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Structural Inequality in International Trade Law: Colonial Legacies and Indonesia's Legal-Policy Responses

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Abstract

The contemporary architecture of international trade still carries the imprint of colonial rule, particularly in developing economies such as Indonesia. Much of the legal apparatus governing global commerce took shape within relationships defined by domination and asymmetric power. Despite efforts to reform these arrangements, developing countries still struggle with unequal market access, demanding regulations, and limited roles in global value chains, making a fairer trading system increasingly necessary. Earlier studies have often discussed the colonial roots of trade inequality separately from the policy responses adopted by developing countries, leaving their connection to current strategies underexplored. This study brings together a historical-colonial perspective and comparative policy analysis, comparing Indonesia with Vietnam, Brazil, and South Africa. It aims to examine the continuing influence of colonial trade patterns on Indonesia's trade policy and evaluate policy responses, including industrial downstreaming, participation in regional and multilateral trade arrangements, and efforts to secure more favorable terms in trade negotiations. The study finds that long-standing trade structures continue to shape Indonesia's downstreaming policy and economic diplomacy. It also points to the need for more active diplomacy and closer South-South cooperation to build a fairer global trading system.

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INTRODUCTION

Colonial legacy continues to shape the structure of international trade, having historically positioned colonies such as Indonesia as suppliers of raw materials for the benefit of colonial powers. This pattern persisted after independence: Indonesia remains structurally dependent on primary commodity exports, constrained by limited technology transfer and weak downstream industrial capacity, while developed countries continue to dominate global value chains and high-

value manufacturing.[1] This legacy of inequality is not confined to the past but continues to transform into modern forms within the global economy.

In practice, this legacy manifests in persistent structural barriers: high tariffs and non-tariff protectionism imposed by developed countries on Indonesian commodities such as palm oil, shrimp, and horticultural products, combined with a structurally weaker bargaining position in multilateral forums such as the WTO.[2] Imperial powers have continued to hold control over price-setting, standard definitions, and the direction of global trade in ways that benefit themselves. As a result, economic injustice that began in the colonial era persists in a modern but subtler form, still disadvantaging weaker parties.[3] International trade law, which is formally applied equally to all countries, structurally reproduces patterns of inequality rooted in the colonial era. This tension is not confined to matters of economics and public policy. It also raises questions of a doctrinal character, concerning how binding obligations under international trade law are interpreted and enforced. Relevant provisions include the Most-Favoured-Nation obligation in Article I of the GATT 1994, the National Treatment principle in Article III, the prohibition of quantitative restrictions under Article XI, and the general exceptions contained in Article XX. These rules are particularly important for developing countries, many of which have historically been positioned as suppliers of raw materials rather than as equal participants in the formulation of global trade rules and institutions.

Colonial trade in Indonesia then conducted by the Dutch, left a significant imprint on the country's economic structure, with effects that are still felt today. During the colonial era, Indonesia was strategically positioned as a major supplier of raw materials such as spices, forest products, and minerals. These resources were exported in large quantities to meet the growing demands of European industrial markets. Within this scheme, Indonesia became a region exploited for the economic benefit of the metropolitan Netherlands. The colonial system explicitly prioritised the colonisers' profit while disregarding the welfare of the local population and the potential for domestic development.[4] After Indonesia gained independence in 1945, the legacy of the colonial trade pattern did not automatically disappear. The economic structure formed during the colonial period continued to reproduce a dependence on raw commodity exports as the main pillar of Indonesia's international trade. Although politically independent, Indonesia still faces obstacles in carrying out structural transformation of its economic base. Dependence on raw materials results in low export value added, thus limiting opportunities to build a highly competitive domestic industry. Efforts to diversify the economy have been made, but in practice, Indonesia still competes under the pressure of market dominance by developed

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1 Layla Qodri Ani et al., "Foreign Investment in The Era of Globalization: A Review of Legal Protection in The Perspective of National and International Law," in *Proceeding International Conference Restructuring and Transforming Law*, vol. 3, 2024, 4–6, https://proceedings.ums.ac.id/icrtlaw/article/view/3677.

2 Wafik Azizah, Binar Nan Baik, and Muhammad Reza Fahlefi, "Memahami Liberalisasi Perdagangan: Dampak Dan Implikasinya Dalam Konteks Ekonomi Global," *Jurnal Akademik Ekonomi Dan Manajemen* 1, no. 4 (2024): 251–65, https://doi.org/10.61722/jaem.v1i4.3333.

3 Cut Dhea Permata Sari and Hendra Ibrahim, "Peran Politik Dalam Pembentukan Kebijakan Bisnis Perdagangan Internasional," *Wawasan : Jurnal Ilmu Manajemen, Ekonomi Dan Kewirausahaan* 2, no. 2 (2024): 241–47, https://doi.org/10.58192/wawasan.v2i2.1828.

