

BLUE SECURITY

A MARITIME AFFAIRS SERIES

Avoiding “Navigation” as an Issue that Shipwrecks Indonesia’s
Relationships with the Status Quo Sea Powers

John Bradford & Aristyo Darmawan





BLUE SECURITY

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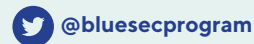
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EXECUTIVE SUMMARY

Indonesia is a tremendously important maritime state and a highly sought-after international partner. While Indonesia is eager to develop partnerships with the international community to help it reach its maritime potential, divergent interpretations of UNCLOS and conflicting priorities between Indonesia and status quo sea powers such as Australia and the United States may limit prospects for cooperation. These difference could even lead to conflict. They are deeply rooted in matters of national history, strategic culture and identity. They have flared into crisis in the past. While these international divergences have been successfully managed in recent years, a range of factors will likely make successful future management increasingly difficult. Policymakers and diplomats must understand the nuanced issues or else they are increasingly likely to inadvertently steer bilateral relationships into dangerous waters. This report documents those differences and the increasing challenges, and it suggests avenues to prevent these tension points from interfering with the positive trajectories of cooperation between Indonesia and states seeking to preserve regional maritime order, particularly Australia and the United States.

One of the areas of greatest divergence relates to freedom of navigation. Long before the establishment of UNCLOS, Indonesia's 'Archipelagic Outlook' (*Wawasan Nusantara*)—which asserts that the sovereign state encompasses both land and sea territories—has regularly come into conflict with Western customary legal norms. Indonesian UNCLOS negotiators under the leadership of Professor Mochtar Kusumaatmadja and Ambassador Hashim Djalal secured a new basis for this outlook under international law, cementing waters within archipelagic baselines as archipelagic waters under the full sovereignty of Indonesia. *Wawasan Nusantara* is now a matter of Indonesia's legal bedrock and national identity.

The major maritime states, including Australia and the United States, have consistently acknowledged and continually supported Indonesia's archipelagic status. However, differing interpretations of specific elements of

those rights are a point of divergence. Historically, those diverging views have created serious diplomatic frictions, escalating to crises in 1964, 1988 and 2003. Since then, these differences have been managed at the technical level (typically between naval officers) and generally isolated from broader international relationships. Now, emerging developments are creating conditions where friction points are increasingly likely to become politicised and jeopardise the generally positive trajectories of Indonesia's relationship with the status quo sea power states. These development include improvements to Indonesia's maritime domain awareness, Indonesia's growing anti-access/area denial (A2/AD) capabilities, the proliferation of unmanned vessels, and Indonesia's strategic reorientation toward the maritime domain.

This report explores the historical and strategic nature of the differences between Indonesia and the major maritime states, focusing on their differing views on freedom of navigation in archipelagic waters. It describes three historic cases where these divergences have flared to become diplomatic incidents, and it examines points of friction that could adversely impact Indonesia's future relationships with status quo sea powers. It concludes with recommendations to the latter such that they may preserve their interests and advance cooperation with Indonesia while avoiding the elements of "navigation" issues that could otherwise shipwreck those relationships.



INTRODUCTION

Indonesia is a tremendously important maritime state and a highly sought-after international partner. Strategically located at the crossroads of the Indo-Pacific, it is the world's largest archipelagic nation, whether one measures this by total area (nearly 10 million km², including EEZ), sea area (nearly 8 million km²), population (over 275 million people), or number of islands (around 18,000).¹ According to Indonesia's National Maritime Security Agency (Badan Keamanan Laut or BAKAMLA), over 20,000 ships transit Indonesia's archipelagic waters each day.² Many of these are international commercial vessels plying the strategic straits that pass through Indonesia connecting the Indian and Pacific Oceans. Of these, the Strait of Malacca (bounded by Indonesian islands to the west and south and by Malaysia and Singapore to the east and north) is the most important, with more than 6,000 ships transiting each month.³ The deep-water passages via the Sunda Strait and Lombok Strait, both entirely within the Indonesian archipelago, are also of tremendous importance to global trade, with approximately 4,350 and 3,000 ships transiting per month, respectively (See Figure 1).⁴

Since the birth of their nation, Indonesians have understood the sea lanes that crisscross their archipelago as fundamental elements of their nation-state. These waterways are also essential to national development strategies and critical economic assets for the international community. They are also sources of Indonesian national insecurity as they have been used as avenues for foreign military forces to penetrate the archipelago, and they represent critical geography that major powers would struggle to control in a military or economic conflict. Therefore, political, legal, and social issues related to accessing these sea lanes are matters at the heart of Indonesia's national identity, security strategy, diplomatic agenda and economic policy. Thus, questions related to the navigation rights and freedoms of foreign vessels within the archipelago have long been vanguard issues of Indonesia's foreign policy.

These questions have created opportunities for international cooperation as well as friction (even conflict), especially with maritime powers. This paper unpacks those issues so policymakers and diplomats can understand their context and the new risks on the horizon. It is particularly oriented toward opportunities and tension between Indonesia and the status quo sea powers, a term used in this paper to refer to states that hold sufficient maritime power to influence geo-political events in Southeast Asia and are committed to maintaining (rather than disrupting) regional maritime order.

This policy analysis explains that Indonesia's political, diplomatic, and legal stances regarding foreign vessel operations in its archipelagic waters have been a longstanding area of divergence with other states, especially the maritime powers. While these longstanding divergences have led to significant tensions in the past, in the post-Cold War era the differences have been handled primarily at the technical level, and thereby have been isolated from the broader trajectories of Indonesia's international relationships.

However, recent developments are elevating the risk that divergences related to navigation rights and freedoms could become meaningful diplomatic issues that impede cooperation between Indonesia and the status quo sea powers. Such rifts would have serious consequences for the bilateral relationship with an important partner and immediate negative impacts on the regional maritime order. Deep understanding of the context and historical cases will be necessary to preserve interest while avoiding such consequences.

