
REGIONAL FOCUS & CONTROVERSIES

The Dispute between Malaysia and Indonesia over the ND6 and ND7 Sea Blocks: A Malaysian Perspective

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Malaysia has asserted sovereign rights over the ND6 and ND7 sea blocks, which partially overlap with the Ambalat and East Ambalat sea blocks. Indonesia has also asserted sovereign rights over there. This article argues the validity of Malaysia's claim over the ND6 and ND7 sea blocks by virtue of the Pulau Ligitan dan Pulau Sipadan case in which the International Court of Justice found that the 4°10' N parallel mentioned in the 1891 Convention between Great Britain and the Netherlands Defining Boundaries in Borneo terminated on the east coast of Sebatik and did not extend seawards. This article finds that Malaysia may use the Sipadan and Ligitan Islands as a basis to assert sovereign rights over the ND6 and ND7 sea blocks. The authors also highlights several other documents including a 1954 British declaration and bilateral treaties between Malaysia and Indonesia.

Keywords

Malaysia-Indonesia dispute, maritime boundary, sovereign rights, Celebes Sea, Continental Shelf, Ambalat dispute.

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DOI: <http://dx.doi.org/10.14330/jeail.2015.8.1.08>

1. Introduction

Two or more States may have competing claims over a land or maritime territory where each of the States assert sovereign rights over the territory in question. In such situations, the dispute between the States can be resolved by negotiation or adjudication. Maritime disputes occur when overlapping claims exist on a specific maritime area. Such dispute has arisen between Malaysia and Indonesia in parts of the Celebes Sea off the east coast of Borneo.

Malaysia has asserted its sovereign right over two sea blocks near the state of Sabah, and Kalimantan, the Indonesian portion of the island of Borneo. The Malaysian government refers to the sea blocks as ND6 and ND7, the coordinates of which are not accessible. Malaysia initially asserted sovereign rights over the ND6 and ND7 sea blocks in the “1979 New Map Showing the Territorial Waters and Continental Shelf Boundaries of Malaysia” [*Peta Baru Menunjukkan Sempadan Perairandan Plantar Benua Malaysia 1979*].

Meanwhile, the Indonesian government asserts sovereign rights over two sea blocks it refers to as Ambalat and East Ambalat. The coordinates of Ambalat are 2° 34'7" - 3° 47'50"N, 118° 15'21" - 118° 51'15"E.

A large portion of the ND6 sea block overlaps with the sea blocks of Ambalat and East Ambalat, while portions of the ND7-sea block overlap with East Ambalat. As a result, competing and overlapping claims have been made by the two States concerning the sea blocks. However, it should be also noted here that there are parts of the sea blocks claimed by the Malaysian government and the sea blocks claimed by the Indonesian government that do not overlap. The present article argues that Malaysia has a valid claim over the ND6 and ND7 sea blocks by virtue of the decision of the International Court of Justice (“ICJ”) in the *Sovereignty over Pulau Ligitan and Pulau Sipadan* (Indonesia v. Malaysia) case. It is also further submitted that Indonesia cannot assert sovereign rights based on historical arguments because the evidence presented regarding such a claim is not conclusive.

This paper is composed of four parts including the Introduction and Conclusion. Part two will begin with an examination of historical evidence, including two boundary treaties concluded between Great Britain and the Netherlands; and a British declaration which drew the continental shelf boundaries of North Borneo (the former name of Sabah). It will also examine post-colonial evidence, including two treaties between Malaysia and Indonesia that precede the 1979 New Map in which Malaysia initially asserts rights over the ND6 and ND7 sea blocks. Thereafter, Part