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Indonesia's South China Sea Diplomacy: A Foreign Policy Illiberal Turn?

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ABSTRACT

Key areas of Indonesian foreign policy have remained largely autonomous of the political struggles associated with democratisation and a subsequent illiberal turn, even as they have changed the way foreign policy is formulated. Indonesia's South China Sea diplomacy has been one such area of autonomy. Although the issue has gained great public salience, as the most prominent foreign policy challenge for the current Joko Widodo administration, the government has maintained a striking continuity in its approach dating to the authoritarian Suharto era. Such continuity persists because the strategic challenge facing Indonesia has endured: throughout Indonesia's modern history, the government has sought to assert the nation's rights to territory and resources against more powerful states. The government's current policy settings have also preserved a status quo that serves a range of Indonesian interests sufficiently well to prevent the emergence of a coherent coalition of interests to push for a new approach, in what is a technical policy area dominated by foreign ministry experts. As such, although the Joko Widodo administration has exhibited greater overt nationalism in its handling of the issue, Indonesia's broader illiberal turn has not been transformative of the government's diplomacy.

KEY WORDS

Indonesia; South China Sea; foreign policy; illiberalism; democratisation

It is well established that democratic-era domestic political struggles and the overall trajectory of political reform have been salient to Indonesian foreign policy making (Dosch 2006; Gindarsah 2012; Wirajuda 2014). In this article, I seek to highlight that these political struggles – and the illiberal turn they have produced, which is the subject of this special issue (Diprose, McRae, and Hadiz 2019) – have impacted unevenly upon different areas of foreign policy. In particular, this article highlights Indonesia's diplomacy towards the South China Sea as a key area of foreign policy-making that has remained relatively autonomous of domestic political struggles

The intertwining of political struggles associated with democratisation with the formulation of foreign policy has been visible in several key respects. President Suharto's fall in 1998 prompted both his regime's opponents and supporters to distance themselves from his prolonged period of authoritarian rule, resulting in an initial rapid dismantling of many of the key pillars of authoritarianism (Crouch 2010, 27). Such an impulse has

also been visible in foreign policy, most particularly in the government's adoption of a new agenda of democracy and human rights promotion during the first decade of democratic rule aimed at underlining Indonesia's new democratic credentials (Rüland 2017, 69). Such a broadening of foreign policy agenda is typical of democratic states (Savun and Phillips 2009, 889). In Indonesia's case, democracy promotion has enabled the country to burnish its credentials as the world's "third largest democracy," and push (albeit unsuccessfully) for an expanded international role on this basis (Rüland 2017, 58–59).

Nor was foreign policy-making spared from the broader impulse upon the Suharto regime's demise to increase the accountability of the president and to end the military's domination of government under its so-called *dwifungsi* role. Democratic reforms ended the authoritarian-era practice of appointing active military officers to senior positions within the foreign ministry (Sukma 2003, 56–57; Nabbs-Keller, 2013, 116), which had helped the military to exercise "ultimate sanction for the conduct of foreign policy" (King 1990, 79). Constitutional amendments also removed the unfettered power that Suharto had enjoyed to determine foreign policy, newly requiring the executive to gain the assent of the national legislature (*Dewan Perwakilan Rakyat*) for ambassadorial appointments and the ratification of international treaties (Wirajuda 2014, 85–88; Rüland 2009, 380). During the tenure of the career diplomat foreign minister Hassan Wirajuda (2003–2009), the ministry also established new consultation mechanisms with civil society, although their use has varied depending on the preference of the foreign minister of the day and the issues at hand (Nabbs-Keller 2013, 125).

Such changes accord with the observations of scholars such as Dosch (2006) and Skidmore and Hudson (1993) who see democratisation as shifting foreign policy formulation away from a "statist" pattern in which state foreign policymakers are insulated from popular pressure towards a more "pluralist" pattern where foreign policy decisions are contested by interest-based coalitions. Albeit, in the Indonesian case, foreign policy has been relatively autonomous of entrenched social interests, which have dominated other areas of policy-making where opportunities for predation and patronage have been greater. The lesser engagement of "ruling political and economic interests" in foreign policy results, Robison and Hadiz (2017, 896) argue, from the secondary importance to these interests of "the capture of foreign markets or resources or to influence the policies of other nations." Illustrating such autonomy, the post of foreign minister has not been subject to the kind of horse-trading typical of many other cabinet posts, with career diplomats occupying the post throughout the democratic era, apart from the brief tenure of National Awakening Party politician Alwi Shihab under President Abdurrahman Wahid.

Nevertheless, democratic-era domestic political struggles have also opened foreign policy-making to electoral pressures. In particular, senior diplomats speak of the need for the government to be seen to be doing something when issues come to public attention (McRae 2014a). Inaction in these circumstances risks pointed questioning before the national legislature's foreign policy commission – an outcome unthinkable under authoritarian rule – or direct protests aimed at the government. Van Belle (1993, 167) describes such foreign policy-making as "present[ing] the image of action" to a domestic audience, reflecting perverse incentives in a democratic polity to adopt and maintain policies that policymakers know are unlikely to achieve their strategic goals.

Electoral pressures may also encourage political leaders to prioritise the maintenance of domestic political support over their assessment of the national interest – where the two conflict – if an issue attains sufficient public salience (Dosch 2006, 46–47).

This intertwining of foreign policy-making with domestic political struggles has exposed foreign policy to the illiberal turn in Indonesia's democratic trajectory that started early in Yudhoyono's second term, circa 2009. Domestically, this illiberal turn has manifested as an erosion of civil and political rights; a new emphasis on particularist visions of the nation, including challenges to basic democratic mechanisms such as elections; and the rehabilitation of previously discredited authoritarian military generals as senior public officials and competitive electoral candidates (see Diprose, McRae, Hadiz 2019). Illustrating its influence on foreign policy, the particularist vision of democracy that in domestic discourse has seen elections criticised as inimical to Indonesian traditions of "*musyawarah*" (deliberation) and "*mufakat*" (consensus) has also coloured Indonesia's international rhetoric (Rüland 2017, 63). The Bali Democracy Forum, which by design does not prescribe an "ideal type" of democracy for nations to conform to, provides the clearest example (Karim 2017, 395). In various of former President Susilo Bambang Yudhoyono's speeches to open the Forum, Rüland (2017, 63) observes numerous adaptations to democracy based on "Eastern values," as well as promoting these particularist Indonesian traditions of *musyawarah* and *mufakat* (see McGregor and Setiawan 2019). In such rhetoric, Rüland sees parallels with Suharto's defensive statements on democracy during his authoritarian rule.