4 Françoise Companjen, "Dutch Colonies: Between Exploitation and Development BT - The Role of Culture in Economic Development: Case Studies from Former Empires," in *The Role of Culture in Economic Development*, ed. Jérôme Dumetz and Emin Akcaoglu (Cham: Springer Nature Switzerland, 2025), 1–17, https://doi.org/10.1007/978-3-031-94491-8_1.

countries, which have greater control over pricing, market access, and technology.[5] The trade pattern inherited from the colonial era clearly indicates disparities in the economic capacity of post-colonial states. Indonesia, like many other developing countries, remains trapped in a dependence on primary commodity exports.

In the modern era of globalisation, Indonesia, along with many other developing countries, continues to face complex structural challenges in accessing global markets fairly and equitably. One of the main obstacles is the presence of high tariffs, increasingly strict technical requirements, and various forms of hidden protectionism frequently applied by developed countries. These non-tariff barriers serve as primary instruments for preventing products from developing countries from competing effectively in international markets. Yet, developing countries may have comparative advantages in various sectors, particularly in natural resources and high-quality primary products.[6] For example, in practice, developed countries impose high import tariffs on Indonesian agricultural and fishery products such as shrimp, palm oil, and horticultural goods, directly limiting Indonesia's ability to increase exports to those regions.

In the increasingly complex dynamics of international trade relations, developing countries often face pressure to open their domestic markets to goods and services from developed countries. Ironically, this is not balanced by fair and equal treatment in market access, creating an imbalance that weakens the position of developing countries. Developed countries tend to maintain subtle but effective protection mechanisms, such as agricultural subsidies and selective environmental policies, which in turn hinder products from developing countries from entering their markets competitively.[7]

In today's era of globalisation, Indonesia and other developing countries continue to face complex structural challenges in gaining fair access to global markets. Such barriers take several forms: high import tariffs, exacting technical requirements, and less transparent protectionist devices, all deployed by developed countries in defence of domestic industry. Their consequences are not confined to the suppression of export growth. They also erode the competitive standing of goods from developing countries once those goods reach international markets. In Indonesia, tariffs on resource-based exports, including palm oil, cocoa, coffee, and other agricultural commodities, continue to restrict access to major overseas markets. This challenge is exacerbated by rigorous health, safety, and environmental standards, which are often difficult for producers in developing countries to meet due to technological, financial, and institutional limitations.[8] Indonesian products often struggle to gain access to major global markets and remain competitive once they enter them.

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5 Rudi Purwono et al., "Trade Liberalization and Comparative Advantage: Evidence from Indonesia and Asian Trade Partners," *Economies* 10, no. 4 (2022), https://doi.org/10.3390/economies10040080.

6 Subhechanis Saptanto et al., "Analisis Kebijakan Dampak Penyesuaian Harga BBM Bersubsidi Untuk Nelayan," *Jurnal Kebijakan Sosial Ekonomi Kelautan Dan Perikanan* 6, no. 2 (2017): 85, https://doi.org/10.15578/jksekp.v6i2.3328.

7 Fransisca Anggun Setianingtiyas, "Proteksionisme AS Terhadap Komoditas Aluminium Dan Baja Indonesia Pada Masa Perang Dagang AS-China," *Jurnal Pena Wimaya* 2, no. 1 (2022): 21–44, https://doi.org/10.31315/jpw.v2i1.5297.

8 Carmen D. Álvarez-Albelo, Antonio Manresa, and Monica Pigem, "Growing Through Trade: The Role of Foreign Growth and Domestic Tariffs," *SSRN* 04, no. 2015 (2015): 7, https://doi.org/Álvarez-Albelo, Carmen D. and Manresa, Antonio and Pigem, Monica, Growing Through Trade: The Role of Foreign Growth and Domestic Tariffs (November 6, 2015). XREAP WP 2015-04, Available at SSRN: https://ssrn.com/abstract=2686973 or http://dx.doi.org/10.2139/ssrn.2686973.

These challenges are compounded by the pressures of trade liberalisation, which can further widen the existing imbalance. Developing countries are frequently expected to remove domestic trade restrictions and provide wider access to imported goods, while developed economies continue to protect sectors regarded as strategically important. This asymmetry weakens the claim that international trade operates on a genuinely level playing field and limits developing countries' capacity to use trade as an instrument of industrial and economic development. Trade policies of developed countries are often more oriented toward their own domestic interests, without regard for the impact on developing countries' trading partners. As a result, the divergence of interests between developed and developing countries becomes increasingly difficult to reconcile in global trade negotiations. In response to these challenges, Indonesia needs to adopt a more active and strategic approach in every international trade negotiation. This strategy should include strengthening the domestic industrial sector, advancing technology, and increasing the value added to exported commodities. By doing so, Indonesia can move beyond being a mere exporter of raw materials and offer high-value processed products that meet international standards.[9]

In this regard, an adaptive approach to global market trends and needs is key to enhancing the competitiveness of Indonesian products. Economic diplomacy also serves as a strategic tool not only to strengthen bilateral and multilateral trade relations but also to build coalitions with other developing countries in advocating for a more equitable trade system. These strategies, however, operate within an international trade law system that continues to reflect inequalities rooted in the colonial past. Economic structures formed during the colonial period continue to influence contemporary trade policies and the distribution of bargaining power among states. The consequence for Indonesia is a weaker hand in negotiations with developed economies, whose institutional and economic advantages are of a different order altogether.

