

MALAYSIA

SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
TERRITORIAL SEA	Aug 69	Ordinance No. 7	12nm	
	Oct 96	Declaration upon Ratification of 1982 LOS Convention		Prior authorization requirement for nuclear powered ships or ships carrying nuclear material to enter the territorial sea. <i>U.S. does not recognize this requirement and protested in 1997.</i>
ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Aug 69	Ordinance No. 7		Enabling legislation for straight baselines.
CONTINENTAL SHELF	Sep 58	Orders in Council No. 1517 & No. 1518		Territorial sea and continental shelf boundaries established by the British between North Borneo (No. 1517) and Sarawak (No. 1518) and Brunei.
	May 66	Continental Shelf Act, No. 57 as amended by Act No.8 (1972)	1958 DEF	"Seabed and subsoil of submarine areas ...beyond the limits of the territorial waters of States, the surface of which lies at a depth no greater than two hundred meters below the surface of the sea...."
	1984	Act No. 311		Incorporates 1966 Continental Shelf Act by reference.
FISHING ZONE/EEZ	1984	Act No. 311	200nm	EEZ.
	Oct 96	Declaration upon ratification of LOS Convention		Prior authorization requirement to conduct military exercises or maneuvers in the EEZ. <i>This requirement is not recognized by the U.S. U.S. protested requirement in 1998 and conducted operational assertions in 1998-2003.</i>
ENVIRONMENTAL REGULATION	Feb 75	Agreement		Joint Council established with Indonesia and Singapore on Navigation Safety and Pollution in Straits of Malacca; traffic separation schemes adopted.
MARITIME BOUNDARIES	Aug 28	Agreement		Boundary agreement with Singapore EIF.
	Nov 69	Agreement		Continental shelf boundary agreement with Indonesia EIF.
	Mar 71	Agreement		Territorial sea boundary agreement with Indonesia (Straits of Malacca) EIF. See <u>LIS</u> No. 50.
	Jul 73	Agreement		Continental shelf boundary agreement with Thailand (Andaman Sea) and Indonesia EIF. See <u>LIS</u> No. 81.

TYPE	DATE	SOURCE	LIMITS	NOTES
MARITIME BOUNDARIES, Continued	Jul 82	Agreements		Territorial sea and continental shelf boundary agreements with Thailand (Strait of Malacca, Gulf of Thailand) EIF.
	Dec 2002	ICJ Decision		Awarded sovereignty of Sipadan and Ligitan Islands in the Celebes Sea to Malaysia, ordered Malaysia and Indonesia to define maritime boundaries in this area.
LOS CONVENTION	Dec 82			Signed Convention.
	Aug 94			Signed Part XI Agreement.
	Oct 96			Ratified Convention, with Declarations (noted above). Bound by Part XI Agreement.

MARITIME BOUNDARY AGREEMENTS

MALAYSIA-INDONESIA

The agreement and the comments following it are extracted from Limits in the Seas, No. 50, "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.

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:

**TABLE C1.T159.
MALAYSIA - INDONESIA MARITIME BOUNDARY COORDINATES**

POINT	LONGITUDE EAST	LATITUDE NORTH
1	101° 00.2'E	02° 51.6'N
2	101° 12.1'E	02° 41.5'N
3	101° 46.5'E	02° 15.4'N
4	102° 13.4'E	01° 55.2'N
5	102° 35.0'E	01° 41.2'N
6	103° 02.1'E	01° 19.1'N
7	103° 03.9'E	01° 19.5'N
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.

U.S. 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°51'6N., 101°00'2E.; to 01°15'0N., 103°22'8E. The respective TSB's claimed by each state differ in length because of the small area of high seas that remains in the Strait. [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.] The Indonesian TSB is 174 and the Malaysian TSB 173 nautical miles in length.

**TABLE C1.T160.
MALAYSIA - INDONESIA BOUNDARY POINTS: U.S. ANALYSIS**

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

* Distances are for the Indonesian TSB. The distance from Point 5-7 of the Malaysian TSB is 39.0 nm.

** 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.

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. 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.

MALAYSIA - INDONESIA - THAILAND

The following is an analysis concerning an agreement between Indonesia, Malaysia and Thailand for a partial delimitation of their common maritime boundary, signed on 17 December 1971, and entered into force on 16 July 1973, as set forth in Limits in the Seas, No. 81, "Maritime Boundaries: Indonesia-Malaysia-Thailand" of 27 December 1978.

