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**THESIS**

**INDONESIAN MARITIME SECURITY COOPERATION  
IN THE MALACCA STRAITS**

by

Alfred Daniel Matthews

June 2015

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**INDONESIAN MARITIME SECURITY COOPERATION IN THE MALACCA  
STRAITS**

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Commander, Indonesian Navy  
M.Si., Indonesian Defense University, 2011

Submitted in partial fulfillment of the  
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## **ABSTRACT**

This thesis argues that Indonesia's sensitivity about its sovereignty in the Malacca Straits and Indonesia's preference toward regional security cooperation determines Indonesia's policy in rejecting and accepting multilateral cooperation in the Straits. This thesis then analyzes the Regional Maritime Security Initiative (RMSI), MALSINDO, Eyes-in-the-Sky (EiS), and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships (ReCAAP) initiatives, and examines how Indonesia responded to these initiatives.

This thesis finds the following: First, regarding international effort to enhance the security cooperation in the Straits, Indonesia's sensitivity and its wariness of internationalizing the Straits remains a big challenge for the extraregional states' security initiatives in securing the Malacca Straits. Second, regarding the regional cooperation in the Straits, even though Indonesia prefers regional cooperation, it would still limit its cooperation when dealing with the sovereignty issue. Third, regarding the security cooperation with extraregional powers, Indonesia prefers a bilateral security cooperation framework in securing the Straits.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

ASA	Association of Southeast Asia
ASEAN	Association of Southeast Asian Nations
CMPT	Combined Maritime Patrol Team
DEPHANKAM	Indonesian Department of Defense and Security
DOD	U.S. Department of Defense
EEZ	Exclusive Economic Zone
EiS	Eyes in the Sky
IMB	International Maritime Bureau
IMCO	Inter-Governmental Maritime Consultative Organization
IMO	International Maritime Organization
LEMHANAS	Indonesian Institute of National Defense
MAA	Monitoring and Action Agency
NAM	Nonalignment Movement
ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships
RMSI	Regional Maritime Security Initiative
SLOC	Sea Lines of Communication
TAC	Treaty of Amity and Cooperation
TSS	Traffic Separation Scheme
UNCLOS	United Nations Convention on the Law of the Sea
ZOPFAN	Zone of Peace, Freedom, and Neutrality

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Proverbs 1:7

*“The fear of the LORD is the beginning of knowledge, but fools despise wisdom and instruction.”*

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# **I. INTRODUCTION**

## **A. MAJOR RESEARCH QUESTION**

In 2004, Indonesia rejected the U.S. multilateral cooperation initiative, the Regional Maritime Security Initiative (RMSI). In the same year, however, Indonesia accepted a trilateral-coordinated naval patrol with Malaysia and Singapore, known as the MALSINDO, to combat armed robbery and piracy in the Malacca Straits. The following year, Indonesia was involved in Malaysia's multilateral initiative, the Eyes-in-the-Sky (EiS) air patrol. In 2006, Indonesia rejected Japan's lead initiative of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships (ReCAAP). This thesis examines the relationship between these policies with factors such as Indonesia's sensitivity about sovereignty issues in the Malacca Straits and Indonesia's preference for regional cooperation. This thesis attempts to address whether these factors have affected Indonesia's policy to reject RMSI and ReCAAP, while accepting the MALSINDO and EiS.

## **B. SIGNIFICANCE OF THE RESEARCH QUESTION**

Cooperation among stakeholders in the Malacca Straits is important for avoiding conflict because the global economy greatly depends on the safety and security of the straits. Heightened piracy incidents in the straits have raised international pressure on the littoral states. With regard to global dependence, foreign intervention, especially by the user states with security issues in the straits, would be unavoidable. Conversely, such intervention is also unacceptable for the littoral states, since parts of the straits have been enclosed within their territorial waters. Furthermore, the complexity of maritime law regarding territory, the freedom of navigation in the straits, and the various interpretations of the definition of piracy are creating vagueness about the legal provisions.

The thesis has two important implications for the understanding of Indonesia's policy in the Malacca Straits. First, the acceptance of the MALSINDO and EiS demonstrated the dynamic within Indonesia's policy-making process toward a broader cooperative framework than a bilateral one. Second, the rejection of RMSI and ReCAAP

implies Indonesian resistance and cautiousness about a multilateral framework beyond the immediate littoral states. Therefore, it is important to understand Indonesia's policy regarding maritime security cooperation to provide understanding of Indonesia's stand, and to develop effective and efficient cooperation between Indonesia and other stakeholders to deal with security problems in the Malacca Straits.

### C. LITERATURE REVIEW

At the international level, heightened armed robbery and piracy incidents had raised user states' concern and had put pressure on littoral states to secure the straits, especially Indonesia, whose waters were judged to be the most piracy-polluted waters in the world.<sup>1</sup> The 2004 International Maritime Bureau's (IMB) report on actual and attempted attacks showed a significant level of piratical incidents in Indonesian waters compared to other areas in the region; see Table 1. The table also showed an increasing trend of piratical incidents in the Malacca Straits from 2001 until 2004.

Table 1. IMO Report on Actual and Attempted Piracy Incidents.<sup>2</sup>

Location/ Year	2000	2001	2002	2003	2004
Indonesia	119	91	103	121	93
Malacca Straits	75	17	16	28	37
Malaysia	21	19	14	5	9
Singapore Straits	5	7	5	2	8

In the context of maritime terrorism, a single incident can greatly harm the safety and security of the straits. Therefore, the United States promoted the Regional Maritime

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<sup>1</sup> Jayant Abhyankar, "Piracy, Armed Robbery and Terrorism at Sea: A Global and Regional Outlook," in *Piracy, Maritime Terrorism and Securing the Malacca Straits*, ed. Graham Gerard Ong-Webb (Singapore: Institute of Southeast Asian Studies, 2006), 7.

<sup>2</sup> After IMO report "Table 1: Location of ACTUAL and ATTEMPTED attacks, Jan to Dec 1993–2004," in "Piracy and Armed Robbery Against Ship Annual Report 1 January–31 December 2004," ICC *International Maritime Bureau*, February 7, 2005, [http://www.peacepalacelibrary.nl/ebooks/files/ICC\\_InternationalMaritimeBoard\\_Annual\\_Piracy\\_Report2004.pdf](http://www.peacepalacelibrary.nl/ebooks/files/ICC_InternationalMaritimeBoard_Annual_Piracy_Report2004.pdf).

Security Initiative (RMSI) proposal to bolster security for Southeast Asia.<sup>3</sup> Indonesia, however, rejected the U.S. proposal; Indonesia was wary that the presence of U.S. forces could infringe on its sovereignty in the straits. Interestingly, after rejecting the RMSI, Indonesia accepted the MALSINDO cooperative framework. Therefore, Indonesia showed its preference to the regional security cooperative framework rather than foreign initiative.

Indonesia, however, continued to maintain its preferences for a regional cooperative framework rather than involving extraregional power in the security management in the straits. In June 2005, the Joint War Committee of the Lloyd's insurance market declared the Malacca Straits to be an area at risk from "war, strike, terrorism, and related perils."<sup>4</sup> As a result, insurers have raised premiums for the ships transiting the Malacca Straits, which was a blow to the shipping industry.<sup>5</sup> As a response, user states urged the littoral states to enhance the safety and security of the straits. Finally, three months after the Malacca Straits were designated as the "war zone," Indonesia enhanced its cooperation by accepting the Eyes-in-the-Sky (EiS) multilateral air patrol with Malaysia, Singapore, and Thailand. In contrast, in 2006, Indonesia refused to join ReCAAP—a Japan-led multilateral cooperative effort—even though most of Association of Southeast Asian Nations (ASEAN) members have joined the ReCAAP. Therefore, this thesis suggests that Indonesian reluctance to accept foreign security initiatives over the straits does not stem only from its preferences for regional cooperation.

### **1. Indonesian Rejection of the RMSI and ReCAAP**

The Malacca Straits is strategically important for Indonesia. In the relevant literature, J.N. Mak argues that Indonesia decided to oppose RMSI because Indonesia

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<sup>3</sup> Yeoh En-Lai, "U.S. to Discuss Defending Straits from Terrorists," Global Security Newswire, June 3, 2004, <http://www.nti.org/gsn/article/us-to-discuss-defending-straits-from-terrorists/>.

<sup>4</sup> Bobby Thomas, "Malacca Straits a 'War Risk Zone'? Lloyd's Should Review Its Assessment," RSIS Singapore, 2005, [http://www.researchgate.net/publication/38443137\\_Malacca\\_Strait\\_a\\_'war\\_risk\\_zone'\\_Lloyds\\_should\\_review\\_its\\_assessment](http://www.researchgate.net/publication/38443137_Malacca_Strait_a_'war_risk_zone'_Lloyds_should_review_its_assessment).

<sup>5</sup> Ibid.

fears its sovereignty would be eroded by foreign military presence in the straits.<sup>6</sup> Similarly, John F. Bradford contends that Indonesia's reluctance to join ReCAAP "stems from the belief that the cooperation undermines the concept of unique state sovereignty in the Straits of Malacca."<sup>7</sup> Furthermore, Mak argued that the Malacca Straits are of critical strategic importance for Indonesia since it is the only waterway that pierces the Indonesian archipelagic border.<sup>8</sup> He contended that any erosion of Indonesian sovereignty in the Malacca Straits "would have serious impact for Indonesia attempts to regulate traffics [*sic*] in its other straits used for international navigation."<sup>9</sup> However, since Indonesia's policy has evolved to accept multilateral cooperation with other littoral states, then the sovereignty factor could explain only the rejection of international cooperation initiatives but not the acceptance of multilateral cooperation among the littoral states.

Another possible explanation for Indonesia's rejection of RMSI and ReCAAP was Indonesia's lack of economic interest. Huang contends that Indonesia has smaller stakes in the safety and security in the Malacca Straits compared to other littoral states since the majority of Indonesia's trade is conducted through the Lombok and the Sunda Straits. He argues that Indonesia focuses more on domestic issues such as economic development, political reform, and territorial integrity. The situation then was worsened by the Indonesian Navy's inability to patrol its vast territorial waters and the Exclusive Economic Zone (EEZ) due to a lack of funding and poor maintenance of its ships.<sup>10</sup> However, Huang's argument is insufficient to explain why Indonesia strongly rejected the RMSI initiative. Moreover, if financial constraints were the main reason for Indonesia's lesser attention to the security and safety issues in the Malacca Straits, then

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<sup>6</sup> J.N. Mak, "Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits," in *Piracy, Maritime Terrorism and Securing the Malacca Straits*, ed. Graham Gerard Ong-Webb (Singapore: Institute of Southeast Asian Studies, 2006), 153.

<sup>7</sup> John F. Bradford, "Shifting the Tides against Piracy in Southeast Asian Waters," *Asian Survey* 48, no. 3 (May/June 2008): 489.

<sup>8</sup> Mak, "Unilateralism and Regionalism," 139.

<sup>9</sup> *Ibid.*

<sup>10</sup> Victor Huang, "Building Maritime Security in Southeast Asia—Outsider Not Welcome?" *MINDEF* Singapore, April 24, 2010, <http://www.mindef.gov.sg/imindef/publications/pointer/journals/2007/v33n3/feature3.html>.

the argument is insufficient to explain why Indonesia rejected the RMSI when the U.S. government had pledged to allocate \$2 billion for its implementation;<sup>11</sup> or, similarly, why Indonesia rejected ReCAAP, in which membership funding is based on voluntary contributions. After all, Singapore was willing to bear the cost of the ReCAAP organization's entire startup costs, as well as the annual cost of operations for the Information Sharing Center (ISC).<sup>12</sup>

In summary, two explanations of Indonesia's noncooperation toward RMSI and ReCAAP appear in the literature. First, the rejection stemmed from Indonesia's concern that such cooperation would impinge on its sovereignty in the straits, and second, the rejection was rooted in Indonesia's lack of economic interests. However, since a "lack of economic interest" argument cannot explain Indonesia's strong rejection of RMSI and ReCAAP, the sovereignty argument is analyzed in this thesis.

## **2. Indonesian Acceptance of the MALSINDO and EiS**

During the increase in piracy incidents in the early 1990s, Indonesia engaged in maritime security cooperation with its neighbor to secure the straits. In June 1992, responding to the rise of armed robbery incidents in the straits, Indonesia and Singapore agreed to establish INDOSIN to patrol the Straits of Singapore.<sup>13</sup> In the same year, Indonesia and Malaysia also initiated MALINDO in the Straits of Malacca.<sup>14</sup> All of the cooperation above was conducted within a bilateral framework. Therefore, during this period until 2004, Indonesia relied on bilateral security cooperation measures with its neighbors.

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<sup>11</sup> Senia Febrica, "Explaining Indonesia's Participation in Maritime Security Cooperation" (PhD diss., University of Glasgow, 2014).

<sup>12</sup> Joshua H. Ho, "The Security of Sea Lanes in Southeast Asia," *Asian Survey* 46, no. 4 (July/August, 2006): 571.

<sup>13</sup> Yann-huei Song, "Security in the Straits of Malacca and the Regional Maritime Security Initiative: Response to the U.S. Proposal," in *Global Legal Challenges: Command of the Commons, Strategic Communication, and Natural Disasters* (International Law Studies 83), ed. Michael D. Carsten (Newport, RI: U.S. Naval War College, 2007): 121.

<sup>14</sup> *Ibid.*

In June 2004, Indonesia's policy shifted to accept multilateral security cooperation in the Malacca Straits. Indonesia accepted the MALSINDO maritime security cooperation with Malaysia and Singapore. The cooperation has widened the security framework in the straits from bilateral to trilateral framework. Nevertheless, due to concerns over sovereignty, the three countries agreed to cooperate under a coordinated patrol rather than a joint one<sup>15</sup> and do not allow participants' law enforcement vessels to engage in hot pursuit into neighboring waters.<sup>16</sup> Therefore, despite upgraded cooperation, the procedures were still the same as MALINDO or INDOSIN.

In September 2005, Indonesia agreed to augment the Eyes in the Sky (EiS) initiative with the MALSINDO. It is considered a significant change, as the cooperation allowed air patrol assets to fly above the waters of a neighboring country no less than three nautical miles from land. Furthermore, EiS also broadened its participants to include Thailand as an observer; later in 2008, Thailand became a member of EiS.<sup>17</sup> In general, each country now contributes two air patrol sorties per week. Each of these sorties has a Combined Maritime Patrol Team (CMPT), consisting of a representative of each country's military officers on board. They share information and provide their respective Monitoring and Action Agencies (MAAs) with information on suspicious contact through designated radio frequencies.<sup>18</sup> EiS has enhanced the maritime security cooperation in the straits.

In summary, during 2004 and 2005, Indonesia changed its policy to accept multilateral cooperation among the littoral states. The MALSINDO sea patrol cooperation was a starting point for the shift from the bilateral-only policy. The EiS air patrol shows a more significant shift toward greater multilateral cooperation by accepting

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<sup>15</sup> In coordinated patrol, each member state has its own patrol task-group that works independently but establishes close coordination with its counterparts. Conversely, a joint patrol requires all states work within one patrol task-group.

<sup>16</sup> Tamara Renee Shie, "Maritime Piracy in Southeast Asia: The Evolution and Progress of Intra-ASEAN Cooperation," in *Piracy in Southeast Asia, Status Issues, and Responses*, ed. Derek Johnson and Mark Valencia (Singapore: Institute of Southeast Asian Studies, 2005), 179.

<sup>17</sup> Ho, "Security of Sea Lanes in Southeast Asia," 560.

<sup>18</sup> *Ibid.*



Thailand as a participant and providing a broader cooperative framework to include data sharing between participants.

### **3. The Factors**

#### ***a. Indonesia's Sensitivity about Sovereignty Issues***

Indonesia claims its territorial waters in the Malacca Straits. In 1960, Indonesia unilaterally claimed its sovereignty over 12 nautical miles (NM) breadth in the Straits through the stipulation of Decree No. 4 on Indonesian territorial waters. In August 1969, the situation became critical after Malaysia followed Indonesia's move to claim 12 NM territorial waters in the Straits.<sup>19</sup> Therefore, both countries claimed their territorial waters of 12 NM in the Straits. As a result, within areas with less than 24 miles breadth, the waters are completely within both Indonesian and Malaysian jurisdiction. Therefore, this move challenged the customary status of the Malacca Straits as International Straits.

Indonesia's moves, of course, do not please the major maritime states, which consider the straits as international waters. The United States, Great Britain, France, and other major maritime powers challenged Indonesia's claim by advocating freedom of navigation in the straits.<sup>20</sup> Other states, like Japan, concerned about navigational safety, wanted to internationalize the safety and security management of the straits.<sup>21</sup> In response to this situation, Indonesia jealously guarded its sovereignty in the Malacca Straits and become sensitive and cautious about any initiative in the straits that might impinge its sovereignty.

#### ***b. Indonesia's Preference for Regional Cooperation***

A constructivist approach might be best to explain the preference for regional cooperation. Constructivists argue that regarding potential partners for security cooperation, states filter each other through shared identities and ideas.<sup>22</sup> Moreover,

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<sup>19</sup> Yaacov Vertzberger, "The Malacca/Singapore Straits," *Asian Survey* 22, no. 7 (1982): 610.

<sup>20</sup> Ibid.