Economic dependence has persisted, and with it a narrow margin for shaping trade policy around what the country actually needs, both legacies of the same history. Palm oil, shrimp, and horticultural products all face tariff and non-tariff barriers imposed by developed countries, and Indonesia correspondingly carries little bargaining weight within multilateral institutions such as the World Trade Organisation — the imbalance is evident on both counts. The dispute with the European Union over the ban on nickel ore exports illustrates the point well: even inside a rules-based multilateral system, a developing country may find itself under sustained pressure from powerful economic blocs.

Scholarship on the subject has tended to divide along two lines. One body of work traces the colonial origins of international trade structures and their continuity within the GATT/WTO system; another concentrates on Indonesia's more recent responses, above all industrial downstreaming and economic diplomacy. What has attracted far less attention is the comparative dimension. How other post-colonial developing countries— Vietnam, Brazil, and South Africa among them—have confronted comparable structural constraints remains under-researched.

The present study takes up that neglected question, asking how legal structures inherited from the colonial period continue to condition the capacity of developing countries to pursue trade and industrial policy today. Earlier work has generally treated the history of international

[9] Yosephine Vincensia Sinaga, Bonar M Sinaga, and Harianto Harianto, "Dampak Kebijakan Tarif Terhadap Perdagangan MInyak Sawit Dunia," *Jurnal Ekonomi Pertanian Dan Agribisnis* 4, no. 1 (2020): 200–209, https://doi.org/https://doi.org/10.21776/ub.jepa.2020.004.01.18.

trade law and the assessment of domestic economic policy as distinct fields, and the separation has left the relationship between entrenched structural inequality and present-day policy choice inadequately explained. This research integrates these two concepts into one cohesive framework. The study reads global trade rules through the lens of their colonial history and then assesses how Indonesia has responded through downstream industrialisation and economic diplomacy. Indonesia's approach is compared with the different policy paths taken by Vietnam, Brazil, and South Africa. Because this imbalance has never fully disappeared, richer countries still have a stronger voice in trade negotiations and in shaping global trade rules. Developing countries, by contrast, often have far less space to argue for and protect their own interests. From that comparison emerges an analytical framework for tracing the bearing of inherited trade structures on contemporary policy responses and on their effectiveness within global trade governance. The inquiry turns on two questions, the first of which concerns how.

The second question examines the strategies adopted by Indonesia in responding to these structural pressures. The study examines whether industrial downstreaming, export market diversification, and economic diplomacy can work together as part of a broader and more sustainable trade strategy.

RESEARCH METHODS

This study uses a descriptive qualitative approach, supported by historical and policy analysis, to examine how past developments continue to shape Indonesia's legal and economic position in the international trading system. In terms of legal research typology, it is classified as normative legal research, since its primary object of analysis is international trade law as embodied in treaties, agreements, and national regulations; however, this normative analysis is not confined to a purely textual reading of legal norms, but is enriched with historical and policy-analysis dimensions, positioning the study closer to a historical-doctrinal and policy-oriented model of legal research than a strictly black-letter one. This combination is necessary because the legal asymmetries examined in this study cannot be fully understood from the text of trade agreements alone; they must be traced to their historical formation and evaluated against the policy responses states have since adopted.[10] The historical approach is used to trace the genealogy of the international trade law system from the colonial period through the establishment of GATT/WTO, in order to understand how the current legal architecture came to embed structural inequality. In contrast, the policy-analysis approach is used to evaluate Indonesia's contemporary strategic responses, including industrial downstreaming, export diversification, and economic diplomacy, in relation to the structural conditions identified through the historical analysis.[11]

The historical and policy approaches in this study are integrated sequentially rather than treated as parallel, disconnected methods. The historical approach functions as the explanatory layer, establishing why the current international trade law system continues to disadvantage developing countries such as Indonesia by reconstructing the colonial origins of trade governance and tracing their continuity into the GATT/WTO framework. The policy analysis then functions as the evaluative layer, assessing how Indonesia has responded to the structural conditions

[10] Kornelius Benuf, Siti Mahmudah, and Ery Agus Priyono, "Perlindungan Hukum Terhadap Keamanan Data Konsumen Financial Technology Di Indonesia," *Refleksi Hukum: Jurnal Ilmu Hukum* 3, no. 2 (2019): 145–60, https://doi.org/10.24246/jrh.2019.v3.i2.p145-160.

