

India and Indonesia: Strengthening Maritime Relations

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India and Indonesia are maritime neighbours with a symbiotic relationship which can be utilised towards developing maritime cooperation in the region. The distance between India's Andaman Islands and Indonesia's Aceh is not more than 80 nautical miles. Additionally, the fact that the Indian naval ships have been making visits to Indonesia ports and coordinated patrolling of the sea for many years, just shows that the existing relations are already stable.

As a maritime nation, India with a coastline of 7,516 km is in a pivotal position in the Indian Ocean Region (IOR) overlooking the Sea Lines of Communication (SLOCs) that connect Asia to Africa, Europe, and in some cases the east coast of the Americas. In comparison, Indonesia with a coastline of 108,000 km overlooks the Straits of Malacca, Lombok, and Sunda, which connect the Indian and Pacific Oceans. Given the geographic advantage accrued jointly by both nations the strengthening of their relationship is considered important for regional peace, stability, economic growth, and prosperity.

This understanding and the realization of the requirement for strengthening the relations between the two countries led to the adoption¹ of the 'Shared Vision on Maritime Cooperation in the Indo-Pacific Region' on 30th May 2018, during the visit of Prime Minister Narendra Modi to Jakarta.¹

The main highlight of the visit was the agreement to develop the Port of Sabang in the Aceh Province, 104 nm from Indira Point (the southernmost point of India), and 376 nm from Port Blair. The prospects of future constructive engagement were further highlighted when President Joko Widodo stated that, "India is a strategic defense partner...and we will continue to advance our cooperation in developing infrastructure, including at Sabang Island and the Andaman Islands."²

For India, the strengthening of the relation with its maritime neighbour is beneficial in several ways. Firstly, it would result in port infrastructure development; Secondly, aid the concept of Freedom of Navigation (FoN); Thirdly, strengthen interoperability while ensuring regional security and; Fourthly, greatly aid economic development in the Bay of Bengal.

In order to have a healthy and productive engagement between both the nations it is necessary to find convergence area. In the case of India and Indonesia the convergence factor can be provided by two policies; SAGAR (Security and Growth for All in the Region) under India's Act East Policy and Indonesia's Global Maritime Fulcrum (GMF). While GMF serves to improve the inter-island connectivity and also ensure greater participation of Indonesia in the strategic environment of the Indo-Pacific, Prime Minister Modi's flagship project SAGAR works towards enhancing India's engagement with her maritime neighbours.

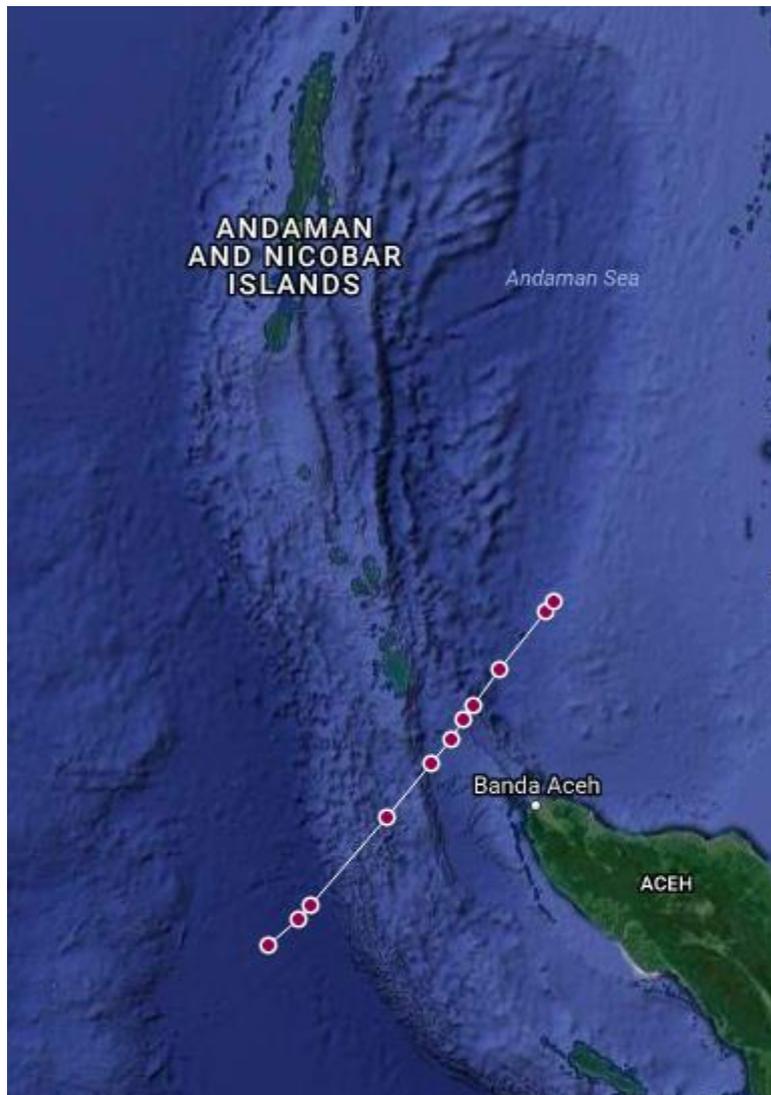
Another convergence aspect that merits attention is found in the shared vision for the Indo-Pacific document, specifically both nations believe in “free, open, transparent, rules-based, peaceful, prosperous and inclusive Indo-Pacific region, where sovereignty and territorial integrity, international law, in particular, UNCLOS, freedom of navigation and overflight, sustainable development and an open, free, fair and mutually beneficial trade and investment system are respected.”² The document also talks about the importance of Blue Economy for both the countries as it can help in their sustainable development and growth.