<sup>21</sup> Mak, "Unilateralism and Regionalism,," 147

<sup>22</sup> Zeev Maoz, *Networks of Nations: The Evolution, Structure, and Impact of International Networks; 1816–2001* (New York: Cambridge University Press, 2011), 180.

constructivists point out, “The shared identities stemmed from cultural similarity or normative (democratic) affinity.”<sup>23</sup> As a result, states with similar cultural characteristics tend to trust each other more than those with dissimilar ones.<sup>24</sup> In an ASEAN context, defining a member’s identity was the founding leaders’ greatest concern.<sup>25</sup> ASEAN has long built its shared identity through an incremental socialization and a long-term process of interaction and adjustment in the member-states’ political, cultural and economic relations.<sup>26</sup> Therefore, it might be worth considering that Indonesia, in the context of security cooperation, prefers to cooperate with other ASEAN countries rather than with foreign powers.

All littoral countries in the Malacca Straits are ASEAN members who honor principle that called the “ASEAN Way,” which is characterized by *musyawarah* (consultation) and *mufakat* (consensus) within a decision-making process.<sup>27</sup> This principle stresses informality and intensive consultation leading to consensus and peaceful resolution of disputes and promotes cooperation among ASEAN members.<sup>28</sup> According to this line of argument, Indonesia should be more likely to cooperate with ASEAN member states compared to extraregional states.

#### **D. POTENTIAL EXPLANATIONS AND HYPOTHESES**

Two potential reasons offered to explain the factors previously detailed are as follows:

- First, the sensitivity of Indonesian government over sovereignty issues in the straits would be more likely to hinder Indonesia in accepting multilateral security initiatives involving foreign powers.
- Two, the preference of Indonesian government toward regional cooperation would be more likely to pull Indonesia to engage in multilateral cooperation with other littoral states in the Malacca Straits than with extraregional powers.

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<sup>23</sup> Maoz, *Network of Nation*, 180.

<sup>24</sup> *Ibid.*

<sup>25</sup> Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order* (New York: Routledge, 2001), 86.

<sup>26</sup> *Ibid.*

<sup>27</sup> Shie, “Maritime Piracy in Southeast Asia,” 169.

<sup>28</sup> Acharya, *Constructing a Security Community in Southeast Asia*, 78.

Therefore, the hypothesis is that the combination of these two factors could affect Indonesia's policy in accepting and rejecting multilateral security cooperation in the Malacca Straits.

## **E. RESEARCH DESIGN**

This thesis determines whether factors such as the sensitivity of Indonesian government over sovereignty issues in the Malacca Straits, and Indonesian government's preference for regional cooperation have affected Indonesia's decision to reject RMSI and ReCAAP, and on the other hand, to accept the MALSINDO and EiS. In doing so, I analyze statements and responses from various actors in Indonesian civil and military institutions regarding the acceptance of the MALSINDO and EiS, and the rejection of RMSI and ReCAAP.

I use a variety of sources, including books, journals, policy papers, web sources, and newspapers as my first or second sources of information to gather the evidence. I have limited web sources only to reputable sources. I did not conduct any focus groups or interviews. I include my empirical experiences, especially in describing sea patrol in the Malacca Straits.

## **F. THESIS OVERVIEW**

The thesis consists of five chapters, including the introduction in the first chapter and the conclusion in the last chapter. The first chapter explains the purpose of the thesis, contains a literature review, and details the methodology and the organization of the chapters. The second chapter examines the roots of Indonesian sovereignty in the Malacca Straits. The third chapter explores Indonesia's preference for regional cooperation on maritime security issues

The fourth chapter analyzes the acceptance of the MALSINDO and EiS and the rejection of RMSI and ReCAAP. This chapter analyzes whether factors such as Indonesia's sensitivity to sovereignty issues in the straits, and Indonesia's preferences for regional cooperation had determined Indonesia's decision to accept the MALSINDO and

EiS, and to reject RMSI and ReCAAP. The fifth chapter presents the conclusion and the recommendation.

## **II. INDONESIAN SOVEREIGNTY IN THE MALACCA STRAITS**

### **A. INTRODUCTION**

This chapter explains the sensitivity of the Indonesian government over sovereignty issues in the Malacca Straits. This chapter then argues that Indonesia's sensitivity derived from the conflicting interests between Indonesia and the user states of the straits, especially the major maritime countries. Wary of its security regarding its strategic crossroads position, Indonesia continues to exert control over the use of the straits within its territorial waters. Conversely, the major maritime countries have emphasized the freedom of navigation principles and the important function of the Malacca Straits as an international strait; therefore, they oppose any territorial claims to the straits.

To explore this phenomenon, this chapter is organized into two sections. The first section reviews brief accounts of Indonesia's concept of its territorial limits as an archipelagic state, which was institutionalized in the Juanda Declaration, and the concept of *Wawasan Nusantara*. This section also describes the agreement between Indonesia and Malaysia over territorial claims to the Malacca Straits and the role of the United Nations Convention on the Law of the Sea (UNCLOS), which supports Indonesia's archipelagic state claim.

The second section of this chapter addresses the international responses to territorial claims in the Malacca Straits, followed by a brief explanation of the response from countries such as Japan, the United States, and Singapore, toward territorial claims in the Malacca Straits. The chapter illustrates the conflicting interests of the major maritime states over freedom of navigation, and navigation safety and security against Indonesia's territorial claim in the straits.

### **B. THE ROOTS OF INDONESIAN SOVEREIGNTY IN THE STRAITS**

After the end of the World War II, most of the newly independent coastal states like Indonesia, Philippine, and other else wanted to extend their maritime territorial limits

to at least 12 miles, or even more.<sup>29</sup> Out of 101 states that became members of the United Nations (UN) from 1946 to 1980, only three of them agreed to maintain the three miles sea limit.<sup>30</sup> J.N. Mak argued that, ironically, it was the United States that triggered the rush to fence off the sea.<sup>31</sup> Indeed, in 1945, through declaration of the Truman Doctrine, the United States was among the first countries to claim sovereignty over the resources of the continental shelf contiguous to the U.S. coast.<sup>32</sup> Since then, many countries followed the United States' steps to fence off the sea, not only over the continental shelf like the United States did, but also over the waters and the air above it.

Indonesia redefined its maritime territorial limits on the basis of security over its geographic concerns. Since the end of the Indonesian revolution in 1949, Indonesia had been concerned that its own archipelagic waterways were being used by external powers, threatening Indonesian security; this was the case during the 1945–1949 revolution.<sup>33</sup> During Indonesia's revolution, the Netherlands had imposed an economic blockade against newly independent Indonesia. The Netherlands' economic blockade policy was supported by its military operations of blockading Indonesian waters, especially at the Java Sea and the Malacca Straits. As a result, the Netherlands' government limited the Indonesian government's trade and economy.

Moreover, the blockade also constrained the Indonesian military. The Netherlands effectively blockaded the waters surrounding Indonesia's territory, so the Indonesian army lacked ammunitions and guns. As a result, the Indonesian government had to conduct smuggling operations through the Dutch blockade to access guns and ammunition from Thailand, Malaya, and Singapore's black market.<sup>34</sup> This experience has

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<sup>29</sup> It has been a customary law that the only water under national jurisdiction was the adjacent territorial sea, which is usually limited to three miles.

<sup>30</sup> J.N. Mak, "Unilateralism and Regionalism," 141.

<sup>31</sup> *Ibid.*, 140.

<sup>32</sup> J.E.S. Fawcett, "How Free are the Seas?" *International Affairs* 49, no. 1 (1973): 15.

<sup>33</sup> Joseph Chinyong Liow, *The Politics of Indonesia-Malaysia Relations: One Kin, Two Nations* (NY: Routledge Curzon, 2005), 119.

<sup>34</sup> Roy Rowan, "Guns-Bibles-Are Smuggled to Indonesia," *Life Magazine*, September 26, 1949, 49.

become the basis for Indonesia's concern for its own security regarding the archipelagic nature of the state and will be defined later.

In the early years of its independence, Indonesia's maritime territorial limit was limited to three miles. During the transfer of independence to the Republic of the United States of Indonesia on 29 December 1949, the United States of the Republic of Indonesia agreed to retain all the legal regulations made during colonial rule, as part of the agreement previously made with the Netherlands.<sup>35</sup> As a result, the Indonesian government maintained the Dutch Ordinance of 1939, *Territoriale Zee en Maritieme Kringen Ordonnantie 1939* (TZMKO 1939), which limited Indonesia's maritime territorial limit to three miles' breadth. Significantly, the Dutch TZMKO 1939 limited Indonesian territorial waters.

In the three miles territorial limits model, most of the Indonesian islands were separated by the high seas.<sup>36</sup> That meant that any ship, whether passenger, cargo, fishing vessel, or even warship, was free to sail through the archipelago, as it was international waters.<sup>37</sup> Having learned from experience during the revolution, the Indonesian government was highly concerned that the presence of high seas between its islands posed a threat for the integrity of the archipelagic state.

This territorial model was not Indonesia's preference. In Indonesia's view, this territorial method of delimitation had constrained the central government's effective control, considering each single island as a single entity, with its own territorial water. Therefore, in the mid-1950s, Indonesia began to formulate the archipelagic state concept, which in essence not only extended Indonesia's territorial claim from three miles to 12

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<sup>35</sup> D.P. Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour in Indonesian Foreign Policy" (PhD diss., Simon Fraser University, 1990), 36.

<sup>36</sup> *Ibid.*, 37.

<sup>37</sup> John G. Butcher, "Becoming an Archipelagic State: The Juanda Declaration of 1957 and the 'Struggle' to Gain International Recognition of the Archipelagic Principle," in *Indonesia beyond the Water's Edge: Managing an Archipelagic State*, ed. Robert Cribb and Michele Ford (Singapore: Institute of Southeast Asian Studies, 2009), 33.

miles, but also stated that all the waters surrounding the Indonesian archipelago were integral parts of Indonesian territory.<sup>38</sup>



Figure 1. Illustrative Map of Indonesia Territorial Based on the TZMKO 1939.<sup>39</sup>

## 1. The Archipelagic State Concept

From 1956 through 1960, Indonesian elites started to connect the maritime territory with the notion of national unity. D.P. Djalal argued that it was during these years that the Indonesia's geopolitical concerns over the maritime territory were growing.<sup>40</sup> He also argued that this was the time when Indonesia raised concerns over foreign maritime passage within the archipelago.<sup>41</sup> Indeed, Djalal refers his argument to the Juanda Declaration that served as ground for Indonesia's determination to seek international recognition for the newly archipelagic state concept. This concept was proposed by Indonesia as a means of underpinning the security of the archipelagic state.

<sup>38</sup> Butcher, "Becoming an Archipelagic State," 33.

<sup>39</sup> Abdul Halaim Salam, et al., "Evaluasi Kebijakan Dalam Rangka Implementasi Konvensi Hukum Laut International (UNCLOS 1982) di Indonesia" [The Implementation of UNCLOS 1982 in Indonesia: Policy Evaluation.] (Departemen Kelautan dan Perikanan, Satuan Kerja Dewan Kelautan Indonesia, 2008), 9.

<sup>40</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 34.

<sup>41</sup> *Ibid.*, 35.



In 13 December 1957, just two months before the first UN Convention on the Law of the Sea (UNCLOS I) at Geneva, the Indonesian government issued the Juanda Declaration. In essence, the declaration exchanged the colonial three miles territorial breadth for 12 miles, and introduced the territorial model whose outer limits circumscribed the archipelago. Therefore, Indonesia redefined its territorial jurisdiction:

All the waters surrounding, between and connecting the island constituting the Indonesian State, regardless of their extension of breadth, are integral parts of the territory of the Indonesian state and, therefore, parts of the internal or national waters which are under the exclusive sovereignty of the Indonesian state.<sup>42</sup>

The declaration no longer regarded the waters between Indonesia's islands as high seas, but as integral part of Indonesian territory. Therefore, the declaration of this principle gained critics, especially from major maritime nations. The first and the strongest rejection came from the United States, which relied on assured naval mobility, including unimpeded transit through the Indonesian waters.<sup>43</sup> On 3 January 1958, three days after Washington's protest, Britain announced that the Indonesian declaration of territorial limits was invalid, and therefore not applicable to its citizens, ships, and airplanes.<sup>44</sup>

Later, in the UNCLOS I, the Indonesian delegation explained its country's unilateral legal action with regard to the archipelagic concept:

Indonesia consists of some 13,000 islands scattered over a vast area. To threat them as separate entities each with its own territorial waters, would create many serious problems. Apart from the fact that the exercise of the state jurisdiction in such an area was a matter of great difficulty, there was a question of the maintenance of the communication between the islands.<sup>45</sup>

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<sup>42</sup> Liow, *Politics of Indonesia-Malaysia Relations*, 118.

<sup>43</sup> Sora Lokita, *The Role of the Archipelagic Baselines in Maritime Delimitation* (New York: Division of Ocean Affairs and Law of the Sea, Office of Legal Affairs, United Nations, 2010), 12.

<sup>44</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 64.

<sup>45</sup> Phiphat Tangsubkul and Frances Lai Fung-Wai, "The New Law of the Sea and Development in Southeast Asia," *Asian Survey* 23, no. 7 (1983): 860.

If each of Indonesia's component islands were to have its own territorial sea, the exercise of more effective control would be made extremely difficult. Furthermore, in the event of an outbreak of hostilities, the use of modern means of destruction in the interjacent waters would have a disastrous effect on the population of the islands and on the living resources of the maritime areas concerned. That is why the Indonesian government believes that the seas between and around the islands should be considered as forming a whole with the land territory, and that country's territorial sea should be measured from baselines drawn between the outermost points of the outermost islands.<sup>46</sup>

Responding to the Indonesia's delegation argument, the U.S. chief delegate Arthur Dean argued:

The committee should bear in mind that what ever was added to an individual state's territorial waters must inevitably be subtracted from the high seas, the common property of all nations. For example, if islands were treated as an archipelago and a twelve-mile belt was drawn round the entire archipelago according to the formerly used by ships of all countries would be unilaterally claimed as territorial waters, or possibly even internal water. It would be a misnomer to describe such restrictions on the free use of the high seas as "progressive" measures. This delegation was ready to listen with understanding to the views of others, but hope that the views of the maritime powers would likewise receive full and fair consideration.<sup>47</sup>

The United States' position regarding the breadth of the territorial sea was determined by its consistent support of the universally recognized doctrine of the freedom of the high seas, no part of which could be unilaterally appropriated by any one state without the concurrence of the other.

In the end, UNCLOS I failed to recognize Indonesia's archipelagic concept. Two things explained why UNCLOS I did not accept the doctrine. First, Indonesia lacked support on its archipelago concept, especially from major maritime powers. Western maritime powers such as Britain, France, and the Netherlands generally supported the United States' position to oppose any claims that threatened international freedom of

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<sup>46</sup> Tangsubkul and Frances Lai Fung-Wai, "The New Law of the Sea and Development in Southeast Asia," 860.

<sup>47</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 63.

navigation.<sup>48</sup> Second, the only major power supporters for Indonesia's archipelagic states concept were Russia and China. The support was of little value given their nonuser status.<sup>49</sup>

The archipelagic concept found international challenges not only through diplomacy, but also military means. The United States, for instance, was not reluctant to demonstrate its adamant opposition to the doctrine. In 1958, the United States sent its naval mission to Indonesia's waters to challenge the Juanda Declaration.<sup>50</sup> The U.S. naval mission showed strong U.S. rejection to Indonesian territorial claims that would negatively affect the international freedom of navigation through the archipelago.

The archipelagic concept also had domestic resentment. Some elites in Jakarta did not feel it worthwhile to pursue the matter any further after the rejection in UNCLOS I. Admiral Subijakto, then the chief of Indonesian Navy, contended that the archipelagic doctrine was an "unrealistic" decision, one driven by "excessive political emotions."<sup>51</sup> He also argued that the Indonesian Navy was incapable of guarding the newly declared boundary due to its limited capability.<sup>52</sup> Similarly, Foreign Minister Roeslan Abdulgani argued, "It was still unnecessary to commit diplomatic energy," when confronted by Ambassador Subarjo Djoyoadisuryo, Indonesian chief delegate at the UNCLOS I, on the matter of the fate of the doctrine after the UNCLOS I rejection.<sup>53</sup>

Despite international protests and resentment from some high-ranking Indonesian officials, the archipelagic state doctrine was codified as Indonesian law on 18 February

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<sup>48</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 64.

<sup>49</sup> *Ibid.*, 96.

<sup>50</sup> *Ibid.*, 97.

<sup>51</sup> *Ibid.*, 65.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, 67.

1960, just one month before the UNCLOS II was held.<sup>54</sup> The doctrine became legal with the enactment of Act No. 4 regarding Indonesian waters. This move became an important milestone for the Indonesian archipelagic principle, as the decree had declared the extension of the breadth of Indonesia's territorial waters from the customary three miles to 12 miles and the adoption of the concept of the archipelagic state.<sup>55</sup>

The implication of the bill was significant to Indonesia's territorial claim. First, the bill expanded Indonesia's overall territory by 2.5-fold from 2,027,087 to 5,193,250 sq km.<sup>56</sup> Second, Indonesia asserted its sovereignty within the 12-miles territorial waters breadth, measured from the newly formed archipelagic straight baseline that connects the outermost point of the outermost islands; moreover, all waters enclosed by the archipelagic baseline would then be regarded as internal waters, which would enjoy land status, where Indonesian law would apply.<sup>57</sup> Therefore, Indonesia would be able to take measures to police the waters.