[11] Muhammad Rizal Pahleviannur et al., *Metodologi Penelitian Kualitatif*, ed. Fatma Sukmawati, 1st ed. (Pradina Pustaka, 2022).

identified in the historical analysis, and to what extent those responses downstreaming, export diversification, and economic diplomacy have been effective in mitigating the disadvantages inherited from that history. This sequencing follows the analytical framework introduced earlier in this study: historical analysis supplies the structural conditioning factors, while policy analysis supplies the assessment of strategic agency within those constraints. The two strands are connected through a common set of research questions, so that findings from the historical strand directly inform the criteria used to evaluate policy responses, rather than being reported independently of one another.

Data for this research were obtained through literature review, drawing on academic journals, bilateral and multilateral trade agreements, WTO and UNCTAD reports, and official Indonesian policy and legal documents, which together provide theoretical grounding and both a global and domestic regulatory context for understanding Indonesia's position in world trade, including issues of inequality and market access.[12] [13] The data were then analysed using content analysis, to identify key themes across documents, policies, and trade agreements and to evaluate the extent to which they reflect historical injustice embedded in the global legal structure, and interpretive analysis, to uncover deeper meanings within the narratives and secondary data collected, going beyond literal text to grasp the ideological and socio-political context behind them, particularly how colonial history continues to shape current trade relations.[14] This analytical strategy is directed at the study's two research questions: how the colonial legacy has shaped the international trade law system and influenced Indonesia's position, traced through the link between colonialism and the current global trade structure and how such inequalities continue to manifest in imbalanced trade agreements; and what strategies Indonesia has pursued to face the structural challenges of global trade, focusing on industrial downstreaming, economic diplomacy, and export market expansion, examined in terms of their policy effectiveness and alignment with the structural challenges faced in the global arena.

ANALYSIS AND DISCUSSION

Colonial Legacies and Indonesia's Position in International Trade Law

Colonial rule left a lasting mark on the development of international trade law and on Indonesia's place within the global economy. In light of this, it addresses the first research question by examining how these historical patterns continue to shape the international trading system and influence Indonesia's position within it.

The Historical Formation of the International Trade System.

The international trading system did not develop in a historically neutral environment. Its foundations were bound up with colonial practice, and particularly with the arrangements devised by European powers such as the Netherlands, Britain, and France — arrangements built first and foremost around their own economic interests. Under this arrangement, colonies such as

[12] Purwono et al., "Trade Liberalization and Comparative Advantage: Evidence from Indonesia and Asian Trade Partners."

[13] Danar Agus Susanto, "Implementation of Standards in International Trade: Benefit or Barrier? A Case Study from Indonesia," *Evergreen* 9, no. 3 (2022): 619–28, https://doi.org/https://doi.org/10.5109/4842518.

[14] Benuf, Mahmudah, and Priyono, "Perlindungan Hukum Terhadap Keamanan Data Konsumen Financial Technology Di Indonesia."

Indonesia were mainly expected to export raw materials and serve as markets for European manufactured goods. Production with greater economic value remained concentrated in Europe, leaving countries such as Indonesia tied mainly to exporting unprocessed commodities. Formal independence did not immediately change this arrangement, and the same economic dependence continued well beyond the colonial period. GATT in 1947 and the WTO in 1995 gave international trade a clearer legal structure. The creation of these institutions left many of the older inequalities in place. Although Most-Favoured-Nation treatment and National Treatment are written as obligations that apply equally to all countries, their practical impact can vary considerably depending on each country's economic position and capacity. Where countries begin from very different economic positions, these rules can leave existing disadvantages untouched and may even make them more difficult to overcome. Developed infrastructure, deep financial reserves, and mature productive capacity mean that developing states end up bound by identical rules of the game while starting from a markedly weaker economic base.[15]

TRIPS raises a further set of difficulties. Indonesia must meet international standards of intellectual property protection although its institutional, technological, and financial capacities are not always on a par with those of developed countries. Obligations of this kind can restrict access to technology, drive up the cost of innovation, and complicate technology transfer; they may also slow the independent growth of domestic industry, especially in sectors heavily reliant on foreign knowledge and technology.[16] Indonesia's position within this structure remains unequal. Access to foreign markets is limited, as is the government's room to design policy — whether to advance sustainable development, strengthen domestic industry, or prot. The colonial legacy is thus not a matter of history alone: it has shaped the legal architecture of global trade and helped preserve norms that do not consistently reflect the needs and interests of developing countries. Structures of this durability generate systemic obstacles to more equitable economic development, and overcoming them requires more than compliance with existing trade rules. What is also required is a strengthening of Indonesia's negotiating capacity, reform of its domestic trade policy, and a reorientation of trade diplomacy towards expanding policy space, raising competitiveness, and loosening dependence on the economic structures colonialism left behind.

