

***Sovereignty and the Sea: How Indonesia Became an Archipelagic State.* By John G. Butcher and R.E Elson. Singapore: NUS Press, 2017. Hardcover: 527pp.**

Whenever an international law dispute arises between a developing (or non-Western) country and a Western country, one dogma that occasionally emerges is the claim that international law was created by the West and forced upon developing countries. This is also the case for Law of the Sea disputes, where similar arguments are also made on how the 1982 United Nations Convention on the Law of the Sea (UNCLOS) was drafted. This is a tired argument and the wonderful book *Sovereignty and the Sea*, by John G. Butcher and R.E. Elson, shows the fallacy of this argument.

The book provides a detailed account of Indonesia's struggle to be recognized as an "archipelagic state" by the international community. The authors do an excellent job of describing how the people in nineteenth-century Indonesia, as well as the Dutch — who colonized the islands that would later become Indonesia — viewed their authority over the waters surrounding the islands (pp. 34–43). After achieving independence in 1945, the Indonesian government began to debate the question of how to define Indonesia's territory, and whether it should include the seas and waters between the more than 17,000 islands which comprise Southeast Asia's largest country (p. 64). In the 1950s, foreign naval vessels were freely conducting military operations in the waters between the Indonesian islands, and for a young nation that was still struggling to gain international recognition as well as fighting separatist movements, this was of grave concern (pp. 64–65).

This was when Mochtar Kusumaatmadja, a young international law scholar who had recently received his Master of Laws from Yale University, was approached and asked if it was possible to convert the waters between the islands into internal waters (p. 66). Going against his initial reaction, Mochtar agreed to come up with a revolutionary solution, and he did not disappoint. Mochtar's solution was based on the notion that the Indonesian archipelago forms one unit, which allowed him to draw "straight baselines between the outermost points of the outermost islands, thus enveloping all the islands of Indonesia" (p. 70). Controversial as the idea was at the time, Indonesia stuck with it despite strong international opposition which led to the defeat of the archipelago concept at the 1958 Geneva Conference on the Law of the Sea (p. 92).

By the time the United Nations Seabed Committee was preparing for the third conference on the law of the sea in 1971, a young diplomat from the Foreign Ministry, Hasjim Djalal, had joined Mochtar in representing Indonesia at the Law of the Sea negotiations. The Indonesian delegation not only fought to include “archipelagos” on the agenda of the third conference, but also defended the country’s position regarding straits. As the country that links the Indian and Pacific Oceans, it was important for all maritime countries to ensure that the straits, channels and waters of Indonesia remained open for navigation.

Indonesia knew that it was also in its best interest to ensure the country’s waters remained open for navigation. However, there were security and environmental concerns associated with open waters. It was thus extremely important for Indonesia to gain some recognition of its sovereignty over those waters by pushing for both the archipelagic state concept as well as enforcement capabilities with regard to the straits used for international navigation. On one occasion, Djalal launched a scathing attack on the maritime powers that wanted free passage of ships through straits that are part of the territorial sea of a state, accusing them of hypocrisy (p. 183). The conviction of the Indonesian delegation convinced the maritime powers and other states that getting a deal that was acceptable to Indonesia on straits and archipelagos was essential to the success of the conference.

The dynamic between Mochtar and Djalal in conducting bilateral negotiations on multiple fronts during the third Law of the Sea conference (which began in 1973) is prominently highlighted in the book. From dealing with maritime powers such as the United States and the Soviet Union, to cooperating with other archipelagic states like Fiji and the Philippines, to dealing with close neighbours like Malaysia and Singapore, the book chronicles the twists and turns in Indonesia’s fight to be finally recognized as an archipelagic state and having that recognition enshrined in UNCLOS.

The book has clearly been a labour of love for Butcher and Elson, both of whom have studied and written extensively about modern Indonesia. It demonstrates the in-depth research they had conducted and the careful details they included in the arguments of various countries presented at the third conference. The authors’ lack of access to Indonesian archival records during the research for this book turns out to have been a blessing in disguise, as it allows the authors to complete the narrative not only from oral accounts

of those who were representing Indonesia at the third conference, such as Mochtar and Djalal, but also from the archives of other countries which dealt intensively with Indonesia such as Australia, the United Kingdom, the United States, the Netherlands and Fiji. This ensures that the book not only tells the story from the Indonesian point of view, but also paints a comprehensive picture of how Indonesia struggled and succeeded in its archipelagic campaign. *Sovereignty and the Sea* is easily the best book I have read so far this year.

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