There have also been talks about enhancing the existing naval cooperation, which presently comprises of Coordinated Patrols and the institutionalized bilateral naval exercises. However, there is one existent grey area relating to the delimitation of maritime boundaries in the EEZ, the resolution of which would further cement the relationship.

In 1947, there was an agreement between both the nations demarcating the continental shelf¹ between Great Nicobar Island and Sumatra (see map 1).³ Thirty years later in 1977, the revised treaty decided to extend the continental shelf to the Andaman Sea and the Indian Ocean. In terms of economic rights, on the continental shelf, a

¹ The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance (refer to http://www.un.org/depts/los/convention_agreements/texts/unclos/part6.htm).

State has the right just over the non-living resources and activities such as installing structures and drilling.⁴



Map 1: Continental shelf boundary between India and Indonesia based on 1974 and 1977 agreements.

Source: Google Maps

Until this juncture the agreements were clear without any issue. However, things changed after the introduction of the Exclusive Economic Zones (EEZ) by the 1982 UN Convention on the Law of the Sea (UNCLOS), which gave states special rights regarding the exploration and use of marine resources. As per UNCLOS Article 56 in the EEZ the coastal state has, "sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds (United

Nations Convention on the Law of the Sea, 1982). Even after the introduction of EEZ, the agreement between India and Indonesia remained unchanged, which provided rights ***only over non-living resources and not living resources***. This issue needs to be resolved to firstly avoid any future differences over the rights, and secondly to keep in the spirit of UNCLOS and thus maintain respect for a rules-based order in the region.

The two countries are yet to settle the EEZ² boundary demarcation. Given that this issue is still not resolved, the fish resources in the extension (from the Continental Shelf line) belong to Indonesia, while the oil and gas resources and the sedentary species such as sea cucumber (which constitute the Continental Shelf resources) belong to India.

Recently Jakarta showed interest in signing an agreement which would delimit the EEZ. In an interview with The Wire on 30 May 2018 the Director General for Legal Affairs and International Treaties, Indonesia, Damos D. Agusman said that "We agreed to an agreement on the continental shelf in 1974. At that time, EEZ did not yet exist. After UNCLOS, EEZ was born, and we need to delimit it."⁵ In order to resolve this issue, both the nations have commenced bilateral talks and have also held meetings.

The inclusion of living resources was not the only issue that was raised after the introduction of EEZ. UNCLOS limits the distance between the Continental shelf and EEZ to 200 nm. However, the continental shelf can be extended (to 350 nm) after submission to the Commission on the Limits of the Continental Shelf (CLCS). Also, if the distance between two countries is less than 400 nm, then the boundary (for the continental shelf and EEZ) is decided by bilateral negotiations.

For India and Indonesia, the Indira Point in Andaman and Nicobar Island and Banda Aceh in Indonesia have a distance of just 80 nm.

The issue of delimitation needs to be well debated and discussed; and will therefore take time. A cogent and pragmatic approach in the spirit of UNCLOS will not only help set an example of respect for and adherence to international law, but also

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strengthen relations between these two maritime neighbours. This strengthening of relations could also aid stability and balance of power in the maritime expanse of the Indo-Pacific region.

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Notes and References

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Photo: India Today