

Vietnam - Indonesia Cooperation on Sea Definition

Tran Ngoc Giap

PhD student at Faculty of International Studies; VNU University of Social Sciences and Humanities

Abstract: Vietnam is a country with a long coastline and a wide sea area with many islands and archipelagos, especially the Hoang Sa and Truong Sa archipelagos. Therefore, maritime security in particular and the protection of the integrity of its territory, sea and airspace are the central goals of Vietnam throughout the process of national construction and development. Vietnam constantly emphasizes cooperation with regional nations to complete this objective in particular. According to the United Nations Convention on the Law of the Sea 1958, Vietnam shares maritime borders with China and Cambodia, and shares continental shelf boundaries with China, Indonesia, Malaysia, Cambodia and Thailand. Currently, according to the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, the boundary of Vietnam's exclusive economic zone and continental shelf is expanded and adjacent to many countries. Besides the well-defined sea areas with neighboring countries, Vietnam is still negotiating some of the remaining waters with China, Malaysia and Cambodia. Among the countries with which Vietnam has completed negotiations on maritime delimitation, the cooperation between Vietnam and Indonesia on maritime delimitation is very important, creating a premise for a clearer maritime boundary delimitation with other countries, contributing to promoting the development of the Vietnam - Indonesia Strategic Partnership to a new level. This article will present and analyze the cooperation relationship on maritime delimitation between Vietnam and Indonesia from the perspective of international studies.

Keywords: Cooperation, maritime delimitation, Vietnam, Indonesia.

INTRODUCTION

1. Overview of the Policies of Vietnam and Indonesia on Foreign Affairs and Maritime Delimitation

Vietnam and Indonesia officially established diplomatic relations in 1955 and a strategic partnership in 2013. Over nearly 70 years since the establishment of the relationship, based on a solid foundation established by the Chairman President Ho Chi Minh and President Sukarno built, preserved and developed since the two nations' resistance wars for independence, with generations of leaders and people of the two countries have worked hard to cultivate, the friendly relationship has been built and maintained. The traditional Vietnam - Indonesia conference has been developing strongly in most fields, especially politics - diplomacy, economy - trade and investment, defense - security and culture - society and people-to-people exchange.

In relationship with Indonesia, Vietnam commits to working with Indonesia to enhance and expand political dialogue on bilateral relations and regional and international issues of mutual concern and continue to further strengthen cooperation in various fields, affirming always attaches importance to and wishes to further promote the strategic partnership with Indonesia ¹.

On the Indonesian side, since supporting Vietnam's accession to ASEAN (1995), the two countries' relations have increasingly consolidated and developed in both bilateral and multilateral aspects in the spirit of ASEAN. Vietnam is considered an important partner of Indonesia in Southeast Asia in all fields, including economic, trade and investment" ².

- *Vietnam's Policy and Stance on Foreign Affairs and Maritime Delimitation:*

Vietnam's foreign policy has undergone certain adjustments over historical periods but the guiding thought throughout President Ho Chi Minh's time has been to uphold the principles of independence, self-reliance, self-reliance, and development. mobilize internal resources combined with international cooperation, principles of relations with major countries, approach to the situation of the world and the times... Since the 6th National Congress of Delegates (1986), Vietnam has implemented the open-door policy, with the foreign policy of "multi-lateralizing and diversifying international relations" ³, "willing to be friends and reliable partners of countries in the international community, striving for peace",

¹Pham Tiep (2023), "Vietnam further promotes Strategic Partnership with Indonesia", <https://www.vietnamplus.vn/viet-nam-thuc-day-hon-nua-quan-he-voi-tac-chien-luoc-elephant-indonesia/861563.vnp>. accessed on 5/7/2023.

²Speech by Mr. Mayerfas, Indonesian Ambassador to Vietnam on the occasion of the visit to Vietnam by Indonesian President Susilo Bambang Yudhoyono in May 2005.

³ Communist Party of Vietnam (1987), *Document of the 6th National Congress of Deputies*, Publishing House. Truth, Hanoi, p.30.

independence and development”⁴. Regarding the orientation to join the Association of Southeast Asian Nations (ASEAN), the 13th Congress affirmed that “stepping up and raising the level of multilateral diplomacy, closely coordinating with the bilateral, well-performing international responsibilities, especially within ASEAN..., maintain peace, security, safety, freedom of navigation and overflight in the East Sea, and settle disputes by peaceful means on the basis of international law, especially UNCLOS 1982.”⁵

Regarding the issue of maritime delimitation and dispute settlement at sea, Vietnam's legal basis is clearly reflected in Article 14 of the 1992 Constitution of the Socialist Republic of Vietnam “Vietnam implements the policy of peaceful, expand exchanges ... on the basis of respecting each other's sovereignty and territorial integrity”. Declaration on territorial sea, contiguous zone, exclusive economic zone and continental shelf dated May 13, 1977 also affirmed that “Vietnam will join relevant parties, through negotiations on the basis of respect for independence, each other's sovereignty, in accordance with international law and customary practice, and to settle the issues of each party's maritime zones and continental shelf”.

