zone as thus determined overlap the exclusive economic zone of an adjacent or neighbouring state, the common boundaries shall be determined by agreement with the state concerned or in accordance with pertinent generally recognized principles of international law on delimitation.

SEC. 2. Without prejudice to the rights of the Republic of the Philippines over its territorial sea and continental shelf, it shall have and exercise in the exclusive economic zone established herein the following:

- a. Sovereign rights for the purpose of exploration and exploitation, conservation and management of the natural resources, whether living or non-living, both renewable and non-renewable, of the sea-bed, including the subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the resources of the zone, such as the production of energy from the water, currents and winds;
- b. Exclusive rights and jurisdiction with respect to the establishment and utilization of artificial islands, off-shore terminals, installations and structures, the preservation of the marine environment, including the prevention and control of pollution, and scientific research;
- c. Such other rights as are recognized by international law or state practice.

SEC. 3. Except in accordance with the terms of any agreement entered into with the Republic of the Philippines or of any license granted by it or under authority by the Republic of the Philippines, no person shall, in relation to the exclusive economic zone:

- a. explore or exploit any resources;

- b. carry out any search, excavation or drilling operations;
- c. conduct any research;
- d. construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device; or
- e. perform any act or engage in any activity which is contrary to or in derogation of, the sovereign rights and jurisdiction herein provided.

Nothing herein shall be deemed a prohibition on a citizen of the Philippines, whether natural or juridical, against the performance of any of the foregoing acts, if allowed under existing laws.

SEC. 4. Other states shall enjoy in the exclusive economic zone freedoms with respect to navigation and overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea relating to navigation and communications.

SEC. 5. (a) The President may authorize the appropriate government offices/agency to make and promulgate such rules and regulations which may be deemed proper and necessary for carrying out the purposes of this decree.

(b) Any person who shall violate any provision of this decree or of any rule or regulation promulgated hereunder and approved by the President shall be subject to a fine which shall not be less than two thousand pesos (P2,000.00) or imprisonment ranging from six (6) months to ten (10) years, or both such fine and imprisonment, in the discretion of the court. Vessels and other equipment or articles used in connection therewith shall be subject to seizure and forfeiture.

SEC. 6. This Decree shall take effect thirty (30) days after publication in the Official Gazette.

DONE in the City of Manila, this 11th day of June, in the year of Our Lord, nineteen hundred and seventy-eight.

President of the Philippines

by the President:

Presidential Assistant

APPENDIX G

SINGAPORE GOVERNMENT PRESS RELEASE 09-0/80/09/15

EXCLUSIVE ECONOMIC ZONE

The Resumed Ninth Session of the Third United Nations Conference on the Law of the Sea has just ended at Geneva. From the results of the Session, it would appear that the Conference is now drawing to a close and a new Convention on the Law of the Sea is likely to be concluded soon.

One of the trends emerging from the Conference is the endorsement of a 12-nautical mile limit for the territorial sea, with assurances of unimpeded transit passage through straits, and for a 200-nautical mile Exclusive Economic Zone beyond the territorial sea where coastal States will have jurisdiction and rights over resources. The practice of States in recent years has also been consistent with this trend. Among others, Malaysia and Indonesia have already declared a 12-nautical mile territorial sea and a 200-nautical mile Exclusive Economic Zone.

Since 1878, Singapore has adhered to the concept of a three-nautical mile territorial sea. In certain areas, Singapore can extend its territorial sea beyond three nautical miles and can also claim an Exclusive Economic Zone. In the light of the said international developments, Singapore will exercise its rights to extend its territorial sea limit up to a maximum of 12 nautical miles. Likewise, Singapore will also establish an Exclusive Economic Zone.

The precise coordinates of any extensions of the territorial sea and the establishment of any Exclusive Economic Zone will be announced at an appropriate time. Should such extensions and the establishment of an Exclusive Economic Zone overlap with claims of neighbouring countries, Singapore will negotiate with these countries with a view to arriving at an agreed delimitation in accordance with international law.

MINISTRY OF FOREIGN AFFAIRS

15 September 1980

APPENDIX H

PROCLAMATION ESTABLISHING THE EXCLUSIVE ECONOMIC ZONE OF THE KINGDOM OF THAILAND*

By Royal Command of His Majesty the King, it is hereby proclaimed that:

For the purpose of exercising the sovereign rights of the Kingdom of Thailand with regard to the exploitation and conservation of the natural resources, whether living or non-living of the sea.