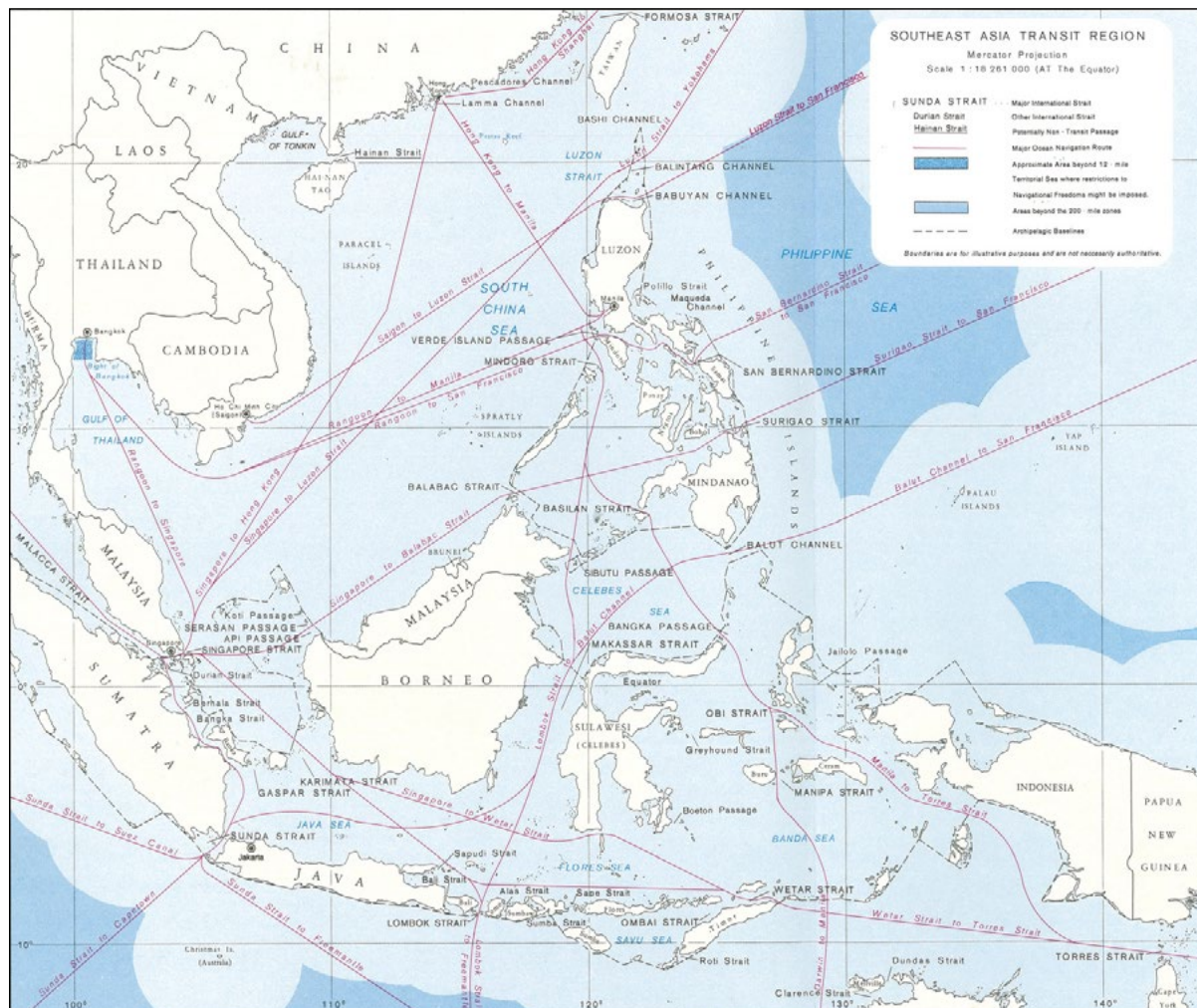


Figure 1. Major Navigation Route in Southeast Asia

Source: Lewis, Alexander M. (2016). *Navigational Restrictions within the new LOS context: Geographical Implications for the United States* (edited by J. A. Roach) (Vol. 16). BRILL (p. 158).

The first section of this article provides a historical, policy, and legal overview of Indonesia's stance on navigation rights and privileges, as well as the national *Wawasan Nusantara* ('Archipelagic Outlook'). The second section describes how the views of two specific sea powers—the United States (US) and Australia—contrast with Indonesia's positions on navigation rights within the archipelago. These two states were selected because they have several things in common. During the Cold War, Australia and the US were among the leading states raising diplomatic challenges to Indonesia's positions. They also stand in contrast with prominent sea powers that support a reordering of the system.⁵ The third section discusses the histories of three episodes when the divergences between Indonesia's positions on navigation rights within the archipelago created meaningful tension points with the sea powers. These are the 1964 Sunda Strait Crisis, when

Indonesia successfully denied British naval vessels access to archipelagic sealanes; the 1998 closure of the Sunda and Lombok Straits to commercial traffic; and the 2003 Bawean Incident, where Indonesian fighters confronted US Navy carrier-based aircraft flying over the Java Sea. The fourth section analyses the recent developments that are likely to make diplomatic tensions related to navigation rights within the archipelago more difficult to manage at the technical level. The specific developments explored are the improvements to Indonesia's maritime domain awareness, Indonesia's growing anti-access/area denial (A2/AD) capabilities, the proliferation of unmanned vessels, and Indonesia's maritime reorientation. The paper concludes with practical policy recommendations for powers to respect these divergences while expanding engagement with Indonesia as a part of their strategies to preserve maritime order.

INDONESIA'S 'ARCHIPELAGIC OUTLOOK' AND STANCE REGARDING NAVIGATION RIGHTS IN ARCHIPELAGIC WATERS

The declaration of Indonesian independence in 1945 was a significant milestone in global maritime history. It marked the end of hundreds of years of colonial rule over thousands of islands and the birth of a new state. This declaration also ignited a crucial deliberation among the nation's early leaders regarding the territorial limits of the newly independent Indonesia. While matters of maritime jurisdiction were hardly discussed at the nation's initial formation, by the 1950s its territorial boundaries, particularly in the maritime domain, had become a matter of consequence to national security and Indonesian identity.⁶

As a postcolonial nation, Indonesia adheres to the principles of *uti possidetis juris*.⁷ These dictate that a newly independent nation's territories are the same as those previously controlled by their colonizers. In this case, the Dutch had controlled the Netherlands East Indies, along with a sea area limited to three miles from each island's coast.⁸ This restriction was shaped by Hugo Grotius' *mare liberum* doctrine, which argued that no state was entitled to claim possession of the sea.⁹ Based on these legal fundamentals, much of the waterspace within the Indonesian archipelago was recognized and international waters open to the free passage by foreign vessels, including naval ships.¹⁰

Jakarta's inability to control and regulate the passage of foreign vessels was problematic given the political instability, both domestic and international, that Indonesia experienced during the early years of its independence. The Indonesian foreign ministry officially assessed that the "pockets of open seas amongst the Indonesian island posed a grave danger to the security and territorial integrity of Indonesia".¹¹ One of the most contentious



issues was the status of West Irian Province (now known as West Papua), which remained under Dutch occupation. Indonesian efforts to assert its sovereignty were stymied by Dutch warships patrolling international waters within the Indonesian archipelago.¹²

In 1957 the Prime Minister of Indonesia, Djuanda Kartawidjaja, decided to address these concerns by establishing measures to foster total control over the waters surrounding and within the archipelago. Subsequently, Chaerul Saleh, the Minister for Veterans Affairs, asked Mochtar Kusumaatmadja (a recent graduate from Yale Law School) to establish a legal foundation for Indonesia to gain sovereignty over these waters. Initially, Mochtar argued that closing off the waters surrounding the archipelago would violate international law, but Saleh urged Mochtar to adopt an innovative approach to influence international legal standards and safeguard the national security interests of Indonesia.¹³

After significant research and analysis, Mochtar posited that Indonesia could draw a straight baseline connecting the outermost point of the outermost islands of the archipelago. This approach gave the nation an opportunity to unilaterally assert that the waters enclosed in the archipelago would be classified as internal waters where Indonesia would enjoy full sovereignty.¹⁴ By adopting this concept, Indonesia could assert that its territory comprised not only the land, but also the surrounding waters as a single, unified entity. This declaration empowered Indonesia to prohibit foreign military vessels from entering its archipelagic waters. Mochtar derived the conceptual inspiration from the precedent set by the International Court of Justice (ICJ) in the *Anglo-Norwegian Fisheries Case* (United Kingdom v. Norway),¹⁵ where the tribunal decided that Norway may draw a straight baseline connecting Norwegian coastal islands.¹⁶

Building upon Mochtar's legal argument, Prime Minister Djuanda introduced the Djuanda Declaration on December 13, 1957. This asserted that Indonesia holds full sovereignty over the waters surrounding and within the archipelago (see Figure 2). As a result, these waters were no longer considered international waters but an integral component of the national territorial domain. The declaration triggered intense opposition from the international community, particularly from leading sea power states such as the United States, United Kingdom, and Australia—countries Kusumaatmadja referred to as “the big boys”—which contended the action contravened international law governing the freedom of navigation.¹⁷ Regardless, Indonesia proceeded to enact national legislation to formalise the declaration in its domestic legal framework. In 1960, 12nm point-to-point baselines were enacted into national law.¹⁸ In 1962, laws were passed stipulating that foreign ships would be provided with the right of “innocent passage” through the archipelago so long as they did not pose a threat to Indonesia's security, public order, or interests, and granting the president the right to temporarily close foreign access to Indonesian waters.¹⁹ This idea that the innocent passage regime had to align with Indonesia's national interest and could be suspended by executive decisions became entrenched in Indonesian strategic thinking.

