

# Impact of Indonesia's nickel ore export prohibition policy on Indonesia - European Union's political relations

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## ABSTRACT

Indonesia officially issued the nickel ore export prohibition policy, which came into impact in January 2020. This policy caused a negative response from the European Union because they felt it violated the principles of free trade. Therefore, this research aimed to examine the impact of Indonesia's policy of nickel ore export prohibition on its political relations with the European Union. The research used a library research method with data sources from journal articles, books, and other official documents. The research results indicated that the policy of Indonesia's nickel ore export prohibition impacted the CEPA agreement that Indonesia and the European Union established, which caused the two countries to restructure their negotiation positions. This policy of banning nickel ore exports by Indonesia only affects some political relations. Even so, these implications would not damage the long-standing relationship between the two parties.

### Keywords:

Export Prohibition; Nickel Ore; European Union; Indonesia

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## INTRODUCTION

Indonesia's natural resources are abundant, filling the land and seas of Indonesia. One of the most important commodities is nickel. Nickel is Indonesia's natural resource which has contributed to Indonesia's economic growth. It is because Indonesia can produce and market nickel commodities throughout Indonesia. Indonesia's wealth of nickel was evidenced by data that more than 5% of the world's nickel reserves were in Indonesia. Numerically, about 4 million of the 80 million metric tons of nickel in the world were found in Indonesia. Nickel in Indonesia is primarily found in Southeast Sulawesi and Central Sulawesi (Izzaty & Suhartono, 2019; Krustiyati & Surya, 2022).

As reported by the Ministry of Energy and Mineral Resources of the Republic of Indonesia, nickel reserves in Indonesia currently reach 689 million tons. However, 2.8 billion tons of nickel still require more affordable access, environmental permits, and price security. The objective is that these reserves can be certified and proven. Considering that the

abundant nickel reserves had not been utilized properly, the Indonesian government took anticipatory steps by issuing a policy prohibiting the nickel ore export. This policy was taken so that the age of nickel reserves can meet the requirements for the economic life of the *smelter* (ESDM, 2019).

The Indonesian government finally officially issued a policy prohibiting nickel ore exports on January 1, 2020. This policy was stated in the Regulation of the Minister of Energy and Mineral Resources Number 11 of 2019. This Ministerial Regulation explains the second amendment to the Minister of Energy and Mineral Resources Number 25 of 2018, which regulates mineral and coal mining operations. The issuance of the policy to the nickel ore export prohibition was motivated by a law stating that the holder of a mining business license is obliged to increase the *added value* of its mineral resources. The increase in *added value* is carried out by managing and refining domestic minerals. In addition, this export prohibition policy also reflected the Regulation Minister of Energy and Mineral Resources of 2014, which regulated that mineral exports are only permitted if the amount and results of their management and purification were under predetermined conditions (Putri, 2021).

In fact, in 2017, the policy regarding mineral exports was relaxed to allow for the condition that the exported nickel had a grade below 1.7%. This relaxation policy should also remain in impact until early 2022. However, the Indonesian government accelerated the policy's validity period to December 31, 2019. This seemingly inconsistent policy change brought Indonesia to a situation where the European Union, one of Indonesia's mineral importers, sued at the World Trade Organization (WTO) forum in January 2021. The European Union's lawsuit against Indonesia violated Article XI:1 of the 1994 General Agreement on Tariffs and Trade (GATT), which prohibits the application of quantitative restriction policies on export and imported products. In addition, this prohibition policy violated Article X:1 of the GATT 1994, which contains the obligation to disclose information regarding the implementation of trade policies (Azis & Abrianti, 2021; Izzaty & Suhartono, 2019).

This research objective was to determine the political impacts that occurred as a result of Indonesia's nickel export prohibition policy. The theoretical basis used in this research was the theory of economic interdependence. This theory discusses the interdependent relationship between countries in each country's welfare affairs. This interdependent relationship had a reciprocal impact on an action (Shafira et al., 2017). Interdependence theory also explains the implications of the relationship or dependency structure that is formed. These implications are grouped into mutual dependence, basic dependence, and covariation of interests. In the author's research, the type of mutual dependence was chosen as a knife to analyze the impact of the export prohibition policy on Indonesia's trade relations with the European Union.

If one day the dependence relationship is not mutually beneficial, then the most dependent party will feel the impact (Rusbult & Van Lange, 2008). From realism's point of view, interdependence provides states with an incentive to initiate conflict if the benefits are not commensurate with expectations. Especially when the dependency relationship is asymmetric, the more dependent party will have limited steps, while the stronger party will use its political strategy when the two parties' interests collide. Thus, this kind of economic dependence relationship prevents one country from using its political tactics and will not impact the stronger country (Tanious, 2019).