It is deemed appropriate to establish the exclusive economic zone of the Kingdom of Thailand as follows:-

1. The exclusive economic zone of the Kingdom of Thailand is an area beyond and adjacent to the territorial sea whose breadth extends to two hundred nautical miles measured from the baselines used for measuring the breadth of the territorial sea.

2. In the exclusive economic zone, the Kingdom of Thailand has:

(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds;

(b) jurisdiction with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

(iii) the preservation of the marine environment.

(c) other rights as may exist under international law.

3. In the exclusive economic zone, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines shall be governed by international law.

4. In any case where the exclusive economic zone of the Kingdom of Thailand is adjacent or opposite to the exclusive economic zone of another coastal State, the Government of the Kingdom of Thailand is prepared to enter into negotiations with the coastal State concerned with a view to delimiting their respective exclusive economic zones.

Proclaimed on the 23rd day of February 1981, B.E. 2524, being the thirty-sixth year of the present Reign.

Countersigned by:

General Prem Tinsulanonda
Prime Minister.

*(Unofficial translation)

APPENDIX I

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE KINGDOM OF THAILAND AND MALAYSIA
ON
THE ESTABLISHMENT OF A JOINT AUTHORITY FOR
THE EXPLOITATION OF THE RESOURCES OF THE SEA-BED
IN A DEFINED AREA OF THE CONTINENTAL SHELF
OF THE TWO COUNTRIES IN THE GULF OF THAILAND**

The Kingdom of Thailand and Malaysia,
DESIRING to strengthen further the existing bonds of traditional friendship between the two countries;

RECOGNIZING that, as a result of overlapping claims made by the two countries regarding the boundary line of their continental shelves in the Gulf of Thailand, there exists an overlapping area on their adjacent continental shelves;

NOTING that the existing negotiations between the two countries on the delimitation of the boundary of the continental shelf in the Gulf of Thailand may continue for some time;

CONSIDERING that it is in the best interests of the two countries to exploit the resources of the sea-bed in the overlapping area as soon as possible; and

CONVINCED that such activities can be carried out jointly through mutual cooperation.

HAVE AGREED AS FOLLOWS:

ARTICLE I

Both Parties agree that as a result of overlapping claims made by the two countries regarding the boundary line of their continental shelves in the Gulf of Thailand, there exists an overlapping area, which is defined as that area bounded by straight lines joining the following coordinated points:-

(A)	N 6° 50' .0	E 102° 21' .2
(B)	N 7° 10' .25	E 102° 29' .0
(C)	N 7° 49' .0	E 103° 02' .5
(D)	N 7° 22' .0	E 103° 42' .5
(E)	N 7° 20' .0	E 103° 39' .0
(F)	N 7° 03' .0	E 103° 06' .0
(G)	N 6° 53' .0	E 102° 34' .0

and shown in the relevant part of the British Admiralty Chart No. 2414, Edition 1967, annexed hereto.

ARTICLE II

Both Parties agree to continue to resolve the problem of the delimitation of the boundary of the continental shelf in the Gulf of Thailand between the two coun-

tries by negotiations or such other peaceful means as agreed to by both Parties, in accordance with the principles of international law and practice especially those agreed to in the Agreed Minutes of the Malaysia-Thailand Officials' Meeting on Delimitation of the Continental Shelf Boundary Between Malaysia and Thailand in the Gulf of Thailand and in the South China Sea, 27 February – 1 March 1978, and in the spirit of friendship and in the interest of mutual security.

ARTICLE III

(1) There shall be established a Joint Authority to be known as "Malaysia-Thailand Joint Authority" (hereinafter referred to as "the Joint Authority") for the purpose of the exploration and exploitation of the non-living natural resources of the sea-bed and subsoil in the overlapping area for a period of fifty years commencing from the date this Memorandum comes into force.

(2) The Joint Authority shall assume all rights and responsibilities on behalf of both Parties for the exploration and exploitation of the non-living natural resources of the sea-bed and subsoil in the overlapping area (hereinafter referred to as the joint development area) and also for the development, control and administration of the joint development area. The assumption of such rights and responsibilities by the Joint Authority shall in no way affect or curtail the validity of concessions or licences hitherto issued or agreements or arrangements hitherto made by either Party.