Interestingly, although the primary purpose of Act No. 4 was delimiting the boundary of Indonesian waters, the map included Irian Jaya as part of Indonesia's territory (see Figure 2).<sup>58</sup> D.P. Djalal argued that the proponent of the Juanda declaration might have used the Irian Jaya issues and the threats emerged from the presence of the Netherlands' navy within Indonesian archipelagic waters as a pressure for codification of the archipelago concept.<sup>59</sup> Therefore, the Irian Jaya issue is worthy of consideration as an intervening factor of the development of Indonesia's archipelagic state concept.

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<sup>54</sup> UNCLOS II was conducted from March 17 to April 26, 1960. During the conference, Indonesia and the Philippines raised the question of the archipelagos again, but as in UNCLOS I, the concept of archipelagic states again did not find ground among the participants of the conference. Therefore, the conference again ended without agreement on the matter. See Phiphat Tangsubkul, *ASEAN and the Law of the Sea* (Singapore: Institute of Southeast Asian Studies, 1982), 10; and Lokita, *Role of the Archipelagic Baselines*, 14.

<sup>55</sup> Liow, *Politics of Indonesia-Malaysia Relations*, 118.

<sup>56</sup> Global Security, "Wawasan Nusantara [Archipelagic concept]," February 4, 2015, <http://www.globalsecurity.org/military/world/indonesia/archipelagic-concept.htm>.

<sup>57</sup> Mak, "Unilateralism and Regionalism," 141.

<sup>58</sup> West Irian was not part of the territory transferred to Indonesia in the 1949 agreement.

<sup>59</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 72.

The relationship between Indonesia and the Netherlands was deteriorating over the issue of Irian Jaya. The Netherlands started a process of military buildup in Irian Jaya in mid-1960. On 17 August 1960, the Indonesian government broke off diplomatic relations with the Netherlands to show its rejection of its move. In March 1961, Indonesia even closed its indirect communication with the Netherlands.<sup>60</sup> Later, in 1962, Indonesia enacted the Act of Innocent Passage<sup>61</sup> shortly after the Dutch Navy destroyed RI *Macan Tutul*—an Indonesian navy Motor Torpedo Boat (MTB)—near the island of Aru, claiming 11 crew members including the navy’s deputy-chief commodore Yos Sudarso.<sup>62</sup> Therefore, Indonesia may have bolstered its archipelagic states concept as a manifestation of its security concern against foreign military presence in the archipelago waters, especially against the Netherlands’ military buildup in Irian Jaya.

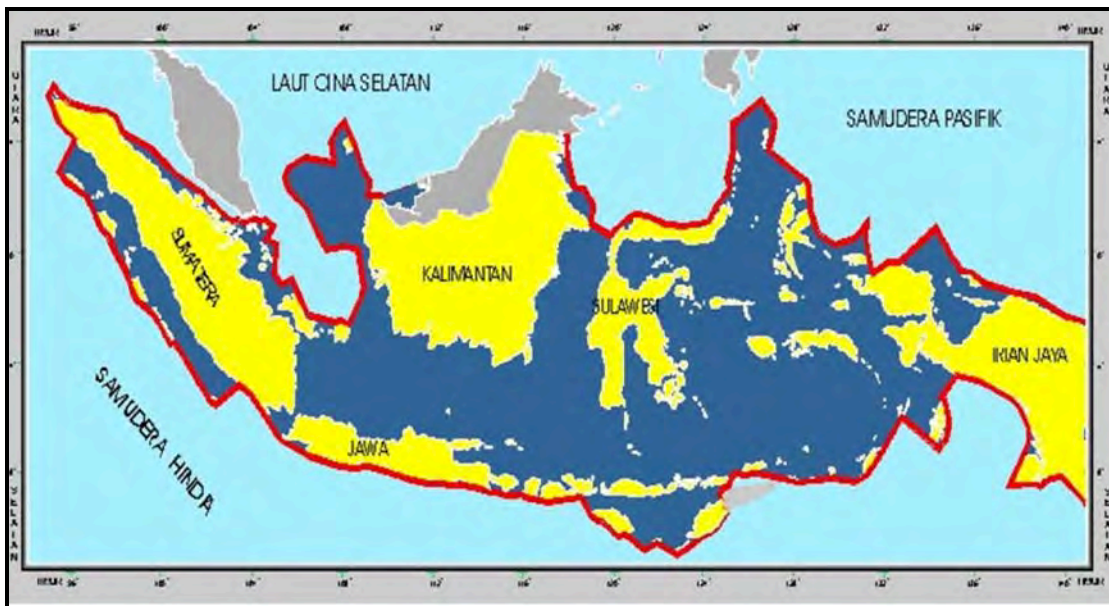


Figure 2. Map of Indonesia Territory Based on Act No. 4/1960 Concerning Indonesian Waters (with 12 Miles Territorial Waters Breadth).<sup>63</sup>

<sup>60</sup> Arend Lijphart, “The Indonesian Image of West Irian,” *Asian Survey* 1, no. 5 (1961): 9.

<sup>61</sup> “Innocent Passage” differs from the principle of “navigational freedom.” The “Innocent Passage” principle prohibited foreign ships to “stop, anchor and/or sailing back and forth without valid cause” on Indonesian waters.

<sup>62</sup> Djalal, “Geopolitical Concepts and Maritime Territorial Behaviour,” 88.

<sup>63</sup> Salam et al., “Evaluasi Kebijakan” [Policy Evaluation,] 10.

## 2. The *Wawasan Nusantara* Concept

The *Wawasan Nusantara* is an important concept for understanding Indonesia's view on its sovereignty. The concept was introduced by the Indonesian military in November 1966, just eight months after the de facto transfer of power from Sukarno to Suharto, in a seminar held by the Department of Defense and Security (DEPHANKAM). Later, in early 1972, the Institute of National Defense (LEMHANAS) revised this concept, and then completed the final draft of the revised *Wawasan Nusantara* on 10 November 1972. The draft was then ratified and incorporated into the National Policy Guidelines, a five-year policy manual for the government.<sup>64</sup>

There is a significant difference between those two concepts. The archipelagic state concept was emphasized by territorial delimitation. It changed the territorial limits from three miles to 12; it also introduced archipelagic state concept, which claims waters between the archipelagos as part of the territorial jurisdiction of the archipelagic state. Conversely, the *Wawasan Nusantara* itself is defined as the outlook of the Indonesian nation toward its people, and its territory as a political, social, economy, cultural, defense, and security unity. It involves a broader dimension of social and political aspect. Therefore, the *Wawasan Nusantara* concept stemmed from geopolitical concerns rather than merely territorial concerns.

There are two geopolitical catalysts of the *Wawasan Nusantara* concept. First, Indonesian elites, especially military elites, started to realize that Indonesia needed a new doctrine to integrate its land, waters, and populations into a single entity.<sup>65</sup> Geographically, Indonesia is the world's largest archipelago, which comprises thousands of islands, structured into five major islands and 30 sub-archipelagos; out of its 13,677 registered islands, only 6,000 of these are inhabited.<sup>66</sup> To Indonesia, the archipelagic concept or *Wawasan Nusantara* considers the seas as the glue of the islands, which

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<sup>64</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 110.

<sup>65</sup> After Suharto came to power, military elites continued to direct, substantially but not absolutely, the course of Indonesia's domestic and external politics. See Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 100.

<sup>66</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 37.

means that the seas and the straits must be used to bridge the physical separation between the islands, regions, and the manifold ethnic groups. “That is to say, they are parts of a whole.”<sup>67</sup>

Second, Indonesia’s geographical position has placed it in an advantageous position. Indonesian elites are long accustomed to the notion of *posisi-silang* (crossroad position), which referred to Indonesia’s geographical position between the Indian Ocean and the Pacific Ocean, and between the Asian and the Australian continents. On one side, Suharto himself argued that Indonesia was in a strategic position that would benefit the country. This view was supported by military elites who believed Indonesia’s strategic position benefited Indonesia in gaining influence and effective roles in regional and international politics.<sup>68</sup>

Conversely, the fact that Indonesia lies in this crossroad location also placed Indonesia in a vulnerable position. Indonesian nationalists were wary over Indonesia’s strategic position. Mohammad Hatta, a prominent Indonesian leader who conceived the Indonesian *bebas-aktif* policy, contended that “Indonesia is bounded by the British navy and the American navy, which control the Indian and Pacific Ocean.”<sup>69</sup> Similarly, General Sayidiman Suryohadiprojo argued:

Because of its strategic location, as a crossroad between continents and oceans, Indonesia has been an avenue for several movements all along man’s history. The last important movement the world has seen was the Japanese movements in its offensive towards Australia in the Second World War, and afterwards the movements of the Allied Forces under General Douglas McArthur in its counter-offensive against Japan. Both movements were obligated to go through Indonesian territory and have taken Indonesia through the troubles of war.<sup>70</sup>

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<sup>67</sup> Tangsubkul and Lai Fung-Wai, “The New Law of the Sea and Development in Southeast Asia,” 860.

<sup>68</sup> Djalal, “Geopolitical Concepts and Maritime Territorial Behaviour,” 177.

<sup>69</sup> *Ibid.*, 165.

<sup>70</sup> *Ibid.*, 175.

Therefore, the *Wawasan Nusantara* concept has leveraged the archipelagic state doctrine into a geopolitical concept. As a result, Indonesia asserted that it required effective control over this intersection, especially the maritime waterways.<sup>71</sup>

### 3. Indonesia and Malaysia Agreement in the Malacca Straits

Indonesia and Malaysia have concluded three agreements related to the demarcation of their maritime boundaries. The first was an agreement relating to the delimitation of continental shelf boundaries; made on 27 October 1969: it delimited the Indonesia-Malaysia continental shelf boundaries in the Straits of Malacca. The Indonesian government then enacted Presidential Decree No. 86/1969 to ratify the treaty.<sup>72</sup>

The second agreement delimited the territorial sea. In August 1969, following Indonesia's moves in the 1960s, Malaysia had extended its territorial sea from the traditional three to 12 miles to conform to Indonesia's territorial sea limits.<sup>73</sup> This move caused some overlapping claims with Indonesia at some narrower points in the Malacca Straits, which had a breadth of less than 24 NM. Therefore, Jakarta invited Kuala Lumpur to discuss the matter in February and March 1970. At the end of the meeting, those two countries found common ground that in an area where the width of the Strait is less than 24 NM, the boundaries of the two states would be fixed at the median line between the outermost points on each side of the islands.<sup>74</sup> The agreement was signed in Kuala Lumpur on 17 March 1970 and ratified by Law No. 2/1971.<sup>75</sup>

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<sup>71</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 177.

<sup>72</sup> Arif Havas Oegroseno, "Indonesia's Maritime Boundaries," in *Indonesia beyond the Water's Edge: Managing an Archipelagic State*, ed. Robert Cribb and Michele Ford (Singapore: Institute of Southeast Asian Studies, 2009), 55.

<sup>73</sup> Vertzberger, "Malacca/Singapore Straits," 610.

<sup>74</sup> "Undang-Undang Republik Indonesia No.2/1971 tentang Perjanjian Antara Republik Indonesia dan Malaysia tentang Penetapan Garis Batas Laut Wilayah Kedua Negara di Selat Malaka" [Indonesian Law No. 2 /1971 regarding Indonesia-Malaysia Agreement on Maritime Territorial Delimitation in the Straits of Malacca], *Sekretaris Negara Republik Indonesia*, last update March 10, 2015, [http://hukum.unsrat.ac.id/uu/uu\\_2\\_1971.htm](http://hukum.unsrat.ac.id/uu/uu_2_1971.htm).

<sup>75</sup> Oegroseno, "Indonesia's Maritime Boundaries," 55.



The third agreement was a trilateral agreement between Indonesia, Malaysia, and Thailand, regarding the continental shelf boundaries in the northern part of the Malacca Straits. It was signed in Kuala Lumpur on 21 December 1971 and ratified by Presidential Decree No. 20/1972.<sup>76</sup> This agreement has completed the agreement made between the Indonesian and Malaysian governments over the continental shelf in the Straits of Malacca. Therefore, as a result of these agreements, the territorial boundary between Indonesia, Malaysia, and Thailand, in the Straits of Malacca has been considered clear and legally effective.

Moreover, as a result of those agreements, Indonesia has a strong alliance to preserve its territorial claims in the Malacca Straits. In fact, on 16 November 1971, the Indonesian and Malaysian governments moved forward by jointly declaring that the Straits of Malacca and the Straits of Singapore were not international straits.<sup>77</sup> Singapore was involved in this meeting; however, diplomatically, Singapore only took note of Indonesia and Malaysia's position. Although Singapore did not give support to Indonesian and Malaysian claims in the Malacca Straits, the three countries agreed on the following declaration:

- The safety of navigation through the Malacca Straits was the responsibility of the three coastal countries and required the cooperation of the three nations.
- To arrive at the fullest cooperation, the states concerned would create a coordinating body consisting only of the three coastal countries.
- Safety of navigation and internationalization of the Straits would be considered as two separate issues.<sup>78</sup>

#### **4. The UNCLOS III**

Finally, the UNCLOS III accommodated the archipelagic state concept. The Law of the Sea (LOSC) clearly defined the terms of archipelagic states within its provision part IV, Article 46:

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<sup>76</sup> Oegroseno, "Indonesia's Maritime Boundaries," 55.

<sup>77</sup> Michael Leifer and Dolliver Nelson, "Conflict of Interest in the Straits of Malacca," *International Affairs* 49, no. 2 (1973): 190.

<sup>78</sup> Vertzberger, "Malacca/Singapore Straits," 610.

- “archipelagic states” means a state constituted wholly by one or more archipelagos and may include other islands;
- “archipelago” means a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.<sup>79</sup>

Once the archipelagic baseline has been drawn, an archipelagic state enjoys two distinctive rights: first, the entitlement to use the archipelagic baseline for delimiting adjacent maritime zones. This right gives archipelagic states the ability to assert claims to a territorial sea, contiguous zone, Exclusive Economic Zone (EEZ), and continental shelf over the area of ocean previously considered as high seas (map of Indonesia territory and EEZ provided in Figure 3). Second, the entitlement that the waters that fall within the archipelagic baselines are considered as archipelagic waters over which the archipelagic state is able to exercise its sovereignty not only in the waters, but also to the airspace and the seabed.<sup>80</sup> Indeed, Article 34 of the UNCLOS 1982 clearly provides the special entitlement for states bordering the straits used for international navigation to claim it sovereignty over the water, seabed, and air space.<sup>81</sup> The UNCLOS’ acknowledgements of the archipelagic concept have bolstered Indonesia’s assertiveness over its territorial claim in the Malacca Straits.

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<sup>79</sup> The 1982 United Nations Convention on the Law of the Sea (UNCLOS).

<sup>80</sup> Donald R. Rothwell and Tim Stephens, *The International Law of the Sea* (Oxford: Hart Publishing, 2010).

<sup>81</sup> The 1982 United Nations Convention on the Law of the Sea (UNCLOS).

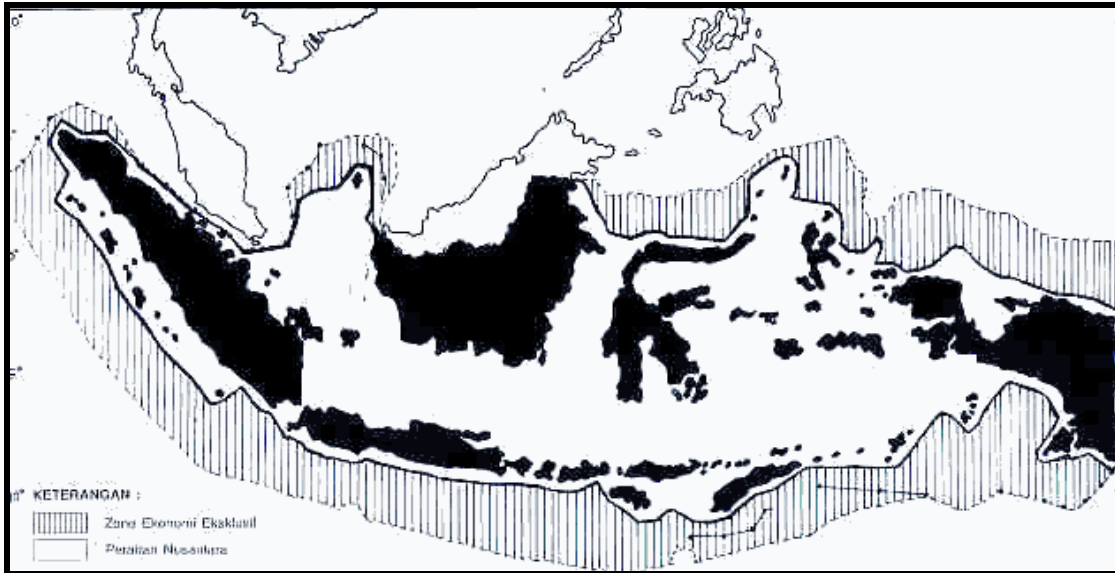


Figure 3. Illustrative Map of Indonesia Territorial and Exclusive Economy Zone (EEZ)<sup>82</sup>

### C. INTERNATIONAL CHALLENGES TO TERRITORIAL CLAIMS IN THE STRAITS

The Malacca Straits' position between the Indian Ocean and South China Sea has been strategically important as waterways linking those two oceans. Geographically, the Malacca Straits that consist of the Straits of Malacca and the Straits of Singapore are stretched along 600 NM from northwest to southeast between the coastline of Thailand, Malaysia, and Singapore, to the east and Indonesia's island of Sumatra, to the west.<sup>83</sup> The Malacca Straits varies in width from 126 NM in the northern entrance, narrowing down to 7.8 NM at the One-Fathom Bank near Kukup, in the Malaysian State of Johor.<sup>84</sup>

The Malacca Straits have long become the major sea-lanes for trading between the East and the West. The straits have been used for transferring goods and oil back and forth throughout the entire region in Asia and the Middle East. In 2003, more than 50,000

<sup>82</sup> After UNCLOS 1982 provisions, <http://www.globalsecurity.org/military/world/indonesia/alri-missions.htm>

<sup>83</sup> Ho, "Security of Sea Lanes in Southeast Asia," 559.