This viewpoint was also announced by the National Assembly of Vietnam on June 23, 1994 when it ratified the 1982 UNCLOS, Vietnam “advocates to settle disputes over territorial sovereignty as well as other disagreements related to the East Sea. Through peaceful negotiations in the spirit of equality, mutual understanding and respect, respect for international law, especially UNCLOS 1982, and respect for the sovereign rights and jurisdiction of coastal states over the exclusive economic zone and continental shelves; while making efforts to promote negotiations to find a basic, long-term solution, the parties concerned should maintain stability on the basis of the status quo, without taking action to further complicate the situation, without using force or threat to use force”.⁶

⁴ Communist Party of Vietnam (2001), *Document of the Ninth National Congress of Deputies*, Publishing House. National politics, Hanoi, p.119.

⁵ Communist Party of Vietnam (2021), *Documents of the Eighth National Congress of Deputies*, Publishing House. National politics of truth, Volume 1, Hanoi, pp.282-283.

⁶ National Assembly of the Socialist Republic of Vietnam, *Resolution on ratification of the United*

In Clause 3, Article 4, Vietnam's Law of the Sea 2012 affirms that “The State settles disputes related to seas and islands with other countries by peaceful means, in accordance with UNCLOS 1982, international law and practice farewell”⁷.

Thus, Vietnam's current basic position in settling maritime disputes with neighboring countries is on the basis of compliance with international law, especially UNCLOS 1982, through peaceful solutions to ensure fairness for all parties.

- Regarding Indonesia's Policy and Stance on Foreign Affairs and Maritime Delimitation

Since the declaration of independence until now, Indonesia has basically been consistent in its stance of implementing an independent, active, self-reliant foreign policy with appropriate adjustments from time to time, focusing on protecting its independence and sovereignty countries and participating selectively in regional and global activities. Indonesia advocates prioritizing the development of relations with neighboring countries, taking ASEAN as the foundation of its foreign policy and expanding cooperation with all countries in the world.

Regarding maritime delimitation and dispute settlement in the East Sea, Indonesia affirms its uncompromising stance on issues related to territorial sovereignty, supports and calls on ASEAN countries to unite and unite. reaffirmed the Declaration on the Conduct of Parties in the East Sea (DOC), the Code of Conduct in the East Sea (COC) and the need to respect international law, especially UNCLOS 1982.

In meetings with leaders of the Party and the State of Vietnam, senior Indonesian leaders have repeatedly affirmed their goodwill and desire to speed up the negotiation process to delimit the boundary of the overlapping area in the continental shelf and exclusive zone. Economic cooperation between the two countries through peaceful measures and international law, typically: Speaking

Nations Convention on the Law of the Sea (UNCLOS) 1982 by the National Assembly of the Socialist Republic of Vietnam dated June 23, 1994, <https://thuvienphapluat.vn/van-ban/Giao-thong-Van-tai/Nghi-quyet-phe-chuan-cong-uoc-cua-Lien-hop-quoc-Luat-bien-nam-1982-41532.aspx>. accessed on 12/7/2023.

⁷ Law No. 18/2012/QH13 of the National Assembly: Law of the Sea of Vietnam, <https://thuvienphapluat.vn/van-ban/Giao-thong-Van-tai/Luat-bien-Viet-Nam-2012-143494.aspx>. accessed on 08/8/2023.

during his visit to Vietnam in August 2001, Indonesian President Megawati proposed to promote and come to a definitive settlement spirit of ASEAN on the issue of overlapping maritime disputes on the continental shelf between the two countries; On the occasion of the visit to Indonesia by former Prime Minister Nguyen Tan Dung from September 13-14, 2011, President Susilo Bambang Yudhoyono affirmed that Indonesia's position is in favor of solving different perceptions among the parties in the East Sea by way of peace and international law; During his visit to Vietnam from September 11 to 12, 2018, President Joko Widodo agreed to speed up the negotiation process in order to reach an agreement soon in the negotiations on the delimitation of the exclusive economic zone between the two countries based on the law. international law, especially UNCLOS 1982⁸...

2. Vietnam-Indonesian Cooperation on Continental Shelf Delimitation

The contiguous coastline between the mainland of Vietnam and the large island of Borneo (also known as Kalimantan) of Indonesia is about 474 nautical miles apart, the closest point between the islands of the two countries is 246 nautical miles. The overlapping waters and continental shelf between the two countries are located in the southeast of Vietnam and northwest of the big island of Borneo Indonesia. In this area, Vietnam's farthest island is Con Dao, located about 48 nautical miles from the mainland, and Indonesia's farthest island is Natuna North, about 173 nautical miles from the big island of Borneo. The total area of the continental shelf between the two countries is about 250 nautical miles, from Con Dao Vietnam to Natuna Island in North Indonesia, the average depth is about 70m, the West has the smallest depth of about 50m and the greater the depth. When going to the East, there is a point nearly 1,000m deep. Near the North Natuna island of Indonesia, there is a trench about 80-100m deep⁹. With the above geographical position and natural characteristics, the maritime boundary delimitation between Vietnam and Indonesia is only related to the delimitation of the continental shelf and the exclusive economic zone.

