

INDEPENDENT STATE OF PAPUA NEW GUINEA.**CHAPTER No. 85.*****Indonesian Border Agreement Act.***

Being an Act to approve an Agreement between Indonesia and Australia concerning the land boundary between Indonesia and Papua New Guinea.

1. Approval of the Border Agreement.

The Agreement between Indonesia and Australia concerning certain boundaries between Indonesia and Papua New Guinea, a copy of which is set out in the Schedule, is approved.

(12 February 1973)

SCHEDULE.

Sec. 1.

AGREEMENT BETWEEN AUSTRALIA AND INDONESIA CONCERNING CERTAIN BOUNDARIES BETWEEN PAPUA NEW GUINEA AND INDONESIA.**AUSTRALIA AND INDONESIA,**

Recognizing the desirability of having boundaries of political and physical permanence between Papua New Guinea and Indonesia,

Considering the desirability of demarcating more precisely in certain respects the land boundaries on the island of New Guinea (Irian) as described in Articles I, II, III and IV of the Convention between Great Britain and the Netherlands dated the sixteenth day of May One thousand eight hundred and ninety-five,

Noting the steps taken since then in relation to the demarcation of the land boundaries on the island of New Guinea (Irian),

Noting in particular, with appreciation, the work of the Joint Survey by the Australian and Indonesian Survey Authorities (in this Agreement called "the joint survey") in surveying boundaries on the island of New Guinea (Irian) as described in their final report dated the twelfth day of February One thousand nine hundred and seventy,

Recalling that in the Agreement between the Australian and Indonesian Governments dated the eighteenth day of May One thousand nine hundred and seventy-one (in this Agreement called "the 1971 Seabed Agreement") the two Governments left for further discussion the question of the seabed boundary line between the point of Latitude 9°24' 30" South, Longitude 140° 49' 30" East (Point B 1 shown on the chart annexed to this Agreement and on chart "A" annexed to the 1971 Seabed Agreement) 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),

As good neighbours and in a spirit of friendship and co-operation,

HAVE AGREED as follows:

ARTICLE 1

The boundary between Papua New Guinea and Indonesia on the island of New Guinea (Irian) shall be more precisely demarcated as follows;

(a) In the north the boundary is the meridian of Longitude 141 East extending southwards from the point of the intersection of the meridian with the mean low water line on the northern coast, located at Latitude 2°35'37" South, to the point of its most northerly intersection with the waterway ("thalweg") of the Fly River and that meridian shall be deemed to lie along the geodesic lines successively linking the markers MM₁, MM₂, MM₃, MM₄, MM₅, MM₆, MM₇, MM₈, MM₉ and MM₁₀ established by the Joint Survey and indicated on the chart annexed to this Agreement.

(b) From the point of the most northerly intersection of the meridian of Longitude 141° East with the waterway ("thalweg") of the Fly River (at present located at Latitude 6° 19' 24" South) the boundary lies along that waterway to the point of its most southerly intersection with the meridian of Longitude 141° 01' 10" East (at present located at Latitude 6°5 3' 33" South).

(c) From the last- mentioned point the boundary is the meridian of Longitude 141° 01' 10" East extending southwards to the point of Latitude 9° 08' 08" South (Point B3 shown on the chart annexed to this Agreement) and that meridian shall be deemed to lie along the geodesic lines successively linking the markers MM₁₁, MM₁₂, MM₁₃ and MM₁₄ established by the Joint Survey and indicated on the chart annexed to this Agreement.

ARTICLE 2

The Governments of Australia and Indonesia, as soon as practicable after the entry into force of this Agreement and at a time to be agreed upon by them, shall arrange for aerial or satellite photography of that part of the Fly River referred to in Article 1(b), of this Agreement.

Thereafter, such photography of that part of the Fly River shall be arranged periodically at intervals to be agreed upon.

ARTICLE 3

Immediately off the southern coast of the island of New Guinea (Irian), the boundary between the area of seabed that is adjacent to and appertains to Papua New Guinea and the area that is adjacent to and appertains to Indonesia shall be the straight lines shown on the chart annexed to this Agreement commencing at the point of Latitude 9° 24' 30" South, Longitude 140° 49' 30" East (Point B1) and thence connecting the points specified hereunder in the sequence so specified:

B2. The point of Latitude 9° 23' South, Longitude 140° 52' East

B3. The point of Latitude 9° 08' 08" South, Longitude 141° 01' 10" East referred to in Article 1(c) of this Agreement.

ARTICLE 4

The point B3 referred to in Articles 1(c) and 3 of this Agreement is the present location of the point of intersection of the meridian of Longitude 141° 01' 10" East with the mean low water line on the southern coast of the island of New Guinea (Irian). If the point B3 ceases to be the point of such intersection the land boundary referred to in Article 1(c) and the seabed boundary referred to in Article 3 shall meet and terminate at the point at which the straight lines connecting the points MM₁₄, B3 and B2 shown on the chart annexed to this Agreement intersect the mean low water line on the southern coast.

ARTICLE 5

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

ARTICLE 6

If any single accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposit beneath the seabed, extends across any of the seabed boundary lines that are referred to in 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 Governments of Australia and Indonesia 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 7

Off the northern and southern coasts of the island of New Guinea (Irian) the lateral boundaries of the respective territorial seas and exclusive fishing zones shall so far as they extend coincide with the seabed boundary lines referred to in Article 3 of this Agreement and in Article 4 of the 1971 Seabed Agreement.

ARTICLE 8

1. Vessels or other craft permitted by the laws of Papua New Guinea to navigate on that part of the Bensbach River flowing within Papua New Guinea shall for the purpose of entering or leaving the river have a right of passage through the adjacent Indonesian waters.
2. For the purpose of access to the mouth of the Bensbach River, the authorities of Papua New Guinea and Indonesia shall keep open and mark any channel that may be necessary for safe navigation.

ARTICLE 9

1. The co-ordinates of the points specified in this Agreement are geographical co-ordinates. The actual location of any points or lines referred to in this Agreement which have not yet been determined shall be determined by a method to be agreed upon by the competent authorities of the Government of Australia and the Government of Indonesia.
2. For the purpose of paragraph I of this Article the competent authorities shall be the Director of National Mapping of Australia and any person acting with his authority and the Chief of the Co-ordinating Body for National Survey and Mapping (Ketua Badan Koordinasi Survey Dan Pemetaan Nasional) of Indonesia and any person acting with his authority.

ARTICLE 10

Any dispute between the Governments of Australia and Indonesia arising out of the interpretation or implementation of this Agreement shall be settled peacefully in accordance with the procedures mentioned in Article 33 of the Charter of the United Nations.

ARTICLE 11

1. 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.

2. It is understood that the approval of the House of Assembly of Papua New Guinea to this Agreement shall be obtained before Australian ratification of the Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorised, have signed this Agreement.

DONE IN DUPLICATE at Jakarta this twelfth day of February One thousand nine hundred and seventy-three in the English and Indonesian languages.

FOR AUSTRALIA, FOR INDONESIA,

(Sgd) (M.T. Sornare) (Sgd) (H.A. Malik)