

Confirming Sovereignty in Internal Waters: Legal and Geospatial Aspects of Juridical Bay Definition in Indonesia

Rio M. Fadhli, Citra A. Putri and I Made Andi Arsana (Indonesia)

Key words: Coastal Zone Management; Marine cadastre

SUMMARY

Indonesia is an archipelagic State enclosed by an archipelagic baselines system. Consequently, waters in between Indonesian islands fall within the sovereignty of Indonesia, which is called archipelagic waters. While Indonesia has indisputable sovereignty over archipelagic waters, it is worth noting that Indonesia should allow other countries to pass through its archipelagic waters. For the convenience of all parties, Indonesia may designate archipelagic sea-lanes. Viewing from this perspective, Indonesia, in fact, does not have a full control on its archipelagic waters, unlike in internal waters.

On the other hand, countries like Indonesia may define its internal waters where it can exercise full sovereignty. One of the locations where internal waters can be defined is bay. According to Article 10 of the Law of the Sea Convention (LOSC) 1982 the mouth of a bay can be closed using a straight line with certain criteria. When all criteria are met, such bays are called juridical bays and waters inside the bay-closing line are called internal waters, where coastal State has a stronger control. For the case of Indonesia, even in waters where it already has undisputed sovereignty, such as in archipelagic waters, defining internal waters remains essential.

Interestingly, Indonesia has yet to define its juridical bays around its archipelago. As the largest archipelagic state in the world, Indonesia geographically has high potential for the definition of internal waters through bay-closing line. This research's objective is to analyze legal and geospatial aspects of the definition of bay-closing line in Indonesia. Through exercises conducted in major islands in Indonesia, hundreds of bays have been defined as juridical bays. Interestingly, a lot of bay-shaped features are in fact not juridical bays even though people have named them as fully functioning bays. On the other hands, there are juridical bays as per the definition of Article 10 of LOSC but, in practice, they are not called bays in Indonesia's official

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For Indonesia, the definition of juridical bays around its islands is important for it will eventually distinguish between archipelagic waters and internal waters. It is essential to define the extent of its rights and obligation over its maritime area. Hence, this research is substantial for Indonesia to be able to declare the dimension and status of its maritime areas.

Keywords: internal waters, sovereignty, bay, law of the sea, geospatial

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