The archipelagic concept under the Djuanda Declaration extends beyond being merely a geographical concept or legal principle. It now underpins the national vision known as the *Wawasan Nusantara* or Archipelagic Outlook. This vision conceptualizes Indonesia as a united geographic entity that consists of all the waters, land, and airspace within and immediately surrounding the archipelago. It has become a cornerstone of Indonesia's ideology, politics, economy, socio-cultural outlook, and security strategies. The *Wawasan Nusantara* has solidified as a matter of national identity at the core of its strategic culture.²⁰

THE DJUANDA DECLARATION OF 1957

CONCERNING THE WATER AREAS OF INDONESIA, 13 DECEMBER 1957

The Cabinet, in its session of Friday 13 December 1957, discussed the problem of the water of areas of the Republic of Indonesia.

The geographical composition of Indonesia as an archipelago consisting of thousands of islands has its own particular characteristics.

For the purposes of territorial unity, and in order to protect the resources of Indonesia, all islands and the seas in between must be regarded as one unit.

The delimitation of the territorial sea as laid down in the “Territorial Sea and Maritime Districts Ordinance of 1939” (Official Gazette, 1939, no. 442, Art. 1, par.1) is no longer in accordance with the above-mentioned considerations (as it divides the land territory of Indonesia into separate sections, each with its own territorial waters).

On the basis of these considerations, the Government declares that all waters, surrounding, between and connecting the islands constituting the Indonesian state, regardless of their extension or 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. Innocent passage of foreign ships in these internal waters is granted as long as it is not prejudicial to or violates the sovereignty and security of Indonesia.

The delimitation of the territorial sea (the breadth of which is 12 miles) is measured from baselines connecting the outermost points of the islands of Indonesia.

The above-mentioned provisions will be enacted as soon as possible. This Government position will be maintained at the International Conference on the Law of the Sea which will be held in Geneva in February 1958.

Figure 2: The Djuanda Declaration

INDONESIA AND THE UNCLOS NEGOTIATIONS

Indonesia's pursuit of recognition as an archipelagic state endured decades of negotiations during the UNCLOS. During this protracted diplomatic process, Indonesia was represented by highly esteemed individuals from the Ministry of Foreign Affairs, including figures such as Mochtar Kusumaatmadja, Ambassador Hasjim Djalal, and Ambassador Nugroho Wisnumurti. In addition to Foreign Ministry officials, the nation's delegation also included representatives from the Navy Committee on Coordination of National Defense and Security of the Territory (PANKORWILNAS). Their primary objective was to secure recognition of Indonesia as an archipelagic state under international law. The proposition laid out by Indonesia faced various formidable challenges. As a vast archipelagic nation that is strategically situated along crucial trade and naval routes, the prospect of restricting international navigation through Indonesian waters conflicted directly with the interests of the major sea powers. As a part of its counterweight negotiation strategy, Indonesia positioned itself as part of the G77, a group comprised primarily of newly independent states that pressed to establish an international legal framework for ocean governance addressing the aspirations of developing nations.²¹ However, counterbalancing would not be enough; success required the crucial and arduous task of securing recognition and backing from major sea powers, the most important of which was the United States.

As a prominent maritime power with a strategic posture reliant on naval mobility, the United States pursued assurances that recognising Indonesia as an archipelagic state under UNCLOS should not hinder its interests in terms of freedom of navigation.²² Recognising the need for reciprocity to negotiate recognition of sovereignty over its archipelagic waters, Indonesia expressed willingness to safeguard navigational rights throughout the nation. Despite this concession, the specifics were left vague enough to enable varied interpretations, and the process of determining the regulatory framework for navigational regimes in archipelago waters remained a point of contention between Indonesia and the United States.

Several critical issues emerged as the focal points of negotiation between Indonesia and the United States, particularly concerning the regulation of archipelagic sea lane passages. One of these issues revolved around whether or not a distinction should exist between passage rights for commercial vessels and naval warships. Initially, Indonesia was hesitant to permit foreign naval navigation in archipelago waters; hence, its delegation advocated for distinct regulatory regimes governing the two types of passage. The United States rejected any differentiation in this situation, asserting that both commercial and military vessels should enjoy equal rights of passage in archipelagic waters without discrimination. Another contentious issue arose regarding whether Indonesia could require prior notification for passage through archipelagic sea lanes. This further complicated negotiations with the United States. The United Kingdom, Australia, the Netherlands, France, and New Zealand echoed these objections.²³

After three conferences, UNCLOS was finally adopted in 1982. Indonesia's prolonged struggle resulted in its recognition as an archipelagic state under Part IV of UNCLOS. Article 49 (1) of UNCLOS explicitly states that "the sovereignty of an archipelagic State extends to the waters enclosed by the archipelagic baselines". With this acknowledgement, Indonesia now held sovereignty over not only the islands, but also the waters within the baselines surrounding the archipelago. The Wawasan Nusantara now constituted a unified national entity recognised under international law.



REGULATIONS ON NAVIGATIONAL RIGHTS IN ARCHIPELAGIC WATERS

Part IV of UNCLOS outlines two navigational rights in archipelagic waters, which are the innocent passage (Article 52) and archipelagic sea lanes passage (Article 53). Article 52 mandates the application of the innocent passage regime in all areas of archipelago waters outside the designated archipelagic sea lanes. Meanwhile, Article 53 allows archipelagic states to designate sea lanes and air routes suitable for the continuous and expeditious passage of foreign ships and aircraft through or over archipelagic waters and adjacent territorial seas. These sea lanes comprise all customary passage routes used for international navigation or overflight through or over archipelago waters (Article 53(4)). However, Article 53(12) stipulates that in the absence of designated sea lanes or air routes, the right of archipelagic sea lanes passage may be exercised through routes typically used for international navigation.²⁴ When considering this article, the lack of specific guidance on what constitutes a “route normally used for international navigation” presents a significant challenge and ambiguity in implementation.

To address these ambiguities, Indonesia has implemented domestic regulations governing passage through archipelagic waters. In 2002, Presidential regulations designated archipelagic sea lanes running from north-south (see Figure 3).²⁵ However, the International Maritime Organization (IMO) determined these should be considered a partial designation; they did not comprise all passage routes used for international navigation or overflight, because Indonesia did not designate the east-west passage throughout the archipelago (which remains the case today).²⁶ On account of this partial designation, vessels retain the ability to navigate through Indonesian archipelagic waters using routes typically used for international navigation, as mentioned under Article 53 (12) of UNCLOS. In this context, the absence of clear regulations defining “routes normally used for international navigation” poses a significant challenge, as different countries may interpret and designate these routes differently, leading to potential discrepancies.



Moreover, the legal regime governing the routes remains unclear: should it follow the innocent passage regime or the archipelagic sea lanes regime? The uncertainty in this situation revolves around whether the routes fall under the archipelagic sea lanes passage regime (which also extends to aircraft passages above the sea lanes) or are subject to the innocent passage regime, a concept applicable only to vessels (see Table 2). As Indonesian domestic regulations do not explicitly address the term “routes normally used for international navigation”, it is not clear to other countries whether ships should follow the innocent passage regime or the archipelagic sea lanes regime (see Table 1). Rather, Indonesia’s regulations stipulate that outside the designated archipelagic sea lanes, foreign vessels should use the innocent passage regime when navigating through Indonesian archipelago waters, excluding aircraft passage routes. This gap in regulation has led to differing interpretations between Indonesia and the major sea powers, and has complicated navigational issues in Indonesian archipelagic waters (see Figure 1 and 3 for comparison).