Legal Issue and Its Relevance to International Trade Law.

The central legal issue examined in this study is whether the core principles of the GATT/WTO legal architecture, namely Most Favoured Nation treatment under Article I, National Treatment under Article III, and the general prohibition on quantitative export restrictions under Article XI of GATT 1994, continue to reproduce the asymmetric allocation of trade advantage that originated in the colonial period, notwithstanding the formally equal and reciprocal character of these obligations among WTO Members.

This central issue is broken down into two specific legal questions that correspond to the study's two research questions. First, to what extent are colonial-era patterns of unequal trade

[15] Niken Prasetyawati, "Perlindungan Hak Cipta Dalam Transaksi Dagang Internasional," *Jurnal Sosial Humaniora* 4, no. 1 (2011): 66–83, https://doi.org/10.12962/j24433527.v4i1.640.

[16] Prasetyawati.

relations embedded as binding legal structures within the contemporary GATT/WTO framework, such that they continue to condition Indonesia's legal position and bargaining leverage as a WTO Member, despite the formal principle of sovereign equality among states under international law. Second, whether Indonesia's domestic legal responses to this structural asymmetry, particularly its industrial downstreaming policy and the accompanying export restriction on nickel ore, are legally reconcilable with Indonesia's binding obligations under GATT/WTO law, or may instead be justified as a legitimate exercise of permanent sovereignty over natural resources falling within the general exceptions of Article XX of GATT 1994. The concern is far from theoretical. It has already materialised in the WTO dispute between Indonesia and the European Union over Indonesia's ban on nickel ore exports.

The matter squarely falls within international trade law, since it turns on the interpretation and application of binding treaty obligations rather than on trade policy assessed purely in economic terms. Whether colonial-era disadvantage constitutes a legal problem, and not merely a historical one, is what the inquiry turns on — particularly where that disadvantage continues to operate through the Most-Favoured-Nation and National Treatment obligations, the prohibition of quantitative restrictions under Article XI, the general exceptions under Article XX, and the special and differential treatment reserved for developing-country Members. On this understanding, the study rests on a doctrinal analysis of WTO law and dispute settlement. It moves beyond accounts that are purely historical or economic — accounts that may explain the persistence of colonial effects without interrogating the legal rules and institutional mechanisms that sustain them.

Dominance of Developed Countries in Global Supply Chains and Regulations.

Developed countries retain considerable leverage over global supply chains and the rules that govern international trade, and that leverage directly affects the competitiveness of developing countries, including Indonesia. Superior economic and political weight translates into greater control over how international standards are set, which policy priorities are pursued, and how regulatory frameworks are drawn. Rules produced in this way do not always accommodate the differing capacities and development needs of poorer states, leaving them with correspondingly less room to compete.

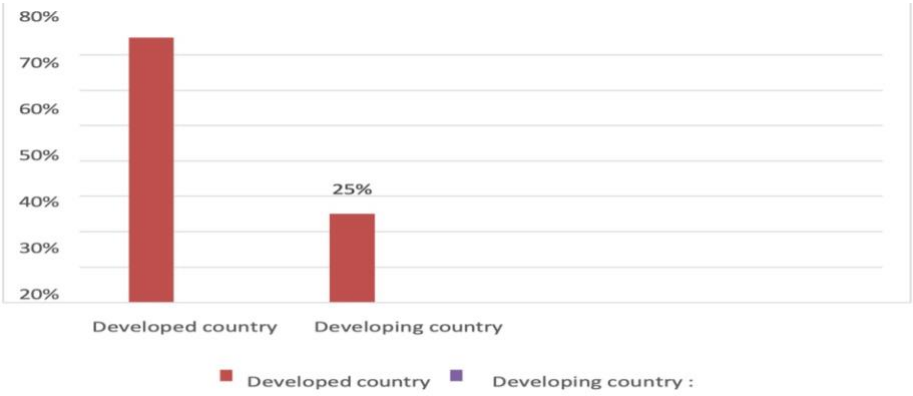
This imbalance becomes especially apparent when imported products enter developed markets. Exporters are often required to meet demanding food safety and environmental standards, as well as lengthy, detailed certification procedures. Many of these requirements serve valid regulatory objectives. Once compliance becomes prohibitively expensive, however, the effect is that of a non-tariff barrier. To reach markets such as the European Union and the United States, Indonesian exporters may have to invest heavily in technology, quality-control systems, certification, and supporting infrastructure.[17]

The same asymmetry is embedded in the structure and decision-making of the principal international institutions — the WTO, the IMF, and the World Bank. Although these institutions are intended to promote common global interests, influence within them is not shared equally.