Keohane and Nye measured an asymmetrical strength in the relationship of economic dependence of two countries with two dimensions. The first dimension was the sensitivity level. The point was how quickly a policy change in one country had a cost impact on other countries. Furthermore, the second dimension was vulnerability level. The point was that

one country issued an alternative economic policy that was also accepted by other countries. The more policy alternatives issued, the lower the economic interdependence costs (Köstem, 2018). In the case of this research, the sensitivity level was how quickly the policy of nickel ore export prohibition impacted the value of European Union steel production. Meanwhile, the vulnerability level was how much Indonesia had issued alternative policies after issuing the previous nickel ore export prohibition policy. It was because Indonesia highlighted its cooperation's advantages and potential disadvantages with the European Union.

If this assumption was applied in a case study, then the European Union was the party that would feel the impact of the policy of nickel ore export prohibition by Indonesia. The European Union depended more on nickel ore from Indonesia, which they used for transportation steel production. However, this condition also did not make Indonesia a fully benefited party. The interdependent trade relationship between Indonesia and the European Union made them need each other. Not only in terms of nickel but also from other commodities. Indonesia needed superior commodities from the European Union and *vice versa*.

Moreover, the European Union is a large, developed entity. There were many products from the European Union that Indonesia required. In terms of politics and strength, the European Union was also a few steps ahead of Indonesia. Therefore, we assumed that the European Union was the stronger party while Indonesia was the weaker party. The European Union, as a strong party, would be vulnerable to conditions of termination of commodity trade on which they depended. In this case, the European Union was vulnerable to Indonesia's nickel export prohibition policy. Thus, the political conflict became an alternative to the realist view when a strong state no longer got the full benefits it expected (Tanius, 2019).

Therefore, this export prohibition policy will potentially provoke negative political tension between the two countries. The European Union may take repressive steps to retaliate against Indonesia's actions. Such cases have happened to America and China, who were caught in a trade war due to the tariff policy imposed by America on Chinese products.

## METHOD

This research method focused on the research process by describing a phenomenon. The description used sentences, pictures, matrices, or tables. This qualitative research method did not have a numerical translation of the data. This research emphasized more on descriptive sentences (Hasnunida, 2017). The data used in the qualitative research was collected from a series of data collection activities. Besides, this activity indeed required a technique or method. The data collection technique was basically a technique used by researchers to collect data needed for research. The qualitative research data collection technique was carried out naturally by relying on the role of researchers in extracting data, for example, in-depth interview techniques or literature studies (Iryana & Kawasati, 2019).

This research utilized a *library research* data collection technique. The library research technique was a technique of collecting data from readings found in libraries, both physical libraries, and digital libraries. Mirshad (2014) explains four activities in library research, namely recording and describing data findings from literature sources related to research problems in the form of notes. The library research results were obtained, then the researchers combined all the findings from the various literature. The next activity was to analyze the findings from the literature to find the relationship between the findings and the research problem. Finally, the researcher could critically assess the analysis so that the final research result contained a logical combination of thoughts (Sari & Asmendri, 2020).

The research data consisted of primary data and secondary data. Primary data is collected from prime sources and has an absolute originality value (Pratiwi, 2017). The primary data used by the researcher was in the form of reports from the official websites of the European Union and Indonesia, as well as speeches or official statements from political officials of the European Union and Indonesia. In addition, secondary or previous data that others had systematically processed was also used in this research. The secondary data was from journal articles, news, and books.

## RESULT AND DISCUSSION

When information about Indonesia's nickel ore export prohibition was spread, the global market nickel price rose by 1.2% to US\$ 16,675/cubic ton. This increase in nickel prices proved that Indonesian nickel has significantly impacted nickel selling prices in the global market. As the world's largest nickel exporter, this policy of nickel ore export prohibition has attracted the attention of economic players in the global market. This policy has received responses from various countries. One of them was the European Union. The European Union is one of the countries whose economy depends on the steel industry. The steel industry in the European Union could increase economic growth and employment there. Production in the European Union steel industry is the second largest in the world after China, with a total production of more than 177 million tons per year (Hanif & Fuadi, 2021).