⁸ Government Electronic Newspaper (2018), "Vietnam - Indonesia Joint Statement on Strengthening Strategic Partnership", <https://baohinhphu.vn/tuyen-bo-chung-viet-nam-indonesia-ve-tang-cuong-quan-he-doi-tac-hien-luoc-102244647.htm>, accessed 4/7/2023.

⁹Phan Dieu Linh (2016), *East Sea Disputes: Sea Delimitation*, Master Thesis in International Law, Diplomatic Academy, Hanoi, p.56.

In 1969, Indonesia declared the boundary of the continental shelf based on the principle of not exceeding the median line equidistant from the archipelagic baselines of Indonesia and the baselines of the neighboring states. In 1971, the government of the Republic of Vietnam drew the boundary of the oil and gas concession on the continental shelf of Vietnam, which the maritime boundary between Vietnam and Indonesia was taken according to the median line equidistant from the coast of Vietnam to the coast of Borneo island of Indonesia¹⁰.

From the above contradiction, in 1972 the two sides conducted negotiations to delimit the continental shelf. The Indonesian side claims that the median line between the two baselines is the baseline of the archipelagic nation, which is actually the distance between the North Natuna island of Indonesia and Con Dao of Vietnam, also known as the island-island median. The Government of the Republic of Vietnam proposes to delineate along the median line between the coast of mainland Vietnam and the coast of the large island of Borneo of Indonesia, also known as the coast-shore median line with the view that North Natuna is too small. The distance from the large island of Borneo is three times that of Con Dao and too close to the Vietnamese mainland. The contradiction in the claims of the two sides and the position of the two median lines have created an overlapping sea of about 40,000 km². At the end of the negotiations, the two sides could not reach an agreement¹¹ because they had not found a common voice and a fair solution.

From 1973 - 1974, negotiations between the two sides continued to take place, the Government of the Republic of Vietnam proposed to narrow the overlapping area to 37,600 km² and the two sides divided the aforementioned overlapping area in half by taking the median line. the central line as the line delimiting the continental shelf. This position was maintained by the government of the Republic of Vietnam until 1975, but when the Indonesian government did not accept this proposal, the negotiation process had to end

¹⁰ Tran Cong Truc (2017), "Overlapping areas, maritime boundary planning issues and Vietnam practice", Education Newspaper, <https://giaduc.net.vn/vung-chong-lan-van-de-vietnam>, accessed 03/7/2023.

¹¹Quach Thi Huyen (2014), *Delimitation of sea areas according to international law and practice of Vietnam*, Master Thesis in International Law, Diplomatic Academy, Hanoi, p.66.

because the government of the Republic of Vietnam collapsed, South Vietnam was liberated and unified the country¹².

After the country's reunification, on May 12, 1977, the Government of the Socialist Republic of Vietnam issued a declaration and stipulated the legal status of the territorial sea, the contiguous zone, the exclusive economic zone and the territorial sea shelf. The extent of Vietnam's maritime zones according to the above declaration is fully consistent with the later provisions of UNCLOS 1982.

In June 1978, the Government of Vietnam began to negotiate with Indonesia on the delimitation of the continental shelf. In the first round of official expert level, which took place from June 5 to 9, 1978 in Hanoi, the Indonesian side continued to insist on the island-island median line. The Vietnamese Government takes a legal stance on the principles of agreement, fairness and mutual respect, in line with the development trend of the International Law of the Sea. On that basis, the Vietnamese side proposed a solution to consider based on the continental shelf as the natural extension of the land territory to the sea, so the boundary is the underground trench separating the continental shelf of the two countries. located very close to the North Natuna group of islands of Indonesia. This application is based on the basis that Vietnam is located in the Asian continent and at the same time, Vietnam also applies the solutions that the International Court has proposed in the North Sea Continental Shelf case and in the case law on delimitation of continental shelf boundary to argue that Indonesia's claim to the island-island median is not a fair solution since that median line mechanically divides the distance between the two baselines, while the continental shelf originates from the continental territory and not from the baseline. Furthermore, the mechanical division by distance does not take into account the ratio between the length of the southeast coast of Vietnam and the length of the coast of the small island of Natuna in Indonesia. The difference of opinion between the two countries at this time has created an anti-encroachment area at sea about 98,000 km². The reason why the Vietnamese government does not hold the position of the

government of the Republic of Vietnam is that the third United Nations Conference on the Law of the Sea has introduced a new concept of the continental shelf and a fair solution.

On November 12, 1982, the Government of Vietnam announced the baseline system of the continental territory, according to which Con Dao island was used as a base point to draw the straight baseline system of Vietnam. Regarding the delimitation of the overlapping sea areas and continental shelf between Vietnam and neighboring countries in general and Indonesia in particular, Vietnam is consistent in its view that it will work with relevant countries through negotiations on the basis of respect for each other's independence and sovereignty, in accordance with international law and practice and resolve issues related to the seas and continental shelves of each party.