[17] Grace Hutabarat, "Sengketa Ekspor Nikel Indonesia Dengan Uni Eropa Di World Trade Organization," *Jurnal Ilmu Hubungan Internasional LINO* 3, no. 2 (2023): 116–22, https://doi.org/10.31605/lino.v3i2.2896.

Developed countries tend to have more weight in decision-making, better access to important policy discussions, and a greater ability to shape institutional priorities and final outcomes. For instance, in the WTO, the formulation of global trade policies often reflects the economic agendas of industrialised countries while failing to fully consider the needs of developing nations.[18] Even in the realm of aid and lending, developing countries are frequently required to comply with stringent conditions set by the IMF or World Bank. These conditions often include market liberalisation, privatisation of public sectors, and the reduction of domestic subsidies, all of which can undermine the internal capacity for sustainable economic development. This imbalance is illustrated in the following chart, which displays the unequal distribution of voting power among countries (See **Figure 1**).

Figure 1: The Influence of Global Voting Power



Source: *The Influence of Global Voting Power*[19]

The graph clearly shows that developing countries are in a subordinate position in strategic decision-making. This imbalance often leaves the concerns of developing countries with limited weight in international policy-making, even though the resulting decisions can have a major impact on their economies.

The strong position of developed countries in global supply chains and trade regulation has helped preserve inequalities that can be traced back to the colonial period. Indonesia continues to bear the consequences of this imbalance, particularly when it is required to comply with international rules that do not always align with its economic conditions or development priorities. Meeting these pressures calls for stronger domestic institutions, improved bargaining capacity in trade negotiations, and closer cooperation with other developing countries. Economic diplomacy and adaptive legal reform can play an important role in supporting these efforts as the global trading environment continues to evolve.[20]

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[18] Aseema Sinha, "Understanding the 'Crisis of the Institution' in the Liberal Trade Order at the WTO," *International Affairs* 97, no. 5 (September 1, 2021): 1521–40, https://doi.org/10.1093/ia/iiab109.

[19] IMF, "IMF Members' Quotas and Voting Power, and IMF Board of Governors," International Monetary Fund, 2023, https://www.imf.org/en/about/executive-board/members-quotas.; Bretton Woods Project, "Analysis of World Bank Voting Reforms," Bretton Woods Project, 2010, https://www.brettonwoodsproject.org/2010/04/analysis-of-world-bank-voting-reforms/.; UNCTAD, "Target 10.6: Participation in Institutions," United Nations Conference on Trade and Development, 2016, https://stats.unctad.org/Dgff2016/index.html.

[20] Evelina Lusha, "Navigating Geopolitics and Diplomacy in the Contemporary World: An Analysis of International Relations.," *EIRP Proceedings* 19, no. 1 (2024): 273–82, https://dp.univ-danubius.ro/index.php/EIRP/article/view/529.

Indonesia's post-colonial economic difficulties remain deeply embedded in its trade system and broader economic structure. Chief among them are an enduring dependence on raw commodity exports, limited bargaining power in international trade negotiations, and a weak position within global value chains. The colonial legacy shaped Indonesia's dependency on raw commodity exports: during the colonial period, the economic structure was designed to export natural resources such as spices, rubber, and minerals without processing them into higher-value-added products. This pattern persists to this day, making Indonesia highly vulnerable to fluctuations in international market prices.[21]As shown in **Table 1** below, the majority of Indonesia's exports are still dominated by raw commodities:[22]

Table 1: Indonesia's exports commodities

Product Type	Percentage (%)
Raw Commodities	70%
Processed Goods	30%

Table 1 the continued dominance of raw commodity exports, indicating that Indonesia's economic structure has yet to fully transition toward value- added industrial sectors. This dependency further increases exposure to global price volatility and slows down the pace of domestic industrialisation.[23] In this case, at the structural level, Indonesia has been legally bound as a WTO member since 1995 under a regime whose principles are designed within a framework of formal reciprocity, while Indonesia's bargaining position and industrial capacity are still colored by the dependence on raw commodity exports, a direct legacy of the colonial economic structure. In other words, the legal equality promised by the GATT/WTO system does not automatically eliminate the economic disparities that were established long before the system existed, so formal compliance with international trade law can, in practice, perpetuate the same subordinate position.

This dependency pattern also weakens Indonesia's bargaining power in global trade forums, both in multilateral organisations such as the WTO and in bilateral agreements. Developed countries, such as the United States and European Union member states, tend to dominate the rule-setting processes in trade, placing Indonesia in a disadvantaged position. Non-tariff regulations—such as strict product quality and safety requirements are often imposed, making it difficult for products from developing countries to compete fairly.[24] [25]

Inequality is also evident in the structure of Global Value Chains (GVC), where developing countries typically participate only in the initial stages, such as raw material supply, while

[21] Bani Adam and Haniff Ahamat, "History Of Raw Material Export Restriction By European Powers: Revisiting Colonial Past," *Cendekia : Jurnal Hukum, Sosial Dan Humaniora* 1, no. 2 (2023): 92–106, https://doi.org/10.70193/cendekia.v1i2.23.