At the United Nations, Indonesia has also latterly leant its weight to various illiberal causes (Sukma 2011, 116). For example, then president Yudhoyono called on the United Nations to adopt an international anti-blasphemy protocol in 2013 (Bush 2015, 250). For its part, President Joko Widodo's government positioned itself as an international spokesperson for the death penalty in 2016, arguing in favour of capital punishment for narcotics crimes on behalf of 16 like-minded countries at a United Nations special session on the world drugs problem (*Jakarta Post*, July 26, 2016). Increasingly, senior officials have also made approving statements regarding human rights violations in the region. For instance, President Joko Widodo (or Jokowi) has offered no criticism of the campaign of extrajudicial killings against alleged drugs criminals undertaken by Philippines President Rodrigo Duterte. Instead, on multiple occasions, Jokowi has encouraged his own police force to shoot dead drug distributors to the extent that Indonesia's laws allow (McRae 2017). Such fatal shootings increased starkly in number in 2017 and 2018, even as state executions receded.

This illiberal turn has also produced increasingly overt nationalism, driven – in Aspinall's (2016) analysis – by the lack of ideological or programmatic distinction between political contenders and anxiety at Indonesia's record of achievement in light of continuing poverty, inequality and the manifest flaws of the democratic reform process. Latterly, the trend to increasingly overt nationalism has been amplified in response to the Islamist mobilisation that ultimately saw the incumbent governor Basuki Tjahaja Purnama defeated in the 2017 Jakarta election (Hadiz 2017, 274; Bourchier 2019). In foreign policy, increasingly overt nationalism has manifested both in assertive Jokowi-era policies such as the sinking of foreign vessels engaged in illegal fishing and the execution of foreign citizens on death row for narcotics crimes, as well

as in protectionist economic policies and resource nationalism (Hamilton-Hart and McRae 2015; Warburton 2017).

As stated above, rather than demonstrate anew the salience of such struggles to foreign policy, this article instead seeks to explain the relative autonomy of policy-making on the South China Sea from these influences, to emphasise their uneven impact on foreign policy-making. In doing so, this article underlines a key overarching argument unifying this special issue: the political struggles underpinning the illiberal turn have produced different outcomes in different sectors, depending on the balance of interests engaged in them (see Diprose, McRae, and Hadiz 2019). On the South China Sea, the government's stance and approach have been stable – despite the end of the Suharto regime, the new political struggles of the democratic era and the resultant illiberal turn. Such stability is additionally notable as a series of confrontations at sea with China and Vietnam in 2016 and 2017 in the vicinity of Indonesia's Natuna Islands have established the South China Sea as the most prominent and publicly salient foreign policy issue facing the present Jokowi administration. Nevertheless, because the country's interests, strategic capabilities and core actors in this area of policy have remained largely the same, stability in the government's approach has persisted.

The case study of South China Sea diplomacy below begins by setting out Indonesia's campaign to establish control of its maritime territory and the challenges to its control. Subsequently, it examines the strategies that the government has used to preserve control of the area it claims as its exclusive economic zone in the South China Sea, investigating why we have seen strong continuities in stance and approach across the authoritarian and democratic periods. In conclusion, the article offers several observations on why policy-making on the South China Sea has been especially removed from domestic political struggles. In addition to the works cited below, this article is informed by interviews and conversations with various Indonesian officials, academics and observers – many of whom requested anonymity – conducted over the course of several research trips in 2016.

Indonesia's South China Sea Diplomacy

The tangled web of overlapping maritime claims in the South China Sea has presented the Indonesian government with one of its longest-standing strategic challenges. Although Indonesia is not directly involved as a territorial claimant in the Spratly or Paracel island groups, these disputes impinge upon various of Indonesia's interests. Instead, Indonesia is directly involved in the South China Sea dispute because of its efforts to establish and maintain control over the South China Sea waters adjacent to its Natuna islands, including the natural resources in the area. Here, the 200 nautical mile exclusive economic zone (EEZ) that Indonesia claims overlaps both with a rival EEZ claim staked by Vietnam and Malaysia and with China's so-called nine-dashed line – which encircles most of the South China Sea. As mentioned above, these overlaps with China and Vietnam have been Indonesia's most prominent foreign policy issue under the Jokowi administration. Accordingly, the focus here is on these two countries' claims, particularly those of China.

In the following, I set out the basis of Indonesia's EEZ claim and of rival claims; the approach the government has adopted to advance and defend its claims, which in key

respects has remained unchanged; and discuss why the government's approach has remained unchanging despite the new domestic political struggles of the democratic era and the subsequent illiberal turn that these struggles have produced. We have not seen, for example, a shift to more openly acknowledge and confront China's claims, for example, nor concerted broader anti-Chinese rhetoric as a result of the incidents. The focus will be on the period since Indonesia declared its EEZ in 1980, with brief attention to Indonesia's preceding diplomacy to secure recognition as an archipelagic state under the United Nations Convention on the Law of the Sea (UNCLOS), to the extent that it is necessary to understand contemporary developments.

Control of the Waters around the Natunas: UNCLOS and the Archipelagic State

It has long been a key tenet of the Indonesian government's approach to all aspects of the South China Sea issue that rival claimants should settle their disputes in accordance with international law. Indonesia's emphasis on international law – specifically the UNCLOS – is unsurprising, once we appreciate the government campaign over the course of almost three decades to shape UNCLOS to serve its interests. By securing recognition as an “archipelagic state” in the 1982 convention – able to calculate its maritime territory from baselines drawn around its entire expanse of islands, rather than individually around each one – Indonesia gained a basis in law to resist the desire of more powerful states for unfettered access to the waters and resources lying between its islands (Butcher and Elson 2017, xx–xxi). In the context of the South China Sea waters surrounding the Natunas, UNCLOS both underpins the geographic extent of Indonesia's claims and limits the basis on which its regional neighbours can make legitimate counter-claims to the same waters. Both China and Vietnam are also parties to UNCLOS – China signed the convention in 1982 and ratified in 1996; Vietnam also signed in 1982 but ratified in 1994.¹