The second issue pertains to whether Indonesia has the authority to require prior notification for foreign aircraft intending to use archipelagic sea lanes (see Table 1). This matter was a significant source of contention between the nation and the United States during UNCLOS negotiations, resulting in UNCLOS not providing specific regulations on the matter. Concerning this issue, Article 53(2) of UNCLOS merely stipulated that all ships and aircraft have the right to archipelagic sea lanes passage and air routes (see Table 2). In 2018, Indonesia introduced new Government Regulation Number 4 on Airspace Security. Article 19(3) of these regulations stipulated that foreign aircrafts wishing to exercise archipelagic sea lanes passages shall notify both the Indonesian Foreign Ministry and the Chief of Indonesian Armed Forces. This regulation prompted an informal protest from the United States. The American challenge arose primarily because the United States maintains a stance that an archipelagic state is not authorised to require prior notification or clearance for vessels and aircraft passing through archipelagic sea lanes.

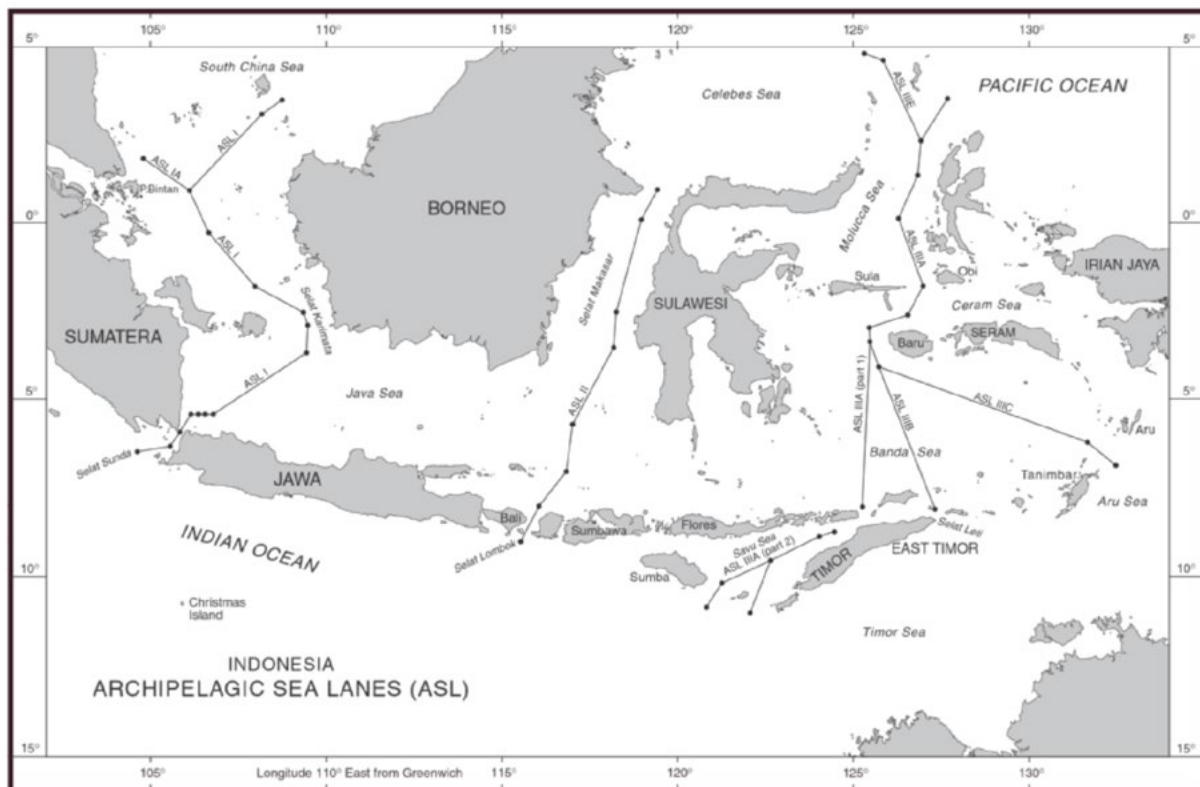


Figure 3. Indonesia Designated Archipelagic Sea Lanes

Source: Adrian J. Halliwell, *How “One of Those Days” Developed – Indonesian Archipelagic Sea Lanes and The Charting Issues*. Available at https://legacy.ihonmtg_docs.com_wg/ABLOS/ABLOS_Conf3/PAPER7-1.PDF

Table 1. Gaps between Indonesia's regulation on Archipelagic Sea Lanes and UNCLOS

	UN Convention on the Law of the Sea	Indonesian Regulation no 37 Year 2002 on Archipelagic Sea Lanes Passage
Innocent Passage	Article 52 (1) Subject to article 53 and without prejudice to article 50, ships of all States enjoy the right of innocent passage through archipelagic waters, in accordance with Part II, section 3.	Article 13 The provisions in this Government Regulation do not reduce the ship's rights foreigners to carry out innocent passage in archipelagic sea lanes.
Archipelagic Sea Lanes	Article 53 (12) If an archipelagic State does not designate sea lanes or air routes, the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation.	Article 3(2) Pursuant to this regulation, to exercise the right of archipelagic sea lane passage in other parts of Indonesian waters can be conducted after such a sea lane has been designated in those waters for the purpose of this transit. Article 15 Six months after this Government Regulation comes into force, ships and or foreign aircraft can exercise the Right of Sea Lane Passage Islands only through archipelagic sea lanes as stipulated in this Government Regulation.

Table 2. Navigation Rights under UNCLOS²⁷

	Archipelagic Sea-Lanes Passage	Innocent Passage	Transit Passage
Article	Article 53	Articles 17-26 and 52	Article 37-44
Definition	Archipelagic sea-lanes passage means the exercise under this Convention of the rights of navigation and overflight in the normal mode solely for continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. (Article 53 (3))	The passage is innocent as long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law. Innocent passage means navigation through the territorial sea: <ol style="list-style-type: none"> Traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or Proceeding to or from internal waters or a call at such roadstead or port facility. 	Transit passage means the exercise by this Part of the freedom of navigation and overflight solely for continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. (Article 37)
Geographical scope	Within archipelagic waters in designated ASLs and, where ASLs are not designated – routes normally used for international navigation (Article 53)	In all areas of the Territorial Sea of a coastal state as long as the passage shall be continuous and expeditious, Except for those areas where transit passage applies and Archipelagic waters.	Within straits used for International navigation, and between one part of the high seas and EEZ and another part of the high seas and EEZ (Article 37)
Possibility for suspension	An archipelagic State may, when circumstances require, after giving due publicity thereto, substitute other sea lanes or traffic separation schemes for any sea lanes or traffic separation schemes previously designated or prescribed by it (Article 53 (7))	The archipelagic State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its archipelagic waters the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published. (Article 52 (2))	States bordering straits shall not hamper transit passage and shall give appropriate publicity to any danger to navigation or overflight within or over the strait of which they have knowledge. There shall be no suspension of transit passage. (Article 44)
Applicable to	Both vessels and aircraft (Article 53 (2))	Only vessels	Both vessels and aircraft (Article 38)

DIVERGING VIEWS OF INDONESIA AND THE STATUS QUO SEA POWERS

UNITED STATES

Although the United States has not ratified UNCLOS, it has consistently adopted policies to affirm and adhere to the treaty's contents. This includes affirming Indonesia's status as an archipelagic state. On this specific issue, a signed and ratified 1988 tax agreement between the United States and Indonesia includes language confirming American acknowledgement of Indonesia's archipelagic status and Indonesia's recognition of the rights of passage through archipelagic waters and straits in accordance with Part IV of Indonesia's Convention.²⁸ However, interpretations regarding the specific elements of those rights remain a point of US-Indonesia divergence.

