

# Q&A on the Philippine and Indonesian agreement on the Exclusive Economic Zone Boundary

May 23, 2014 (<http://www.gov.ph/2014/05/23/faqs-on-the-philippines-and-indonesia-agreement-on-the-delimitation-of-eez-boundary/>)

## From the Department of Foreign Affairs

With the signing of the [Agreement Concerning the Delimitation of the Exclusive Economic Zone](http://www.gov.ph/2014/05/23/agreement-between-the-government-of-the-republic-of-the-philippines-and-the-government-of-the-republic-indonesia-concerning-the-delimitation-of-the-exclusive-economic-zone-boundary/) (<http://www.gov.ph/2014/05/23/agreement-between-the-government-of-the-republic-of-the-philippines-and-the-government-of-the-republic-indonesia-concerning-the-delimitation-of-the-exclusive-economic-zone-boundary/>) on May 23, 2014, the Department of Foreign Affairs is releasing FAQs on the agreement between the Philippines and the Republic of Indonesia (RI) concerning the delimitation of the Exclusive Economic Zone Boundary.

## What is the PH-RI Agreement on the Exclusive Economic Zone (EEZ) Boundary?

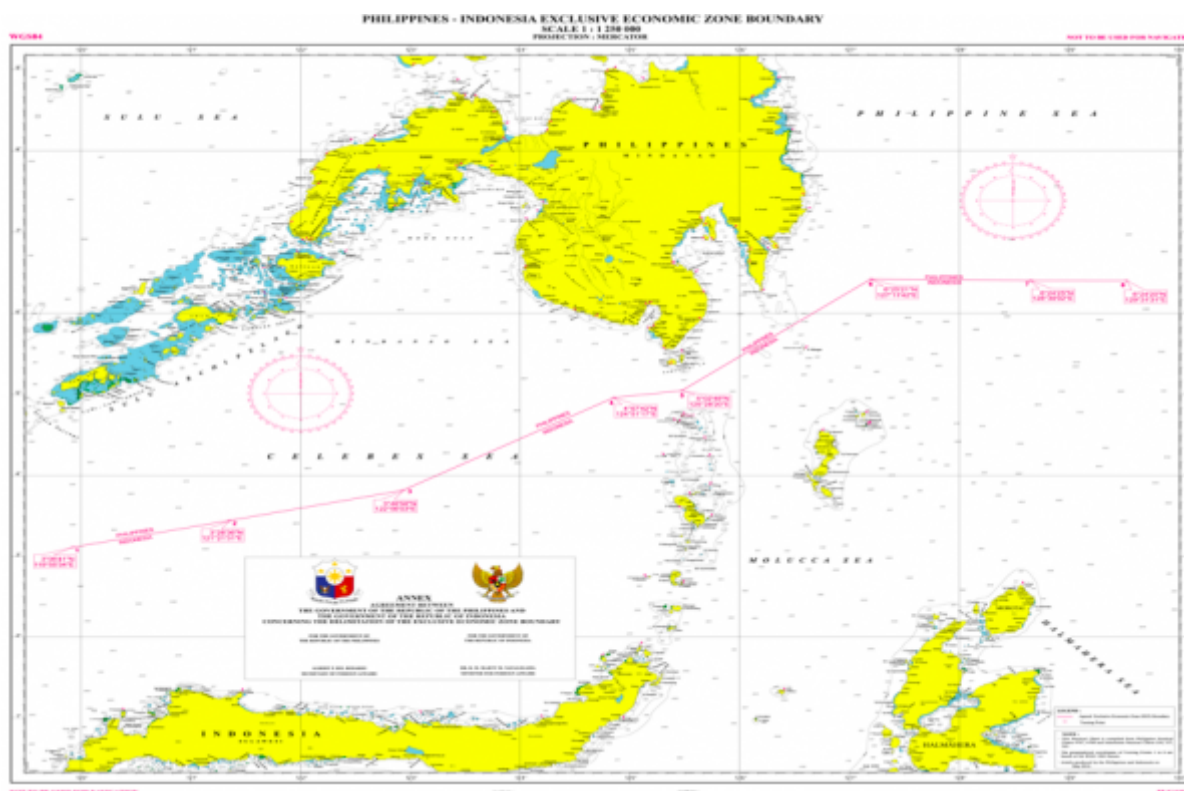
On May 23, 2014, the Philippines and Indonesia signed the “Agreement Concerning the Delimitation of the Exclusive Economic Zone Boundary” during the visit to Manila of H.E. President Susilo Bambang Yudhoyono on May 22 and 23, 2014.