Prior to the negotiation of UNCLOS, there was no global consensus on the extent of claims that nations could make to the seas adjacent to their land territory (Butcher and Elson 2017, 54). This lack of consensus came to a head in the first decades after the Second World War, as newly independent states and developed countries competed for control of maritime resources and the Cold War amplified security concerns for all (Djalal 1995, 256). In Indonesia's case, under international law as it stood at the time of its independence, Indonesia controlled waters only to a distance of three nautical miles from the coastline of each of its islands. A map of its maritime territory thus resembled the spots of a leopard, separated by areas of high seas. Over its first decade as an independent nation, Indonesian politicians came to a consensus that its interests lay in controlling all of the waters between its islands. They argued such control was vital to preserve national unity at a time when the central government faced rebellions in various regions, to prevent the conduct of exercises or even hostilities by foreign warships in these waters, and to advance the nation's control of resources and economic development (Butcher and Elson 2017, 64–76; Djalal 1995, 337–338). To this end, Indonesia issued the Djuanda Declaration on December 13, 1957, which drew lines linking the outermost points of Indonesia's islands and claimed all of the enclosed waters as Indonesian territory. The declaration asserted that “the whole [Indonesian] archipelago along with the sea lying within it must be regarded as one total unit”

(Butcher and Elson 2017, 73). Butcher and Elson observe that the major maritime powers of the era – such as the USA, the UK and USSR – each strongly opposed this declaration, as did Indonesia’s regional neighbours, including Australia and Japan. Wanting continued unfettered passage of their warships through Indonesian waters, these nations had sufficient conventional might to give force to their opposition by sailing their warships through the archipelago without providing the prior notification Indonesia required of them (Butcher and Elson 2017, 100–101). Japan, similarly a much more powerful neighbour, also wanted continued access for its long-distance fishing fleet to the Banda Sea and resisted signing any agreement with Indonesia that could be construed as recognition of the Djuanda Declaration (Butcher 2004, 218–220).

Indonesia’s diplomatic campaign to gain international recognition as an archipelagic state spanned a further 25 years following the Djuanda Declaration, until the concept was enshrined in UNCLOS in 1982. The twists and turns of this campaign lie beyond the scope of this article – they are set out by Butcher and Elson (2017) in their diplomatic history of UNCLOS. For our purposes, it is sufficient to note two distinct advantages of relevance to disputes in the South China Sea that Indonesia gained under UNCLOS.

First, Indonesia gained an immense expansion of its territory – and thereby control of resources – through its recognition as an archipelagic state, as it could thus measure its 12 nautical mile territorial sea and 200 nautical mile EEZ outwards from straight baselines connecting the outermost points of its islands. Indeed, Butcher and Elson (2017, 391) observe that the new provisions so significantly expanded Indonesia’s territory that the Indonesian government delayed their declaration of the extent of their EEZ lest it endanger neighbouring states’ support for the archipelagic state concept. The baselines Indonesia can draw because of the archipelagic sea concept underpin its control of the Natuna EEZ. Along with the control gained over the waters enclosed by these baselines – the majority of which had previously been classified as the high seas – Indonesian diplomats celebrate this expansion as a uniquely significant peacetime enlargement of a nation’s territory. As recently as 2017, for example, one of the foremost maritime law experts among the ranks of Indonesia’s current senior diplomats, Arif Havas Oegroseno (2017), wrote in Indonesia’s largest daily *Kompas*, “Indonesia is the only country which has been able to expand its territory from two to six million square kilometres . . . without a military expedition.”

Second, UNCLOS standardised the basis to make claims to maritime territory and resources, thereby limiting considerably the ability of other states to make rival claims to Indonesia’s newly confirmed maritime territory. At least three limitations are of relevance. The result of each is that China’s claims to maritime rights around the Natunas must rely on exceptionalism, as they are inconsistent with UNCLOS. For instance, provisions in UNCLOS stipulating a 12 nautical mile maximal extent of a nation’s territorial sea and a 200 nautical mile maximal extent of an EEZ contradict China’s much more extensive nine-dashed line enclosing much of the South China Sea and intersecting Indonesia’s claimed EEZ around the Natunas. An additional important limitation is the distinct methods UNCLOS determines for archipelagic states like Indonesia and other states to calculate their maritime territory. As an archipelagic state, Indonesia can draw baselines around the outermost of its islands from which its territorial sea and EEZ are measured; other states cannot draw equivalent baselines

extending outwards from their mainland to enclose distant oceanic archipelagos in their possession (Butcher and Elson 2017, 345). This limitation means that any attempt by China to draw a baseline connecting the Spratlys to its mainland, which might enable China to lay claim to the waters around the Natunas, would again rely on exceptionalism. Finally, the convention also stipulates that traditional fishing *rights* exercised by one nation within the waters of another must be agreed by bilateral negotiation. As a consequence, China's claims to traditional fishing *grounds* adjacent to the Natuna islands stand as exceptionalism. This provision similarly closed off Japan's desire for fisheries rights in the Banda Sea (Butcher and Elson 2017, 308).

Given the immense advantages gained from the 1982 Convention, it is unsurprising that Indonesia has since been an enthusiastic advocate of the international law of the sea. Indeed, the very active way that Indonesia sought to shape this aspect of the international order under Suharto's authoritarian rule belies characterisations of the Suharto regime as having retreated from the broader regional and global role of Soekarno's Indonesia (Tan 2007, 156–162; Aplianta 2015, 3). In this instance, reshaping a specific aspect of the international order provided the only avenue for Indonesia to counter the interests of much more powerful nations, which it could not resist through conventional force.² The government thus pursued this course of action vigorously. International law was not a perfect solution – the USA chose not to sign UNCLOS, for example, leading Djalal (1995, 187–190) to excoriate the superpower for “choosing and picking” to comply only with aspects of the Convention of advantage to its interests. Nor has UNCLOS prevented China from staking its own claim to the maritime territory Indonesia claimed as its own.³ Even before ratifying UNCLOS in 1996, China began to advance claims to the waters and resources surrounding the Natunas that were inconsistent with the Convention. These claims, along with those of Vietnam, and Indonesia's responses to them, will be the subject of the next section.

Indonesia's Approach: Diplomatic, Military and Economic Strategies

Neither Indonesia's declaration of its EEZ in March 1980, nor the signing of UNCLOS two years later, conclusively established its control of the South China Sea waters adjacent to the Natunas. Vietnam, Malaysia and the Philippines could all make overlapping EEZ claims under UNCLOS, requiring boundary negotiations with each that have continued to the present (see Pratomo 2016). More unsettling for Indonesia though were China's claims to the same area, posed as they were by a major power, in a manner inconsistent with UNCLOS, thereby threatening to undermine Indonesia's hard-won diplomatic gains. In response, the government has pursued a suite of diplomatic, military and economic strategies to maintain its control of the contested waters. Each has remained remarkably consistent from their establishment in the 1990s, during the final decade of Suharto's authoritarian rule, across the multiple, varied administrations of the democratic era, through to the present day. As stated above, because the country's interests, strategic capabilities and core actors in this area of policy have remained largely the same, stability in the government's approach has persisted, despite the pressures of domestic political change.