During the negotiation rounds from 1978 to mid-1991, Vietnam actively proposed a new demarcation line - the "harmonious line" between the underground trench and the shore-shore median line, which is the median line between the coast of Vietnam and the coast of Indonesia's large North Borneo island - in order to break the deadlock between the two countries in the process of negotiating the delimitation of the sea. This proposal was made on the basis of an analysis of legal arguments and the reality of the natural topography of the delimited area, thereby reducing the area of the overlapping area to about 40,000 km².

In October 1991, during Prime Minister Vo Van Kiet's official visit to Indonesia, the leaders of the two countries agreed to split 50/50 "the remaining area" of about 4,500 km². However, during the first round of Government-level negotiations in December 1991, Indonesia did not implement the agreement on the grounds that the two sides still had different conceptions of the "remaining region" and the political situation in Indonesia at this time was not stably determined¹³. In February 1993, Indonesian President Suharto commented that in the past, Indonesia and Vietnam negotiated on the delimitation of the continental shelf on the basis of political relations, not on a legal basis. There are many changes in the area, especially the

¹²Nguyen Hong Thao (2022), "Looking back at the process of maritime delimitation between Vietnam and Indonesia", <https://baoquocte.vn/nhin-lai-qua-trinh-phan-dinh-bien-giua-viet-nam-va-indonesia-178068.html>. accessed 7/8/2023.

¹³Quach Thi Huyen (2014), *Delimitation of sea areas according to international law and practice of Vietnam*, Master's Thesis in International Law, Diplomatic Academy, Hanoi, p.68.

fact that China has asserted its sovereignty claim without a legal basis in the East Sea, so the two countries need to solve the problem of maritime boundary delimitation on a legal basis. For the above reason, Indonesia has asked Vietnam to resume negotiations from the beginning on the basis of international law.

Negotiations continued until 1994, when the 1982 UNCLOS came into force, the two sides were interested in whether or not to reconsider the issue of maritime delimitation between Vietnam and Indonesia on the legal basis of UNCLOS 1982. The archipelagic state status officially recognized by UNCLOS 1982 could give Indonesia an advantage in recalculating the base points. However, during the negotiation process, Vietnam and Indonesia have clearly demonstrated the creative application of the principle of agreement and fairness outlined in the Third United Nations Conference on the Law of the Sea while the 1982 UNCLOS has not yet been established. This principle is also the key principle of UNCLOS 1982. In addition, the legal basis of maritime delimitation negotiations is also built on the principle of voluntary implementation of international commitments.

By the end of 1996, after 5 rounds of informal exchanges, Vietnam and Indonesia had not yet agreed to re-negotiate. In round 5, Indonesia gave a new opinion with the content of delimiting the exclusive economic zone first on the grounds that the delimitation of the exclusive economic zone does not need to take into account the geomorphology of the seabed. Also during this time, Indonesia has repeatedly signed contracts on oil and gas exploration and production along the demarcation line proposed by Indonesia in the negotiation rounds and affirmed that it has the right to explore and exploit on the continental shelf their territory does not cross the median line between the North Natuna Islands and the Con Dao Islands of Vietnam.

After a period of hiatus and no concrete steps in the negotiation process, the two sides agreed not to continue arguing over the legal basis but to focus on the substantive solution to come to a final solution. In August 2001, during his working visit to Vietnam, Indonesian President Megawati proposed to promote the relationship between the two countries one step further, including promoting and coming to a conclusion in the spirit

of ASEAN on disputes overlapping areas on the continental shelf¹⁴.

From the narrow round of two Heads of the 4th Working Group in October 2001 to the 12th informal round of expert-level experts in March 2003, the two sides have come to an agreement on a number of contents: Firstly, technical issues charting techniques related to the delimitation of the continental shelf between the two countries; second, the coordinates of the points related to the area to be delimited; third, determine the remaining overlapping continental shelf area for delimitation; fourth, evenly divide the remaining¹⁵ continental shelf area.

After 25 years of negotiation (from 1978 - 2003), through 2 rounds of Government-level negotiations, 22 rounds of working-level meetings, 4 narrow discussions at the level of Head of the Working Group and 1 round of negotiations on charting techniques, Vietnam and Indonesia have agreed to a mutually acceptable solution¹⁶. On May 29, 2003, the two sides exchanged documents of ratification of the Agreement between the Governments of the two countries on the delimitation of the continental shelf boundary. On June 26, 2002, on the occasion of Indonesian President Megawati's second visit to Vietnam, the leaders of the Government of the Socialist Republic of Vietnam and the Government of the Republic of Indonesia officially signed the Agreement on Delimitation. continental shelf boundaries.

The Agreement on Delimitation of the Continental Shelf consists of 6 articles, with similar content to the provisions in the agreements on the delimitation of the continental shelf of many countries in the world and the Delimitation Agreements that Vietnam has signed with Thailand and China. The main content of the

¹⁴Trinh Kieu My (2020), *Vietnam - Indonesia relations for the period 2001 - 2020*, Master's Thesis in International Relations, Diplomatic Academy, Hanoi, p.31.