The nickel ore export prohibition policy directly affected the European Union's steel production volume. This production volume decreased in 2020, or precisely the year the prohibition was issued. The decline was quite significant compared to the European Union's steel production volume in 2019. The volume of pure steel production in 2019 was 124,017,000 tons, while in 2020, it decreased to only 110,057,000 tons. Then, alloy steel production in 2019 was at 26.640.000 tons, while in 2020, it fell to 22,929,000 tons. Then, stainless steel production in 2019 reached 6,805,000 tons, while it fell to only 6,309,000 tons in 2020 (Statista, 2021).

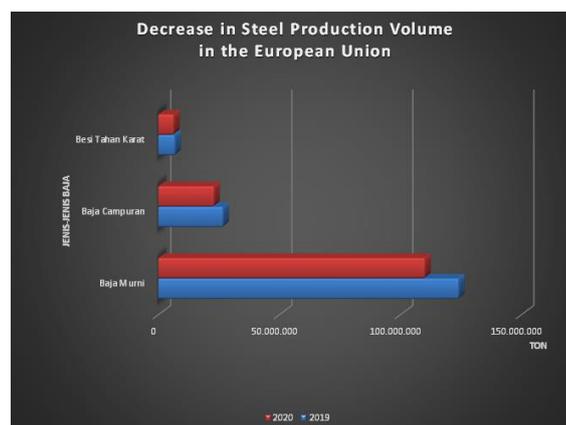


Figure 1. Decrease in Steel Production Volume in the European Union

This comparison of EU steel production data in 2019 and 2020 showed asymmetric strength in the nickel trade dependence relationship between Indonesia and the European Union. It was due to the cost impact felt by the European Union after the prohibition on nickel exports was issued. Although the European Union felt a cost impact after the policy was applied, the impact was not so significant. Looking at the European Union steel production trend from 2011-2018, it has indeed declined. Thus, the cost impact might not be the impact of Indonesia's nickel export prohibition policy.

Due to this policy, the value of nickel ore imported from Indonesia to the European Union has become nil. They felt that this trade relationship was not commensurate with their expectations. As a rational actor, the European Union could use political tactics in dealing with Indonesia. Nextly, the author presented some impacts on Indonesia-EU political relations due to the nickel ore export prohibition policy.

### 1. EU's Sentiment on Indonesia's Attitude

The plan for Indonesia's nickel ore export prohibition for the second time has actually been around since 2019. Before it was finally impactful on January 1, 2020, this policy had received much negative sentiment from the European Union. This sentiment has been echoed by the European Union many times, from the EU Trade Commissioner to the European Union Steel Association. The sentiment arose because of considering many things that could happen to the European steel industry due to the policy of prohibiting nickel ore exports. One of the things that worried the European Union the most was the delay in the development of battery technology due to the price of nickel in the global market, which was sure to rise when the policy was effective.

As the sentiment expressed directly by the EU Trade Commissioner, Cecilia Malmstrom, this policy of prohibiting Indonesia's nickel ore exports has put much pressure on the European Union, especially its steel industry (Morse, 2019). The prohibition on nickel ore exports will affect inventories in the global market. All countries, including the European Union, will find it difficult to reach these prices and goods cheaply and in large quantities. Although only nickel in the form of ore is prohibited from being exported, Malmstrom said it will still affect the price of nickel in all its forms.

The EU Trade Commissioner also expressed her disappointment with Indonesia's trade policy because the European Union felt it was a form of unilateral trade restrictions. This policy of prohibiting Indonesia's nickel ore exports will cause damage to global supply chains and pose a risk to jobs in the steel industry. Malmstrom emphasized that the prohibition on Indonesia's nickel ore exports will affect the use of European Union workers because workers who were initially employed in the nickel ore processing industry will be cut off from their employment relationship. Consequently, another problem will arise due to Indonesia's nickel ore export prohibition policy (Morse, 2019).

Not only the EU Trade Commissioner expressed disappointment at Indonesia's attitude, which seemed to damage global trade chains and play with the fate of workers in the European Union, but the European Steel Association, or Eurofer, also stated the same thing. As he confessed to Ian Morse, a spokesman for Eurofer, Charles de Lusignan said that the policy of nickel ore export prohibition will spread to many areas. Lusignan said that Indonesia is trying to suppress prices in some sectors and raise prices in others. Lusignan accused Indonesia of prohibiting nickel ore exports from increasing nickel prices in the global market and imposing below-market prices for domestic producers. It gave Indonesia a significant competitive advantage that was unfair to the steel industry. With this competitive advantage, Indonesia was actually getting ready to enter the global export market when it had been fully prepared (Morse, 2019).