Vietnam was actually the first to challenge Indonesia's control of resources around the Natunas, as it criticised Indonesia in the late 1970s over plans to conclude oil and gas

contracts with US companies (Khong 1986, 215). Vietnam's challenge continues to the present: Indonesian authorities have sporadically seized Vietnamese fishing boats in the area Indonesia claims as its EEZ since at least 2008, and in much greater numbers than Chinese boats. In May 2017, the Vietnamese coastguard attempted to prevent seizure of five Vietnamese fishing boats mirroring a pattern of confrontation between Indonesia and China outlined below. Vietnam also claimed that an Indonesian naval vessel had shot two Vietnamese fishermen in July 2017 (*Reuters*, July 28, 2017). Indonesia also claimed two Vietnamese patrol boats unsuccessfully attempted to prevent the seizure of four fishing vessels in February 2019 (*Jakarta Post*, February 27, 2019). Nevertheless, the dispute with Vietnam does not loom large in Indonesian foreign policy thinking. At its core, the dispute is a matter of agreeing a boundary under UNCLOS; Vietnam no longer holds a clear military advantage over Indonesia; and there is no history of persistent anti-Vietnamese sentiment amongst the Indonesian public.

China, by contrast, has established itself as a foreign policy priority for the Indonesian government in the South China Sea, both through its actions in the Spratly and Paracel island disputes and through its claims on the waters around the Natunas. China first spurred Indonesia to action over the South China Sea in 1988, at a time when the two countries had not maintained diplomatic relations for more than two decades. A naval clash between Vietnam and China in the Spratly islands saw the Indonesian government initiate the diplomatic strand of its response to the South China Sea.

Not long afterwards, China began to directly challenge Indonesia's control of its Natuna EEZ. In the 1990s, this challenge mostly took diplomatic form, as far as available reportage indicates. First, in 1992, China promulgated a Territorial Law of the Sea, claiming sovereignty over most of the South China Sea, including waters in the vicinities of the Natuna islands (Storey 2000, 157; *BBC Monitoring Service: Asia Pacific*, June 23, 1995). The following year, during a so-called confidence-building workshop convened by Indonesia in Surabaya, China submitted a map showing Chinese claims overlapping Indonesia's Natuna EEZ (Arsana and Schofield 2012, 68; Storey 2000, 158). Subsequently, in June 1995, a Chinese foreign ministry spokesperson stated that Indonesia and China would engage in bilateral negotiations and consultations to resolve their sea border, a suggestion that the Indonesian government rebuffed (*BBC Monitoring Service: Asia Pacific*, June 23, 1995; *The Jakarta Post*, June 27, 1995). Finally, in May 1996, just prior to its ratification of UNCLOS, China announced new baselines extending from its mainland to enclose the Paracel islands group. As noted above, this action was inconsistent with UNCLOS, which does not allow continental states to draw baselines around archipelagos. These baselines did not affect Indonesian territory, but raised apprehensions that China might draw similar baselines around the Spratly islands that could underpin a new overlapping claim with the Natuna EEZ (Storey 2000, 158; Sukma 1996). Beyond diplomatic actions, Indonesia reportedly expelled Chinese fishing vessels from its waters, but at the other end of the archipelago near Papua in 1996 (*Reuters*, October 10, 1996). Confrontations over fishing boats were not yet the main focus of China-Indonesia tensions around the Natunas and seizures involved vessels from other countries.

After the diplomatic tensions of the 1990s, the turbulent early years of democratisation coincided with a "charm offensive" by China towards Southeast Asia, including on the South China Sea (Schofield and Storey 2009; Storey 2010). As a result, China

pressed its claims less actively. Lasting for the first half of the 2000s, this charm offensive saw China enter into talks with ASEAN that resulted in a non-binding Declaration on the Conduct of Parties in the South China Sea in 2002, as well as a subsequent joint exploration agreement between China, Vietnam and the Philippines in 2005 (Schofield and Storey 2009, 19). Early in the Yudhoyono administration, Indonesia and China also entered into a broader bilateral strategic partnership in 2005, 15 years after the restoring diplomatic ties.

The Chinese government began to more actively press its claims throughout the South China Sea from the late 2000s. As the charm offensive lapsed in the face of rising domestic nationalism and the demand for energy resources increased, the Chinese government perceived a need to secure sea lanes (Schofield and Storey 2009, 20). Subsequently, it has more often been fisheries incidents than diplomatic actions that have provoked tensions between China and Indonesia (see Table 1).⁴ These fisheries incidents commenced in 2008, during Yudhoyono's first term as president and have continued sporadically under President Jokowi. These incidents involve attempts by Indonesian fisheries patrol or naval vessels to seize Chinese fishing boats in the area Indonesia claims as its EEZ. Since 2010, Chinese patrol vessels have typically been present in the vicinity of the attempted seizure and have often intervened to attempt to free the fishing boats or their crew. When these incidents become public, Chinese authorities assert the right of their vessels to be fishing in the area.

The government's response to these challenges – aimed at maintaining its control of the contested waters – has spanned the diplomatic, military and economic development spheres (Johnson 1997; Storey 2000, 158–161; Arsana and Schofield 2012, 68). These strands are outlined below.

Diplomatic

China's mid-1990s assertion that it had overlapping claims with the Natunas provides a clear initial example of Indonesia's diplomatic response, which comprised three core elements. First, Indonesia refused to publicly acknowledge it had any dispute with

Table 1. Democratic-era fisheries incidents involving China near the Natuna islands

Date	Incident
April 11, 2008	Indonesia seizes 17 vessels from China, Taiwan and Vietnam around the Natunas and sends diplomatic notes (<i>Antara</i> , April 17, 2008; <i>Antara</i> April 24, 2008)
July 10, 2009	Indonesia seizes vessel and 75 fishermen, all but 16 of whom subsequently released and returned to China (Arsana and Schofield 2012)
May 15, 2010	Indonesia seizes two fishing boats, but releases them when a Chinese patrol vessel intervenes (Arsana and Schofield 2012)
June 22, 2010	Indonesia seizes a fishing boat, but releases when the same Chinese patrol vessel intervenes (Arsana and Schofield 2012)
March 26, 2013	Chinese vessel Yuzheng 310 prevents seizure of a Chinese fishing boat by an Indonesian patrol boat, arriving on scene after patrol boat had transferred crew to the Indonesian vessel (Bentley 2013)
March 20, 2016	A fisheries patrol vessel seizes a Chinese fishing boat and eight crew members in the Natuna EEZ and begins to tow them, before two Chinese coastguard vessels enter Indonesia's territorial sea to force the release of the vessel (<i>Jakarta Post</i> , March 21, 2016)
May 27, 2016	An Indonesian naval vessel seizes the Chinese fishing boat <i>Gui Be Yu</i> .
June 17, 2016	Indonesian naval vessel seizes one of 10–12 Chinese fishing boats near Natunas after firing a warning shot. Two Chinese coastguard vessels approach but fail to secure release of the boat (<i>Antara</i> , June 22, 2016; <i>Jakarta Post</i> , June 22, 2016)

