

Book Review

Pulau, Kepulauan, dan Negara Kepulauan (Islands, Archipelago, and Archipelagic States)

by Marsudi Triatmodjo, Agustina Merdekawati, Nugroho Adhi Pratama, Nahda Anisa Rahma, I Gusti Putu Agung, Aqshal Muhammad Arsyah

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The concept of an archipelagic state known today and regulated in Chapter IV of UNCLOS 1982 (United Nations Convention on the Law of the Sea) results from a lengthy struggle. Long before that, Indonesia, through the Juanda Declaration, had fought for the principle of an archipelagic state. The concept of an archipelagic state has been internationally recognized by UNCLOS 1982, and Indonesia is one of the most archipelagic countries in the world. Therefore, knowledge about archipelagic states must be understood

comprehensively by all levels of society, especially academics and policymakers. The expectancy is that the facilities provided for the archipelagic state can be utilized as well as possible; this is one of the motivations for the author to present a book entitled *Pulau, Kepulauan, dan Negara kepulauan (Islands, Archipelago, and Archipelagic States)*, written by Marsudi Triatmodjo and colleagues.

This book has 229 pages, consisting of nine chapters that discuss (1) the Island, (2) Island Ownership Status, (3) Island Registration, (4) the Small Island Regime; (5) Archipelago and Archipelagic State; (6) Development of Archipelagic State Regulations; (7) archipelagic baselines; (8) Archipelagic Waters; and (9) the practice of the Archipelago states. Each chapter in the book is described in detail and complete. This book also contains pictures and tables, especially for explaining technical matters, such as visualization of low tide elevation, rock and fringing reef, or the matrix of differences in baseline systems. Even though it is known that the authors of this book are a team consisting of several authors, the writing structure used in each chapter has the same pattern; after an in-depth study and analysis related to a topic, the discussion is closed by a relevant case analysis.

Two chapters in the nine chapters in this book explain what is in the title. First, the discussion about islands can be found in chapter one and second, the discussion of islands and archipelagic states. In chapter one, to find a definition of an island, the author begins by taking an inventory of the provisions of Article 121 of UNCLOS 1982. In this case, the author criticizes the provisions of UNCLOS 1982 and states that the definition of an island contained in Article 121 of UNCLOS is extensive because the only requirement that is fulfilled is “above water at high tide” and does not mention the minimum area of a maritime feature in order to qualify as an island. In discovering the importance of islands as outlined by UNCLOS 1982, the author concludes three things: first, islands can be used as a basis for claiming four maritime zones, so that it will have immediate consequences for the delimitation of a country’s maritime boundaries. Second, islands and coral reefs can be ground zero for territorial sea claims and additional zones. Third, islands that meet the criteria in Article 121 (3) of UNCLOS 1982 can become the basis for claims to the EEZ and the continental shelf.

The complexity and urgency in determining the status of an island or coral reef become perceptible when the author presents the case of one of the most significant tidal elevation features in the Spratly Islands, namely Itu Aba. With an overview of the analysis and the dynamics of the proceedings at trial, the Tribunal designated Itu Aba as a Rock so that it could not claim the 200 nautical miles EEZ.

In discussing a chapter, the author uses UNCLOS 1982 as a guide for conducting the analysis. In specific chapters, there is also a detailed discussion of Indonesia's national regulations, which are specified as an archipelagic state. For example, when explaining the Small Island Regime, the rules used are the Law on the Management of Coastal Areas and Small Islands (UU PWP3K) No. 1 of 2014 and Government Regulation No. 62 of 2010 concerning the Utilization of Outermost Small Islands (PP P3KT) in conjunction with Regulations Government No. 21 of 2021 concerning the Implementation of Spatial Planning. Likewise, when discussing the Indonesian Archipelagic Sea Lane, one of the rules used is Government Regulation 37 of 2002, which is related to the Indonesian Archipelagic Sea Lane. In another discussion, the author also explains the practice of other archipelagic states by explaining their domestic rules.