<sup>84</sup> Mak, "Unilateralism and Regionalism," 144.

vessels passed through the Straits, carrying more than one-third of global trade.<sup>85</sup> The straits also have become the artery for the world's oil and gas, raw materials, and natural resources. In terms of energy transport, more than two-thirds of world's oil and gas flow through this strait. Most of the oil from Persian Gulf producers is transported to China, Japan, and Korea through the Malacca Straits.<sup>86</sup> In 2003, 11 million barrels of oil were transported through the straits each day.<sup>87</sup> Japan alone receives 80% of its oil from ships transiting the straits.<sup>88</sup> The safety and security of the straits is crucial to maintain the massive flow of those goods and oil to Asian continent.

The Malacca Straits' strategic position is not only important for trade and the flow of oil and gas, but also strategically important for naval mobility; see map in Figure 4. For instance, in December 1971, during the Indo-Pakistani crisis, the U.S. aircraft carrier USS *Enterprise* and a squadron of Soviet Navy ships passed through the straits to the Indian Ocean. In July 1976, a U.S. aircraft carrier again sailed through the straits heading for east Africa in response to a crisis in Uganda.<sup>89</sup> Therefore, the Malacca Straits also has been of high military value.

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<sup>85</sup> Wall Street Bear Discussion Board, "World Oil Transit Chokepoints," July 2, 2005, <http://www.wallstreetbear.com/board/view.php?topic=31801&post=103853>.

<sup>86</sup> Sam Bateman, Joshua Ho, and Jane Chan, *Good Order at Sea in Southeast Asia* (Singapore: RSIS, Nanyang Technological University, 2009), 1, <http://www.rsis.edu.sg/rsis-publication/idss/234-good-order-at-sea-in-southeast/#.VUG7ZRZOTdl>.

<sup>87</sup> Wall Street Bear Discussion Board, "World Oil Transit Chokepoints."

<sup>88</sup> Barrett Bingley, "U.S. Interest in the Malacca Straits," *Jakarta Post*, February 22, 2015, <http://www.thejakartapost.com/news/2004/07/07/us-interests-malacca-straits.html>.

<sup>89</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 188.



Figure 4. The Malacca Straits (The Strait of Malacca and the Strait of Singapore).<sup>90</sup>

### 1. Japan’s Responses to Territorial Claims in the Straits

Japan has concerns to the Malacca Straits, especially regarding its energy security. Japan is heavily dependent on the Straits of Malacca as the primary sea-lanes of communication (SLOC) for their energy supplies from the Gulf; in fact, in the early of 1970s, it was estimated that 90% of Japan’s oil, imported from Middle East, was shipped via the Malacca Straits.<sup>91</sup> Therefore, regarding the importance of the straits for Japan, it is understandable that Japan has enduring concerns on the security in the Malacca Straits.

Furthermore, Japan also has a continuing concern about management and safety in the Malacca Straits. In 1967, Japan took its first initiative on navigational safety when it proposed the establishment of sea-lanes in the Malacca Straits to the London-based Sub-Committee on the Safety of Navigation of the Inter-Governmental Maritime

<sup>90</sup> Atlas of the World, “Map of Strait of Malacca,” accessed January 21, 2015, [https://www.welt-atlas.de/map\\_of\\_strait\\_of\\_malacca\\_6-847](https://www.welt-atlas.de/map_of_strait_of_malacca_6-847).

<sup>91</sup> Mak, “Unilateralism and Regionalism,” 146.

Consultative Organization (IMCO).<sup>92</sup> The three littoral countries accepted Japan's initiative and allowed Japan to conduct a preliminary survey in March 1969. After the completion of the preliminary survey, in 1970, Japan had announced a plan to launch a full-scale survey. In August 1969, however, Malaysia declared its 12 NM territorial water breadth and asked Japan to recognize its territorial waters as a precondition for Japan to conduct the full-scale hydrographic survey. The Japanese refused to do so; Japan insisted that the Malacca Straits was an international strait.<sup>93</sup> Therefore, Japan's interest in navigational safety in the straits clashed with Indonesia and Malaysia's territorial claims.

The tension between Japan and the littoral states again came to the fore after Japan proposed a draft for the establishment of a "Malacca-Singapore Straits Board" to the International Maritime Consultative Organization (IMCO), in an effort to internationalize the safety management of the straits.<sup>94</sup> As a result, in the 1971 joint agreement, Indonesia and Malaysia openly declared that the management and the safety of the Malacca Straits was the sole prerogative of the littoral states, and any attempt to internationalize the straits was "totally out of the question."<sup>95</sup> In response to that agreement, Japan, however, agreed to work closely with the littoral states to complete the planned hydrographic survey without any more setbacks.<sup>96</sup> Therefore, having learned from all of these experiences, Indonesia logically is cautious about Japan's enduring efforts to internationalize the Malacca Straits.

## **2. U.S. Responses to Territorial Claims in the Straits**

There was a divergence of opinion within the U.S. bureaucracy over territorial claims in the Malacca Straits. At the beginning, after the Indonesia-Malaysia-Singapore joint statement in 1971, the United States did not express its position over Indonesia and Malaysia's claims, but strongly emphasized the importance of freedom of navigation in

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<sup>92</sup> Mak, "Unilateralism and Regionalism," 146.

<sup>93</sup> *Ibid.*, 147.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*, 149.

the straits.<sup>97</sup> Later, the United States showed its position over the issue, but there were different point of views between the U.S. Department of Defense (DOD) and the U.S. State Department. The DOD was more concerned with the implications for the U.S. strategic interests in the straits, while the State Department was concerned with the issue within the wider frame of U.S. relations with the non-Communist countries in Southeast Asia.<sup>98</sup> Both of these views may have influenced the U.S. responses to Indonesia's claims.

The DOD concern over the strategic value of the Straits was represented by Admiral Moorer, then Chairman of the Joint Chiefs of Staff, who said, "The United States feels we should have and must have freedom to go through, under, and over the Malacca Straits."<sup>99</sup> Vertzberger argues that the DOD concerns stemmed from the U.S. experience during the 1971 Bangladesh Crisis.<sup>100</sup>

During the 1971 Bangladesh Crisis, being conscious of the movement of foreign naval vessels in the Malacca Straits, Indonesia and Malaysia decided that the foreign warships should give prior notice to the coastal states before transiting the straits. Jakarta and Kuala Lumpur reportedly even had intentionally expressed verbal threats to any foreign naval vessel entering the straits without prior notice.<sup>101</sup> The Indonesian military said that this condition would be applied especially to those countries that were not adjacent to the Indian Ocean because their purposes for sending warships through the Malacca Straits were dubious. However, the Indonesian foreign minister declared that the obligation of prior notification would apply to every country without exception.<sup>102</sup> Despite the verbal threat, the Indonesian government never used its military force to interfere with international navigation in the Malacca Straits. For example, during that period, the passage of the USS *Enterprise* received no Indonesian military reaction

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<sup>97</sup> Vertzberger, "Malacca/Singapore Straits," 612.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid., 618.

<sup>100</sup> Ibid.

<sup>101</sup> Leifer and Nelson, "Conflict of Interest," 195; Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 195.

<sup>102</sup> Vertzberger, "Malacca/Singapore Straits," 618.

whatsoever. Djalal argued that "... the threats appears to be a response to a rumour which was widely-spread at that time regarding the sighting of Soviet submarines near the country's shores, allegedly to help political prisoners escape."<sup>103</sup> Therefore, it is considered that Indonesia's geopolitical considerations had driven the threats rather than military concerns.

Despite its strong rejection of territorial claims in the straits, the United States willingly acknowledged Indonesia and Malaysia's claims as long as both countries agreed to preserve freedom of navigation in the Malacca Straits. The U.S. Department of State through the U.S. representative to the United Nations Committee on Peaceful Uses of the Seabed declared the United States' readiness to accept the principle of 12 NM territorial seas, even for the international straits, as long as the littoral states keep the right of free transit for international uses of the straits. Moreover, the United States accepted, though not publicly, the demand of the littoral states for securing prior notification of the passage of U.S. naval vessels.<sup>104</sup>

### **3. Singapore's Responses to Territorial Claims in the Straits**

Singapore rejected any territorial claims in the straits. Despite being party to the 1971 joint agreement, Singapore only took note of Indonesia and Malaysia's efforts in claiming territorial waters in the straits.<sup>105</sup> Singapore is highly dependent on the open access of maritime traffic of the Malacca Straits to its harbor. Any attempt to restrict traffic would hamper Singaporean interests. Singapore's Foreign Minister S. Rajaratnam declared before parliament that Singapore stood "for the unimpeded passage of all ships of all nations through the straits."<sup>106</sup> Therefore, Singapore valued the freedom of navigation in the straits, instead of territorial claims that could hamper its national interest.

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<sup>103</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 196.

<sup>104</sup> Vertzberger, "Malacca/Singapore Straits," 619.

<sup>105</sup> Djalal, "Geopolitical Concepts and Maritime Territorial Behaviour," 191.

<sup>106</sup> Mak, "Unilateralism and Regionalism," 148.



After the 1971 joint agreement, a clash of interest between Singapore and the other two littoral states emerged over the Under Keel Clearance (UKC) issues. Indonesia and Malaysia suggested firmly that any tanker of more than 200,000 Dead Weight Tonnage (DWT) should not be allowed to pass through the Malacca Straits and should be re-routed through the Lombok-Makassar Straits.<sup>107</sup> Singapore opposed this idea and argued that 2.6 meters UKC was adequate, whereas Indonesia demanded 4.6 meters UKC.

For Indonesia and Malaysia, regulating shipping became more urgent after several incidents happened in the other world's busy straits, for instance, the grounding of the *Torrey Canyon* off the English coast in March 1967.<sup>108</sup> On 6 January 1975, a Japanese 237,000-ton super tanker *Showa Maru* ran aground in the Singapore Straits and spilled almost one million gallons of crude oil into the straits.<sup>109</sup> One year later, in 1976, the 52,000 DWT tanker *Diego Silang* collided with two other vessels off Batu Pahat, south of One-Fathom Bank.<sup>110</sup> Singapore, however, argued that Indonesia's demand for 4.6 meters of UKC was an Indonesian-Malaysian plot to weaken Singapore's economy under the guise of promoting environmental control.<sup>111</sup>

#### **D. CONCLUSION**

This chapter states that Indonesia's territorial claim at the Malacca Straits has its roots in the declaration of the archipelagic state concept. The declaration in essence not only extended Indonesia's territorial claim from three miles to 12 miles, but also promoted that all the waters surrounding the Indonesian archipelago are integral parts of Indonesian territory. Therefore, Indonesia insists that the Malacca Straits is included within its territorial waters. Additionally, the agreement between Indonesia and Malaysia

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<sup>107</sup> After learning from Japan's survey that average depth in the Malacca Straits was relatively shallow with only 23 meters, and the shifting sand could reduce the depth even more. The 200,000 DWT tanker would have a draught of about 20 meters, leaving just three meter under keel clearance. See Mak, "Unilateralism and Regionalism," 149.

<sup>108</sup> Leifer and Nelson, "Conflict of Interest," 192.

<sup>109</sup> Vertzberger, "Malacca/Singapore Straits," 612.

<sup>110</sup> Mak, "Unilateralism and Regionalism," 150.

<sup>111</sup> *Ibid.*, 149.

on the delimitation of territorial waters and continental shelf has strengthened Indonesia's assertiveness over territorial claims in the Malacca Straits. Since then, Indonesia has had a strong alliance regarding claims on territorial waters in the straits. Therefore, on 16 November 1971, Indonesia and Malaysia made a declaration that the Malacca Straits was not international waterways. In the end, Indonesia gained international recognition of its status as an archipelagic state through the adoption of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Conversely, the major maritime countries such as the United States and Japan reject any territorial claims on the straits.

The major maritime powers asserted that the Malacca Straits' status was that of international straits. Therefore, the management of the safety and the security in the straits should not be surrendered to the littoral states alone. In this context, Japan had proposed to internationalize the safety of navigation in the straits. In 1967, for instance, Japan proposed the establishment of Traffic Separation Scheme (TSS) to the London-based Sub-Committee on the Safety of Navigation of the Inter-Governmental Maritime Consultative Organization (IMCO). Japan also rejected any territorial claims in the straits. On the other hand, the United States, even though it did not ratify the UNCLOS 1982, was ready to recognize the 12 miles territorial claims, including in the international straits, as long as the littoral states preserved the right of free transit for international uses of the straits. Therefore, these conflicting interests have bolstered Indonesia's sensitivity about its sovereignty in the Malacca Straits.

### **III. INDONESIAN PREFERENCE FOR REGIONAL COOPERATION**

#### **A. INTRODUCTION**

Chapter II has explained that the competing interests between Indonesia and user states have bolstered Indonesia's sensitivity about its sovereignty in the Malacca Straits. However, despite its sensitivity, Indonesia welcomes and participates in regional maritime security initiatives. Therefore, this chapter examines why Indonesia, especially when regarding the security issues in the region, has a preference to cooperate with other ASEAN members, instead of with extraregional powers. This chapter argues that Indonesia's preference derives from its assertiveness that domestic and regional resilience, instead of dependence on external powers, would be the best tool to maintain security and stability in the region. Therefore, Indonesia considered that the security in the Malacca Straits would be better served through regional security cooperation.

To explain the phenomenon, this chapter is divided into three sections. The first section addresses the root of Indonesia's opposition against foreign intervention in the regional security issue. This section reviews Indonesia's *bebas-aktif* (independent and active) foreign policy, commitment to the nonalignment movement (NAM), and opposition to military pacts. The second section addresses Indonesia's regional activism. This section reviews the establishment of ASEAN, the ZOPFAN (Zone of Peace, Freedom, and Neutrality), the Treaty of Amity and Cooperation (TAC), and the promotion of the regional resilience concept. The third section examines regional initiatives on maritime security cooperation in the Malacca Straits prior to 2004. For that purpose, this section reviews the INDOSIN and the MALINDO coordinated patrol in the straits.

#### **B. THE ROOT OF INDONESIA'S OPPOSITION AGAINST FOREIGN INTERVENTION IN REGIONAL SECURITY**

This section argues that Indonesia's rejection of the involvement of extraregional powers in the management of security in the region stemmed from its own experience

during the period of national revolution (1945–1948). During that period, Indonesia had experienced a lack of sympathy and support from the world’s major powers such the United States, Britain, France, and Soviet Union for its independence. Indonesian nationalists felt that the major powers had not given Indonesia clear backing against colonialism.<sup>112</sup> This feeling became worse as the British accommodated and facilitated the return of the Dutch military to Indonesia after the end of World War II.

These first impressions in the early years of its independence had a tremendous impact on Indonesian foreign policy. The reluctance of the world’s major power to order the Dutch to withdraw from Indonesia had caused huge disappointment among Indonesian leaders and had undermined their initial expectations that the major powers would support national self-determination for Indonesia.<sup>113</sup> Therefore, many Indonesians believed that Western powers would always try to weaken Indonesia. Many elites were also suspicious that colonialism might return in a new form.<sup>114</sup> As a result, these experiences have strengthened the conviction of the nationalists that Indonesia should remain independent, free from foreign intervention.<sup>115</sup> Hence, to explore this phenomenon, this section examines Indonesia *bebas-aktif* (independent and active) policy, Indonesian commitment to the nonalignment movement (NAM), and Indonesia’s opposition to military pacts.

### **1. The *Bebas-Aktif* (Independent-Active) Policy.**

In the late 1940s, at the height of the Cold War, Indonesia decided not to take sides with either the East or the West. The Indonesian commitment to avoid close relations with one particular external power was institutionalized in the *bebas-aktif* (independent-active) foreign policy principle conceived on September 2, 1948. *Bebas* (independent) means that Indonesia is free from polarization and is not involved in any military pacts;

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<sup>112</sup> Rizal Sukma, “Indonesia and Regional Security: The Quest for Cooperative Security,” in *Asia-Pacific Security Cooperation: National Interests and Regional Order*, ed. See Seng Tan and Amitav Acharya (Singapore: Nanyang Technological University, 2004), 75.

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*, 74.

<sup>115</sup> Franklin B. Weinstein, *Indonesian Foreign Policy and the Dilemma of Dependence: From Sukarno to Soeharto* (London: Cornell University Press, 1976), 162.

*aktif* (active) means that Indonesia will be actively involved in efforts to maintain world peace and security.<sup>116</sup> The *bebas-aktif* policy stemmed from Hatta's idea of depicted Indonesia foreign policy as rowing between two reefs (*mendayung diantara dua karang*).<sup>117</sup> Hatta believed that Indonesia should navigate between two opposition blocs led by the United States and the Soviet Union and not align itself with one of the blocs.