The United States tends to take maximalist stances regarding the options for navigation within the archipelago, while Indonesia takes more restrictive positions that favour archipelagic and coastal states. The clearest example of this relates to archipelagic sea lanes. When, in 1996, Indonesia proposed only three north-south (and no east-west) lanes to the International Maritime Organization (IMO), the US (along with Australia, the UK, Japan and others) protested that these were insufficient.

In 1998, the three lanes were approved by the IMO but marked as a 'partial designation', thereby enabling states to conduct archipelagic sea lanes transits along any route used by international navigation. Thus, the US specifically instructs its military commanders that the United States "retains the right to exercise archipelagic sea lanes passage through all normal routes used for international navigation and overflight through other parts of the archipelago".²⁹ It does not, however, define those "normal routes", giving ship captains broad latitude.

There are also diverging interpretations of what activities warships may conduct during archipelagic sea lane passage. The American maximalist view allows for its aircraft to fly outside the designated archipelagic sea lane which the US considered to be the route normally used for international navigation, as part of their duties (such as surveillance and force protection activities), as these are considered their "normal mode" of operations.³⁰ These activities do not sit well with Indonesia, which views them as a challenge to national sovereignty.

AUSTRALIA

As Indonesia's close neighbour, Australia has significant national interests related to many aspects of Indonesia's establishment as an archipelagic state. The most important of these concerns pertains to navigation, as the international waters that transformed into archipelagic waters encompass the primary routes connecting Australia to Asia. Furthermore, as a maritime state, Australia has a vested interest in securing freedom of navigation for its military and commercial activities.³¹ Thus, Australia was among the major maritime states that protested the Djuanda Declaration and expressed concerns during the UNCLOS negotiations regarding archipelagic status.

Concerning Indonesia's partially designated archipelagic sea lanes, Australia asserts its rights to use routes normally used for international navigation routes. This is to secure the navigation of Australia's vessels through the archipelago, so that Royal Australian Navy (RAN) ships can be deployed quickly to support Australia's partners in Asia.³² However, unlike the United States,³³ Australia has not openly challenged Indonesia's partially designated archipelagic sea lanes through a formalized initiative like the US Freedom of Navigation Program (FONOPS).³⁴

With the recent development of Australia's nuclear-powered submarine project with the United States and the United Kingdom under the trilateral AUKUS arrangement, the passage of submarines through Indonesian archipelagic waters has reemerged as a matter of active diplomatic discussions. When Australia first announced its AUKUS submarine deal, Indonesia's response was mostly critical. While a review of Indonesia's Foreign Ministry statements shows that Indonesia's most strongly expressed concern was that AUKUS projects could trigger a regional arms race,³⁵ members of the Indonesian parliament also raised concerns about whether AUKUS submarines would enjoy passage rights through the Indonesian archipelagic waters. They argued that Indonesia should not allow any submarines to pass through its archipelagic waters, as the boats are not meant for peaceful purposes.³⁶ However, Australian officials noted that UNCLOS clearly regulates the passage of submarines through archipelagic waters.³⁷ When exercising innocent passage, submarines are required to surface and show their flag.³⁸ When following the archipelagic sea lane passage regime, a submarine may transit submerged, while during innocent passage outside the designated archipelagic sea lanes it must surface. In both cases, the passage must be continuous and expeditious. Despite these differences, a lack of a unified view from Jakarta enabled Australia to press ahead with its national priorities while assuaging some of Indonesia's concerns and successfully advancing its defence relationship with Indonesia.



HISTORIC TENSION POINTS BETWEEN INDONESIA AND SEA POWERS RELATED TO NAVIGATION RIGHTS

1964 SUNDA STRAIT CRISIS

On August 27, 1964, amid the ‘Confrontation’ between Indonesia and Malaysia, British leadership tasked the aircraft carrier HMS *Victorious* and two accompanying destroyers to navigate from Singapore to Perth via the Sunda Strait. Two days before the scheduled transit, the British naval attaché in Jakarta provided notification about the carrier’s planned route via a telephone call, but he did not mention its two accompanying destroyers. The Indonesian Foreign Ministry felt dissatisfied with the casual manner of the notification, and on September 2, 1964, it summoned the Australian Ambassador in Jakarta to convey a decision to prohibit the warships from using the Sunda Strait for the return journey to Singapore. Basing its position on the Djuanda Declaration and Law No. 4 of 1960 on Indonesian Waters, Indonesia asserted that the Sunda Strait fell under its full sovereignty and it had the right to curtail such passage. Indonesia warned that if HMS *Victorious* insisted on sailing through the strait, the transit might elicit a forceful response.

Initially, the British remained adamant that HMS *Victorious* should proceed with its planned passage through Sunda Strait when returning to Singapore. Already engaged in an intense diplomatic battle with Malaysia, Indonesian

President Soekarno perceived the Indonesian denial of passage to a British warship through the Sunda Strait as a matter of national prestige. Thus, Indonesia held firm and prepared for the escalations that might ensue. War appeared increasingly likely until, after extensive deliberations and a series of carefully considered meetings, the two sides agreed to a compromise which avoided further escalations by enabling *Victorious* to return via the Lombok Strait.³⁹ The carrier reached its destination, but Indonesia had de facto denied access to the preferred navigation route.

The 1964 Sunda Strait crisis illustrates how issues related to the navigation of military units through the Indonesian archipelago can become highly politicalised during times of conflict or great tension, such as the current competitive era. In this case, the dispute nearly escalated to military conflict. Today, Indonesia’s positions regarding its sovereign rights over the sea lanes are essentially unchanged and it is easy to imagine scenarios that would invoke similar politicisation, especially among elected leaders seeking to court favour with populist stances. However, there has been one important change since 1964. At that time, the Indonesian position was based on domestic law and policy pronouncements. Today, the situation is governed by UNCLOS.



1988 CLOSURE OF LOMBOK AND SUNDA STRAITS

In 1985, Indonesia ratified UNCLOS by Law No 17/1985. While UNCLOS would not come into force until 1994, the validity of Indonesia's archipelagic states as well as the innocent passage, transit passage, and archipelagic sea lanes passage regimes were now essentially acknowledged by the international community. Yet, contrary to the predominant view, Indonesian leaders retained the perspective that their national security interests could provide sufficient rationale to suspend access to its archipelagic sea lanes. This divergence was tested from 5 September to 5 October 1988, when the Indonesian Armed Forces (ABRI) announced the closure of both the Sunda and Lombok straits by declaring the activation of an extended Air/Sea Tactical Exercise Activity.⁴⁰ ABRI's announcement led to a significant protest from the sea powers, particularly Australia, which considered passage through the Sunda and Lombok straits to be of critical national interest. The international debate focused on whether or not Indonesia possessed the right, under UNCLOS, to unilaterally close these straits.⁴¹

The actual specific reasoning behind the closure remains a historical mystery. The Indonesian foreign affairs ministry refrained from clarifying, while President Suharto claimed no knowledge of the decisions as they were merely a matter of military training. Few believe that was

a simple case of ABRI seeking to conduct exercises and disregarding international law. On the contrary, many analysts assume that Indonesia was deliberately attempting to set a precedent for closing the straits and testing the sea powers' commitment to enforcing their views. If so, it was partially effective, in that the sea powers did little more than file diplomatic protests. Others point to the contemporary trade negotiations between Indonesia and OPEC, and Indonesia and Japan. Closing the straits offered an opportunity to put pressure on both. Yet, all these hypotheses remain unproven. What is more important is that Indonesia's legal stance on the matter has not changed since these actions and the operation is remembered as having been successfully implemented, so Indonesia continues to regard such closures as a viable option for dealing with international challenges.