(3) The Joint Authority shall consist of:-

- (a) two joint-chairmen, one from each country, and
- (b) an equal number of members from each country.

(4) Subject to the provisions of this Memorandum, the Joint Authority shall exercise on behalf of both Parties all the powers necessary for, incidental to or connected with the discharge of its functions relating to the exploration and exploitation of the non-living natural resources of the sea-bed and subsoil in the joint development area.

(5) All costs incurred and benefits derived by the Joint Authority from activities carried out in the joint development area shall be equally borne and shared by both Parties.

(6) If any single geological petroleum or natural gas structure or field, or other mineral deposit of whatever character, extends beyond the limit of the joint development area defined in Article I, the Joint Authority and the Party or Parties concerned shall communicate to each other all information in this regard and shall seek to reach agreement as to the manner in which the structure, field or deposit will be most effectively exploited; and all expenses incurred and benefits derived therefrom shall be equitably shared.

ARTICLE IV

(1) The rights conferred or exercised by the national authority of either Party in matters of fishing, navigation, hydrographic and oceanographic surveys, the prevention and control of marine pollution and other similar matters (including all powers of enforcement in relation thereto) shall extend to the joint development area and such rights shall be recognized and respected by the Joint Authority.

(2) Both Parties shall have a combined and coordinated security arrangement in the joint development area.

ARTICLE V

The criminal jurisdiction of Malaysia in the joint development area shall extend over that area bounded by straight lines joining the following coordinated points:-

A	N 6° 50' .0	E 102° 21' .2
X	N 7° 35' .0	E 103° 23' .0
D	N 7° 22' .0	E 103° 42' .5
E	N 7° 20' .0	E 103° 39' .0
F	N 7° 03' .0	E 103° 06' .0
G	N 6° 53' .0	E 102° 34' .0

The criminal jurisdiction of the Kingdom of Thailand in the joint development area shall extend over that area bounded by straight lines joining the following coordinated points:-

A	N 6° 50' .0	E 102° 21' .2
B	N 7° 10' .25	E 102° 29' .0
C	N 7° 49' .0	E 103° 02' .5
X	N 7° 35' .0	E 103° 23' .0

The areas of criminal jurisdiction of both Parties defined under this Article shall not in any way be construed as indicating the boundary line of the continental shelf between the two countries in the joint development area, which boundary is to be determined as provided for by Article II, nor shall such definition in any way prejudice the sovereign rights of either Party in the joint development area.

ARTICLE VI

(1) Notwithstanding Article III, if both Parties arrive at a satisfactory solution on the problem of the delimitation of the boundary of the continental shelf before the expiry of the said fifty-year period, the Joint Authority shall be wound up and all assets administered and liabilities incurred by it shall be equally shared and borne by both Parties. A new arrangement may, however, be concluded if both Parties so decide.

(2) If no satisfactory solution is found on the problem of the delimitation of the boundary of the Continental Shelf within the said fifty-year period, the existing arrangement shall continue after the expiry of the said period.

ARTICLE VII

Any difference or dispute arising out of the interpretation or implementation of the provisions of this Memorandum shall be settled peacefully by consultation or negotiation between the Parties.

ARTICLE VIII

This Memorandum shall come into force on the date of exchange of instruments of ratification.

DONE in duplicate at Chiang Mai, the Twenty-first day of February in the year One thousand Nine hundred and Seventy-nine, in the Thai, Malay and English Languages.

In the event of any conflict among the texts, the English text shall prevail.

FOR THE KINGDOM OF THAILAND

FOR MALAYSIA

(General Kriangsak Chomanan)
Prime Minister

(Datuk Hussein Onn)
Prime Minister

APPENDIX J

INDONESIA, MALAYSIA, SINGAPORE. STATEMENT ON THE MALACCA STRAITS, NOVEMBER 16, 1971

1. The three governments agreed that the safety of navigation in the Straits of Malacca and Singapore is the responsibility of the coastal states concerned.
2. The three governments agreed on the need for tripartite cooperation on the safety of navigation in the two straits.
3. The three governments agreed that a body for cooperation to coordinate efforts for the safety of navigation in the Straits of Malacca and Singapore be established as soon as possible and that such body should be composed of only the three coastal states concerned.
4. The three governments also agreed that the problem of the safety of navigation and the question of internationalisation of the straits are two separate issues.
5. The Governments of the Republic of Indonesia and Malaysia agreed that the Straits of Malacca and Singapore are not international straits, while fully recognizing their use for international shipping in accordance with the principle of innocent passage. The Government of Singapore takes note of the position of the Governments of the Republic of Indonesia and of Malaysia on this point.
6. On the basis of this understanding, the three governments approved the continuation of the hydrographic survey.