The *bebas-aktif* policy caused the Indonesian government to become quite careful about signing any international agreements that would link Indonesia to one bloc. For instance, during the early 1950s, the narrow interpretation of the *bebas-aktif* policy required the government to refrain from engaging in any international agreements that would have "the effect of committing Indonesia to one of the Cold War protagonists."<sup>118</sup> As a result of that interpretation, during early 1952, Foreign Minister Subardjo faced a storm of protest from the Indonesian public after he had won U.S. economic aid by promising the United States that Indonesia would support America in establishing the "free world."<sup>119</sup> Therefore, this policy was not easy to be implemented, especially when Indonesia desperately needed foreign assistance and aid.

Later in the middle 1950s, Ali Sastroamidjojo's cabinet had broadened the definition of *bebas-aktif* policy. He shifted the original interpretation to not only avoid a formal commitment to one bloc, but also played a reasonable balance between the two blocs.<sup>120</sup> Such an approach made Indonesia prefer bilateral relations with other countries, either from the Western or from the Eastern bloc. In fact, in addition to its relations with the West, Indonesia started to establish relations with communist countries which had been well established since the early 1950s. For instance, Indonesia signed its first trade

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<sup>116</sup> Dewi Fortuna Anwar, "Politik Luar Negeri Indonesia Pasca Perang Dingin" [The Post Cold War Indonesian Foreign Policy,] April 2, 1995, <http://www.library.ohiou.edu/indopubs/1995/04/02/0001.html>.

<sup>117</sup> The idea initially derived from the former PM Sjahril's speech in February 1948. Muhammad Hatta was the first to articulate the government's position of *bebas-aktif* in September 1948. See Muhammad Hadiano Wirajuda, "The Impact of Democratization on Indonesia's Foreign Policy: Regional Cooperation, Promotion of Political Values, and Conflict Management" (PhD diss., London School of Economics and Political Science, 2014).

<sup>118</sup> Sukma, "Indonesia and Regional Security," 73.

<sup>119</sup> Weinstein, Indonesian Foreign Policy, 162.

<sup>120</sup> *Ibid.*, 163.

agreement with China in 1953.<sup>121</sup> Furthermore, in 1954, Indonesia established diplomatic relations with the Soviet Union and other communist countries.<sup>122</sup> Later, this broadened definition of *bebas-aktif* policy would drive Indonesia nationalists into the Nonalignment Movement (NAM) in 1955.

## 2. Commitment to Nonalignment Movement (NAM).

Indonesia was actively involved in the creation of the nonalignment movement (NAM) organization and became the host of the first conference. The NAM was created in 1955 during the collapse of the colonial system, in the periods of widespread struggle of Asia, Africa, and Latin America for independence and self-determination at the height of the Cold War.<sup>123</sup> Bandung's Asian-African Conference, held in Bandung, on 18–24 April 1955, had paved the way for the Nonalignment Movement.<sup>124</sup> The 29 heads of the newly independent Asian and African states attended the Bandung conference to discuss and identify world issues post–World War II and to define international relations to address those issues.<sup>125</sup> This event enhanced Indonesia's role in international politics, especially among the Asian-Africa countries.

In its development, the NAM not only addressed the self-determination of Asian and Africa countries, but also rejected military alliances either with the West or the East. At the beginning of its establishment, NAM's purpose was to support member countries' independence and self-determination.<sup>126</sup> Additionally, the NAM also promoted the idea to resist apartheid, colonialism, and military alignment.<sup>127</sup> Furthermore, the principles of

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<sup>121</sup> Weinstein, *Indonesian Foreign Policy*, 163.

<sup>122</sup> *Ibid.*

<sup>123</sup> Ministry of External Affairs, Government of India, "History and Evolution of Non-Aligned Movement," August 22, 2012, <http://mea.gov.in/in-focus-article.htm?20349/History+and+Evolution+of+NonAligned+Movement>.

<sup>124</sup> Acharya, *Constructing a Security Community in Southeast Asia*, 54.

<sup>125</sup> Ministry of External Affairs, Government of India, "History and Evolution of Non-Aligned Movement."

<sup>126</sup> Ministry of Foreign Affairs, Republic of Indonesia, "Non-Alignment Movement," Accessed in May 13, 2015. <http://www.kemlu.go.id/Pages/IFPDisplay.aspx?Name=MultilateralCooperation&IDP=3&P=Multilateral&l=en>.

<sup>127</sup> Ministry of Foreign Affairs, Republic of Indonesia, "Non-Alignment Movement."

NAM prevented its members from becoming members of a multilateral military alliance.<sup>128</sup> The principle also rejected the provision of military bases for foreign military powers in the context of Great Power conflicts.<sup>129</sup> Therefore, NAM's members avoided affiliation either with the West or the East during the Cold War periods.

The spirit of the nonalignment movement preoccupied the Indonesian people. Sukarno played an important role to promote a nonalignment spirit among Indonesia's people at that time. He was one of the prominent figures supporting the establishment of the NAM. Together with the President of the Arab Republic of Egypt, Gamal Abdel Nasser; the President of Ghana, Kwame Nkrumah; the Prime Minister of India, Jawaharlal Nehru; and the President of Yugoslavia, Joseph Broz Tito would form and be the founding fathers of the Nonalignment Movement.<sup>130</sup> Robert Niebuhr argued that leaders such as Sukarno actually used the issue of the nonalignment movement as tools in their foreign policy to win domestic legitimacy.<sup>131</sup>

The other factor that might contribute to the popularity of the Nonalignment Movement (NAM) among the Indonesian people was that the NAM matched Indonesian's revolutionary spirit. NAM provided hope, pride, and self-confidence to the Indonesian people after the disappointment over the lack of support from Western powers for Indonesia's struggle for independence. Moreover, the Indonesian leaders also believed that the decision to join the NAM was in accordance with the principles in the preamble of the 1945 Decree to promote world peace and justice.<sup>132</sup> Therefore, the NAM concept easily found support in Indonesia.

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<sup>128</sup> GCIS, "The Non-Alignment Movement: Description and History," September 21, 2001, <http://www.nam.gov.za/background/history.htm>.

<sup>129</sup> Ibid.

<sup>130</sup> Ministry of Foreign Affairs, Republic of Indonesia, "Non-Alignment Movement."

<sup>131</sup> Robert Niebuhr, "Nonalignment as Yugoslavia's Answer to Bloc Politics," *Journal of Cold War Studies* 13, no. 1 (Winter 2011): 160.

<sup>132</sup> Ministry of Foreign Affairs, Republic of Indonesia, "Non-Alignment Movement."

### 3. Opposition to Military Pacts

The bitter past experiences during the revolutionary days has bolstered Indonesia in rejecting any external intervention in its domestic affairs and prefers to promote intermural cooperation in the region instead of dependence on external powers.<sup>133</sup> Hence, Indonesia opposed any military pact in the region and asked its neighbors to take responsibility for the management of security in the region, rather than to rely on extraregional powers or multilateral military pacts.<sup>134</sup>

On the other hand, the *bebas-aktif* foreign policy was continuing to evolve. By 1965, the definition of the *bebas* (independent) policy once again evolved to be interpreted as a condition of freedom from any “dependence on imperialism.”<sup>135</sup> As a result, the *aktif* (active) policy was then understood to mean that Indonesia had to take a leading role in the region and the international arena against imperialism and colonialism.<sup>136</sup> Going further, in January 1965, Sukarno denounced the United Nations (UN) as imperialist-dominated and withdrew Indonesia from its membership.<sup>137</sup> Therefore, the new interpretation of the *bebas-aktif* foreign policy strengthened Indonesia opposition to military pacts.

When Suharto took office in 1966, he made significant changes about Indonesia’s relations toward the West. Indeed, Suharto showed a different attitude toward the presence of Western powers in the region. He does not seem to regard the presence of Western powers as a direct threat against Indonesia.<sup>138</sup> Sukarno’s total opposition to any foreign presence was replaced with a moderate and pragmatic position.<sup>139</sup> Moreover, during the early years of Suharto’s presidency, he restored Indonesia’s membership in the

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<sup>133</sup> Sukma, “Indonesia and Regional Security,” 71.

<sup>134</sup> *Ibid.*, 74.

<sup>135</sup> Weinstein, *Indonesian Foreign Policy*, 166.

<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*, 170.

<sup>138</sup> Djalal, “Geopolitical Concepts and Maritime Territorial Behaviour,” 167.

<sup>139</sup> Sukma, “Indonesia and Regional Security,” 75.



UN and suspended Indonesia's relations with Russia and China.<sup>140</sup> As a result, a regime change in Jakarta successfully altered Indonesia's preference toward Western countries

Even though Indonesia's dependence on the West has become greater than before, especially in economics, aid, and investment, Indonesia's elites rejected the alliance system in the region.<sup>141</sup> Suharto's administration, however, returned the interpretation of *bebas-aktif* (independent-active) policy's definition to the 'no pacts' interpretation of early 1950s. He believed that military pacts were not an effective form of defense in the region.<sup>142</sup> Therefore, under Suharto's administration, Indonesia continued to reject military pacts.

### C. INDONESIA'S REGIONAL ACTIVISM

In 1967, Indonesia, Malaysia, the Philippines, Singapore, and Thailand formed ASEAN. The creation of ASEAN was largely to serve its five original members' vision to create a mechanism that could contribute to peace and stability in the regional relations. In the context of Indonesian interests, M.H. Wirajuda argues that the ASEAN is important not only to avoid conflict and foreign intervention in the region, but also to restore and preserve Indonesia's international and regional credibility.<sup>143</sup> According to Michael Leifer, the Suharto administration regards ASEAN not merely as a forum that would accommodate its interests, but also "as the vehicle through which a willing acceptance of Indonesia's political primacy in Southeast Asia may be facilitated."<sup>144</sup> Therefore, ASEAN has an important value for Indonesia.

Although Suharto built a low-profile image in its relations with other ASEAN counterparts, Indonesia continued its regional activism. In fact, Suharto promoted a regional security concept that was derived from Indonesia's domestic concept of

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<sup>140</sup> Weinstein, *Indonesian Foreign Policy*, 171.

<sup>141</sup> *Ibid.*, 173.

<sup>142</sup> Sukma, "Indonesia and Regional Security," 75.

<sup>143</sup> Wirajuda, "The Impact of Democratisation."

<sup>144</sup> Michael Leifer, "Patterns of Indonesian Foreign Policy," in *Foreign Policies of the Powers*, ed. F.S. Northedge (London: Faber and Faber, 1975), 373.

*Ketahanan-Nasional* (National Resilience).<sup>145</sup> Therefore, to understand Indonesia's preference for regional cooperation, this section explores how the establishment of ASEAN has rehabilitated Indonesia's relation with its neighbors, especially with Malaysia. This section also explores how ASEAN has been considered successful in channeling Indonesia's concept of national resilience at the regional level to support Indonesian foreign policy.

### **1. The Establishment of ASEAN**

Prior to the establishment of ASEAN in 1967, some earlier attempts were made to create a regional association in Southeast Asia. The most significant, however, was the establishment of the Association of Southeast Asia (ASA). ASA was established in July 1961; the member states included the former Federation of Malaya, the Philippines, and Thailand.<sup>146</sup> The ASA, however, had collapsed over the Philippines and Malaysia's dispute over North Borneo (Sabah), which centered on the fact that the British Administration, upon withdrawal from North Borneo (Sabah), had attributed jurisdiction of the territory to Malaysia.<sup>147</sup> In response to the British plan, in July 1963, the Philippines renewed its claim to North Borneo (Sabah). The Philippines believed that the expansion of the Federation of Malaya was a British strategy to maintain its influence in the region.<sup>148</sup>

At the same time, Indonesia's confrontation campaign against Malaysia also contributed to paralyzing the ASA. Indonesia also had resentment over the establishment of Malaysia; Sukarno perceived it as a British move to maintain its influence in the region. Indonesia, however, launched limited military actions against Malaysian borders

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<sup>145</sup> Wirajuda, "Impact of Democratisation," 117.

<sup>146</sup> Vincent K. Pollard, "ASA and ASEAN, 1961–1967: Southeast Asian Regionalism," *Asian Survey* 10, no. 3 (1970): 244.

<sup>147</sup> Thanat Khoman, "ASEAN Conception and Evolution," ASEAN, September 1, 1992, <http://www.asean.org/asean/about-asean/history/item/asean-conception-and-evolution-by-thanat-khoman>.

<sup>148</sup> Pollard, "ASA and ASEAN," 248.

in Borneo.<sup>149</sup> The stalemate in ASA lasted for almost three years until Indonesia changed its policies toward Malaysia in 1966.

Regime changes from Sukarno to Suharto would later change Indonesian policy toward Malaysia. One year after the failed coup attempt, on March 1966, Suharto had secured power de facto from Sukarno through the controversial “Supersemar”—*Surat Perintah Sebelas Maret* (Eleven March Order), a mandate from Sukarno that gave Suharto authority to take necessary measures to restore Indonesian stability—Later, on 12 March 1967, Suharto was formally inaugurated as the Indonesian President by the MPRS (Majelis Permusyawaratan Rakyat Semesta, the Temporary People’s Consultative Assembly).<sup>150</sup> After the de facto transferring of authority, Suharto asserted that Indonesia needed to stabilize its regional relations, especially toward Malaysia.<sup>151</sup> Suharto then took an important measure to rehabilitate Indonesia-Malaysia relations. Hence, on August 1966, Indonesia and Malaysia signed a peace agreement in Jakarta.<sup>152</sup> Therefore, this agreement formally ended the Indonesia-Malaysia conflict.

The ending of conflict between Indonesia and Malaysian had brought an opportunity for the establishment of another organization for regional cooperation in the region. In short time, on August 1967, the Bangkok Declaration gave birth to ASEAN, the Association of Southeast Asian Nations, whose members include Indonesia, the Philippines, Malaysia, Singapore, and Thailand. This organization was considered more likely to be an organization similar to the European Union that heavily relies on economic relations rather than military cooperation.<sup>153</sup> Indonesia was pleased with the kind of cooperation.

Scholars argue that the ASEAN could serve several Indonesia interests. Shaun Narine argues that ASEAN could remove the latent tension between Indonesia and

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<sup>149</sup> This policy was known as *Ganyang Malaysia* (Crushed Malaysia) that was being implemented in an Indonesia’s military’s *konfrontasi* campaign.

<sup>150</sup> Wirajuda, “Impact of Democratisation,” 69.

<sup>151</sup> Weinstein, *Indonesian Foreign Policy*, 336.

<sup>152</sup> Pollard, “ASA and ASEAN,” 249.

<sup>153</sup> Khoman, “ASEAN Conception and Evolution.”

Malaysia left over from the confrontation policy. Indonesia was aware that even though the de facto regime change in Jakarta in 1966 successfully ended the konfrontasi, the regional tensions remained high. Moreover, Narine also believed that ASEAN would benefit for economic development in the member states, including Indonesia. At the end, the economic benefit would contribute to political stability by enhancing domestic social conditions. Additionally, he argues that by promoting internal security, ASEAN members, including Indonesia, will be less vulnerable to conflict.<sup>154</sup> This idea supports Acharya's argument that the establishment of ASEAN was diminishing the prospect of force being used within regional affairs of its members.<sup>155</sup>

On the other hand, Michael Leifer contends that Indonesia tends to see ASEAN as an important vehicle for its foreign policy interests. Two reasons support his arguments. First, he argued that ASEAN is important for Indonesia to create regional security and stability through regional economic cooperation; thus Indonesia could channel its energy "to promote internal stability rather than external antagonism."<sup>156</sup> Indeed, Indonesia has experienced several domestic subversive and coup attempts since the 1950s until the mid-1960s.<sup>157</sup> Second, Leifer argued, "ASEAN is seen as the vehicle through which a willing acceptance of Indonesia's political primacy in Southeast Asia can be facilitated."<sup>158</sup> Therefore, Indonesia has considered ASEAN to be highly strategic in promoting Indonesia's interests, especially regarding economy and security in regional and international politics.

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<sup>154</sup> Shaun Narine, "ASEAN and the Management of the Regional Security," *Pacific Affairs* 71, no. 2 (Summer 1998): 196.

<sup>155</sup> Acharya, *Constructing a Security Community in Southeast Asia*, 59.

<sup>156</sup> Michael Leifer, "Indonesia's Future Role," *World Today* 26, no. 12 (December 1970): 515.

<sup>157</sup> During the 1950s, several insurgencies and subversive movements attempted to disintegrate the provincial government from the central government in Indonesia. Those political and military actions failed but caused tremendous trouble for the central government. In 1965, the failed coup attempt launched by the Communist party caused Sukarno to step down from office.

<sup>158</sup> Leifer, "Indonesia's Future Role," 515.

## **2. ZOPFAN (Zone of Peace, Freedom, and Neutrality)**

On 27 November 1971, in Kuala Lumpur, ASEAN declared Southeast Asia as a zone of peace, freedom, and neutrality (ZOPFAN). The declaration was considered as the beginning of ASEAN's new orientation along a security dimension. Indeed, since the establishment of ASEAN, the member states preferred the organization "to remain safely on economic ground."<sup>159</sup> However, during the end of the 1960s and the beginning of the 1970s, most ASEAN member states considered the security dimension should not be excluded from the ASEAN realm.<sup>160</sup> Therefore, the declaration of ZOPFAN became so important as the tool to promote ASEAN view about regional security on the international politics stage.