2003 BAWEAN INCIDENT

The Bawean Incident of 2003 unfolded when Indonesian authorities received information that the American aircraft carrier USS *Carl Vinson* was manoeuvring in the Java Sea. When military surveillance systems showed the carrier launching five fighters, the Indonesian Air Force scrambled F-16 fighters to intercept. According to media reports, the aerial standoff that ensued escalated to the point that both sides manoeuvred into attack positions and the American F/A-18s achieved fire control 'radar locks' on the Indonesian fighters.⁴² Fortunately, no shots were fired.



Following the incident, Indonesian authorities made a formal protest to the United States, contending that the aircraft carrier and its planes had to request Indonesian authorization to manoeuvre archipelagic waters and airspace beyond the designated archipelagic sea lanes. The United States counter-argued that the vessels were using routes normally used for international navigation and that fighter patrols were part of a carrier's normal mode of navigation.⁴³ Therefore, under Article 53(12) of UNCLOS, they should be considered as having the same rights as they would in designated archipelagic sea lanes, including the right of aircraft passage.⁴⁴ The United States also observed the IMO had assessed Indonesia's archipelagic sea lane designation to be incomplete, in part because no east-west passage had been designated.

The Bawean incident has its roots in the differing interpretations of UNCLOS between Indonesia and the United States.⁴⁵ This discrepancy was partly due to the ambiguity surrounding what constitutes "routes normally used for international navigation" and the associated legal regime under UNCLOS. Additionally, the incident demonstrates the implications of partially designated archipelagic sea lanes. Designating an east-west passage through the archipelagic waters of Indonesia could avoid the ambiguity of Article 53(12) by explicitly stating that all vessels and aircraft traversing the Indonesian archipelago must utilise designated sea lanes. As long as the east-west archipelagic sea lanes passage remains undesignated and no consensus over specific designations is reached, differing interpretations are likely to persist, raising the possibility of similar incidents in the future. There remain

diverging views among domestic institutions on whether Indonesia should designate east-west archipelagic sea lanes, particularly regarding security concerns. To some, this has become a matter of national prestige and resistance to foreign pressure, while the complexity of the technical details also complicates efforts in favour of additional designations.

IMPLICATIONS OF PAST INCIDENTS

In the three historic cases discussed, policy differences between Indonesia and sea power states have led to major incidents—an aircraft carrier was denied its preferred route to a geopolitical hot zone where low-grade warfare was taking place, major straits were closed to international shipping, and advanced fighters threatened to fire on one another. These incidents demonstrate Indonesia's readiness to act on its domestic legislation and view of its international legal rights to prevent access to the sea lanes crossing its archipelago. They also establish precedents where Indonesia has demonstrated its readiness to escalate the situation—even risk war with a militarily superior adversary—to enforce those rights. This is because control over those sea lanes is seen as essential to national security and a matter of national identity. We should assume Indonesia is equally ready to take these sort of risks in today's competitive era. Troublingly, several current developments will make issues related to navigation within the Indonesian archipelago more difficult to manage and heighten the likelihood of new crises.



WHY TENSIONS RELATED TO NAVIGATION RIGHTS WITHIN THE ARCHIPELAGO WILL BECOME MORE DIFFICULT TO MANAGE

Although the points of divergence between Indonesia and the status quo maritime powers are great and despite the episodes previously described, differences have mostly been managed at a technical level, typically through navy-to-navy interactions. Such technical discussions have kept the friction points isolated from broader bilateral relations, and cooperation on other fronts has generally progressed. However, several developments are creating conditions where friction points are increasingly likely to become politicized and could even undermine the positive trajectory of the broader relationships. These developments include Indonesia's growing maritime domain awareness (MDA), the expanded deployment of unmanned vehicles, the expansion of Indonesian anti-access/area denial (A2/AD) military capabilities, and Indonesia's strategic reorientation toward maritime affairs.

INDONESIA'S GROWING MARITIME DOMAIN AWARENESS

Twenty years ago, the Indonesian government's ability to gather information about vessel traffic was basically limited to data gathered by patrol vessels and shore-based radar stations, but since then MDA information has become more widely available to the Indonesian government and Jakarta has made tremendous investments in systems to process, distribute and make decisions based on that data. Today, Indonesia benefits from an improved MDA "system of systems" that links more sensors to processing nodes and watchfloors. The plenitude of data and ease of transmission through laptops and smartphones also means relatively unprocessed MDA data can be delivered directly to senior leaders. This means that Indonesian decisionmakers have more information about the behaviour of vessels within the archipelago.⁴⁶ As this information reaches more stakeholders and interested parties, infractions are less likely to go unnoticed and the chance of an issue becoming politicised increases.

Indonesia currently operates dozens of monitoring stations at key access points into archipelagic waters and sea lane convergence points. These are equipped with better radars than in the past. They also employ advanced electro-optic digital recorders, automatic information system (AIS) readers and other sensors. AIS was only introduced in the early 2000s, but is now used by almost every medium- to large-sized vessel to broadcast its identity and navigation data. While AIS can be easily spoofed or turned off, such behaviour serves as a red flag for authorities, leading them to scrutinise more closely any vessel that does so. Indonesia has also developed national capabilities to monitor vessels from space, using satellites operated by the military and the National Agency for Research and Innovation. Additional information comes from relatively inexpensive commercial vendors such as Vessel Finder,⁴⁷ Marine Traffic,⁴⁸ and FleetMon.⁴⁹ Low-cost commercial networks based on very small aperture terminal (VSAT) satellite systems are also becoming increasingly useful.

MDA information sharing with neighbouring countries has also improved tremendously over the last two decades and Indonesia benefits from access to this information. Much of this exchange activity is deliberately isolated from public view to improve its usefulness to security and law enforcement operations. However, other arrangements are more transparent. For example, Indonesia participates in the Eyes-in-the-Sky aerial patrol cooperative arrangement with Malaysia, Singapore and Thailand under the umbrella of the Malacca Strait Patrols. Additionally, it is working with Singapore on the Indonesia-Singapore SURPIC II project.⁵⁰ Indonesia also maintains liaison officers at the Information Fusion Centre in Singapore and interacts with the Information Sharing Centre operated by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

The status quo sea powers have been active supporters of Indonesia's MDA capacity development. Examples of American assistance include support of the building or upgrading of coastal surveillance stations, shipboard surveillance nodes, regional command centres and fleet command centres to create an integrated maritime surveillance system, with a particular focus on the Strait of Malacca and Sulu Sea.⁵¹ Additionally, the US has also provided Indonesia with ScanEagle maritime surveillance drones.⁵² Japan has provided patrol craft and Australian assistance has been particularly valued in enhancing the human capital involved with Indonesia's MDA process, with many courses being administered at the Jakarta Centre for Law Enforcement Cooperation, a joint Indonesia-Australia campus.