China, while pressing China behind the scenes to clarify its claim. Scholars attribute this strategy personally to Indonesia's foreign minister of the era, Ali Alatas, explaining that his rationale was that to acknowledge even that a dispute existed would over time lend legitimacy to China's claim (Arsana and Schofield 2012, 68). Hence after the Chinese Foreign Ministry publicly offered negotiations in June 1995, for example, Alatas told the press, "We don't feel the need to delineate a sea border because we do not share a border with China" (*The Jakarta Post*, June 27, 1995).

Second, the government emphasised international law – in particular UNCLOS – as the basis on which matters in the South China Sea should be decided. Among the government's efforts in this period to strengthen observance of UNCLOS was its proposal that all Southeast Asian states declare a full 200 nautical mile EEZ, with only the resultant "hole in the doughnut" at the centre of the South China Sea available for shared exploitation with China (Johnson 1997, 157). The plan did not gain support. Third, despite its concerns over China's actions in the South China Sea, the Indonesian government continued to pursue expanded bilateral ties with China, which emerged as a crucial economic partner. The two countries had resumed direct trade relations in 1985, and diplomatic relations in 1990, just prior to China's assertion of overlapping claims with the Natunas (Sukma 1999, 183–192). The government took no steps to reverse this decision in response to the South China Sea tensions and trade with China increased significantly during the 1990s (Storey 2000, 150).

These three strategies persisted during the Yudhoyono presidency, despite a cluster of maritime incidents in 2009, 2010 and 2013. Arsana and Schofield (2012, 70–72) observe that the government maintained its policy that "there is no such thing as 'China-Indonesia maritime boundaries'," even if some military officers began to question this position. It asserted in July 2010 that China's nine-dashed line was "tantamount to upsetting" the 1982 UNCLOS (Arsana and Schofield 2012, 66). Yudhoyono's government also continued to intensify relations with China despite these incidents. Notably, Chinese president Xi Jinping gave an address at the Indonesian parliament building in October 2013, roughly six months after the last of the maritime confrontations. On the occasion of his visit, the two countries also upgraded their bilateral relationship to a comprehensive strategic partnership. The joint communique made no mention of the Natuna issue, nor the incident six months earlier in March in which a Chinese patrol vessel prevented Indonesian authorities from seizing a fishing boat (Kemlu 2013).

That is not to say that the impacts of democratic-era domestic political struggles and the broader illiberal turn in the polity have not been visible in the government's South China Sea diplomacy. In particular, two of Indonesia's most recent military commanders, as well as the Co-ordinating Minister for Political, Legal and Security Affairs Luhut Pandjaitan, have made public statements at odds with Indonesia's denial of a border dispute with China.⁵ Pandjaitan, who has since been moved to become Co-ordinating Minister for Maritime Affairs, said in 2015 that Indonesia could refer China to an international tribunal if its overlapping claims were not resolved by dialogue, for example (*Reuters*, November 11, 2015). Prior to the 2014 presidential elections, then armed forces commander Moeldoko also highlighted China's overlapping claims and in an opinion piece in *The Wall Street Journal* (April 25, 2014) called them a source of "dismay." His statement appeared intended to underline his nationalist credentials to

the public and presidential contenders. Think tank and academic criticism of the effectiveness of Indonesia's non-recognition has also become pronounced as the number of incidents involving China increased (see, for example, Laksmana 2016a). This discord and debate illustrates that plural coalitions of actors can contest the government's preferred foreign policy position. Such pressures have not, however, spurred the government to take any concrete steps to start to recognise the Chinese claim. There has been no dialogue nor referral to a tribunal, for example, and both the foreign minister and the ministry's spokesperson stated repeatedly in 2016 that Indonesia did not recognise any overlapping claim with China (*Suara Pembaruan* March 22, 2016; *Antara*, June 1, 2016; June 20, 2016). In these same statements, the foreign ministry routinely emphasised the importance of international law. For instance, Foreign Minister Retno Marsudi stated after the March 2016 attempted seizure of the Kway Fey that the government was trying to use its good relations with China to see that "international law be respected ... including the 1982 UNCLOS" (*Suara Pembaruan*, March 22, 2016).

The most pronounced recent influence, however, has clearly been the increased nationalism of the Jokowi government, including a new emphasis on protection of Indonesia's borders (Aspinall 2016; Rüländ 2017, 66). In part, this new emphasis is a response to the broad resonance of defeated presidential rival Prabowo Subianto's calls for a stronger Indonesia and his attribution of many of the country's ills to the leakage of wealth to unspecified foreign parties (McRae 2014b). Another driver has been domestic criticism of the Yudhoyono government as too accommodating of other countries' interests. Emphasising a new approach, Jokowi's influential foreign policy advisor Rizal Sukma (2015) said in a speech in Singapore in 2015, "Indonesia under President Jokowi is no longer an Indonesia shy to speak its mind and [it] defends its own interests vigorously."