Secretary of Foreign Affairs Albert F. del Rosario and Foreign Minister Dr. R.M. Marty M. Natalegawa signed the agreement during ceremonies in Malacañan Palace in the presence of President Benigno S. Aquino III and President Yudhoyono.

The agreement includes charts showing the coordinates of the line that delimits the overlapping Exclusive Economic Zone (EEZ) of the two archipelagic states in the Mindanao Sea and Celebes Sea in the southern Philippines and the Philippine Sea on the southern section of the Pacific Ocean.

## Where exactly is this EEZ Boundary line in the Mindanao Sea and Celebes Sea?

The PH-RI EEZ Boundary is defined by geodetic lines connecting eight points. These points are indicated in geographical coordinates that form a single line as illustrated in the chart shown below. The total length of the line is 627.51 nautical miles or 1,162.2 kilometers from points 1 to 8.



(<http://www.gov.ph/images/uploads/Screen-shot-2014-05-23-at-12.28.46-PM.png>)

### **Why did the Philippines enter into negotiations with Indonesia to delimit the EEZ?**

The Philippines and Indonesia are state parties to the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The Philippines ratified UNCLOS on May 8, 1984, and Indonesia on February 3, 1986. UNCLOS came into force on November 16, 1994.

Part V of UNCLOS provides for a 200 nautical mile EEZ for the Philippines and Indonesia, both archipelagic states. The EEZs of both countries overlap in the Mindanao Sea and Celebes Sea and in the southern section of the Philippine Sea in the Pacific Ocean. Under Article 74 of UNCLOS, the delimitation of the EEZ of opposite states shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

Thus, in accordance with UNCLOS, the Philippines and Indonesia conducted a series of negotiations to delimit their EEZs and embody the results of the negotiations in an agreement.

### **How long did it take to complete the negotiations leading to the agreement on the EEZ Boundary?**

The Philippines and Indonesia commenced negotiations on their overlapping EEZs at the the First Senior Officials Meeting on the Delimitation of the Maritime Boundary held from June 23-5, 1994, in Manado, Indonesia. The senior officials set the guiding principle for the maritime boundary delimitation (MBD) talks.

From 1994 to 2014, the two countries held a series of negotiations on the EEZ boundary through the Joint Permanent Working Group on Maritime and Ocean Concerns (JPWG-MOC) assisted by the three sub-working groups and the joint technical team.

In March 8, 2011, Secretary of Foreign Affairs Albert F. del Rosario and Dr. R.M. Marty M. Natalegawa, Indonesian Foreign Minister, signed the Joint Declaration wherein they agreed to accelerate bilateral negotiations for the delimitation of the maritime boundaries of the Philippines and Indonesia. Secretary del Rosario and Minister Natalegawa also instructed the Technical Team to conduct a series of meetings to come up with an agreement on the EEZ boundary.

The Joint Declaration was issued during President Aquino's state visit to Indonesia on March 8, 2011. During the State Visit, President Aquino said, "The maritime boundary delimitation will enhance our cooperation in so many fields, from protecting the marine environment to being more efficient in regards to the security concerns in the region between Philippines and Indonesia in particular."

The JPWG-MOC held a total of eight meetings to reach an agreement on the EEZ boundary. The 8<sup>th</sup> Meeting of the JPWG-MOC was held May 18, 2014, in Jakarta, where both delegations finalized the text of the Agreement and the annexed chart for signing by Foreign Secretary Del Rosario and Foreign Minister Natalegawa on May 23, 2014, in Malacañan Palace.

