

## **A statement on the South China Sea ruling**



### **Indonesia foreign policy experts outline concern relating to the UNCLOS Tribunal ruling.**

We, the undersigned, are analysts, academics, journalists, and practitioners of foreign policy and international relations. In our various professional capacities and activities, we have engaged in the conduct of, as well as studied, taught about, and reported on Indonesia's foreign policy.

We represent the broader strategic community who believe in an independent and active foreign policy in service of our national interests, including the preservation of a rules-based order and stability in Southeast Asia, the peaceful resolution of disputes based on international law, the maintenance of strategic autonomy from external intervention, and the centrality of ASEAN in constructing an inclusive regional architecture capable of expanding our common prosperity and security.

As such, we have been keenly observing the 12 July 2016 ruling by an Arbitral Tribunal convened under Annex VII of the UN Convention on the Law of the Sea (UNCLOS) (with the Permanent Court of Arbitration serving as a registry).

The Tribunal ruled in favour of the majority of the Philippines' 15 legal complaints submitted against China in 2013.

We take further notice of the Indonesian foreign ministry's statement following the ruling, which calls on all parties to exercise restraint, refrain from escalating regional tension, and respect international law. The ministry also asks all parties to continue the common commitment to maintain peace and stability based on mutually agreed upon principles and that Indonesia seeks a peaceful, free, and neutral zone in Southeast Asia to strengthen the ASEAN political and security community. Finally, it requests all claimant states to continue peaceful negotiations over the overlapping sovereignty claims in the South China Sea.

However, given China's defiance and dismissal of the Tribunal's proceedings and verdict, we felt compelled to issue the following statements:

1. The Tribunal's ruling is a progressive step for a community of nations that cherishes the rules and principles of international law. We firmly welcome and support the ruling's clarifications of various aspects of UNCLOS that serve as the foundation for the peaceful resolution of disputes and the management of tensions in the South China Sea. We further note the ruling's affirmation of Indonesia's long-held position that the 'nine-dash line' (and the callous use of "historic rights" to assert maritime claims) is tantamount to upset the 1982 UNCLOS.

2. We express our concern over various statements made by Chinese officials implying that the ruling is somehow tainted, null, or void and that it is willing to consider declaring an Air Defense Identification Zone for the South China Sea. It is our view that dismissing international law--specifically the 1982 UNCLOS and its proceedings--while defiantly raising regional tension is not the kind of responsible behaviour we have come to expect from Indonesia's strategic partner and a respectable member of our regional community.

3. We would like to remind all parties of the importance of ASEAN and its institutions, particularly the Treaty of Amity and Cooperation (TAC) in Southeast Asia renouncing the threat or use of force, of which all ASEAN members and their partners, including China and the United States, are signatory parties. The TAC has been one of the strategic foundations for all other regional instruments of managing peace and stability in the region, including the ongoing ASEAN-China framework of completing a legally-binding Code of Conduct (CoC) based on the 2002 Declaration on the Conduct of Parties in the South China Sea (DoC).

4. We are cognisant of ASEAN's dimming lights and growing marginalisation in managing the tension in the South China Sea, which may worsen as the Tribunal's ruling could inspire less, not more, confidence in the grouping's centrality. Recent media reports that China has been pressuring ASEAN states to thwart a common regional position has not helped as well. We remain confident, however, in the assessment that, over the long run, ASEAN and its institutions represent the best regional framework to sustain and deepen the strategic space required to peacefully manage

tensions as a prerequisite to any peaceful negotiations.

5. It is our opinion that a reinvigorated Indonesian leadership is the key to ASEAN's revived centrality in managing the South China Sea. As such, while we support the general sentiment of maintaining peace behind the Indonesian foreign ministry's response to the ruling, we would like to call on President Joko Widodo to fully support and mobilise the entire foreign policy establishment to play a more proactive, consistent, and productive leadership in ASEAN's management of the South China Sea issue. As the region continues to undergo a period of strategic flux, especially after the Tribunal's ruling, there is no better time for Indonesia to demonstrate its commitment to a rules-based order and an ASEAN-led regional architecture.

6. Reinvigorating Indonesia's leadership in ASEAN's management of the South China Sea is consistent with and will strengthen President Widodo's Global Maritime Fulcrum vision. We therefore recommend that the government consider immediate, practical, and pro-active steps to that effect. Any practical steps to revive ASEAN's centrality, however, cannot be taken in the absence of a genuine commitment by all parties to demonstrate restraint and reduce tension in light of the Tribunal's ruling.

7. Indonesia therefore needs to make clear that its strategic partnership with China--as well as the overall ASEAN-China relationship--should not be engulfed and defined solely by the South China Sea. Additionally, Indonesia should offer and consider new practical cooperation activities between ASEAN and China in the areas of maritime security and law enforcement, safety at sea, and the protection of regional marine resources and ecosystems.

We should not forget that an 'independent and active' foreign policy does not give Indonesia a free pass to watch a strategic turmoil unfolding in its environment from the sidelines. In fact, the 'active' component in our *bebas aktif* doctrine requires us to take the leadership mantle and contribute to regional peace.

It is our sincere hope and expectation that the Indonesian government take that requirement into account seriously with regards to the South China Sea.

Jakarta, 25 July 2016

***Initial signatories***

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*\*Other observers, academics, or practitioners of Indonesian foreign policy can sign the letter [here](#).*