APPENDIX K

AUSTRALIA—INDONESIA: AGREEMENT BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA ESTABLISHING CERTAIN SEABED BOUNDARIES

Signed at Canberra on 18 May 1971.

The Government of the Commonwealth of Australia and the Government of the Republic of Indonesia,

Desiring to strengthen the bonds of friendship between the two countries; and
Desiring particularly to cooperate in delimiting by agreement the boundaries of certain areas of seabed in which the two countries respectively exercise sovereign rights for the exploration and exploitation of the natural resources;

Have agreed as follows:

ARTICLE 1

In the Arafura Sea eastwards of Longitude 133° 23' East, the boundary between the area of seabed that is adjacent to and appertains to the Commonwealth of Australia and the area that is adjacent to and appertains to the Republic of Indonesia shall be the straight lines shown on chart 'A' annexed to this Agreement, commencing at the point of Latitude 9° 52' South, Longitude 140° 29' East (Point A1), and thence connecting the points specified hereunder in the sequence so specified:

- A2. The point of Latitude 10° 24' South, Longitude 139° 46' East
- A3. The point of Latitude 10° 50' South, Longitude 139° 12' East
- A4. The point of Latitude 10° 24' South, Longitude 138° 38' East
- A5. The point of Latitude 10° 22' South, Longitude 138° 35' East
- A6. The point of Latitude 10° 09' South, Longitude 138° 13' East
- A7. The point of Latitude 9° 57' South, Longitude 137° 45' East
- A8. The point of Latitude 9° 08' South, Longitude 135° 29' East
- A9. The point of Latitude 9° 17' South, Longitude 135° 13' East
- A10. The point of Latitude 9° 22' South, Longitude 135° 03' East
- A11. The point of Latitude 9° 25' South, Longitude 134° 50' East
- A12. The point of Latitude 8° 53' South, Longitude 133° 23' East

ARTICLE 2

The two Governments *have not provided in this Agreement for the delimitation of the respective areas of adjacent seabed westward of Longitude 133° 23' East, and have left this question for discussion at further talks to be held at a mutually convenient date.*

ARTICLE 3

1. Off the southern coast of the island of New Guinea (Irian) westwards of Longitude 140° 49' 30" East, the boundary between the area of seabed that is adjacent to and appertains to the Territory of Papua and the area that is adjacent to and appertains to the Republic of Indonesia shall be the straight line shown on chart 'A' annexed to this Agreement, connecting the point of Latitude 9° 24' 30" South, Longitude 140° 49' 30" East (Point B1) with the point of Latitude 9° 52' South, Longitude 140° 29' East (Point A1).

2. The two Governments have not provided in this Agreement for the drawing of a boundary line between the point B1 referred to in paragraph 1 of this Article and the point at which the land boundary between the Territory of Papua and West Irian meets the southern coast of the island of New Guinea (Irian), and have left this question for further discussion as and when agreed.

ARTICLE 4

1. Off the northern coast of the island of New Guinea (Irian), the boundary between the area of seabed that is adjacent to and appertains to the Trust Territory of New Guinea and the area that is adjacent to and appertains to the Republic of Indonesia shall lie along the straight line shown on chart 'B' annexed to this Agreement, connecting the point at which the land boundary between the Trust Territory and West Irian meets the northern coast of the island of New Guinea (Irian) (Point C1) with the point of Latitude 2° 08' 30" South, Longitude 141° 01' 30" East (Point C2). If any lines are drawn extending this line northward, they shall be drawn on the same principle, that is to say the principle of equidistance.

2. The lines referred to in paragraph 1 of this Article are to be taken as indicating the direction in which the lateral boundary of the respective areas of seabed is agreed to lie.

3. This Article shall not in any way affect any agreement that may subsequently be made between the two Governments delimiting the lateral boundary of the territorial sea as between the Trust Territory of New Guinea and the Republic of Indonesia.

ARTICLE 5

For the purpose of this Agreement, "seabed" includes the subsoil thereof, except where the context otherwise requires.