¹⁵Quach Thi Huyen (2014), *Delimitation of sea areas according to international law and practice of Vietnam*, Master's Thesis in International Law, Diplomatic Academy, Hanoi, p.68.

¹⁶Vu Tran Thang (2020), *The application of a common delimitation line to the continental shelf and exclusive economic zone: The case of maritime delimitation between Vietnam and Indonesia*, Master Thesis in International Law, Diplomatic Academy of Vietnam, Ha Noi. Noi, p.46.

Agreement related to the position of the delimitation line, the nature of the delimitation line, the protection of the marine environment and how to handle the structures of the oil and gas fields or the horizontal mineral deposits through the line of demarcation, the way of peaceful settlement of disputes, the claim of sovereign rights and jurisdiction through consultation or negotiation¹⁷.

Thus, after 25 years of persistent negotiations, although there are still differences in the interpretation and application of the provisions of the international law of the sea, with goodwill, high determination and traditional friendly relations. On good terms between Vietnam and Indonesia, the Governments of the two countries signed an Agreement on the delimitation of the continental shelf boundary, defining the continental shelf boundary line between the two countries in the overlapping area, creating favorable conditions for Vietnam and Indonesia. Indonesia exercises its sovereign rights, jurisdiction, management and exploitation of its continental shelf, contributing to further strengthening the multifaceted cooperation between the two sides, promoting relations with other neighboring countries, for the sake of peace, stability, cooperation and development in the region and the world¹⁸.

3. Vietnam - Indonesia Cooperation on the Delimitation of the Exclusive Economic Zone Boundary

After the Agreement on the delimitation of the continental shelf boundary between Vietnam and Indonesia was signed and officially took effect on September 25, 2007, the two countries committed to strictly comply with the provisions of the Agreement. fundamental principles of international law and international law of the sea. However, negotiations on the demarcation of the exclusive economic zone boundary between the two countries have not reached a common voice. In the

¹⁷Agreement between the Government of the Socialist Republic of Vietnam and the Government of the Republic of Indonesia on the delimitation of the continental shelf boundary, Law Library, https://thuvienphapluat.vn/van-ban/Tai-nguyen_-Moi-truong/Hiep-dinh-phan-dinh-ranh-gioi-them-luc-dia-gia-Viet-Nam-Indonesia-115570.aspx . accessed on 12/7/2023.

¹⁸ Tran Cong Truc (2017), "Overlapping areas, maritime boundary planning issues and Vietnam practice", Education Newspaper, <https://giaduc.net.vn/vung-chong-lan-van-de-vietnam> . accessed 03/7/2023.

early years of the 21st century, the issue of differences in the interpretation of the exclusive economic zone of each party emerged. Vietnamese fishermen believe that the continental shelf boundary is also the boundary of Vietnam's exclusive economic zone, so fishing is allowed. The Indonesian maritime law enforcement force said that the boundary of this country's exclusive economic zone is the median line between the Natuna and Con Dao islands of Vietnam, in accordance with UNCLOS 1982. Because of the above different interpretations have created overlapping area and fisheries conflicts, requiring the two sides to continue negotiating the delimitation of the exclusive economic zone on the basis of the principles of UNCLOS 1982.

According to UNCLOS 1982, the outer boundary of the continental shelf is generally outside the exclusive economic zone of the coastal state. However, due to the characteristics of deep trenches located near North Natuna Island, Indonesia believes that the boundary delimiting the continental shelf between Vietnam and Indonesia is within the exclusive economic zone of Indonesia. Therefore, since 2003, Indonesia has issued a number of documents and maps showing the proposed line demarcating the exclusive economic zone with Vietnam¹⁹. In addition, in 2009 Indonesia also published a map that identifies the boundary of Indonesia's exclusive economic zone outside the continental shelf agreed upon with Vietnam, forming an overlapping area of the exclusive economic zone between the two countries.

Stemming from the above reasons, the stances and views between the two countries have had problems that are difficult to resolve related to the exclusive economic zone. The Vietnamese side wants the line delimiting the exclusive economic zone to coincide with the previously signed continental shelf delimitation line. This is consistent with the practice of using a common delimitation line for both the exclusive economic zone and the continental shelf in practice and international precedent. In addition, a common demarcation line will simplify compliance by fishermen and maritime law enforcement from

¹⁹ Bakosurtanal - The National Coordination Agency for Surveys and Mapping (2003), "Indonesia Country Report", https://icaci.org/files/documents/national_reports/1999-2003/Indonesia.pdf . pp.15-16 , access access July 4, 2023 .

both countries on the field. While the Indonesian side does not accept a common demarcation line mentioned above, on the contrary wants a line delimiting the exclusive economic zone to the coast of Vietnam, close to Con Dao island.