Furthermore, it can be seen that the European Union's sentiment towards nickel ore from Indonesia was shown through accusations expressed by the European Union against Indonesian nickel ore, which according to the European Union, Indonesia has violated the articles contained in the General Agreement on Tariffs and Trade (GATT), namely in articles XI-XX of 1994, thus, according to the European Union, Indonesia's attitude could be considered as justification.

Then, the sentiment of the European Union was also shown again, with the European Union asking the WTO to form a panel to resolve the dispute. According to the WTO dispute resolution procedure, the Dispute Settlement Body (DSB) established an independent body consisting of three experts to study and issue recommendations on a particular dispute under WTO provisions (Widiatedja, 2021).

The European Union's lawsuit to the WTO showed that Indonesia's nickel commodity in the global market was very influential. Indonesia has abundant nickel reserves, so it has become a supplier for other countries, including the European Union. The quality of nickel in Indonesia is also the highest in the world. Therefore, stainless steel-producing countries, such as cars and other steel transportation, were in demand for Indonesia's nickel commodity. Unfortunately, this potential had not been fully utilized by the Indonesian government because Indonesia exported much nickel as ore with very low added value. With this policy, the added value of Indonesian nickel could be increased (Ahda, 2021). The issue of nickel ore between Indonesia and the European Union was also supported by the statement of an EU law professor, Armand de Mastral, who told TOC on January 22 that from the block's point of view, Indonesia had violated Article XI on export and import restrictions in the General Agreement on Tariffs and Trade (Widiatedja, 2021).

Despite being sued by the European Union, the Indonesian government was not worried about the lawsuit. Indonesia said it was ready to face the complaints of the European Union. Through President Jokowi, Indonesia expressed its stance that this export prohibition policy would not interfere with the sustainability of the European Union's production. If they still needed Indonesian nickel for production purposes, Jokowi suggested building an operational office in Indonesia. Office construction was carried out so that both parties could obtain absolute benefits. Indonesia could absorb more workers, while the European Union could continue to produce cars (Putri, 2021). President Joko Widodo also said that Indonesia's decision to stop nickel ore exports boosted the downstream industry and created more jobs. Indonesia showed it because the EU's sentiment towards Indonesia was not new, considering that the European Union had criticized Indonesia's palm oil in the previous case. After all, Indonesia had reported to the EU regarding the issue of eliminating tariffs. However, the European Union rejected this for several reasons.

Regarding the palm oil issue, the European Union said it was concerned about periodic deforestation and thick haze in parts of Southeast Asia due to forest fires caused partly by palm oil plantations in Indonesia. However, they were also concerned about the impact of the Indonesian palm oil industry on European companies manufacturing biofuels (Morse, 2019). The problem of palm oil and nickel ore between the European Union and Indonesia could be interrelated, where the sentiment of the European Union towards Indonesia at this time was one form of retaliation that occurred in the palm oil issue. At that time, the European Union lost against Indonesia in the WTO debate. It could be said that the dispute between Indonesia and the European Union regarding nickel ore was a form of fulfilling the EU's ego in the previous case.

The stance held by each country made the situation even more complicated. The policy prohibiting nickel ore exports could potentially worsen trade relations between Indonesia and the European Union. Moreover, export-import activities involving these two parties were considered very prospective in several fields. However, due to the policy prohibiting nickel ore exports, there was a possibility of a trade war and a decrease in trade value for both parties.

The sentiment shown by the European Union towards Indonesia's attitude was also a form of the European Union's efforts to protect its economy. However, similar to the European Union, Indonesia as a country also made every effort to protect the economy and other national interests by showing a ready attitude to face the European Union as one of the reasons for the emergence of EU sentiment towards Indonesia, primarily related to trade.

## **2. Negotiations between the Indonesia-European Union Comprehensive Economic Partnership Agreement (CEPA) were hampered**

Efforts to strengthen trade between Indonesia and the European Union have been started since 2016. The strengthening was marked when the two parties agreed to enter the Comprehensive Economic Partnership Agreement (CEPA) negotiation round. Since 2016, the negotiations for the CEPA between Indonesia and the European Union have been running quite smoothly. Since last year, the CEPA negotiations between Indonesia and the European Union have been quite late. Unfortunately, negotiations targeted to be completed in 2021 had to be pushed back again. As stated by the Director General of International Trade Negotiations at the Ministry of Trade, Djatmiko Bris Witjaksono, the Indonesia-EU CEPA could not be completed in 2021 as targeted. The Indonesian side hoped these negotiations would be substantially completed in 2022 (Timorria, 2021).