Today, Indonesia's main MDA challenge is not the lack of information, but proper sorting, assessing and sense making. Therefore, vessels violating Indonesian policies concerning navigation access rights will almost certainly

be detected, but the careful information processing and deliberate decision-making typical of military and law enforcement professionals is increasingly likely to be shortcircuited by individuals who might jump to conclusions, adopt overly nationalistic positions, or seek to act on internecine agendas. Indonesia's MDA improvements are a strong net positive, but not without their rough edges.

INDONESIA'S SHIFT TO AN EXTERNAL DEFENCE STRATEGY AND GROWING ANTI-ACCESS/ AREA DENIAL (A2/AD) CAPABILITY

The second area where divergences over navigation rights and privileges are increasingly likely to harm bilateral relationships between Indonesia and the status quo sea powers involves Indonesia's development of anti-access/ area denial (A2/AD) capabilities. Indonesia has long held the capability to engage in naval combat, as demonstrated by battles during the Indonesian Revolution and efforts to gain control of Irian. However, decades of emphasis on internal security operations and Army-centric resource prioritisation prevented the development of a Navy prepared to challenge the forces of a modern sea power.

In recent years, especially during now-president Prabowo's tenure as Defence Minister, Indonesia's military strategy shifted its focus from internal security to and increasingly toward external threats. Joint forces and fleets have been reorganised to support a layered defence that counters hostile forces as they approach Indonesia and aims to neutralise them before they can operate within the archipelago. To enact this strategy Indonesia is also acquiring both weapons and defence systems that are optimised for A2/AD at chokepoints where international sea lanes enter the Indonesian archipelago. These ambitions are significant, even if the acquisition plans are nascent and capabilities remain limited. A few years ago, the Indonesian Navy hosted an unclassified strategy conference with academics where briefers openly discussed options for employing Indonesian systems to attack foreign aircraft carriers, illustrating their talks with pictures of exploding American ships.

Systems either recently or soon-to-be acquired that will support such operations include *Scorpène* Evolved submarines from France that will, for the first time, enable the Indonesian navy to employ submarine-launched anti-ship cruise missiles. Other systems include the Rafale fighter, which can be equipped with air-launched Exocets, and ship-launched Turkish-made Atmaca anti-ship missiles. The Indonesian Navy has also stated its desire to establish a network of shore-based anti-ship missiles around strategic chokepoints. It has already adapted its training to incorporate these systems, using Exocets, Chinese-made C-802, and torpedoes to target vessels during live-fire training exercises.⁵³

Indonesian A2/AD capabilities are not targeted at any nation but specifically aimed at protecting Indonesian sovereignty against all potential threats and enable its Free and Active foreign policy. The status quo sea powers have all been supportive of the development of these capabilities, seemingly assuming the most likely target would be Chinese forces infringing on Indonesia's rights around Natuna. Furthermore, a growing body of policy-relevant discussions, especially in the United States, promotes the value of Indonesia's strength as key to countering China. Indonesia's enlarged force posture around the Natuna, new amphibious exercises in the Riau islands, and expanded security partnership activities—such as the Super Garuda Shield, the US-Indonesia joint military exercise that has expanded to include Japan, Australia and European partners, but not China—suggest that the PRC is largely seen as a threat, and the US as a security partner. Yet, A2/AD systems are also being oriented to defend against approaches from the east and south because China is not the only state that Indonesians can imagine as a threat. The idea threats to Indonesian sovereignty can come from all sides—that all global sea powers are potential adversaries—is firmly embedded in Indonesian strategic culture.⁵⁴

If a military conflict were to erupt in the South China Sea, East China Sea, or around Taiwan, Indonesia can be expected to delay pitching with either side for as long as possible, while also examining its options to assist with de-escalation. One idea that will be actively discussed involves closing its archipelagic waters to foreign naval vessels to reduce opportunities for forces to flow into or out of the conflict zone. A concept often discussed in Jakarta assumes that by excluding all forces, Indonesia would be demonstrating its neutrality, while simultaneously reducing options for the belligerents to escalate. In fact, senior leaders often discuss, even in public forums, the idea that if a conflict were to break out in the waters to the north of Indonesia, the US and its allies (Australia and the UK) are more likely to violate Indonesian territorial sovereignty than China. Therefore, "the AUKUS" must be considered a target of Indonesian A2/AD. This also reflects the thinking behind, and the lessons learned from 1988, when the closure of the Lombok and Sunda straits asserted Indonesia's sovereignty and also provided diplomatic advantages. This is not to argue that Indonesian leaders would select these options, or that doing so would be wise; only that it is well within the range of options that would likely be considered. The status quo sea powers would be wise to fully understand Indonesia's strategic calculus.



EMERGING ISSUES REGARDING UNMANNED VEHICLE OPERATIONS

A third area where trouble is likely brewing involves the operation of unmanned/autonomous vehicles, especially underwater vehicles. These new technologies are not specifically addressed by UNCLOS, and national policies concerning the rules governing their operation are only now being developed. Divergences of legal assessments are likely to become increasingly contentious as advanced navies expand their unmanned forces and employ them in new ways. Specifically for Indonesia, given the geopolitical tensions at play, we should expect unmanned underwater vehicles to be used more often by foreign states seeking to gather information within the Indonesian archipelago.⁵⁵

A potential point of disagreement concerning the legal status of unmanned maritime systems (UMS) is reflected in the 2022 edition of the Commander's Handbook on the Law of Naval Operations, a US government publication that provides operational commanders and staff elements with an overview of the legal rules governing naval operations in both peacetime and during armed conflict. While it is not formally adopted as policy by any government other than the US, the comprehensive nature of the Commander's Handbook and the lack of a similar publication means it serves as a common international reference for those concerned with the law of naval operations. One of the major updates in the 2022 edition deals with the status of unmanned systems (UMS), which, per the handbook, should hold the same rights and privileges as traditional warships so long as they are "under the command of a commissioned officer and manned by a crew under regular armed forces discipline, by remote or other means".⁵⁶ Specific to navigation rights it states:

*properly flagged UMS ships enjoy the right of innocent passage in the territorial sea and archipelagic waters of other States, transit passage in international straits, and archipelagic sea lanes passage in archipelagic sea lanes. Unmanned systems not classified as ships may be deployed by larger vessels engaged in innocent passage, transit passage, or archipelagic sea lanes passage if their employment complies with the navigational regime of innocent passage, transit passage, or archipelagic sea lanes passage.*⁵⁷

This seems reasonable and aligns with past US interpretations. However, Indonesia would prefer a more restrictive position. For example, although Indonesia has not yet taken a formal policy stance, it would seem likely to argue that the launch and recovery of unmanned systems goes beyond the privileges of a vessel conducting archipelagic passage. Also, it would seem reasonable that those seeking to limit foreign military activities within archipelagic waters would argue that autonomous vehicles are, by definition, not under the command of an officer or manned by a crew.



Indonesia has already discovered several foreign, but flagless, UMS violating Indonesian sovereignty by operating in archipelagic waters without government permission.⁵⁸ The cases discussed in the media are uniformly believed to be of Chinese origin and publicly available American guidelines such as those in the *Commander's Handbook* would not authorize such activities. However, during a public seminar, a legal scholar involved with the drafting of the *Commanders' Handbook* who was pressed on these issues would not state that such military surveillance missions would be considered illegal by the United States; instead, they pointed out that such operations would be authorised above the operational level (i.e., the authorising officials would not be bound by the guidelines in the *Commanders' Handbook*) and the archipelagic state would have the legal right to use counter-measures against them. This sort of legal tightrope walking raises suspicions that the US Navy is seeking to reserve options to conduct such activities. Regardless of the specific legal arguments, were any of the status quo sea powers to be discovered conducting such activities, it would play very poorly for larger relationships with Indonesia.