[22] Riandy Laksono, Fajar Oktiyanto, and Yessi Vadila, "Labor Market Impact of Export in a Commodity-Dependent Nation: The Case of Indonesia" (Tokyo, 2024), https://doi.org/doi:10.56506/BQNN1863.; Kris James Mitchener and Marc Weidenmier, "Trade and Empire," *The Economic Journal* 118, no. 533 (November 1, 2008): 1805–34, https://doi.org/10.1111/j.1468-0297.2008.02192.x.

[23] Mitchener and Weidenmier.

[24] José de Sousa and Julie Lochard, "Trade and Colonial Status," *Journal of African Economies* 21, no. 3 (June 1, 2012): 409–39, https://doi.org/10.1093/jae/ejs001.

[25] Tania El Kallab and Cristina Terra, "The Colonial Exports Pattern, Institutions and Current Economic Performance," *Journal of Economic Studies* 48, no. 8 (December 14, 2020): 1591–1623, https://doi.org/10.1108/JES-06-2020-0266.

developed countries dominate the high-value stages such as design, marketing, and distribution. Humphrey (2007) notes that limited access to technology and innovation is a major barrier to developing countries upgrading within the GVC. This imbalance makes it difficult for Indonesia to move up the global economic ladder, leaving it stuck in the lower segments of the value chain.[26]

Considering the structural dependence on raw exports, weak bargaining position, and limited role in GVCs, it is clear that Indonesia's position as a post-colonial developing country continues to face significant challenges. Therefore, national policies are needed to promote value-added industrial development, strengthen international negotiation capacity, and drive structural transformation, enabling Indonesia to enhance its role and position in the global economy.

In the international trade arena, Indonesia's bargaining position remains weak in both multilateral and bilateral forums. One major factor is limited technological mastery and low participation in global high-tech trade networks, which give neighbouring countries like Vietnam and Thailand a competitive edge.[27] This imbalance is exacerbated by limited access to market information and the difficulties in meeting complex international trade standards. As a result, Indonesia's role in global trade tends to be one-directional, mainly as a supplier of raw materials, with little involvement in the more strategic stages of global production.

Furthermore, the inequality within the GVC also indicates an uneven distribution of profits from international trade. Indonesia's high-tech industrial sector still lags behind that of other ASEAN countries, resulting in suboptimal gains in value added from trade. In addition, key export sectors such as agriculture and fisheries also face structural obstacles, including weak institutional frameworks, limited access to global markets, and inefficiencies in product governance, all of which hinder the competitiveness of local producers. For example, leading products like coffee still struggle to compete globally due to low value-added content and poor marketing infrastructure.[28]

The discussion on the manifestation of colonial legacy in Indonesia's strategic sectors cannot be separated from the dominance of multinational corporations in the mining and agricultural sectors. Once controlled by colonial powers, these sectors are now largely in the hands of foreign companies whose business models tend to privilege corporate returns over local economic development. The literature indicates that multinational corporations continue to extract Indonesian natural resources with little domestic processing, limited technology transfer, and modest value creation within the national economy.[29] The resulting distribution of benefits is

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[26] Frederick P. Humphrey, Stephen E., Nahrgang, Jennifer D., Morgeson, "Integrating Motivational, Social, and Contextual Work Design Features: A Meta-Analytic Summary and Theoretical Extension of the Work Design Literature.," *Journal of Applied Psychology* 95, no. 5 (2007): 1332–56, https://psycnet.apa.org/buy/2007-12832-011.

[27] Sugiharti, Esquivias, and Setyorani.

[28] Qiong Wu et al., "Halogenated Natural Products and Anthropogenic Persistent Organic Pollutants in Chokka Squid (Loligo Reynaudii) from Three Sites along the South Atlantic and Indian Ocean Coasts of South Africa," *Environmental Pollution* 255 (2019): 113282, https://doi.org/https://doi.org/10.1016/j.envpol.2019.113282.

[29] Ahmad Redi and Luthfi Marfungah, "Perkembangan Kebijakan Hukum Pertambangan Mineral Dan Batubara Di Indonesia," *Undang: Jurnal Hukum* 4, no. 2 (2021): 473–506, https://doi.org/https://doi.org/10.22437/ujh.4.2.473-506.

markedly uneven. Much of the profit is repatriated to the corporations' home countries, while local communities bear the environmental damage and social disruption produced by extraction.