Of most relevance to South China Sea policy, as part of this nationalist shift the Jokowi government has instituted a new hard-line policy of sinking foreign fishing vessels found to be operating illegally in Indonesian waters. The vessels have often been scuttled in spectacular explosions before a watching press pack, sometimes timed to coincide with national holidays. This policy all but ruled out a continuation of the Yudhoyono government's discreet approach to incidents involving China near the Natunas; instead, the Jokowi administration opted to respond to these incidents in full public view. Fisheries Minister Susi Pudjiastuti convened a press conference after the March 2016 confrontation, for example, to announce that she planned to send a stern protest via a diplomatic note to China and to summon Beijing's envoy in Jakarta (*Antara*, March 20, 2016). Later the same year, she held Independence Day celebrations on Natuna island. President Jokowi also took symbolic action. Following the third incident in 2016 he convened a limited cabinet meeting near the Natunas aboard the vessel that had seized the Chinese fishing boat, producing oft-circulated imagery of the president standing by the warship's weapons. In doing so, he appeared to make good on his promise during one of the presidential election debates to "make trouble" if a neighbouring country claimed Indonesia's territory (*detikNews*, June 22, 2014). Continuing with this nationalist theme, all provincial governors were brought to the Natunas and presented with military berets in November 2016 (*Antara*, November 9, 2016). Subsequently, in 2017, the Jokowi government also renamed part of the South

China Sea where these incidents have taken place as the North Natuna Sea, when issuing a new map of Indonesia's territory. Maritime expert I Made Andi Arsana described the renaming as a stern political message of Indonesian control over the waters (Arsana 2017); it drew a stern rebuke from China (*The Jakarta Post*, September 3, 2017). Overall, such has been the overt nationalism of the Jokowi government response that the national legislature – credited by scholars as driving the government to more nationalist foreign policy positions across the democratic era (Rüland 2009; Aspinall 2016) – has generally endorsed these steps rather than demand sterner measures. Although such measures have not generally been included in public opinion surveys on the Jokowi government's performance, they appear to have been favourably received by the public.

And yet, as pronounced as this nationalism has been, it has not displaced the third long-standing feature of Indonesia's diplomatic approach, namely that as a major power, China must be kept on side. Co-ordinating Minister for Maritime Affairs Luhut Pandjaitan during 2016 repeatedly emphasised that China remained a friend, but that Indonesia would not cede its sovereignty, a formulation also employed by the presidential spokesperson (*Suara Pembaruan*, March 23, 2016; *Koran Tempo*, June 21, 2016; *Antara*, June 23, 2016). Pandjaitan also canvassed the possibility of Chinese investment in the fishing industry in the Natunas (*KBR*, July 20, 2016). Further, in early 2018 he called for an end to boat sinkings in favour of a focus on fisheries production. In a similar vein, writing shortly after the first of the three confrontations in 2016, Rizal Sukma (2016) characterised relations with China as “too important to be derailed by a dispute over fishing rights.” Overall, Jokowi's government has routinely been held to have sought to foster closer relations with China than had its predecessors. Admittedly, under the Yudhoyono government, China had already emerged as a crucial market for Indonesian commodity exports and as an infrastructure financier, wedding powerful domestic interests in Indonesia to stable relations with China (Murphy 2014, 135–136; Fitriani 2018). If anything, the Jokowi government has placed additional importance on Chinese investment in major infrastructure, opting for Chinese finance for high-speed rail, power generation and ports projects, as well as seeking unsuccessfully to have China's Asian Infrastructure Investment Bank headquartered in Jakarta (*Reuters*, March 23, 2015). As such, although the broader illiberal turn has seen the Jokowi administration come under pressure regarding its handling of the South China Sea, the illiberal turn has not been transformative of the government's diplomatic approach.

Moving beyond the Natunas to the broader South China Sea disputes, there have also been broad continuities in the government's approach. Even before Indonesia needed to develop a response to China's claims to the Natuna EEZ, it had in fact initiated a series of informal confidence-building workshops to address the Spratly and Paracel disputes. As foreshadowed above, these workshops were Indonesia's response to a naval clash between Vietnam and China in the Spratly islands in 1988. Initially, these workshops involved representatives from ASEAN countries and subsequently also from other claimant states (Wirjono 2008, 20). Convened by Hasjim Djalal, one of the diplomats who had played a key part in Indonesia's archipelagic state campaign, the workshops involved informal talks between senior officials attending in their personal capacity. Organisers hoped that formal agreements would subsequently follow (Stormont 1994). These workshops continue annually and have now exceeded 20

iterations. In Djalal's (2004, 85) view, these workshops forged the ground for still ongoing efforts to conclude a regional code of conduct for the South China Sea and led ASEAN and China in 2002 to enter into a non-binding Declaration on the Conduct of Parties between ASEAN and China regarding the South China Sea. They have not, however, proven a strong restraint against increased Chinese assertiveness in the South China Sea.

Military

A constant in Indonesia's assertion of its maritime territory across the authoritarian and democratic periods has been its lack of a military capable of enforcing its claims. Budgetary shortfalls, the domination of the army within the military, the military's focus on perceived domestic sources of threat to security, and the generally benign overall security environment have together precluded successive administrations from developing such a force. The military's limited patrol and enforcement capabilities have meant that the government has used military measures to visibly signal the nation's resolve, rather than to consistently deny access to other claimants. Accordingly, a clear pattern has emerged since the 1980s of the government responding to moments of diplomatic tension or fisheries incidents by soon after announcing increased military deployments to the Natunas, an increased frequency of patrols, or the conduct of large military exercises in the vicinity.

In the early 1980s, Vietnam was the most active rival claimant and periodically protested Indonesian resource exploitation around the Natunas owing to the two countries' unresolved boundary dispute. In response, Indonesia conducted military exercises around the Natunas in the early 1980s (Khong 1986, 215; Aplianta 2015, 5). In 1981, Indonesia established the Ranai airfield in the Natunas to strengthen its perimeter defences, while also announcing plans to construct a naval base there (*New York Times*, June 7, 1981).

In the mid-1990s, during the period when China issued various maps showing overlapping claims and offered sea boundary negotiations to Indonesia, the military took several steps to increase local deployments. It announced plans in early 1995 to increase patrols around the Natunas, including basing 20 fighter jets in nearby Pontianak (*Reuters*, October 17, 1995). In 1996, the navy announced several destroyers would guard gas developments in the area (*Agence France-Presse*, September 20, 1996). The military also further upgraded the Ranai airfield in 1996, enhancing its radar and other navigational aids (TNI Angkatan Udara 2014).

Around the same time, the military conducted two major exercises in the area. Indonesian authorities offered public denials that the exercises were aimed at China, but Beijing did not miss the message, calling for countries not to "take actions which will cause the situation to become even more complicated" (*Straits Times*, September 6, 1996). Indonesia first conducted war games with Malaysia off the island of Borneo in August 1996. Then in September 1996, it conducted what were reported as its largest-ever military exercises in the Natunas, involving 19,500 troops, 40 fighter aircraft and 50 warships (*Kyodo News Agency*, September 3, 1996).