The process of negotiating the delimitation of the exclusive economic zone boundary between the two countries began in May 2010. In order to promote Vietnam-Indonesia relations towards a strategic partnership, contributing to resolving disagreements about the parties' views on the demarcation line of the exclusive economic zone, on the occasion of Prime Minister Nguyen Tan Dung's visit to Indonesia from September 1, 2019. On 13-14/2011, the leaders of the two countries welcomed the holding of the third round of negotiations on the delimitation of the exclusive economic zone and agreed to soon complete the demarcation of the boundary of the two countries' exclusive economic zones²⁰.

Following the sixth round of expert-level negotiations on the delimitation of the Vietnam-Indonesia exclusive economic zone in Jakarta in early 2015, the seventh round of expert-level talks on the delimitation of the exclusive economic zone between the two countries was held in Jakarta. Hanoi from December 15-17, 2015. At the VII meetings, the two sides continued to discuss issues related to the delimitation of the exclusive economic zone boundary on the basis of international law, especially the 1982 UNCLOS, but still could not find a common denominator.

Based on the actual situation, the two countries need to delimit the sea and wish to have a peaceful sea, the boundary is clearly demarcated, creating conditions for the fishermen of the two countries to exploit the marine resources. On March 28, 2016, Vietnam and Indonesia held the eighth round of expert-level negotiations on the delimitation of the exclusive economic zone between the two countries.

Noting the progress made in the negotiation process for the delimitation of the exclusive economic zone between the two countries from 2010 to 2018, on the occasion of Indonesian President Joko Widodo's

visit to Vietnam from September 11-12, 2018, the Leaders of the two countries agreed to assign a meeting of the Technical Group to accelerate the negotiation process in order to soon reach an agreement based on international law, especially UNCLOS 1982. At the same time, reaffirmed determined to support the peaceful resolution of disputes, without the use of force or the threat of force, in accordance with international law, with full respect for diplomatic and legal processes²¹.

As of August 2019, Vietnam and Indonesia have undergone 12 rounds of negotiations to delimit the boundary of the exclusive economic zone²². The leaders of the two countries welcomed the progress in the negotiations on the delimitation of the exclusive economic zone, and agreed to soon reach a solution suitable for both countries and in compliance with international law.

In 2020, despite being negatively affected by the Covid-19 pandemic, Indonesia took the initiative through an online form to conduct 7 rounds of maritime delimitation negotiations with the Philippines, Malaysia, Palau and Vietnam. Particularly for Vietnam, representatives of functional agencies of the two sides exchanged online on issues related to the principle of delimitation of exclusive economic zones in the spirit of dispute settlement through international law.

In 2021, at a meeting between Prime Minister Pham Minh Chinh and Indonesian President Joko Widodo on the occasion of the ASEAN Leaders' Meeting taking place on April 24, 2021 in Indonesia, the two leaders affirmed that they particularly consider We appreciate the need to soon complete negotiations on the boundary of the exclusive economic zone between the two countries to create a legal corridor for the two sides to strengthen cooperation, reduce illegal fishing cases, and set a model for other

²⁰ Nguyen Hoang - Nhat Bac (2011), "Joint Communiqué between the Socialist Republic of Vietnam and the Republic of Indonesia dated September 14, 2011", <http://nguyentandung.chinhphu.vn/Home/Viet-Nam-Indonesia-huong-toi-quan-he-doi-tac-chien-luoc/20119/12712.vgp>. access access July 4, 2023.

²¹ Government Electronic Newspaper (2018), "Vietnam - Indonesia Joint Statement on Strengthening Strategic Partnership", <https://baochinhphu.vn/tuyen-bo-chung-viet-nam-indonesia-ve-tang-cuong-quan-he-doi-tac-chien-luoc-102244647.htm>. access access July 4, 2023.

²² Ministry of Foreign Affairs of The Republic of Indonesia (2019), "The 12th Technical Meeting on RI-Vietnam Maritime Boundaries, The Start of the Consultation on Informal Provisional Arrangement", <https://kemlu.go.id/portal/en/read/543/berita/the-12th-technical-meeting-on-ri-vietnam-maritime-boundaries-the-start-of-the-consultation-on-informal-provisional-arrangement>. access access July 4, 2023.

settlements, maritime differences among nations, contributing to peacekeeping, cooperation and development in the region²³.

In 2022, in order to accelerate the negotiation progress, meet the expectations and unify the direction of the leaders of the two countries, and the will of the peoples of the two sides, Vietnam and Indonesia continuously hold official negotiations and informal narrow meetings at the level of the Head of Delegation rotated in both countries. In the official negotiations, the two sides have made great progress in negotiations when each side has proposed its own demarcation line, thereby gradually narrowing the gap created between the two lines, jointly searching for the demarcation line final decision on the basis of ensuring the harmony of interests for both parties.

After 12 years of persistent negotiations, on the occasion of former Vietnamese President Nguyen Xuan Phuc's visit to the Republic of Indonesia from December 21-23, 2022, former President Nguyen Xuan Phuc and Indonesian President Joko Widodo declared announced the conclusion of negotiations on the delimitation of the exclusive economic zone boundary between the two countries based on the provisions of UNCLOS 1982²⁴.

