

National Interests and the Role of Major and Middle Powers in the South China Sea: The Case of Indonesia

As long as the Indonesian government continues its “inward looking” policies, there is little chance there would be a dramatic change in its foreign policy towards the South China Sea.

Introduction

Though officially not a claimant state, Indonesia finds it difficult to turn its back on developments related to the South China Sea. Although consistently claiming itself to be outside of the disputes and playing the role as an honest broker, there have been incidents when Indonesia’s position has been questioned. Reading commentaries and news in the media makes one wonder whether it is in the interest of some parties to persuade Indonesia to commit as a direct party in these disputes.

This year (2016) has witnessed many developments related to the South China Sea. The principal issue is the ruling of the arbitral tribunal of the Permanent Court of Arbitration (PCA). The Philippines, as one of the claimants, filed an objection in 2013. In July this year the Tribunal ruled against China’s claim on the South China Sea, which is marked by a nine-dash line. The decision was based on the consideration that China’s claim did not have any legal basis. The claim, which is based on China’s historic rights, failed because it was not in accordance with Exclusive Economic Zones as determined by the United Nations.



Following the Tribunal ruling, countries responded in various manners. For Indonesia, the official stance of the Indonesian government was announced by the foreign minister, who called on all parties to prioritise peace, maintain stability, practice self-restraint, and respect international law, particularly the UN Convention on the 1982 Law of the Sea. In contrast, China has responded to the Tribunal's determination by stating that it will not accept it. Dismissing the court's authority, China denounced the ruling as empty and asserted that the Tribunal has no binding power.

This background paper seeks to highlight where Indonesia stands in the disputes, particularly several incidents throughout 2016 and the official foreign policy stance as issued by the Foreign Ministry. Moreover, this paper seeks to determine what role Indonesia plays in efforts to manage the ongoing conflict, particularly the role of Indonesia in the ASEAN framework in relation to the South China Sea disputes.

Indonesia and the Nine-Dash Line

Throughout the 1980s and 1990s, Indonesia was generally unaffected by the territorial disputes in the South China Sea; nonetheless, it viewed the disputes as a threat to key Indonesian interests in maintaining Southeast Asian stability. There were statements of concern that territorial disputes presented challenges to regional autonomy from outside hegemony, and to the ASEAN norms of the peaceful settlement of disputes. Beginning in the late 1980s and extending to the mid-1990s, Indonesia initiated four informal workshops to reduce tensions and build confidence between rival claimants.

At first, China refused to participate. But it sent delegates to these workshops after diplomatic ties were normalised.

In the 1990s China became more open to the multilateral frameworks initiated by ASEAN. In the ASEAN context, engagement is conceived as the institutionalisation of relations with China through a regular process of diplomatic dialogue, the purpose of which is to socialise China into accepting regional norms of behaviour, such as peaceful resolution of disputes and the non-use of force to resolve interstate problems. Southeast Asia's engagement with China was aimed at securing China's respect for norms of state conduct that have come to distinguish the collective culture of ASEAN and which serve the cause of a stable regional order. Ultimately, ASEAN members and China signed the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC), which committed the signatories to the peaceful settlement of disputes, the non-use of force, and the exercise of restraint. Importantly, it called for all claimants to refrain from occupying uninhabited islands, reefs and shoals in the South China Sea.

Unfortunately, only several years after the signing of the DOC, the disputes began to take a downward trend, which consequently directly affected Indonesia in 2009. During that year, China submitted to the Secretary General of the United Nations (UN) a *Note Verbale* in which it officially resorted to the now-famous "[Nine-Dash Line](#)" to delineate its claims in the South China Sea. This line was originally drafted in 1914 and harnessed by the Chinese Nationalist government in 1947. Problematically enough, Beijing's territorial claims would encroach on the Exclusive Economic Zone (EEZ) that Indonesia derives from its [Natuna Islands](#), although it does not cover any of the landmass of the Natuna Islands.

In bold retort Indonesia outlined its position on the dashed-line map in its diplomatic note to the UN Secretary General in July 2010, contesting the validity and legality of China's "Nine-Dash Line." The *Note Verbale* highlights that the map lacked international legal basis and was tantamount to upsetting the UN Convention on the Law of the Sea (UNCLOS) 1982, and therefore is not recognisable in the eyes of International Law. It states: "Thus far, there is no clear explanation as to the legal basis, the method of drawing, and the status of those separated dotted-lines."

Beijing refrained from making its case too vociferously, to avoid having to clarify - and possibly regularise - its position in relation to UNCLOS, thus maintaining a form of "strategic uncertainty." Until now, no response has come directly from Beijing regarding Indonesia's 2010 *Note Verbale*. Nonetheless, Beijing has at least twice had to make statements to acknowledge that the Natuna Islands belong to Indonesia, the last one being

in 2016 after an incident in the Natuna Waters, explained below.

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The paper was presented at the Conference: "The South China Sea in the Broader Maritime Security of the Indo-Pacific Conference", 28-30 September 2016, Canberra, Australia. This conference is co-organized by UNSW Canberra at the Australian Defence Force Academy (ADFA), the Diplomatic Academy of Vietnam (DAV), and the Japan Institute for International Affairs (JIIA).

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