Neutrality became the main theme of the declaration of ZOPFAN. Abad argued that "taken in the context of Kuala Lumpur declaration, neutrality means that the Zone states shall undertake to maintain their impartiality and shall refrain from involvement directly or indirectly, in ideological, political, and economic, armed or other forms of conflict, particularly between powers outside the zone, and that outside power shall not interfere in the domestic and regional affairs of the Zone states."<sup>161</sup> Hence, the declaration of ZOPFAN highly considered as a political move by ASEAN to resist external intervention in the region.

Indeed, the issue of regional opposition to external interference has become the main theme since the establishment of ASEAN in 1967. The ASEAN Declaration of 1967 articulates the security objective as follows:

The countries of Southeast Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and ... they are

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<sup>159</sup> M.C. Abad, Jr., "The Role of ASEAN in Security Multilateralism: ZOPFAN, TAC, and SEANWFZ," paper presented at the ASEAN Regional Forum Professional Development Programme for Foreign Affairs and Defense Officials in Bandar Seri Begawan, 23–28 April 2000, 2.

<sup>160</sup> Ibid.

<sup>161</sup> Abad, "The Role of ASEAN," 2.

determined to ensure their stability and security from external interference in any form of manifestation.<sup>162</sup>

Jakarta readily accepted the establishment of the Kuala Lumpur declaration of neutrality. Even though Indonesia has accommodated and tolerated some ASEAN members' preference to maintain their special relation with extraregional powers for their security, Indonesia maintains an unfavorable attitude towards collective defense pacts.<sup>163</sup> Hence, Indonesia considered the implementation of ZOPFAN in the region has supported its *bebas-aktif* and nonalignment policy.

### 3. ASEAN Way

The "ASEAN Way" is a term favored by ASEAN's leaders to describe the process of intramural interaction between member states, but the meaning of the term itself remains vague and contested. Indeed, the origin of the term itself is obscure. General Ali Murtopo, Indonesia's senior intelligence leader, was considered as one of the prominent political figures who used the term for the first time. In 1974, he argued that ASEAN success depended on the unique system of consultation that he called as the 'ASEAN way'. He contended that the system has been proved effective with the organization and has showed that it works.<sup>164</sup>

The ASEAN Way is a unique method of interaction and a decision-making process used among within ASEAN. It had two distinct features. First, the ASEAN Way preferred informality and a loose cooperative framework. Indeed, senior government officials of ASEAN member state preferred to exploit close interpersonal contacts among them instead of using institutional or official channels to conduct their relations.<sup>165</sup> Second, the concept and practice of consensus building and the avoidance of a majority decision-making process has characterized the ASEAN Way.<sup>166</sup> That concept can hardly

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<sup>162</sup> ASEAN, "The ASEAN Charter's Preamble," 1967, <http://www.asean.org/archive/publications/ASEAN-Charter.pdf>.

<sup>163</sup> Sukma, "Indonesia and Regional Security," 1.

<sup>164</sup> Acharya, *Constructing a Security Community in Southeast Asia*, 78.

<sup>165</sup> *Ibid.*, 81.

<sup>166</sup> *Ibid.*, 82.

be found in any other regional organizations; therefore, some scholars viewed the ASEAN Way as a by-product of cultural similarities among the Southeast Asia countries.<sup>167</sup>

Indonesia has been familiar with the ASEAN practice of consensus building. Although a consensus decision-making process is common in the Southeast Asian culture, in an ASEAN context, the origin of the term is derived from a particular style of decision-making within Javanese village society.<sup>168</sup> Moreover, the two notions *musyawarah* (consultations) and *mufakat* (consensus)—commonly used to describe the ASEAN decision-making process—were common terms in Java’s society decision-making process. Therefore, from a psychological perspective, Indonesia was comfortable with the use of consultation and the consensus principal within the ASEAN decision-making process.

#### **4. Treaty of Amity and Cooperation (TAC)**

The treaty of Amity and Cooperation (TAC) provides a formal mechanism for ASEAN countries to conduct their relations. Specifically, the TAC provides guidelines in the field of conflict management, particularly in the peaceful settlement of dispute. Six behavior principles set forth in the 1976 Treaty of Amity and Cooperation that should guide ASEAN members’ relations:<sup>169</sup>

- Mutual respect for the independent, sovereignty, equality, territorial integrity, and national identity of all nations
- The right of every state to lead its national existence free from external interference, subversion or coercion
- Noninterference in internal affairs of one another
- Settlement of differences or dispute by peaceful means
- Renunciation of the use of force
- Effective cooperation among themselves

Even though of the existence of TAC has provided a formal mechanism for dispute settlement, ASEAN countries have never used it. ASEAN has a tendency to limit

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<sup>167</sup> Acharya, *Constructing a Security Community in Southeast Asia*, 78.

<sup>168</sup> *Ibid.*, 82.

<sup>169</sup> ASEAN, “Treaty of Amity and Cooperation (TAC),” 2014, <http://www.asean.org/news/item/treaty-of-amity-and-cooperation-in-southeast-asia-indonesia-24-february-1976-3>.

institutionalization, but maintains informality in their relations, especially in dispute settlement. Acharya argued that such behavior stemmed from proponents of the ASEAN Way, which asserts that the looseness and informality had created “the level of comfort” that benefit ASEAN members’ relation.<sup>170</sup>

## **5. The Promotion of the Regional Resilience Concept**

In August 1976, President Suharto openly promoted the idea of “regional resilience” during his speech in front of ASEAN countries leaders in the first ASEAN Summit, held in Bali. The condition of “regional resilience” is said to occur when each ASEAN member state has succeeded in promoting its own security and prosperity by relying on its own “resilience,” instead of depending on external assistance.<sup>171</sup> Basically, the idea was derived from Indonesian assertiveness that in resolving regional security issues, both at national and regional levels, ASEAN should undertake two interrelated approaches.<sup>172</sup> The first approach is to let the individual country deal with nontraditional security problems within its country through individual nation-building measures. The second approach is to provide a peaceful external environment so that states could focus in their domestic problems.<sup>173</sup>

Indonesia’s idea of regional resilience was derived from its national resilience doctrine. Indonesia’s national resilience doctrine argues that a variety of social, cultural, economic, political, and military issues have the potential to destabilize national security. Hence, national security does not depend on external alliances, but rather on the strengthening of internal “resilience” in all aspects of national life, such as social, cultural, economic, political, and military.<sup>174</sup> Therefore, Indonesia’s proposal on “regional resilience” again showed Indonesia’s rejection of external intervention in the

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<sup>170</sup> Acharya, *Constructing a Security Community in Southeast Asia*, 81.

<sup>171</sup> Djalal, “Geopolitical Concepts and Maritime Territorial Behaviour,” 168.

<sup>172</sup> Rizal Sukma, “ASEAN and Regional Security in East Asia,” in *Security Politics in Asia and Europe*, ed. Wilhelm Hofmeister and Megha Sarmah (Singapore: Konrad-Adenauer-Stiftung, 2010), 111.

<sup>173</sup> Ibid.

<sup>174</sup> Djalal, “Geopolitical Concepts and Maritime Territorial Behaviour,” 180.



regional security affairs. It also showed Indonesia's preference for a regional security framework on the basis of noninterference into one domestic security issue.

#### **D. INDONESIAN MARITIME SECURITY COOPERATION IN THE MALACCA STRAITS PRIOR TO 2004**

At the end of the Cold War, Indonesia's approach toward regional security began to change as the growing salience of nontraditional threats forced ASEAN members to recognize the importance of interstate cooperation. The raising number of piracy incidents in the straits has raised concerns from the straits' users. In turn, it led to an initiative by the private sector to establish a Piracy Reporting Center in 1992, operated by the International Maritime Bureau (IMB).<sup>175</sup> Under pressure from the private sector and the user states on the safety and the security in the straits, some ASEAN members, including Indonesia, began to be more flexible about regional security cooperation to resolve domestic problems with cross-border effects.

Despite the changes in Indonesia's approach, the notion of sovereignty as the basis for regional cooperation and the principle of noninterference remain paramount.<sup>176</sup> Indonesia considered the Malacca Straits issue as a regional one. Therefore, Indonesia prefers to maintain the maritime security cooperation with the littoral states, instead of involving foreign maritime powers. Moreover, Indonesia also prefers a coordinated patrol-type operation rather than a joint patrol, which operates within a bilateral framework and is common in ASEAN interactions. Therefore, to understand how Indonesia cooperated with other ASEAN countries, especially in the context of the maritime security cooperation in the Malacca Straits after the end of the cold war, this section examines operational maritime security cooperation in the Malacca Straits.

##### **1. INDONESIA-SINGAPORE COORDINATED PATROL (ISCP)**

In June 1992, responding to the rise of armed robbery incidents in the Malacca Straits, Indonesia and Singapore agreed to establish a bilateral cooperation framework to

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<sup>175</sup> Andres T.H. Tan, *Security Strategies in the Asia-Pacific* (New York: St. Martin's Press, 2011), 117.

<sup>176</sup> Sukma, "ASEAN and Regional Security in East Asia," 113.

patrol the Straits of Singapore named Indonesia-Singapore Coordinated Patrol (ISCP) or simply called INDOSIN.<sup>177</sup> Under INDOSIN, Indonesia and Singapore coordinated their patrolling activities, shared information and otherwise cooperated, but enforcement forces had to remain in their own territorial jurisdiction. Each patrol required one warship and one marine police vessel from both sides. The patrol program was carried out four times per year for 60 days, for a total of 240 days per year to maintain safety and security in the Strait of Singapore.<sup>178</sup>

The INDOSIN coordinated patrol operations in the Strait of Singapore. The Strait of Singapore is shorter compared to the length of the Straits of Malacca. It extends approximately 133 km from the Strait of Malacca in the west and the South China Sea in the east.<sup>179</sup> The main focus of the INDOSIN coordinated patrol was the safety and the security against armed robbery along the straits, especially in the anchorage area off the Batam, Singapore, and Bintan. The anchorage area has become the focus of the coordinated patrol since reports showed that most piratical incidents in the Straits of Singapore happened in the anchorage area. Otherwise, the coordinated patrol also took into account piracy incidents when ships were underway in the strait. Armed robbery incidents in the Straits of Singapore usually took only a short time; therefore, the strategies used by the enforcement vessels were to exploit unit's high readiness, and information exchange.

At the operational level, Indonesia and Singapore will host every patrol program alternately, but each country is responsible for its own operational costs. The two countries also have their own task group, which coordinated and passed information to their respective enforcement vessels. Indonesia's INDOSIN task group command is located in the Indonesian Navy Western Fleet Sea Security, in Batam.

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<sup>177</sup> Song, "Security in the Straits of Malacca," 121.

<sup>178</sup> Ibid.

<sup>179</sup> DNA of Singapore, "Strait of Singapore," March 20, 2015, <http://lkcnhm.nus.edu.sg/dna/places/details/74>.

## **2. INDONESIA-MALAYSIA COORDINATED PATROL (IMCP)**

In the same year when Indonesia and Singapore launched INDOSIN, Indonesia had also established a bilateral coordinated patrol with Malaysia. The cooperative effort is called Indonesia-Malaysia Coordinated Patrol, or simply called the MALINDO.<sup>180</sup> The MALINDO required two warships from each state but carried out patrols four times a year only for 10 days each or a total of 40 days in a year.<sup>181</sup> Therefore, MALINDO is limited in terms of days of operation compared to INDOSIN.

To enhance the security cooperation in the Strait of Malacca, however, Indonesia and Malaysia also established another joint patrol namely the OPTIMA MALINDO that has involved civilian institutions such as the customs office, the Directorate General of Sea Transportation search and rescue (SAR), and the police. The OPTIMA MALINDO is held once a year for seven days.<sup>182</sup> Hence, even though MALINDO is limited in terms of duration of operation, it managed to involve civilian institutions from both countries into the coordinated patrol.

MALINDO's area of operation in the Straits of Malacca has operational challenges to provide quick responses to piracy or armed robbery incidents. The MALINDO's vast area of operations stretches from the westernmost sector, located between Jamboaye of Indonesia, and Tanjung Ru of Malaysia, to the easternmost sector between Balai Karimun Island of Indonesia, and Kukup of Malaysia. These areas were prone to piracy activities. Considering the vast area of operations, therefore, the enforcement vessels are dispersed at the naval base along the strait to provide quick responses on reported incidents. For MALINDO's purposes, the Indonesia navy dispersed its ships at Belawan, Dumai, and Balai Karimun Naval Base.

## **E. CONCLUSION**

Indonesia's aversion to foreign intervention in the domestic and regional affairs has been rooted in its bitter experiences during the revolutionary war between 1946 and

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<sup>180</sup> Song, "Security in the Straits of Malacca," 121.

<sup>181</sup> Febrica, "Explaining Indonesia's Participation," 163.

<sup>182</sup> Ibid.

1949. During that period, Indonesia lacked of support from world's major powers for its independence. These experiences later drove Indonesia to the *bebas-aktif* (independent-active) foreign policy to avoid aligning Indonesia with one of the competing blocs during the Cold War period.

Under Suharto's administration, Indonesia was a strong advocate for regional cooperation. Indonesia's elites believe that genuine cooperation can be achieved only through intramural cooperation among ASEAN states.<sup>183</sup> Therefore, in that sense, Indonesia values ASEAN as an important tool to promote peace and security in the region rather than reliance on extra-regional powers.

Indonesia's elites consider the Malacca Straits as a regional security issue. Geographically, the Malacca Straits are adjacent to four ASEAN countries, namely Indonesia, Malaysia, Singapore, and Thailand. Legally, Indonesia and Malaysia have claimed territorial waters in the straits. Conversely, Singapore prefers to keep the straits open as international straits, as described in Chapter II. ASEAN, however, prefers to solve their regional security issues in their own way without foreign intervention or interference. Therefore, Indonesia believed that the security in the Malacca Straits was better served through regional maritime security cooperation, instead of involving foreign powers in the strait.

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<sup>183</sup> Sukma, "Indonesia and Regional Security," 75.

## **IV. THE REJECTION AND THE ACCEPTANCE**

### **A. INTRODUCTION**

This chapter examines whether Indonesia's sensitivity about sovereignty in the Malacca Straits, and its preference for regional cooperation, explained in the previous chapters, determines Indonesia's policy toward multilateral security cooperation initiatives in the Malacca Straits. This chapter argues that the combination of these two factors had caused Indonesia's policy in rejecting and in accepting multilateral security cooperation in the Straits. Therefore, to explain the argument, this chapter is divided into two sections. The first section examines multilateral security cooperation initiatives in the Malacca Straits since 2004 and how Indonesia responded to each of those initiatives. The second section discusses the findings on how those responses related to Indonesia's sensitivity about its sovereignty in the Malacca Straits, and Indonesia's preference for regional cooperation.

### **B. MULTILATERAL MARITIME SECURITY COOPERATION INITIATIVES IN THE MALACCA STRAITS**

Prior to 2004, Indonesia had never engaged in any multilateral security cooperation, especially in the Malacca Straits. As explained in Chapter III, regarding security issues, Indonesia preferred maintaining security cooperation within a bilateral framework with its neighbors, instead of a multilateral one. Therefore, along with its unilateral security patrol, Indonesia maintained the bilateral MALINDO and the INDOSIN coordinated patrol with Malaysia and Singapore respectively.

In the early 2000s, the international community became worried over the increasing piracy incidents in the Malacca Straits, and the possibility that piracy could be lumped with terrorist activities. Even though the U.S. intelligence services had found no evidence that the piracy activities in the Malacca Straits were linked to terrorist networks in Southeast Asia, many believed that the probability of these networks being joined with

piracy was logical.<sup>184</sup> Singapore, for instance, whose economy relies on the security of the straits, was cautious both about terrorist attacks in the straits and the linkage with pirates.<sup>185</sup> Teo Chee Hean, then Singapore's defense minister, contended that it was beyond the capacity of any single state to safeguard the straits. Similarly, Eltimios Mitropoulos, then the secretary-general of the International Maritime Organization (IMO), suggested that an international effort was needed to counter this terror threat.<sup>186</sup> Therefore, in that context, the idea of multilateral cooperation became relevant to the security cooperation framework in the straits.

Since 2004, four significant important multilateral security initiatives were proposed to the littoral states in the Malacca Straits. They included the Regional Maritime Security Initiative (RMSI), the MALSINDO, the Eyes in the Sky (EiS), and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships (ReCAAP). The Indonesian government responded differently to these initiatives; RMSI and ReCAAP were rejected, but the MALSINDO and EiS were accepted. Therefore, this section explores these multilateral initiatives, and how the Indonesian government responded to these initiatives.

### **1. The Regional Maritime Security Initiative (RMSI)**

In 2004, the United States proposed the Regional Maritime Strategy Initiative (RMSI) against transnational threats in the Southeast Asia region. On 31 March of that year, Admiral Thomas B. Fargo, then Chief of U.S. Pacific Command (USPACOM), gave a statement before the House Armed Services Committee on U.S. Pacific Command postures.<sup>187</sup> In his statement, Admiral Fargo argued that the Regional Maritime Security Initiative was vital to the U.S. president's Proliferation Security Initiative (PSI) and the

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<sup>184</sup> Mark J. Valencia, "The Politics of Anti-Piracy and Anti-Terrorism Responses in Southeast Asia," in *Piracy, Maritime Terrorism and Securing the Malacca Straits*, ed. Graham Gerrad Ong-Webb (Singapore: Institute of Southeast Asian Studies, 2006), 85.