The "Common Point" of the three maritime boundaries, situated at 5 57.0'N. and 98 01.5'E., has not been determined on the basis of equidistance because it is situated, in relation to the respective baselines, as follows:

Indonesian Basepoint: Cape Jambu Ayer, 52.0nm

Malaysian Basepoint: P. Langkawi, 98.9nm

Thailand Basepoint: Ko Butang, 76.1nm

(a) Malaysia-Thailand Maritime Boundary.

The agreement describes the boundary in the Straits of Malacca, but does not relate to a maritime limit between the states in the Gulf of Thailand.

The distance between the turning points are as follows:

**TABLE C1.T161.
MALAYSIA - THAILAND MARITIME BOUNDARY: DISTANCE BETWEEN TURNING POINTS**

TURNING POINTS		DISTANCE (NM)
CP	No. 1	68.23
5 57.0'N	06 18.0'N	
98 01.5'E	99 06.7'E	
No.1	No. 2	12.66
	06 16.3'N	
	99 19.3'E	
No. 2	No. 3	8.43
	06 18.4'N	
	Total	89.32

CONTINUATION OF TABLE C1.T161.

POINT	THAI BASEPOINT	DISTANCE (NM)	MALAYSIAN BASEPOINT	DISTANCE (NM)
CP	Ko Butang	76.11	Langkawi I.	98.88
	06 31.9'N		06 23.3'N	
	99 09.5'E		99 37.2'E	
1	Observatory I.	12.37	Langkawi I.	30.82
	06 29.7'N		06 23.3'N	
	99 10.9'E		99 37.2'E	

POINT	THAI BASEPOINT	DISTANCE (NM)	MALAYSIAN BASEPOINT	DISTANCE (NM)
2	Nipis I. 06 28.8'N 99 18.6'E	12.46	Langkawi I. 06 23.3'N 99 37.2'E	19.14
3	Pin I. 06 29.0'N 99 22.0'E	10.82	Langkawi I. 06 23.3'N 99 37.2'E	11.89

The negotiated maritime boundary lies, at all four points, closer to the Thai baseline than to the Malaysian. The Thai islands, all in the Butang Group, are all smaller than the Malaysian island, P. Langkawi. No consistent ratio of distance between turning points and the nearest points on the respective baselines could be determined. Consequently, it is assumed that the boundary was negotiated on the basis of equitable principles.

MALAYSIA - THAILAND

Article 1

1. The boundary of the Thai and the Malaysian territorial seas in that part of the Straits of Malacca between the islands known as the "Butang Group" and Pulau Langkawi where overlapping occurs shall be formed by the straight lines drawn from the point situated in mid-channel between Bulau Terutau and Pulau Langkawi referred to in the Boundary Protocol annexed to the Treaty dated March 10, 1909, respecting the boundaries of the Kingdom of Thailand and Malaysia, whose coordinates are hereby agreed to be Latitude 6° 28'.5 N, Longitude 99° 39'.2 E, in a northwesterly direction to a point whose coordinates are Latitude 6° 30'.2 N, Longitude 99° 33'.4 E and from there in a southwesterly direction to a point whose coordinates are Latitude 6° 28'.9 N, Longitude 99° 30'.7 E and from there in a southwesterly direction again to the point whose coordinates are Latitude 6° 18'.4 N, Longitude 99° 27'.5E.

2. The outer limit of the territorial seas of the islands known as the "Butang Group" to the south of the said islands shall be formed by the boundary lines joining the points whose coordinates are Latitude 6° 18'.4 N, Longitude 99° 27'.5 E referred to in paragraph (1) above and from there to the point whose coordinates are Latitude 6° 16'.3 N, Longitude 99° 19'.3 E and from there to the point whose coordinates are Latitude 6° 18'.0 N, and Longitude 99° 06'.7 E.

3. The coordinates of the points specified in paragraphs (1) and (2) are geographical coordinates derived from the British Admiralty Charts No. 793 and No. 830....

Article 2

1. The boundary of the Thai and the Malaysian territorial seas in the Gulf of Thailand shall be formed by the straight line drawn from a point whose coordinates are Latitude 6° 14'.5 N, Longitude 102° 05'.6 E, to a point whose coordinates are Latitude 6° 27'.5 N, Longitude 102° 10'.0 E.

2. The coordinates of the points specified in paragraph (1) are geographical coordinates derived from the British Admiralty Chart No. 3961....