INDONESIA'S STRATEGIC MARITIME REORIENTATION

Indonesia has been slowly reorienting toward its identity as a maritime nation where nautical affairs are more widely recognized as core matters of economic prosperity and national security. This reorientation has been driven by both increased concern regarding threats in the maritime domain, and political leaders who have increased focus on maritime policy. This is not to argue that Indonesia is without the 'sea blindness' that afflicts many policy-making bodies globally, but only to observe that maritime issues have been gaining political saliency in recent years. As a result, friction is more likely to be politicised and therefore, when it includes a diplomatic element, more difficult to manage at the technical level.

Indonesia's maritime security challenges have certainly become more complex and more pressing. Those that have gained the most political traction include environmental degradation, IUUF, Chinese incursions in the North Natuna Sea, and the intrusions of unmanned vehicles. Some of these challenges are new, while others are becoming more intense. Many are gaining greater visibility due to increased media attention and because the successful resolution of other issues has enabled policy focus to shift to these concerns.⁵⁹

Indonesia's political leaders are also highlighting maritime affairs to a greater degree than at any point in recent decades. Early in Suharto's New Order, maritime affairs gained strategic relevance as the military regime sought to shore up domestic security affairs and reposition the nation in evolving geopolitics.⁶⁰ As the army cemented its role in national governance, maritime affairs were increasingly discounted and deprioritised. In the immediate post-Suharto democratic era, maritime affairs slipped further from the political discourse because candidates and parties were keenly aware that "fish don't vote".⁶¹ However, President Joko Widodo (widely referred to as 'Jokowi') sought to bring maritime affairs back to the centre when he used the establishment of Indonesia as the "Global Maritime Fulcrum" as the cultural, economic, diplomacy and defence framework for his 2014 presidential campaign platform.

As president, Jokowi was seen as failing to implement the Global Maritime Fulcrum at the scale promised in the campaign, and the term was discarded from his re-election campaign.⁶² Yet, Jokowi's administration took high-profile actions to highlight maritime affairs—such as detonating seized foreign IUUF vessels, holding a major presidential media event aboard a warship in the North Natuna Seas, creating a new Coast Guard-like body (BAKAMALA), and launching a new fleet of ferries to subsidise commodity costs on outlying islands—while adopting a slow-but-sure approach to developing maritime infrastructure, MDA,

naval forces and maritime law enforcement capacity.

Though the energy was less, these trajectories continued in his second term. While maritime issues were not central to the 2024 elections, all three candidates included maritime initiatives in their platforms.⁶³ Thus far, President Prabowo has done little to advance a maritime agenda, but the controversial resource-sharing deal he unveiled while visiting Beijing has kept questions of maritime sovereignty and territorial rights at the forefront of political conversations.⁶⁴ While many see this as a concession, the result is more domestic attention to (and thus the more likely politicization of) maritime sovereignty issues.

The status quo sea powers are likely to assume that their long history of consistently making transits that accord with their interpretation of maritime law will isolate their bilateral relationships from trouble. However, if issues become politicised, that would not necessarily be the case. There are plenty of examples demonstrating how minor issues have developed the legs to disrupt bilateral relations. One such example occurred in 2004 when, after more than a year of slow but steady positive engagement between the US and Indonesia, the Pacific Command's Regional Maritime Security Initiative was derailed by political pushback triggered by inaccurate reports that the US commander planned to use marines to patrol Indonesian and Malaysian waters in the Strait of Malacca.⁶⁵ In the end, RMSI was shelved. The recurring American operations that exercise their rights to operate warships within archipelagic waters and beyond the designed sea lanes are similarly ripe for similar politicisation.



CONCLUSION: RECOMMENDATIONS TO MANAGE DIVERGENCES

Indonesia and the status quo sea powers have much to gain through active cooperation in a wide range of endeavours. However, they also have very different histories and worldviews. Divergences will have to be practically managed for this relationship to mature into its full potential. Freedom of navigation is one such difference in national outlooks. We neither should expect, nor ask, either Indonesia or the status quo sea powers to change their fundamental views on these issues, as they are matters deeply enmeshed in security interests, strategic cultures and national identities. However, ongoing geopolitical, information society and technological trajectories related to navigation rights and responsibilities are increasingly likely to become issues that derail the development of mutually beneficial partnerships. Thus, those issues should be studied and discussed, and training about them provided by the appropriate government officials in both Indonesia and its sea power partners. The differences must be understood as fundamental to the relationships and positive projects must be built around them. This will minimize the likelihood of mistakes and provide improved opportunities to manage friction.

Now it would be a good time for Indonesia and the status quo sea powers to expand investment in training maritime leaders on the law of the sea. Leaders should include diplomats, military commanders and mariners, as well as those from the media and government. This training should not be limited to official state positions but should also acknowledge and incorporate differing views. Training need not endorse those views, but they must be included so that the divergences can be factored into operational planning, and situations of diplomatic frictions can be avoided or mitigated. Currently, those junior and mid-grade personnel in the vanguard of the relationships—for example, the

sailors navigating their ships and those participating in visiting official and Track II delegations—are too often indoctrinated in their national policies, but completely unaware that there are divergences. Senior voices are typically able to diplomatically bring sessions back into line, but they too are often at a loss to understand the basic triggers. Were similar missteps to happen at sea or in the delivery of official correspondence, incidents on the scale of the historic vignettes presented in this paper are not just possible, but increasingly probable.

Expanded Indonesian MDA and greater strategic focus on its maritime domain are undoubtedly positive developments, but these changes also mean the status quo sea powers will need to make more deliberate risk calculations when navigating within archipelagic waters. Transits and other operations should be done with a clear view of Indonesia's sensitivities, and planners must understand that things they have routinely done for years may trigger new reactions as a result of these changes. In some cases, the status quo sea power may want to consider changing what they deem as routine, but in other cases, they will want to stay the course. Either way, they should not be surprised when issues previously handled at the technical level flare into diplomatic issues.

Officials throughout the chain of command need to be prepared to support good and fast decisionmaking during regional crises. Indonesian views of the legal rights associated with navigation and the role of the archipelagic concept in its national identity must be understood in advance to prevent issues that can be avoided, mitigate those that can be managed, and be ready to respond to those beyond control. In times of calm, diplomatic squabbles can be smoothed through time and talk. In a crisis, such issues are much more problematic, so learning should take place in advance.

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IMAGE DESCRIPTIONS

- Page 5:** Indonesian and American leaders preparing to lay a wreath at the site of the World War II Battle of Sunda Strait.
- Page 8:** Prime Minister Djuanda Kartawidjaja.
- Page 10:** Mochtar Kusumaatmadja (center) signs the United Nations Convention on the Law of the Sea (UNCLOS) in Montego Bay, Jamaica, on Dec. 10, 1982. Standing behind him are Indonesian negotiators Abdullah Kamil (second left) and Hasjim Djalal (second right).
- Page 15:** An Australian Army M113 AS4 Armoured Logistic Vehicle is loaded onto the USAV SSGT. Robert T. Kuroda at the Port of Darwin, NT, ahead of sailing to Indonesia for Exercise Super Garuda Shield.
- Page 16:** HMS Victorious was at the center of the 1964 Sunda Strait Crisis.
- Page 17:** US F/A-18 Hornet jets as photographed by Indonesian interceptors during the 2003 Bawean Incident.
- Page 21:** Missile launch during a 2024 Indonesian Navy training event.
- Page 22:** A Chinese underwater glider found operating in Indonesian waters in 2021.
- Page 23:** Former President Joko Widodo at sea in the Natuna Sea.



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