<sup>185</sup> *Ibid.*

<sup>186</sup> *Ibid.*

<sup>187</sup> *U.S. Pacific Command Posture: Hearing before the House Armed Services Committee, House of Representatives* (2004) (statement of Admiral Thomas B. Fargo, U.S. Navy Commander U.S. Pacific Command), <http://www.dod.mil/dodgc/olc/docs/test04-03-31Fargo.doc>.

State Department's Maritime Security Initiative (MSI) against transnational threats, especially in the Southeast Asia region.<sup>188</sup>

The RMSI intended to leverage international and regional capabilities against transnational security threats, especially in the Southeast Asia region. During his speech, Admiral Fargo explained that "the goal of RMSI is to develop a partnership of willing regional nations with varying capabilities and capacities to identify, monitor, and intercept transnational maritime threats under existing international and domestic laws."<sup>189</sup> Hence, the aim of the initiatives was to build and synchronize inter-agency and international capacity, to harness available and emerging technologies, to develop a maritime situational awareness to match the picture that is available for international airspace, and to develop responsive decision-making structures that can call on immediately available maritime forces to act when required.<sup>190</sup> Therefore, the initiative could have been an alternative to regional efforts in combating piracy in the Malacca Straits.

The basic idea of the RMSI was to provide standby forces in the straits that would be deployed after the decision to act was made. Hence, the structure of RMSI consisted of three components: first, a picture compilation of the traffic in the Straits of Malacca and the Straits of Singapore to provide the data and analysis; second, decision-making structures that decide what action should be taken in the occurring situation; and third, standby maritime forces that execute the decision has been made.<sup>191</sup> The questions then would be, who would act as standby forces in the Straits? Who would give the order if there were an incident?

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<sup>188</sup> *U.S. Pacific Command Posture: Hearing before the House Armed Services Committee, House of Representatives* (2004) (statement of Admiral Thomas B. Fargo, U.S. Navy Commander U.S. Pacific Command), <http://www.dod.mil/dodgc/olc/docs/test04-03-31Fargo.doc>.

<sup>189</sup> *Ibid.*

<sup>190</sup> Joshua Ho, *Operationalising the Maritime Regional Security Initiative* (Singapore: Institute for Defence and Strategic Studies, 2004). <http://www.rsis.edu.sg/rsis-publication/idss/614-operationalising-the-regional/#.VUUpYRZOTdk>.

<sup>191</sup> *U.S. Pacific Command Posture: Hearing before the House Armed Services Committee, House of Representatives* (2009) (statement of Admiral Thomas B. Fargo, U.S. Navy Commander U.S. Pacific Command), <http://www.dod.mil/dodgc/olc/docs/test04-03-31Fargo.doc>.

Following the testimony, the international media falsely reported that USPACOM intended to deploy U.S. Marines and its naval vessels to patrol the Malacca Straits. France-based news agency the Agence France-Presse (AFP) quoted Admiral Fargo:

We're looking at things like high-speed vessels, putting special operations forces on high-speed vessels, putting Marines on high-speed vessels . . . to conduct effective interdiction, he told U.S. legislators in hearings last week on Budget allocations for his command.<sup>192</sup>

This news gained various reactions from the littoral states in the Malacca Straits. Indonesia and Malaysia strongly opposed Admiral Fargo's proposal. Conversely, Singapore welcomed the initiative and offered to provide the base for the U.S. forces.

In response, on April 16, 2004, the Indonesian Foreign Ministry's spokesman, Marty Natalegawa, issued a statement rejecting the RMSI proposal. He stated:

The security of the Straits is the responsibility of the littoral states; the waters of the Straits of Malacca are part of the territorial waters of the coastal states over which they have sovereignty; and any activities or maneuvers in the Straits by foreign vessel, which are not exercising the right of transit passage—whether they are for civilian or military purposes—are subject to the consent of the respective coastal states.<sup>193</sup>

Malaysia also rejected the RMSI proposal. On 7 May 2005, after a meeting with Indonesian Foreign Minister Hasan Wirajuda in Jakarta, Malaysian Foreign Minister Dato' Hamid Albar contended that it was the responsibility of the littoral states to maintain the safety of navigation and the security in the Malacca Straits.<sup>194</sup> Therefore, both Indonesia and Malaysia strongly rejected the proposal.

While both Indonesia and Malaysia rejected the RMSI proposal, Singapore, however, welcomed the proposal. Indeed, Singapore's Deputy Prime Minister Tony Tan

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<sup>192</sup> Donald Urquhart, "U.S. Wants Marines to Guard Malacca Straits," *Business Times Singapore*, April 5, 2004.

<sup>193</sup> Ji Guoxing, "U.S. RMSI Contravenes UN Convention on the Law of the Sea," PacNet, no. 29 (July 8, 2004). <http://csis.org/files/media/isis/pubs/pac0429.pdf>.

<sup>194</sup> Woro Swasti, "RI-Malaysia Sepakat Tolak AS Atur Selat Malaka," Detik News, May 8, 2005, <http://news.detik.com/read/2004/05/08/015917/155870/10/ri-malaysia-sepakat-tolak-as-atu-selat-malaka?nd771104bcj>.



invited countries outside the region to help patrol the Malacca Straits.<sup>195</sup> In response, Indonesia's Minister of Politics and Security Hari Sabarno argued that Singapore should first consult with Indonesia and Malaysia before asking the United States to patrol the Straits.<sup>196</sup> Similarly, Malaysia, like Indonesia, opposed Singapore's position. Malaysia's Deputy Prime Minister Tun Abdul Razak argued, "Singapore could not unilaterally invite the U.S. to patrol the Straits."<sup>197</sup> Moreover, Malaysia also contended that security issues should not compromise the country's sovereignty.<sup>198</sup> As a result, the RMSI proposal had divided the littoral states into two blocs. Singapore, on the one hand, accepted the proposal; Indonesia and Malaysia, on the other hand, rejected the proposal.

United States officials tried explaining the misunderstanding to both Indonesia and Malaysia. On 20 June 2004, Admiral Fargo met with Malaysian Deputy Prime Minister Datuk Seri Najib Tun Razak and contended that the United States had no plan to deploy its own force to patrol the straits. Instead, the United States claimed to support the littoral states with an intelligence and information exchange.<sup>199</sup> The U.S. Defense Secretary Donald Rumsfeld, during his visit to Indonesia in the same month, again stressed the U.S. position on RMSI, namely that the U.S. had no intention to send military forces or set up a military base in the straits.<sup>200</sup> Similarly, the U.S. ambassador to Indonesia, Ralph L. Boyce, explained Admiral Fargo's statement as being purely hypothetical.<sup>201</sup>

Even though the United States had already clarified the misunderstanding, Indonesia kept rejecting the RMSI proposal. In Jakarta, Indonesian civil and military

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<sup>195</sup> Valencia, "The Politics of Anti-Piracy and Anti-Terrorism Responses," 92.

<sup>196</sup> M. Rizal Maslan, "AS di Selat Malaka, Singapura Harus Bicara Dengan RI" [US in the Malacca Straits; Singapore has to discuss with Indonesia,] Detik News, June 16, 2004, <http://news.detik.com/read/2004/06/16/173048/163765/10/as-di-selat-malaka-singapura-harusnya-bicara-dengan-ri?nd771104bcj>.

<sup>197</sup> Valencia, "The Politics of Anti-Piracy and Anti-Terrorism Responses," 93.

<sup>198</sup> Mak, "Unilateralism and Regionalism," 152.

<sup>199</sup> Bingley, "U.S. Interest in the Malacca Straits."

<sup>200</sup> Christian-Marius Stryken, "The U.S. Regional Maritime Security Initiative and U.S. Grand Strategy in Southeast Asia," in *Maritime Security in Southeast Asia*, ed. Kwa Chong Guan and John K. Skogan (New York: Routledge, 2007), 134.

<sup>201</sup> Febrica, "Explaining Indonesia's Participation," 199.

officials continued their opposition to the proposal. Among them, Admiral Bernard Ken Sondakh, then Chief of Indonesian Navy, asserted that the RMSI proposal was “baseless.”<sup>202</sup> He said, “There is a grand strategy to paint a bad picture over our waters, as if the Indonesian Navy is not strong and the crimes at sea are increasing. ... Indeed, if we can’t show the ability to guard the Straits of Malacca, the International forces may get in.”<sup>203</sup> Similarly, opposing the RMSI, Nugroho Wisnumurti, a former director general for political affairs in the Indonesian Ministry of Foreign Affairs, argues that the development of U.S. Marines in the Straits would harm Indonesian national interest in the Straits.<sup>204</sup> In the House of Representatives, Amris Hasan, then the Chairman of Commission I (Foreign Affairs and Defense), categorized the initiative as an act of intervention and a violation of Indonesia’s sovereignty.<sup>205</sup> In fact, other parliament members warned the United States not to intervene in Indonesia’s sovereign territory and declared a readiness to support an increase in the military budget to improve naval capacity.<sup>206</sup> Therefore, the sovereignty concern over Indonesian waters in the Malacca Straits became the central theme of Indonesia’s rejection of the RMSI proposal.

## 2. The MALSINDO

In response to international pressures over the security in the Malacca Straits, the littoral states enhanced security cooperation in the Straits. Soon after rejecting RMSI, Indonesia proposed a trilateral naval patrol in the Malacca Straits involving Indonesia, Malaysia, and Singapore.<sup>207</sup> Later, on 18 June 2004, these states agreed to the formation of a joint task force on maritime security within a trilateral cooperation framework.<sup>208</sup> That kind of cooperation had never existed before among these countries. Indonesia,

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<sup>202</sup> Bingley, “U.S. Interest in the Malacca Straits.”

<sup>203</sup> Valencia, “The Politics of Anti-Piracy and Anti-Terrorism Responses,” 93.

<sup>204</sup> Sudha Ramachandran, “Divisions over Terror Threat in Malacca Straits,” *Asia Times Online*, June 16, 2004, <http://www.atimes.com/atimes/Southeast Asia/FF16Ae01.html>.

<sup>205</sup> Febrica, “Explaining Indonesia’s Participation,” 202.

<sup>206</sup> *Ibid.*

<sup>207</sup> Chin Kin Wah, *Southeast Asian Affairs 2005* (Singapore: ISEAS, 2005), 13.

<sup>208</sup> Shie, “Maritime Piracy in Southeast Asia,” 178.

Malaysia, and Singapore expanded their security cooperation from a bilateral to a trilateral framework.<sup>209</sup>

Finally, on 20 July 2004, Indonesia, Malaysia, and Singapore launched the MALSINDO (Malaysia-Singapore-Indonesia) coordinated patrol. At an operational level, 17 naval vessels of the three countries served on this year-round patrol. Each country, Indonesia, Singapore, and Malaysia, set up a naval command center in Batam, Changi, and Lumut respectively.<sup>210</sup> At the opening ceremony in the Batam waters, General Endriatono Sutarto, then Indonesia's armed forces commander, emphasized that the goal was to enhance safety and security against transnational crimes, especially piracy and armed robbery in the straits.<sup>211</sup> Hence, the littoral countries found a way to cooperate in a multilateral framework to secure the straits.

The MALSINDO became the first indigenous multilateral security cooperation in the Malacca Straits. Indeed, this was the first multilateral security cooperation in Southeast Asia without the involvement of an extraregional power in the region.<sup>212</sup> General Endriatono outlined that although the establishment of the MALSINDO coordinated patrol was to fulfill littoral states' responsibility to secure the straits, the door was open for other countries to take part either directly or indirectly. He stressed, however, "If they want to join, it should first be approved by all three countries."<sup>213</sup>

Criticism to the MALSINDO came right from the start. The IMB criticized the system of cooperation that prohibited other parties from crossing the territorial border

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<sup>209</sup> Due to concerns over sovereignty, however, the three countries concluded the patrol would not be joined, but instead "coordinated"—meaning each country patrolled its own territorial waters and did not pursue suspects into neighboring waters.

<sup>210</sup> Yann-huei Song, "Regional Maritime Security Initiative (RMSI) and Enhancing Security in the Straits of Malacca: Littoral States' and Regional Responses," in *Maritime Security in the South China Sea: Regional Implication and International Cooperation*, ed. Shicun Wu and Keyuan Zou (Burlington, VT: Ashgate, 2009), 124.

<sup>211</sup> Fadli and Endy M. Bayuni, "Show of Force Launched to Protect Vital Strait," *Jakarta Post*, July, 21, 2004.

<sup>212</sup> Jun Honma, "ASEAN-Japan Cooperation on Maritime Non-Traditional Security Issues: Toward a New Paradigm," in *ASEAN-Japan Relations*, ed. Takashi Shiraishi and Takaaki Kojima (Singapore: ISEAS, 2014), 101.

<sup>213</sup> Fadli and Bayuni, "Show of Force Launched."

while pursuing pirates.<sup>214</sup> Similarly, J.N. Mak criticized the cooperation as a public relations campaign to show the world that the littoral states were taking serious action to secure the straits. Despite the criticism, however, the MALSINDO showed significant results in suppressing the numbers of piracy incidents in the Malacca Straits. There was a noticeable decrease in the number of attacks in 2005.<sup>215</sup> Indeed, during the first six months of cooperation, the number of piracy incidents in the straits decreased by 10 percent.<sup>216</sup> Hence, despite the critics, the MALSINDO was considered a success.

Moreover, regarding the military pact issue, Indonesia did not consider the MALSINDO as a form of military pact even though it was created within a multilateral framework. As explained in Chapter III, Indonesia is very cautious not to be involved in any military pact. Therefore, the avoidance of military pacts had also hindered Indonesia from taking part in multilateral security cooperation in the past. Admiral Sondakh, however, told *The Jakarta Post* that Indonesia supported the cooperation and assured its fellow ASEAN members that the MALSINDO was not a military pact and would not become a military pact in the region.<sup>217</sup> Therefore, Indonesia strongly supported the establishment of the MALSINDO.

### **3. The Eyes in the Sky (EiS)**

In June 2005, during the Fourth Asian Security Conference (known as the Shangri-La Dialogue) in Singapore, the Malaysian Deputy Prime Minister and the Minister of Defense, Dato' Tun Abdul Razak, called for more efforts in enhancing multilateral cooperation in the straits. During his speech, he reiterated that the safeguarding of the straits is a primary responsibility of the littoral states. On the other hand, recognizing the limitation of the littoral states in bearing the responsibility alone,

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<sup>214</sup> Shie, "Maritime Piracy in Southeast Asia," 179; later in 2006, the agreement allowed patrol ships from a participating countries to enter into another country's territorial waters up to five miles when pursuing the criminals, as long as the patrol ship does not open fire or conduct any form of military action. See Febrica, "Explaining Indonesia's Participation," 184.

<sup>215</sup> Anthony S. Massey, "Maritime Security Cooperation in the Straits of Malacca" (master's thesis, Naval Postgraduate School, 2008), 7.

<sup>216</sup> Shie, "Maritime Piracy in Southeast Asia," 179.

<sup>217</sup> Tiarma Siboro, "More Countries to Patrol Malacca Straits," *Jakarta Post*, August 7, 2004, <http://www.thejakartapost.com/news/2004/08/07/more-countries-patrol-malacca-strait.html>

he called for an international contribution. Although he recognized the need for an international contribution to enhance security in the straits, he also highlighted that the arrangement to secure the straits must not impinge on the territorial integrity and national sovereignty of the littoral states.<sup>218</sup> At the end of his speech, he proposed the use of “the eyes in the skies,” along with coastal radar linked to satellites and radio tracking technology to provide real-time information, data, and analysis for the littoral states’ enforcement forces.<sup>219</sup> Later, the notion of “Eyes in the Sky” would be used as the name for multilateral air patrol cooperation in the Malacca Straits.

Littoral countries needed to enhance their security cooperation in the Malacca Straits because the international community still considered the straits as dangerous waters even though the MALSINDO had shown its initial success. Indeed, on 20 June 2005, the Joint War Committee (JWC) of Lloyd’s Market Association declared the Malacca Straits a high-risk zone and added it into the list of areas which are at risk for war, strikes, terrorism, and related perils.<sup>220</sup> Hence, this decision then caused increased insurance premiums for the ships that transit the Malacca Straits. As a result, the decision not only hurt the shipping companies but also the littoral states, whose economy depended on the straits. The littoral states realized that unless they took more effective action to secure the Malacca Straits, the straits would not be removed from the JWC high-risk zone list.<sup>221</sup> Therefore, Malaysia’s initiative in enhancing maritime security cooperation in the straits became relevant.

Finally, on 13 September 2005, the three littoral states enhanced security cooperation in the straits with the establishment of the Eyes in the Sky (EiS) coordinated air patrol over the Malacca Straits. Under the EiS, each littoral state would provide two maritime aircraft per week to patrol the straits. The participants’ aircraft would be allowed to fly above another participating country’s waters in the straits, not less than

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<sup>218</sup> Dato Tun Abdul Razak, “Enhancing Maritime Security Cooperation” (speech given at Shangri-La Dialogue 2005, Fifth Plenary Session, Singapore, June 5, 2005).

<sup>219</sup> *Ibid.*

<sup>220</sup> Song, “Regional Maritime Security Initiative (RMSI),” 116.