During the democratic era, both the Yudhoyono and Jokowi governments have continued this pattern. Under Yudhoyono, Indonesia held military exercises around the Natunas in June 2008, after seizing 30 fishing boats in the area in April and May

that year (*Antara*, April 17, May 9, May 30, 2008). It also deployed warships to the Natunas in October 2009, after a high-profile seizure of a Chinese fishing boat and its crew in June (*Xinhua News Agency*, July 1, 2009; *BBC Monitoring Asia-Pacific*, October 21, 2009). No exercises appear to have followed the 2010 incidents with China, but the military conducted exercises in response to illegal fishing around the Natunas in August–September 2012 (*The Jakarta Post*, September 1, 2012). It again held large-scale military exercises in the Natunas in October 2013, seven months after a Chinese patrol vessel had prevented the seizure of a fishing boat (*The Straits Times*, October 23, 2013). As part of its reconfiguration of the military, the Yudhoyono government also formulated plans at least as early as 2008 to substantially increase deployments to the Natunas and other border areas (Laksmiana 2016b; 2019). These plans remained incomplete at the end of Yudhoyono's term in office, however, consistent with overall modest progress towards his government's Minimum Essential Force blueprint for development of Indonesia's military.

Consistent with pressures to exhibit increasing nationalism as part of the broader illiberal turn, military exercises and new deployments have increased in frequency under the Jokowi government. Nevertheless, this intensification appears a matter of degree, rather than a transformation of strategy. In addition to his cabinet meeting aboard the *Imam Bonjol* warship, Jokowi has attended two large-scale military exercises in the Natunas since the 2016 confrontations with China, in October 2016 and May 2017 (*Jakarta Post*, May 23, 2016). The president's presence at these exercises had led each time to widely circulated imagery of Jokowi alongside military hardware, for instance posing in the cockpit of a fighter jet. In a direct echo of the rhetoric of the 1990s, despite the clear intention of these exercises to underline Indonesian control of the area, then military commander General Gatot Nurmantyo said of the first of these exercises that it “was not intended specifically to respond to the tension with the Chinese government related to the South China Sea” (*The Straits Times*, October 7, 2016). Apart from these exercises, individual services also held exercises around the Natunas during this period. The June 2016 Chinese fishing boat seizure coincided with a navy exercise that brought six vessels to the area, including the warship that made the seizure (*Antara*, June 17, 2016). The army also held exercises in the Natunas in November 2016, transporting numerous Leopard battle tanks to the islands for the occasion (*Tempo.co*, October 21, 2016).

Beyond these exercises, shortly after each confrontation, the government also announced plans to further upgrade its military facilities on the Natunas. In reality, many of these announcements are cases of officials drawing public attention anew to pre-existing plans (Laksmiana 2016b). Defence Minister Ryamizard Ryacudu made this precise point after the 2016 incidents, pointing out that construction of upgraded military facilities had first been announced in 2015 (*Koran Tempo*, October 6, 2016). Contributing to the impression that these incidents have spurred the government to highlight pre-planned upgrades rather than commit new resources, three months after the confrontations, the government actually announced a reduction of the defence budget as part of overall efficiency measures (*Detiknews*, October 13, 2016). Notably, defence spending has remained well below the levels Indonesia's own defence planners consider necessary to develop a minimum essential force by 2024 (Fealy and White 2016, 93). In addition to these announcements of military “upgrades,” in January 2017,

the police also announced that their Riau Islands provincial command – where the Natunas are located – would be upgraded, more than doubling the number of police assigned to the province (*The Jakarta Post*, January 21, 2017).

Economic

A third strand of the government's strategy has been to increase the population and economic activity of the Natunas, particularly the exploitation of resources in the claimed EEZ. It is a strategy Indonesia has rolled out throughout the archipelago to prevent the "loss" of its outermost islands to neighbouring countries, which has seen national integrity positioned as a core concern in nationalist rhetoric. In both the authoritarian era and under democratic governance, this strategy has involved state investment in relocation and economic infrastructure, with officials often openly admitting the political purpose of the spending.

In response to China's assertion of its claims in the mid-1990s, the government announced plans to use its transmigration programme to send thousands of families to the Natunas. Transmigration Minister Siswono Yudohusodo acknowledged the goal was "security and defence rather than development," Storey recounts (2000, 160). In 1994, Indonesia's state-owned Pertamina oil company and Exxon Mobil agreed to jointly develop gas resources in the Natunas. The involvement of the US company carried the added advantage for Indonesia of aligning US commercial interests with Indonesian control of the area (Storey 2000, 160). The government also sought to increase the domestic fisheries catch in its EEZ, in 1995 announcing plans to import hundreds of fishing vessels (*Indonesian Commercial Newsletter*, February 20, 1995). The following year, Research and Technology Minister BJ Habibie also announced grandiose (and unrealised) plans to transform the remote Natuna island chain into an economic centre resembling Hong Kong by 2020, providing services "to the Asian middle class" (*Reuters*, September 20, 1996).

The series of confrontations with China's coastguard in 2016 spurred Jokowi government officials to announce a strikingly similar set of economic measures. The president himself outlined the rationale for these measures in his annual Independence Day address in August, saying Indonesia must develop its outermost islands such as the Natunas, "so that the world sees that Indonesia is a great nation and pays serious attention to every inch of its land" (*Antara*, August 16, 2016). Mirroring the transmigration and fishing vessel purchases of the 1990s, the Jokowi government in 2016 announced plans to relocate 400 fishing vessels from Java to the Natuna EEZ and to build low-cost apartments for the migrant fishers (*Antara*, 28 July, 2016; *Koran Tempo*, 18 July, 2016). Unsurprisingly, such measures have been unpopular with local fishers, who have expressed anxieties that the new arrivals will leave them with a diminished catch (*RiauPos.co*, June 26, 2016). The fisheries ministry also announced it would build an integrated marine and fisheries centre on the Natunas, equipped with cold storage facilities exceeding 1,000 tonnes in capacity, to support intensified fishing activities (*Tempo.co*, August 7, 2017). As mentioned in the discussion of diplomatic strategies, the maritime affairs co-ordinating ministry has also flagged the possibility that China could purchase a stake in such development, through investment in the fisheries sector in Natuna. In October 2016, Jokowi also opened a new commercial terminal at Ranai airfield and urged his minister to see that more airlines flew there (*Antara*, October 9,

2016). The government also announced plans to build a small offshore oil refinery, in part to supply the military, although the official announcing the plan acknowledged it may not turn a profit (*Tempo.co*, August 8, 2016).