### **Who conducted the negotiations on the maritime boundary delimitation?**

The DFA led the negotiations for the maritime boundary delimitation talks. The Philippine Technical Working Group on Maritime Boundary Delimitation (PH TWG MBD), chaired by the DFA, prepared the negotiating positions, the charts showing the area of the overlap and the possible delimitation options and other inputs for the talks. The PH TWG MBD is composed of representatives from the DFA, Department of Justice, Office of the Executive Secretary, Department of National Defense, Armed Forces of the Philippines, Department of Transportation and Communications – Maritime Industry Authority, Philippine Coast Guard, Department of Environment and Natural Resources – National Mapping and Resources Information Administration, Department of Agriculture – Bureau of Fisheries and Aquatic Resources, and the Department of Energy, among the key government agencies.

### **Is this agreement a treaty that should be concurred by the Senate?**

Yes, the “Agreement Between the Government of the Republic of the Philippines and the Government of the Republic of Indonesia Concerning the Delimitation of the Exclusive Economic Zone Boundary” is a treaty that will be ratified by President Aquino and submitted to the Senate for concurrence in accordance with Section 21, Article VII, of the Philippine Constitution.

**How will this agreement benefit the Filipino fishing industry in Mindanao and other fishing companies in the Philippines?**

With a clearly demarcated EEZ boundary as guided by the official chart, Filipino fishing vessels and fishermen will be able to operate and undertake livelihood activities in the Philippine EEZ knowing where the Indonesian EEZ begins. The Coast Guard and law enforcement authorities of the Philippines and Indonesia will now know the maximum extent of their respective EEZs, and thereby can implement rules and regulations referring to a clear jurisdictional area. Furthermore, PH fisheries authorities can advise fishing communities, especially in Mindanao, as to the limits of the Philippine EEZ.

**Can Filipino fishing vessels engaged in fishing in the high seas cross the Indonesian EEZ to reach their fishing areas in the Pacific Ocean?**

Yes, Filipino fishing vessels may exercise freedom of navigation through the EEZ of Indonesia pursuant to the relevant provisions of the 1982 UNCLOS.

The EEZ Boundary would provide the basis for the DFA to conduct further discussions with Indonesia on the arrangements for the navigation of Filipino vessels into the EEZ of Indonesia in accordance with the 1982 UNCLOS.

**How will the Agreement be implemented so that Filipino fishermen conduct their fishing activities within the delimited Philippine EEZ?**

Upon the signing of the Agreement, the DFA and DA-BFAR would organize meetings with various fishing organizations in Davao, especially with deep sea fishing companies, to discuss the details of the EEZ Boundary and the rights and obligations arising regarding the delimited EEZ pursuant to the relevant provisions of UNCLOS.

**What is the significance to the Philippines of the PH-RI EEZ Boundary?**

The Agreement on the EEZ Boundary has achieved the vision of President Aquino when, during the State Visit to Indonesia on March 8, 2011, he said:

“The maritime boundary delimitation will enhance our cooperation in so many fields, from protecting the marine environment to being more efficient in regards to the security concerns in the region between Philippines and Indonesia in particular.”

The agreement institutionalizes the principles applied by the Philippines and Indonesia in delimiting their overlapping EEZs based on international law, including the 1982 UNCLOS. The EEZ boundary was agreed through a rules-based negotiation for a peaceful solution of maritime issues.

The conclusion of the negotiations attests to the friendship, patience, goodwill and commitment of the Governments of the Philippines and Indonesia to peacefully address maritime issues. This is a significant contribution to, and an example of, reasonable efforts to build a stable and peaceful regional community, in consideration of the interests of countries concerned and in accordance with international law.

A clearly defined maritime boundary between the Philippines and Indonesia will promote more cooperation in the EEZ in order to advance the common interest of managing and preserving the resources in the EEZ and in strengthening security cooperation.

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