One of the causes of the delay in the Indonesia-EU CEPA negotiations was the issue of the trade dispute over the prohibition on nickel ore exports between the two countries. This dispute brought tensions for both parties because each was firm with its national interests. Djatmiko also said that the dispute regarding the prohibition on nickel ore exports would be on the negotiation agenda, so Indonesia and the European Union also needed more time to formulate their positions in future negotiations (Timorria, 2021). The goal was that each interest could still be accommodated as a whole.

Based on Djatmiko's statement above, the trade dispute over the prohibition on nickel ore exports has added to the focus for the two countries to consider their position during the CEPA negotiations. Therefore, the two countries indeed took longer than usual to prepare for further negotiations. As a result, the Indonesia-EU CEPA negotiations initially targeted to be completed in 2021, had to be pushed back to 2022. Neither country could guarantee that the CEPA negotiations would resolve tensions because both Indonesia and the European Union only depended on the decisions of the WTO panel.

As previously stated, the inhibition related to negotiations between Indonesia and the European Union through the CEPA was due to the ongoing debate on nickel ore, where the debate over Indonesia's policy on nickel ore has caused prices to rise in several regions and even the United States. Europe said the policy could damage global supply chains.

The debate between Indonesia and the European Union continued when it reported Indonesia to the WTO, and Indonesia itself considered it an effort to negotiate for both of them. However, it differed from the European Union, which initially had a sentiment towards Indonesia. Negotiations related to nickel ore have not finally resulted because both were trying to protect national interests, especially the economy. However, on the one side, what made this problem even more complex was that even though the European Union and Indonesia had problems regarding nickel ore which spread to other problems, the European Union and Indonesia were inseparable from each other.

The two impacts of Indonesia's nickel ore export prohibition turned out that it would not stop the European Union from supporting Indonesia in realizing the 2030 SDGs and its leadership in the G20. As stated by the European Union Ambassador for

Indonesia and Brunei Darussalam, Vincent Picket, the WTO dispute over nickel has not thwarted Europe's commitment to supporting Indonesia. The European Union was a loyal partner of Indonesia, so whatever the outcome of the WTO panel would not damage the political and economic relations between the two countries. The European Union supported Indonesia's goal of becoming a high-income country by 2030 (Piket, 2021).

The support provided by the European Union to Indonesia regarding SDG 2030 in the G20 was also an effort for the European Union to reach a free trade agreement with Indonesia for the next few years, even though the European Union and Indonesia were still involved in a dispute. The European Union realized that Indonesia is also an essential partner for the European Union's international trade activities, which the European Union cannot ignore.

Even so, the European Union remained firm in its stance to continue to sue Indonesia concerning the WTO against Indonesia for the temporary embargo imposed by Jakarta on exports of raw materials used in stainless steel, including nickel (Kompas, 2022). The European Union also released that biofuels derived from palm oil were no longer on the agenda or targets for the use of renewable energy by 2030 and were slowly starting to use them. On the other side, the trade commissioner was in Indonesia to attend the G20 ministerial meeting. He would also brief Indonesian officials on a proposed European law that prohibited imports to the EU that contributed to deforestation (Kompas, 2022).

Based on the explanation above, it could be said that the negotiations in the Comprehensive Economic Partnership Agreement (CEPA) were indeed hampered because of trade-related problems between the European Union and Indonesia, such as palm oil which were then exacerbated by the nickel ore problem. However, although it was said that the nickel ore problem spread to other relationships, both were aware of the vital role of each other, so both parties explored alternatives to accommodate legal constraints on both sides, such as the possibility of delegating certain powers to the Trade Committee.

## CONCLUSION

Based on the presentation of the results of the discussion above, the researchers concluded that the policy of nickel ore export prohibition by Indonesia only impacted some political relations. The political relations related to the negative sentiment the European Union had over Indonesia because it seemed to play with nickel prices in the global market. In addition, this export prohibition policy has also hampered CEPA negotiations between Indonesia and the European Union. Indonesia and the European Union had to restructure their positions in the negotiations due to the nickel dispute they had recently faced together. In the later CEPA negotiations, Indonesia and the European Union will undoubtedly insist on their respective interests. It potentially makes negotiations more complex and does not meet a solution point. Even so, the European Union also considers Indonesia's strategic position for its country. Besides, the European Union also has ambitions to increase its strategic cooperation in the Indo-Pacific; like it or not, it will continue to collaborate with Indonesia as one of the prospective countries in the Indo-Pacific region.

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