The completion of the negotiation process on the delimitation of the exclusive economic zone boundary between Vietnam and Indonesia has created an important transformation not only for the two countries, but also has a positive impact on Southeast Asia, where capital there are long-standing maritime disputes, especially with disputes in the East Sea.

For Vietnam and Indonesia, the completion of negotiations on the delimitation of the exclusive economic zone boundary will end the conflict between the two sides over the issue of illegal

fishing vessels, promote the two countries to coordinate information exchange, maintain security and order management in the contiguous waters, soon finalize the Agreement on implementation of the Agreement on the delimitation of the exclusive economic zone between the two countries; contribute to promoting the strong traditional friendship relationship, further promote cooperation in all fields for strong, comprehensive and effective development; creating a driving force to bring the Vietnam - Indonesia strategic partnership to a new height. The above result is also an experience for Vietnam and Indonesia to continue negotiating similar agreements with relevant countries in the region.

For Southeast Asia, the results of negotiations on the delimitation of the exclusive economic zone between Vietnam and Indonesia show that Southeast Asian countries and relevant parties can completely settle disputes peacefully as well as the issue of maritime delimitation in accordance with international law, especially those of UNCLOS 1982, maintaining a peaceful, secure and stable environment in the region; basically rejected China's "nine-dash line" claims and indirectly increased pressure on China to comply with the 2016 arbitration award, encouraging other countries to resolve their maritime boundaries, them without consulting China²⁵.

CONCLUSION

Delimitation of the sea is an important issue in international law of the sea, which is not only meaningful to each maritime state in determining national territorial boundaries but also plays a role in establishing order at sea. Besides, this is also a sensitive issue because it is directly related to national sovereignty and interests. Therefore, in order to avoid conflict, the maritime delimitation must be conducted in a reasonable manner, respecting international law, independence, sovereignty, historical traditions and policy practices in the countries concerned with mandarin.

It can be said that Vietnam-Indonesia cooperation in maritime delimitation (including delimitation of

²³ Ha Van (2021), "Prime Minister Pham Minh Chinh holds talks with Indonesian President, orienting strategic partnership between the two countries", *Government Electronic Newspaper*, <https://baochinhphu.vn/thu-tuong-pham-minh-chinh-hoi-dam-voi-tong-thong-indonesia-dinh-huong-quan-he-doi-tac-chien-luoc-gia-hai-nuoc-102291133.htm>. access access July 5, 2023.

²⁴ Nguyen Duc (2022), " President Nguyen Xuan Phuc holds talks with the President of Indonesia", *Government Electronic Newspaper*, <https://baochinhphu.vn/chu-tich-nuoc-nguyen-xuan-phuc-hoi-dam-voi-tong-thong-indonesia-102221222200855691.htm>. access access July 12, 2023.

²⁵ SD Pradhan (2022), " Vietnam-Indonesia agreement on EEZ demarcation: Joint rejection of the Chinese nine-dash-line", *The Times of India*, <https://timesofindia.indiatimes.com/blogs/ChanakyaCod/vietnam-indonesia-agreement-on-eez-demarcation-joint-rejection-of-the-chinese-nine-dash-line/>. access access July 5, 2023.

continental shelf boundaries and exclusive economic zones) has been going on for a long time, subject to certain influences of the world situation. However, with goodwill, high determination and good traditional friendship between Vietnam and Indonesia, the two governments have successfully completed the negotiation process, making an important contribution to maintaining a peaceful environment in the East Sea area, maintaining security and order and safety in the sea bordering the two countries. At the same time, it opens a new history page in the process of maritime delimitation between Vietnam and the relevant countries.

In terms of international law, the maritime delimitation solutions reached between Vietnam and Indonesia have made certain contributions to the practice of maritime delimitation in the region, which is the basis for the two countries in particular and other countries to develop maritime delimitation. around the East Sea in general continue to negotiate on maritime delimitation, settle disagreements and disputes by peaceful means on the basis of respecting international law on the law of the sea, especially UNCLOS 1982, contributing to preventing conflicts conflict, maintaining a peaceful, secure and stable environment in the region.