<sup>221</sup> *Ibid.*

three miles from that country's land. Each aircraft also has a Combined Maritime Patrol Team (CMPT) on board, comprising a military officer from each of the participating states.<sup>222</sup> For operational purposes, the Straits would be divided into four sectors, with each patrol usually covering two sectors.<sup>223</sup>

Indonesia supported the establishment of the Eyes in the Sky (EiS) air patrol in the Malacca Straits. Within the EiS framework, Indonesia, Malaysia, and Singapore also invited Thailand to join the cooperation since Thailand lay next to the Straits.<sup>224</sup> Indeed, the establishment of EiS would later raise a new initiative to improve the MALSINDO sea patrol framework. Colonel Surya Wiranto, then the Assistant of Operational Affairs at the Indonesian Navy's Western Fleet Command, said that Indonesia had proposed to enhance the MALSINDO coordinated patrol memberships to include Thailand, and to widen the sea patrol capacity to allow enforcement vessels to conduct hot pursuit up to five miles into neighbors' waters.<sup>225</sup> Therefore, the EiS initiative was not only accepted but also inspired Indonesia to enhance the MALSINDO sea patrol framework.

#### **4. The Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships (ReCAAP)**

Initially, Japan proposed the initiative. Shortly after 9/11, in November 2001, during the ASEAN+3 Summit in Brunei, the Japanese Prime Minister Junichiro Koizumi proposed an initiative to establish a government-level working group to study the possibility of forming a regional antipiracy cooperation in the region.<sup>226</sup> After a long process through a series of meetings hosted by Japan since 2001, the Regional

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<sup>222</sup> Joshua Ho, "The Importance and Security of Regional Sea Lanes," in *Maritime Security in Southeast Asia*, ed. Kwa Chong Guan and John K. Skogan (New York: Routledge, 2007), 29.

<sup>223</sup> Ian Storey, "Securing Southeast Asia's Sea Lanes: A Work in Progress," *Asia Policy*, no. 6 (July 2008): 116.

<sup>224</sup> "TNI AL Segera Rampungkan SOP Malsindo-Thai" [Indonesian Navy is Finishing the Malsindo-Thai Standard Operation Procedures,] *Suara Merdeka Cyber News*, September 3, 2005, <http://www.suaramerdeka.com/cybernews/harian/0509/03/nas14.htm>.

<sup>225</sup> Ivy Susanti, "'Eyes in the Sky' Patrol over Malacca to Start Soon," *Jakarta Post*, September, 9, 2005, <http://www.thejakartapost.com/news/2005/09/09/039eyes-sky039-patrol-over-malacca-start-soon.html>.

<sup>226</sup> Xu Ke, "Myth and Reality: The Rise and Fall of Contemporary Maritime Piracy in the South China Sea," in *Maritime Security in the South China Sea: Regional Implication and International Cooperation*, ed. Shicun Wu and Keyuan Zou (Burlington, VT: Ashgate, 2009), 96.

Cooperation Agreement on Combating Piracy and Armed Robbery against Ships (ReCAAP) initiative was finalized on 11 November 2004. Finally, on 28 April 2005, the agreement was concluded in Singapore.<sup>227</sup> As a result, ReCAAP became a new alternative for multilateral cooperation in securing the straits.

On 4 September 2006, ReCAAP effectively entered into force. The purpose of the organization was to accelerate incident response by the member states through providing accurate statistics of piracy and armed robbery (PAR) incidents in the straits.<sup>228</sup> Therefore, the ReCAAP had three aims: information sharing, capacity building, and cooperative arrangement;<sup>229</sup> and the key pillar to achieve those aims was the establishment of Information Sharing Center (ISC).<sup>230</sup> As the host of the ReCAAP Information Sharing Center (ISC), Singapore agreed to bear the \$2 million setup cost, along with another \$2 million for the annual operational costs of the ISC.<sup>231</sup> The ReCAAP ISC was launched on 29 November 2006, and later was formally recognized as an international organization on 30 January 2007.<sup>232</sup> Therefore, basically the ReCAAP has found strong support regionally and internationally.

Although the ReCAAP had been recognized regionally and internationally, Indonesia and Malaysia did not ratify or sign the ReCAAP agreement. On 28 April 2005, 16 countries drafted the multilateral cooperation: Bangladesh, Brunei, Cambodia, China, India, Indonesia, Japan, Laos, Malaysia, Myanmar, Philippines, Republic of Korea, Singapore, Sri Lanka, Thailand, and Vietnam. On 4 September 2006, all of these

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<sup>227</sup> Douglas Guilfoile, *Shipping Interdiction and the Law of the Sea* (New York: Cambridge University Press, 2009), 57.

<sup>228</sup> EIAS Expert Roundtable, "Maritime Piracy and Robbery in Asia: Update and the Role of ReCAAP," *European Institute for Asian Studies*, June 21, 2013, <http://www.eias.org/publication/event-report/maritime-piracy-and-robbery-asia-update-and-role-recaap>.

<sup>229</sup> Storey, "Securing Southeast Asia's Sea Lanes," 114.

<sup>230</sup> Ke, "Myth and Reality," 97.

<sup>231</sup> Donald Urquhart, "Singapore to Host First Meeting of Regional Anti-Piracy Body; It Will Also Bear Set-Up, Running Cost of ReCAAP's Info Sharing Center," *Business Times Singapore*, November 28, 2006.

<sup>232</sup> Abhinayan Basu Bal, "Regional Cooperation as part of the Solution to Piracy—The Importance of ReCAAP in Southeast Asia" (master's thesis, Lund University, 2012).

countries, except Indonesia and Malaysia, ratified and signed the agreement.<sup>233</sup> As a result, ReCAAP was established without Indonesia and Malaysia's participation.

Indonesia has several explanations for its rejection. The common explanation was that Indonesia contended that the establishment of ReCAAP was not urgent since the MALSINDO and EiS coordinated patrols already in the straits.<sup>234</sup> Additionally, regarding Indonesia perception to the ReCAAP ISC, one Indonesian official from the Foreign Ministry office explained that Indonesia had worry about the possibility that the ISC might publish reports unfair to member states. He shared concerns, arguing that the IMB had misrepresented the piracy incidents in Malaysia waters as having occurred in Indonesia waters because the center is located in Kuala Lumpur.<sup>235</sup> Juwono Sudharsono, then the Indonesian defense minister, however, stated that Indonesia determined to postpone ratification of ReCAAP because the initiative could have impinged on Indonesian sovereignty.<sup>236</sup> His statement clearly explained why Indonesia did not join ReCAAP while most ASEAN countries have joined it. Therefore, considering Indonesia's rejection to ReCAAP, Indonesia's sensitivity over its sovereignty in the straits has ruled out its preference toward regional cooperation.

### C. FINDINGS

The discussion in this chapter demonstrates that Indonesia remains cautious about international efforts and initiatives in securing the Malacca Straits. Indeed, both Indonesia's Ministry of Defense (MOD) and Ministry of Foreign Affairs (MFA) adamantly rejected the RMSI and ReCAAP proposals due to sovereignty concerns and

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<sup>233</sup> Miha Hribernik, "Countering Maritime Piracy and Robbery in Southeast Asia: The Role of the ReCAAP Agreement," *European Institute for Asian Studies* (2013). [http://www.eias.org/sites/default/files/EIAS\\_Briefing\\_Paper\\_2013-2\\_Hribernik.pdf](http://www.eias.org/sites/default/files/EIAS_Briefing_Paper_2013-2_Hribernik.pdf).

<sup>234</sup> "RI Bersikukuh Tunda Sepakati Kerjasama Regional Anti Perompakan" [Indonesia Insisted to Postpone the Regional Anti-Piracy Cooperation,] *Merdeka.Com*, September 26, 2006, <http://www.merdeka.com/politik/ri-bersikukuh-tunda-sepakati-kerjasama-regional-anti-perompakan-xep3lnk.html>.

<sup>235</sup> John F. Bradford, "The Growing Prospect for Maritime Security Cooperation in South East Asia," *Naval War College Review* 58, no. 3 (Summer 2005): 69.

<sup>236</sup> Gaye Christoffersen, "Chinese and ASEAN responses to the U.S. Regional Maritime Security Initiative," in *China Turns to Multilateralism: Foreign Policy and Regional Security*, ed. Guoguang Wu and Helen Lansdowne (New York: Routledge, 2008), 141.



the wariness of international efforts to internationalize the straits. Hence, regarding international efforts to enhance the security cooperation in the straits, Indonesia's sensitivity and its wariness of internationalizing the straits still remains a big challenge for the extraregional states' security initiatives in securing the Malacca Straits.

Again, due to sovereignty concerns, although Indonesia supported the MALSINDO and Eyes in the Sky (EiS), and willingly accepted cross-border coordinated patrol within these frameworks, it has limited the participants to the littoral states only. Therefore, regarding regional cooperation in the straits, even though Indonesia prefers regional cooperation, it would still limit the cooperation in the Straits when dealing with the sovereignty issue.

On the other hand, even though Indonesia rejected extraregional states' involvement in patrolling the straits, Indonesia welcomes international support in securing the straits with aids, technical assistance, and training. For instance, in May 2005, Indonesia and the United States conducted a joint antiterrorism exercise in the sea off Jakarta, Indonesia.<sup>237</sup> Moreover, from 2006 to 2008, Indonesia received technical assistance under the U.S. 1206 project to establish Integrated Maritime Surveillance System (IMSS) along the east Sumatra coast to secure the Malacca Straits.<sup>238</sup> Therefore, even though Indonesia remains cautious about the international effort in securing the Straits, regarding security cooperation with the extraregional powers, Indonesia prefers to cooperate in a bilateral framework.

#### **D. CONCLUSION**

This chapter demonstrates that Indonesia's sensitivity about its sovereignty in the Malacca Straits has played a significant role in rejecting the RMSI and the ReCAAP, and limiting the MALSINDO and EiS. Regarding the RMSI, Indonesia firmly rejected the proposal, contending that the deployment of extraregional military forces in the Malacca Straits would impinge on Indonesian sovereignty. Indonesia continues to reject the

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<sup>237</sup> Song, "Regional Maritime Security Initiatives (RMSI)," 121.

<sup>238</sup> U.S. Department of State, "DOD-Funded Integrated Maritime Surveillance System," November 8, 2011, <http://www.state.gov/r/pa/prs/ps/2011/11/177382.htm>.

initiative even though Admiral Fargo and U.S. Defense Secretary Donald Rumsfeld had clarified that the United States did not intend to send military forces to patrol the straits. Similarly, Indonesia also rejected the ReCAAP and has yet to ratify the agreement due to sovereignty concerns. Therefore, Indonesia's sensitivity about sovereignty in the Malacca Straits, explained in Chapter II, still plays a significant role in affecting Indonesia's maritime security cooperation policy in the Malacca Straits.

Conversely, this chapter demonstrates that, although Indonesia prefers to cooperate with other ASEAN members, as explained in Chapter III, Indonesia limits its cooperation when dealing with its sovereignty concern. For instance, in 2006, Indonesia did not ratify the ReCAAP agreement, even though most ASEAN member states had ratified it. Indonesia's rejection of ReCAAP may also stem from the Indonesian perception that the ReCAAP would internationalize the straits, and as a result, would weaken Indonesia's position in safeguarding the Malacca Straits among major maritime powers. Therefore, Indonesia's sensitivity about its sovereignty in the Malacca Straits still plays a major role in shaping Indonesian policy in the Malacca Straits.

In summary, this thesis finds the following: first, regarding international efforts to enhance the security cooperation in the Straits, Indonesia's sensitivity and its wariness of internationalizing the straits remains a big challenge for the extraregional states' security initiatives in securing the Malacca Straits; second, regarding the regional cooperation in the straits, even though Indonesia prefers regional cooperation, it would still limit its cooperation when dealing with the sovereignty issue; and third, regarding the security cooperation with extraregional powers, Indonesia, prefers a bilateral security cooperation framework in securing the straits.

## V. CONCLUSION

This thesis addressed the question of whether Indonesia's sensitivity about its sovereignty in the Malacca Straits, and its preference toward regional cooperation, have affected Indonesia's policy regarding multilateral security cooperation in the straits. The straits have long been one of the major sea-lanes for trading between the East and the West, used for transferring goods and oil back and forth throughout the entire region in Asia and the Middle East. Moreover, the Malacca Straits' strategic position is also important for naval mobility. Considering all of these factors, the Malacca Straits has been regarded as one of the most important straits in the world. As been discussed throughout the chapters, Indonesia, however, is sensitive about its sovereignty in the straits.

As discussed in Chapter II, Indonesia's sensitivity in the Malacca Straits stemmed from conflicting interests between Indonesia and the user states of the straits, especially the major maritime countries. On 13 December 1957, Indonesia declared its archipelagic state concept. The declaration, in essence, not only extended Indonesia's territorial claim from three miles to 12 miles, but also promoted that all the waters surrounding the Indonesian archipelago are integral parts of Indonesian territory. Later, in 1960, Indonesia had unilaterally claimed its archipelagic waters, including the straits, through the enactment of Act No. 4 regarding Indonesian waters. Indonesia bolstered its claim in the straits after the UNCLOS 1982 acknowledged its archipelagic state concept. Therefore, Indonesia insisted that the Malacca Straits be included within its territorial waters.

Additionally, the agreement between Indonesia and Malaysia on the delimitation of territorial waters and the continental shelf has strengthened Indonesia's assertiveness over territorial claims in the Malacca Straits. Since 1969, Indonesia has had a strong alliance regarding territorial waters claims in the straits. As a result, on 16 November 1971, Indonesia and Malaysia made a declaration that the Malacca Straits were not international waterways. In the end, Indonesia gained international recognition as an archipelagic state through the adoption of the 1982 UNCLOS. Conversely, the major

maritime countries such as the United States and Japan rejected any territorial claims in the Straits.

The major maritime powers asserted that the Malacca Straits' status was that of international straits; therefore, the management of the safety and the security in the straits should not be surrendered to the littoral states alone. In this context, Japan had proposed to internationalize the safety of navigation in the straits. In 1967, Japan proposed the establishment of Traffic Separation Scheme (TSS) to the London-based Sub-Committee on the Safety of Navigation of the Inter-Governmental Maritime Consultative Organization (IMCO). Japan also rejected any territorial claims in the straits. On the other hand, the United States, even though not fully supportive of the littoral states' demand for the extension of territorial limits, was ready to recognize the 12 NM territorial claims, including in the international straits as long as the littoral states preserved the right of free transit for international uses. Therefore, these conflicting interests have bolstered Indonesia's sensitivity about its sovereignty in the Malacca Straits.

Chapter III demonstrates that Indonesia's aversion to foreign intervention in the domestic and regional affairs is rooted in its bitter experiences during the revolutionary war between 1946 and 1949. During that period, Indonesia lacked of support from the world's major powers for its independence. These experiences later drove Indonesia to the *bebas-aktif* (independent-active) foreign policy to avoid aligning with one of the competing blocs during the Cold War. Additionally, under Suharto's administration, Indonesia had been a strong advocate for regional cooperation. Indonesia's elites believed that genuine cooperation only could be achieved through intramural cooperation among ASEAN states. Therefore, in that sense, Indonesia values ASEAN as an important tool to promote peace and security in the region rather than to rely on extraregional powers.

Additionally, Indonesia's elites consider the Malacca Straits a regional security issue. Geographically, the Malacca Straits are adjacent to four ASEAN countries, namely Indonesia, Malaysia, Singapore, and Thailand. Legally, Indonesia and Malaysia have claimed territorial waters in the straits. Conversely, Singapore prefers the straits to remain as international straits. ASEAN, however, prefers to solve regional security issues

without foreign intervention or interference. Therefore, Indonesia has considered the security in the Malacca Straits better served by regional maritime security cooperation, instead of involving foreign powers in the straits.

Chapter IV demonstrates that Indonesia's sensitivity about its sovereignty in the Malacca Straits has played a significant role in rejecting the RMSI and the ReCAAP, and limiting the MALSINDO and EiS. In summary, this thesis finds the following: first, regarding international efforts to enhance the security cooperation in the straits, Indonesia's sensitivity and its wariness of internationalizing the straits remains a big challenge for the extraregional states' security initiatives in securing the Malacca Straits; second, regarding the regional cooperation in the straits, even though Indonesia prefers regional cooperation, it would still limit its cooperation when dealing with the sovereignty issue; and third, regarding the security cooperation with extraregional powers, Indonesia prefers bilateral security cooperation framework in securing the straits.

This thesis has stated that Indonesia's policy toward multilateral cooperation in the Malacca Straits has been limited by its sovereignty concern. Therefore, to strengthen and enhance the security cooperation in the straits, between Indonesia, littoral states, and the user states, all stakeholders, this thesis proposes following recommendations:

- The user states, like the United States and Japan and other major maritime powers, could play an important role to improve littoral states' capacity and capability through better coordination. They can support Indonesia by providing communication, surveillance, and interdiction capabilities by aid, finance, and training.
- The user states also could improve maritime security in the Malacca Straits by helping the Indonesian government to improve its governance capacities and support its economic growth against poverty, which is the root cause of piracy and armed robbery in the Malacca Straits.
- The littoral states could increase the level of cooperation among their law enforcement forces in the Malacca Straits by conducting more frequent patrols in problematic areas, and enhance information and intelligence sharing among these countries.
- Indonesia could increase its capacity and capability in securing the straits. This will be possible if the Indonesian government commits in enhancing its Maritime Domain Awareness, especially in the Malacca Straits.
- There is a lack of research on how to enhance multilateral cooperation against piracy and armed robbery in the Malacca Straits that involve all stakeholders, without hampering Indonesia's sovereignty in the straits.

Therefore, this thesis suggests further research on possible multilateral cooperation in the straits, especially the one that has a direct impact to suppress the root cause of piracy along the Malacca Straits—poverty.

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