Continuity in the Indonesian Government's Approach

What accounts for the striking continuity in the government's approach to the South China Sea, spanning authoritarian and democratic administrations and persisting despite the illiberal turn affecting Indonesia's democratic polity? I make three arguments here. First, despite the changing outcomes of domestic political struggles, the basic feature of its external strategic challenge regarding the waters around the Natunas has remained the same. Throughout its modern history, Indonesia has sought to assert its rights to territory and resources against more powerful rival nations. During the negotiation of UNCLOS and Indonesia's struggle to gain recognition as an archipelagic state, these rivals were the maritime powers of the era, as well as Japan with its long-distance fishing industry. As the challenge of these nations has receded with the conclusion of the Convention, China has emerged as a new and potent rival. As such, although the identity of Indonesia's rivals has changed, the utility of international law to Indonesia has not, given its enduring deficits in military power.

As explained above, this focus on international law along with the other diplomatic, military and economic development strategies the government has pursued have not convinced China to drop its claims. China asserts much the same claim in the present day as it did in the 1990s. Indeed, writing in 2000, Storey (2000, 159) observes that the diplomatic strand had "yielded little progress." Instead, Indonesia's approach has only maintained a status quo position, and one at that where many domestic actors perceive China's challenge to be intensifying. Accordingly, since democratisation, the core tenets of Indonesia's diplomatic approach have increasingly come under criticism and challenge from actors outside of the foreign ministry, such as military commanders, other government ministers and non-government critics.

Nevertheless, this is a status quo position that serves Indonesian interests relatively well – a second reason for the government's continuity of approach. In contrast to the Spratlys and Paracels, where China has denied access to other claimants and prevented resource exploitation, China has not been able to establish an outpost in Indonesia's claimed EEZ around the Natunas. In fact, at least in principle, Indonesia remains free to exploit the area's natural resources as it sees fit. As a result, no particularly coherent coalition of actors has emerged to press forcefully for a different approach. If China were to prevent resource exploitation, then the voice of thinktank and academic critics as well as opponents of current policies within the government would be amplified by commercial and political interests. At present, as Fitriani (2018, 8) observes, large-scale "China-linked business people" within Indonesia lobby for a focus on the importance of economic relations with China as against a perception of China as a threat.

Third, mitigating further against the emergence of a coherent coalition of interests capable of changing government policy, the South China Sea is a particularly technical area of policy, and one in which Indonesia's Ministry of Foreign Affairs enjoys a strong expertise advantage over the domestic rivals mentioned above, even within government, making it easier for its position to prevail. Successful policy-making in this area involves

not only winning domestic power struggles, but also formulating a coherent overall position that can withstand international negotiations and potential legal challenges. Dating back even to the authoritarian era when the military was a much more important foreign policy actor, this requirement for expertise has allowed a succession of maritime law experts associated with the foreign ministry to dominate South China Sea policy-making. Butcher and Elson (2017, 165–166) provide a particularly illuminating example of this dynamic in the broader case of Indonesia's quest to become an archipelagic state. They describe an alliance forged in the early 1970s between two civilian maritime law experts – Mochtar Kusumaatmadja, later to become Indonesian foreign minister from 1978 to 1988, and Hasjim Djalal – and the military colonel responsible for law of the sea matters in the Department of Defence. They reproduce Djalal's recollection of the colonel's proposition to the two civilians: I know nothing but have the power. You know everything but have no power. Let's form an alliance between those who understand but have no power and those who do not understand but have the power (Butcher and Elson 2017, 166).

Conclusion

As part of an overall assessment of two decades of Indonesian democratisation, this article has sought to demonstrate that democratic-era political struggles – and the illiberal turn they began to produce – have impacted unevenly upon different areas of foreign policy. Indonesia's diplomacy towards the South China Sea stands in particular as a key area of policy-making that has remained relatively autonomous of domestic political struggles. Although the Jokowi government has displayed greater overt nationalism in its handling of confrontations at sea, the position that the foreign ministry established in the 1990s has persisted, as it preserves a status quo in Indonesia's control of the waters surrounding the Natunas and maintains good relations with China in a way that serves a range of Indonesian interests sufficiently well for no coherent coalition to emerge to force a new approach. Earlier, in the example of the government's campaign for an archipelagic state that set many of the parameters of the present-day dispute over the waters around the Natuna islands, we also saw the government proactively seek to reshape the international order in its favour when overall domestic political conditions might have led us to expect an inward-looking foreign policy.

In closing, we might consider, if growing illiberalism in the overall polity has not fundamentally shifted the government's strikingly resilient approach to the South China Sea, what then might precipitate a change? The rupture of the present status quo to the disadvantage of Indonesian interests is one factor, as discussed in the previous section. Another factor sometimes cited as a possible driver of change is a presidential election victory for Prabowo Subianto or another ex-military candidate running on a similar platform. Another of Indonesia's rehabilitated retired generals, and formerly President Suharto's son-in-law, Prabowo suffered only a narrow electoral defeat to Jokowi in 2014, running on a strongman style pitch to voters to restore Indonesia as an Asian tiger. Prabowo then lost again to Jokowi in 2019. Many scholars expect a candidate of Prabowo's type would seek to concentrate political power in the presidency by winding back democratic checks on executive power, accelerating or even completing the current illiberal turn. Certainly, if Prabowo had formed government, a more confrontational approach to the Natuna disputes

could not be discounted, particularly as he may have sought to demonstrate his administration's nationalist credentials early in his tenure.. Equally, though, many of the same factors that have kept Indonesia's approach to the South China Sea constant across changes in regime type and in democratic administrations would also remain a significant pressure on a possible President Prabowo's decision-making.

Notes

1. For a full list of parties to the convention, see United Nations Division for Ocean Affairs and the Law of the Sea (2018).
2. Butcher and Elson (2017), for example, observe that Indonesia, Malaysia and Singapore's attempts to formulate terms of access for warships to the Malacca Straits took place in the context of a reality that none of these nations could hope to deny access to the navies of the USA or USSR.
3. China is conspicuous by its absence from Butcher and Elson's (2017) account of the UNCLOS negotiations. Still yet to undergo its economic transformation and having only joined the United Nations in 1971, Wang (2016) writes that China approached negotiations from a counter-hegemonic, Third World solidarity standpoint. The Chinese government was soon to decide that the treaty did not serve its various maritime interests.
4. One exception to this pattern was China's submission of a protest note to the United Nations in May 2009 in response to a continental shelf submission by Malaysia and Vietnam. Through this protest, China officially submitted its nine-dash line map (Arsana and Schofield 2012; Parameswaran 2016, 328). The Indonesian government made a counter-submission the following year.
5. Other senior current and retired officers also made similar statements after two incidents in 2010 in which a Chinese patrol vessel intervened to prevent the seizure of Chinese fishing boats (Arsana and Schofield 2012, 70).

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