ARTICLE 6

1. The co-ordinates of the points specified in Articles 1, 3 and 4 of this Agreement are geographical co-ordinates, and the actual location of the points and of the lines joining them shall be determined by a method to be agreed upon by the competent authorities of the two Governments.

2. For the purpose of paragraph 1 of this Article the competent authorities in relation to the Commonwealth of Australia shall be the Director of National Mapping and any person acting with his authority, and in relation to the Republic of Indonesia shall be the Chief of the Co-ordinating Body for National Survey and

Mapping (Ketua Badan Koordinasi Survey Dan Pemetaan Nasional) and any person acting with his authority.

ARTICLE 7

If any single accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposit beneath the seabed, extends across any of the lines that are specified in Articles 1, 3 and 4 of this Agreement, and the part of such accumulation or deposit that is situated on one side of the line is recoverable in fluid form wholly or in part from the other side of the line, the two Governments will seek to reach agreement on the manner in which the accumulation or deposit shall be most effectively exploited and on the equitable sharing of the benefits arising from such exploitation.

ARTICLE 8

Any dispute between the two Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

ARTICLE 9

This Agreement is subject to ratification in accordance with the constitutional requirements of each country, and shall enter into force on the day on which the Instruments of Ratification are exchanged.

In Witness whereof the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

Done in Duplicate at Canberra this 18th day of May 1971 in the English and Indonesian languages.

[Chart and map annexed to the Agreement are omitted.]

APPENDIX L

INDONESIA—MALAYSIA: AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT OF MALAYSIA RELATING TO THE DELIMITATION OF THE CONTINENTAL SHELVES BETWEEN THE TWO COUNTRIES

Signed at Kuala Lumpur on 27 October 1969; Came into force on 7 November 1969.

The Government of the Republic of Indonesia and the Government of Malaysia,

Desiring to strengthen the existing historical bonds of friendship between the two Countries, and

Desiring to establish the boundaries of the continental shelves between the two Countries,

Have agreed as follows:

ARTICLE I

1. The boundaries of the Indonesian and the Malaysian continental shelves in the Straits of Malacca and the South China Sea are the straight lines connecting the points specified in column 1 below whose co-ordinates are specified opposite those points in columns 2 and 3 below:

A. *In the Straits of Malacca:*

(1) <i>Point</i>	(2) <i>Longitude E</i>	(3) <i>Latitude N</i>
1	98° 17' .5	05° 27' .0
2	98° 41' .5	04° 55' .7
3	99° 43' .6	03° 59' .6
4	99° 55' .0	03° 47' .4
5	101° 12' .1	02° 41' .5
6	101° 46' .5	02° 15' .4
7	102° 13' .4	01° 55' .2
8	102° 35' .0	01° 41' .2
9	103° 03' .9	01° 19' .5
10	103° 22' .8	01° 15' .0

B. *In the South China Sea (Western Side—Off the East Coast of West Malaysia):*

(1) <i>Point</i>	(2) <i>Longitude E</i>	(3) <i>Latitude N</i>
11	104° 29' .5	01° 23' .9
12	104° 53' .0	01° 38' .0

13	105° 05' .2	01° 54' .4
14	105° 01' .2	02° 22' .5
15	104° 51' .5	02° 55' .2
16	104° 46' .5	03° 50' .1
17	104° 51' .9	04° 03' .0
18	105° 28' .8	05° 04' .7
19	105° 47' .1	05° 40' .6
20	105° 49' .2	06° 05' .8

C. In the South China Sea (Eastern Side—Off the Coast of Sarawak):

(1) Point	(2) Longitude E	(3) Latitude N
21	109° 38' .8	02° 05' .0
22	109° 54' .5	03° 00' .0
23	110° 02' .0	04° 40' .0
24	109° 59' .0	05° 31' .2
25	109° 38' .6	06° 18' .2

2. The co-ordinates of the points specified in paragraph 1 are geographical co-ordinates and the straight lines connecting them are indicated on the chart attached as Annexure 'A' to this Agreement.

3. The actual location of the abovementioned points at sea shall be determined by a method to be mutually agreed upon by the competent authorities of the two Governments.

4. For the purposes of paragraph 3 "competent authorities" in relation to the Republic of Indonesia means the Direktur, Direktorat Hidrografi Angkatan Laut, Republik Indonesia and includes any person authorised by him, and in relation to Malaysia the Pengarah, Pemetaan Negara, Malaysia and includes any person authorised by him.