Furthermore, the authors examine experts' opinions in their fields and elaborate on them with relevant cases that the competent institutions have decided. This book shows that the author has a wealth of literacy and excellent analytical skills. The authors transmit relevant problems to a theme discussed at the beginning and provoke the reader to ask what else the author will find to answer the problems presented.

For example, in chapter one, the author distinguishes between islands, rock, low tide, and coral. In explaining rocks, the authors cite Article 121 (3) of UNCLOS 1982, which states that the right of a coastal state to claim additional maritime zones, namely EEZ and continental shelf, will be excluded if a maritime feature is categorized as a rock. However, there is a difficulty that the definition of rock cannot be found either in the convention or in the travaux preparatory document.

Additionally, the authors take the discussion on a scientific approach by stating the opinion of John B. Whittow, a geographer or the definition of Webster's dictionary, even though the author has declared that looking for a definition of rock in that way cannot assist because the rocks referred to the context of Article 121 (3) UNCLOS 1982 does not entirely fit the scientific term. The author then takes the reader to find out what "rock" is meant by UNCLOS 1982 by conducting a linguistic or textual analysis of the word components contained in Article 121 (3) of UNCLOS 1982, as was done by the PCA Judge (Permanent Court of Arbitration) in resolving the South China Sea dispute between the Philippines and China.

However, it can be discerned that the authors try to comment on and criticize government policies/actions on matters relating to Indonesia's position as an archipelagic state. However, the author permanently closes his analysis with the best suggestions and recommendations expected to be considered by the government in constructing a policy. For example, in the case of island registration carried out by Indonesia in 2017, 17,504 islands retained in the sovereign territory of the Republic of Indonesia have been recorded in the United Nations Group of Experts on Geographical Names (UNEGEGN). The author begins his analysis by questioning the urgency of island registration and whether it is an international law obligation. The obligation intended for the state is only related to the publicity of the outermost starting point of a country because it relates to the needs of other countries in knowing the outermost boundaries of a country.

As for the practice of registering islands to international institutions, it is an activity based on volunteerism. The government has a more significant challenge in systematically collecting island data on geographical position, conditions, facilities infrastructure, and other data, which are considered to help develop and manage natural and marine resources in the island area.

Chapter five primarily discusses archipelago and archipelagic states; the author's skill in finding cases relevant to the topic is evident. So, this chapter becomes very interesting to read; for example, there is a deviation from the principle of an archipelagic state by an archipelagic state that does not claim to be an archipelagic state (a case study of Palau). In this section, the author provides the reality that even though the claim to the archipelagic baseline gives a state the privilege to enjoy maritime jurisdiction, some countries do not claim the right to use the archipelagic baseline. In this regard, the authors state that applying the archipelagic state principle is more of an option, depending on the country concerned.

On the contrary, it also happens that there are non-archipelagic states that use archipelagic baselines (case studies of Ecuador and Denmark). Mid-ocean archipelagos countries protect their territory and look at the geographical conditions, using the archipelagic baselines in part of the territory with an archipelagic pattern. Regarding this case, the author conveys that if it is carried out continuously by many countries and generates opinion juries, it will likely become an international custom.

The shortcomings identified after reading this book are related to chapter placement. The author should classify the material's difficulty level substantively from each chapter and sort it starting from the easiest or lightest. Although this opinion looks subjective, the ease and severity of the material are influenced by the reader's level of understanding. Technical discussions, such as low-tide elevation or discussing the meaning of coral and the differences between the two in the Law of the Sea, are considered too weighty compared to placing the chapter on the development of the arrangement of archipelagic states at the beginning of the discussion.

Overall, this book is excellent and highly recommended to be used as a reference for knowledge for academics, practitioners, and the general public. Agreeing with what the authors and their book convey, by reading this book, readers will be able to have a comprehensive understanding of the arrangement of islands, archipelagos, and archipelagic states. If all Indonesians can share this understanding, optimizing various special facilities for archipelagic countries will be more straightforward.

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