REFERENCES

1. Government Electronic Newspaper. "Vietnam - Indonesia Joint Statement on Strengthening Strategic Partnership." (2018). <https://baochinhphu.vn/tuyen-bo-chung-viet-nam-indonesia-ve-tang-cuong-quan-he-doi-tac-chien-luoc-102244647.htm>. 2023.
2. Nguyen Hoang - Nhat Bac. "Joint Communiqué between the Socialist Republic of Vietnam and the Republic of Indonesia dated September 14, 2011." <http://nguyentandung.chinhphu.vn/Home/Viet-Nam-Indonesia-huong-toi-quan-he-doi-tac-chien-luoc/20119/12712.vgp>. 2023.
3. Communist Party of Vietnam. "Document of the 6th National Congress of Deputies." Publishing House. Truth, Hanoi (1987).
4. Communist Party of Vietnam. "Document of the Ninth National Congress of Deputies." Publishing House. National politics, Hanoi. (2001)
5. Communist Party of Vietnam. "Documents of the Eighth National Congress of Deputies." Publishing House. National politics of truth, Hanoi. 1 (2021).
6. Nguyen Duc. " President Nguyen Xuan Phuc holds talks with the President of Indonesia." *Government Electronic Newspaper*, (2022). <https://baochinhphu.vn/chu-tich-nuoc-nguyen-xuan-phuc-hoi-dam-voi-tong-thong-indonesia-102221222200855691.htm>. 2023
7. Agreement between the Government of the Socialist Republic of Vietnam and the Government of the Republic of Indonesia on the delimitation of the continental shelf boundary, Law Library, <https://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Hiep-dinh-phan-dinh-ranh-gioi-them-luc-dia-gia-Viet-Nam-Indonesia-115570.aspx>. (2023).
8. Quach, T.H. "Delimitation of sea areas according to international law and practice of Vietnam." *Master Thesis of International Law, Diplomatic Academy, Hanoi* (2014),
9. Phan, D.L. "The East Sea Dispute: The issue of maritime delimitation." *Master's Thesis in International Law, Diplomatic Academy, Hanoi*. (2016),
10. Law No. 18/2012/QH13 of the National Assembly: Law of the Sea of Vietnam, <https://thuvienphapluat.vn/van-ban/Giao-thong-Van-tai/Luat-bien-Viet-Nam-2012-143494.aspx>. 2023.
11. Trinh, K.M. "Vietnam - Indonesia relations for the period 2001 – 2020." *Master's Thesis in International Relations, Diplomatic Academy, Hanoi*. (2020),
12. National Assembly of the Socialist Republic of Vietnam. Resolution on ratification of the United Nations Convention on the Law of the Sea (UNCLOS) 1982 by the National Assembly of the Socialist Republic of Vietnam dated June 23, 1994, <https://thuvienphapluat.vn/van-ban/Giao-thong-Van-tai/Nghi-quyet-phe-chuan-cong-uoc-cua-Lien-hop-quoc-Luat-bien-nam-1982-41532.aspx>. Accessed on July 12, 2023.
13. Nguyen, H.T. "Looking back at the process of maritime delimitation between Vietnam and Indonesia." (2022). <https://baoquocte.vn/nhin-lai-qua-trinh-phan-dinh-bien-giua-viet-nam-va-indonesia-178068.html>. 2023.
14. Thang, V.T. "The application of a common delimitation line to the continental shelf and exclusive economic zone: The case of maritime delimitation between Vietnam and Indonesia." *Master Thesis in International*

- Law, Diplomatic Academy of Vietnam, Ha Noi. Interior* (2020).
15. Pham, T. "Vietnam further promotes Strategic Partnership with Indonesia." (2023). <https://www.vietnamplus.vn/viet-nam-thuc-day-hon-nua-quan-he-doi-tac-chien-luoc-elephant-indonesia/861563.vnp>. 2023.
 16. Tran, C.T. "Overlapping areas, maritime boundary planning issues and Vietnam practice." *Education Newspaper*, (2017). <https://giaduc.net.vn/vung-chong-lan-van-de-vietnam>. Accessed on July 03, 2023.
 17. Ha, V. "Prime Minister Pham Minh Chinh holds talks with Indonesian President, orienting strategic partnership between the two countries." *Government Electronic Newspaper*, (2021). <https://baochinhphu.vn/thu-tuong-pham-minh-chinh-hoi-dam-voi-tong-thong-indonesia-dinh-huong-quan-he-doi-tac-chien-luoc-gia-hai-nuoc-102291133.htm>. Accessed on July 5, 2023.
 18. Bakosurtanal - The National Coordination Agency for Surveys and Mapping. "Indonesia Country Report." (2003). https://icaci.org/files/documents/national_reports/19992003/Indonesia.pdf. 2023.
 19. Ministry of Foreign Affairs of The Republic of Indonesia. "The 12th Technical Meeting on RI-Vietnam Maritime Boundaries, The Start of the Consultation on Informal Provisional Arrangement." (2019). <https://kemlu.go.id/portal/en/read/543/berita/the-12th-technical-meeting-on-ri-vietnam-maritime-boundaries-the-start-of-the-consultation-on-informal-provisional-arrangement>. 2023.
 20. Pradhan, S.D. "Vietnam-Indonesia agreement on EEZ demarcation: Joint rejection of the Chinese nine-dash-line." *The Times of India*, (2022). <https://timesofindia.indiatimes.com/blogs/ChanakyaCode/vietnam-indonesia-agreement-on-eez-demarcation-joint-rejection-of-the-chinese-nine-dash-line/>. 2023.

Source of support: Nil; **Conflict of interest:** Nil.

Cite this article as:

Giap, T.N. "Vietnam - Indonesia Cooperation on Sea Definition." *Sarcouncil journal of Arts humanities and social sciences* 3.3 (2024): pp 1-10.