ARTICLE II

Each Government hereby undertakes to ensure that all the necessary steps shall be taken at the domestic level to comply with the terms of this Agreement.

ARTICLE III

This Agreement shall not in any way affect any future agreement which may be entered into between the two Governments relating to the delimitation of the territorial sea boundaries between the two Countries.

ARTICLE IV

If any single geological petroleum or natural gas structure extends across the straight lines referred to in Article I and the part of such structure which is situated on one side of the said lines is exploitable, wholly or in part, from the other side of the said lines, the two Governments will seek to reach agreement as to the manner in which the structure shall be most effectively exploited.

ARTICLE V

Any dispute between the two Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

ARTICLE VI

This Agreement shall be ratified in accordance with the constitutional requirements of the two Countries.

ARTICLE VII

This Agreement shall enter into force on the date of the exchange of the Instruments of Ratification.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in duplicate at Kuala Lumpur the 27th day of October, 1969, in the Indonesian, Malaysian and English languages. In the event of any conflict between the texts, the English text shall prevail.

[Chart and map attached to the Agreement are omitted.]

APPENDIX M

INDONESIA—MALAYSIA—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 STRAITS OF MALACCA

Signed at Kuala Lumpur on 21 December 1971.

The Government of the Republic of Indonesia, the Government of Malaysia and the Government of the Kingdom of Thailand,

Desiring to strengthen the existing historical bonds of friendship between the three Countries, and

Desiring to establish the boundaries of the continental shelves of the three Countries in the northern part of the Straits of Malacca,

Have agreed as follows:

ARTICLE I

1. The boundaries of the continental shelves of Indonesia, Malaysia and Thailand in the northern part of the Straits of Malacca shall start from a point whose co-ordinates are Latitude $5^{\circ} 57' .0N$ Longitude $98^{\circ} 01' .5E$ (hereinafter referred to as "the Common Point").

2. The boundary of the continental shelves of Indonesia and Thailand shall be formed by the straight lines drawn from the Common Point in a north-westerly direction to a point whose co-ordinates are Latitude $6^{\circ} 21' .8N$ Longitude $97^{\circ} 54' .0E$ and from there in a westerly direction to a point whose co-ordinates are Latitude $7^{\circ} 05' .8N$ Longitude $96^{\circ} 36' .5E$ as specified in the Agreement between the Government of the Republic of Indonesia and the Government of the Kingdom of Thailand 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, signed at Bangkok on the 17th day of December, 1971.

3. The boundary of the continental shelves of Indonesia and Malaysia shall be formed by the straight line drawn from the Common Point in a southward direction to Point 1 specified in the Agreement signed at Kuala Lumpur on the 27th day of October, 1969 between the Government of the Republic of Indonesia and the Government of Malaysia relating to the delimitation of the continental shelves between the two Countries whose co-ordinates are Latitude $5^{\circ} 27' .0N$ Longitude $98^{\circ} 17' .5E$.

4. The boundary of the continental shelves of Malaysia and Thailand shall be formed by the straight lines drawn from the Common Point in a north-easterly direction to a point whose co-ordinates are Latitude $6^{\circ} 18' .0N$ Longitude $99^{\circ} 06' .7E$ and from there in a south-easterly direction to a point whose co-ordinates are Latitude $6^{\circ} 16' .3N$ Longitude $99^{\circ} 19.3E$ and from there in a north-easterly

direction to a point whose co-ordinates are Latitude 6° 18' .4N Longitude 99° 27' .5E.

5. The co-ordinates of the points specified above are geographical co-ordinates derived from the British Admiralty Charts No. 793 and No. 830 and the straight lines connecting them are indicated on the chart attached as Annexure "A" to this Agreement.

6. The actual location of the above-mentioned points at sea shall be determined by a method to be mutually agreed upon by the competent authorities of the respective Governments concerned.

7. For the purposes of paragraph 6, "competent authorities" in relation to the Republic of Indonesia means the Chief of the Co-ordinating Body for National Survey and Mapping, Republic of Indonesia, and includes any person authorised by him; in relation to Malaysia the Director of National Mapping, Malaysia, and includes any person authorised by him; and in relation to the Kingdom of Thailand the Director of the Hydrographic Department, Thailand, and includes any person authorised by him.

ARTICLE II

Each Government hereby undertakes to ensure that all the necessary steps shall be taken at the domestic level to comply with the terms of this Agreement.

ARTICLE III

If any single geological petroleum or natural gas structure extends across the boundary line or lines referred to in Article I and the part of such structure which is situated on one side of the said line or lines is exploitable, wholly or in part, from the other side or sides of the said line or lines, the Governments concerned shall seek to reach agreement as to the manner in which the structure will be most effectively exploited.

ARTICLE IV

Any dispute between the three Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

ARTICLE V

This Agreement shall be ratified in accordance with the legal requirements of the three Countries.

ARTICLE VI

This Agreement shall enter into force on the date of the exchange of the Instruments of Ratification.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in triplicate at Kuala Lumpur the 21st day of December, 1971 in the Indonesian, Malaysian, Thai and English languages. In the event of any conflict between the texts, the English text shall prevail.

[Chart and map attached to the Agreement are omitted.]

APPENDIX N

AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE REPUBLIC OF INDIA ON THE DELIMITATION OF SEABED BOUNDARY BETWEEN THE TWO COUNTRIES IN THE ANDAMAN SEA

THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE REPUBLIC OF INDIA:

DESIRING to strengthen the existing bonds of friendship between the two countries, and

DESIRING to establish seabed boundary between the two countries in the Andaman Sea, and to settle permanently the limits of the areas within which the respective Governments shall exercise sovereign rights,

HAVE AGREED as follows:

ARTICLE 1

1. The seabed boundary between Thailand and India in the Andaman Sea comprises the straight lines connecting Points 1 and 2, 2 and 3, 3 and 4, 4 and 5, 5 and 6, and 6 and 7.

2. The co-ordinates of these points are specified below:

	Latitude	Longitude
Point 1	07° 48' 00" N;	95° 32' 48" E.
Point 2	07° 57' 30" N.;	95° 41' 48" E.
Point 3	08° 09' 54" N.;	95° 39' 16" E.
Point 4	08° 13' 47" N.;	95° 39' 11" E.
Point 5	08° 45' 11" N.;	95° 37' 42" E.
Point 6	08° 48' 04" N.;	95° 37' 40" E.
Point 7	09° 17' 18" N.;	95° 36' 31" E.

3. The extension of the boundary in either direction up to the trijunction points between Thailand, India and Indonesia on the one hand and Thailand, India and Burma on the other will be done subsequently.

ARTICLE 2

1. The co-ordinates of the points specified in Article 1 are geographical co-ordinates and the straight lines joining them are indicated on the chart attached as Annexure "A" to this Agreement.

2. The actual location of these points at sea and of the lines joining them shall be determined by a method to be mutually agreed upon by the competent authorities of the two Governments.

3. For the purpose of paragraph 2 of this Article, the term "competent authorities" in relation to the Kingdom of Thailand shall mean Chaokrom Uthokkasat (Director of Hydrographic Department) and include any person

authorised by him, and in relation to the Republic of India shall mean the Chief Hydrographer to the Government of India and include any person authorised by him.

ARTICLE 3

The Government of the Kingdom of Thailand and the Government of the Republic of India recognise and acknowledge the sovereign rights of the respective Governments over the seabed, including the subsoil thereof, within the limits established by this Agreement.

ARTICLE 4

If any single geological petroleum or natural gas structure or field, or other mineral deposit of whatever character, extends across the boundary referred to in Article 1, the two Governments shall communicate to each other all information in this regard and shall seek to reach agreement as to the manner in which the structure, field or deposit will be most effectively exploited and the benefits arising from such exploitation equitably shared.

ARTICLE 5

Any dispute between the two Governments relating to the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

ARTICLE 6

This Agreement shall be ratified in accordance with the constitutional requirements of each country. It shall enter into force on the date of exchange of the Instruments of Ratification which will take place at Bangkok as soon as possible.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at New Delhi, on the Twenty Second day of June, One thousand Nine hundred and Seventy eight, in the Thai, Hindi and English languages. In the event of any conflict between the texts, the English text shall prevail.

FOR THE GOVERNMENT OF
THE KINGDOM OF THAILAND

(Signed)
(Dr. Upadit Pachariyangkun)
Minister of Foreign Affairs

FOR THE GOVERNMENT OF
THE REPUBLIC OF INDIA

(Signed)
(Mr. Atal Bihari Vajpayee)
Minister of External Affairs