The dominance of multinational corporations in the management of natural resources has also been linked to intensive extraction and limited investment in sustainable infrastructure. This creates an uneven relationship in which corporate interests receive greater priority than the long-term development needs of local communities.Corporations that dominate the market often overlook the welfare of local communities, who become victims of policies that favor external interests over national priorities.[30] Moreover, issues such as environmental destruction due to illegal mining activities and the resulting social impacts have worsened the situation, leading to land conflicts and social instability in areas affected by mining operations.[31]

In conclusion, the colonial legacy in Indonesia remains evident in the control of the mining and agricultural sectors by multinational corporations, as well as in obstacles related to technology and intellectual property. The presence of foreign corporations, without being balanced by policies that support local capacity development, has led to unjust conditions for Indonesian society. Addressing these challenges requires more inclusive and sustainable strategies moving forward.

Indonesia's Strategy in Navigating Global Barriers

Downstreaming and National Industrialisation

As part of its strategy to address structural challenges in global trade still influenced by colonial legacies, Indonesia has adopted downstreaming and national industrialisation policies aimed at strengthening its economic position in the global value chain. One concrete measure of this policy is the ban on raw nickel ore exports, which began in 2020. This move aims to promote the development of domestic processing industries by constructing smelters. With this policy, the government aims to increase the value added of strategic mining commodities and build a stronger downstream industrial ecosystem, ultimately expected to create new jobs and boost the national Gross Domestic Product (GDP).[32] Smelter development has focused on producing processed materials such as ferronickel and nickel matte, which have higher market value compared to raw exports. This helps reduce Indonesia's reliance on primary commodity exports and opens up greater opportunities for investment in the processing industry sector.

However, implementing this downstreaming strategy faces several serious challenges. At the global level, the export ban policy has triggered lawsuits by several countries before the World Trade Organisation (WTO), which view Indonesia's move as a form of protectionism that

[30] Febiola Wijaya and Fitri Agustina, "PENGARUH ELEMEN-ELEMEN GOOD CORPORATE GOVERNANCE TERHADAP INTEGRATED REPORTING (Studi Pada Perusahaan Pertambangan Yang Terdaftar Di Bursa Efek Indonesia (BEI) Tahun 2017-2019)."

[31] Johnson SMT Pangaribuan, "Pengaruh Hak Kekayaan Intelektual Dan Perlindungan Hukum Hak Kekayaan Intelektual Bagi Pemberdayaan Umkm."

[32] Marcelina Ribka Feonie Br. Siahaan and I Gede Agus Ariutama, "The Impact of Regional FTA on Export of Manufactured Goods: The Implementation of Gravity Model in Indonesia," *Jurnal Ekonomi Dan Studi Pembangunan* 13, no. 2 (2021): 100, https://doi.org/10.17977/um002v13i22021p100.; Nur Hendrasto, Muhammad Yusuf Ibrahim, and Tanti Novianti, "The Roles of Export of Coffee Commodity and Macroeconomics Factors on Unemployment in Indonesia," *Jurnal Social Economic of Agriculture* 12, no. 2 (2023): 94, https://doi.org/10.26418/j.sea.v12i2.66113.

contradicts the principles of free trade and could spark diplomatic tensions in international trade relations.[33] Additionally, limited technological capacity in the domestic processing sector poses a major barrier to producing downstream products that can compete globally in terms of quality.[34] Other challenges stem from underdeveloped supporting infrastructure in various industrial development regions, such as poor road access, limited energy availability, and basic logistics, all of which hinder the widespread and effective implementation of downstreaming programs. These conditions demonstrate that the success of downstreaming cannot rely solely on export bans, but also depends heavily on systemic readiness, including technological mastery, human resource quality improvement, and industrial infrastructure development.

At the operational level, this issue concretely manifests in Indonesia's downstream policy, particularly the ban on nickel ore exports, which places Indonesia at the crossroads of two competing legal claims: on one hand, the permanent sovereign right over natural resources that can doctrinally be defended thru the general exception of Article XX of the GATT 1994; on the other hand, the binding obligation not to impose quantitative export restrictions as regulated by Article XI. The proceedings between Indonesia and the European Union before the WTO Dispute Settlement Body amount to considerably more than a diplomatic quarrel. The central legal question of this study comes into focus through them: can a domestic strategy designed to correct inequalities of colonial origin survive within a multilateral legal system that may itself reproduce several of those same imbalances?. Downstreaming and national industrialisation represent a serious attempt to move Indonesia away from low-value raw commodity exports and to improve its standing in international trade. Export restrictions alone, however, will not carry the policy. It depends equally on technological development, institutional reform, stronger regulatory capacity, and a more responsive economic diplomacy. When pursued in a coordinated and sustainable manner, this strategy can do more than improve domestic industrial performance. It can also support Indonesia's transition toward a more self-reliant, equitable, and sustainable model of economic development.

Figure 2: Indonesia Down streaming Strategy

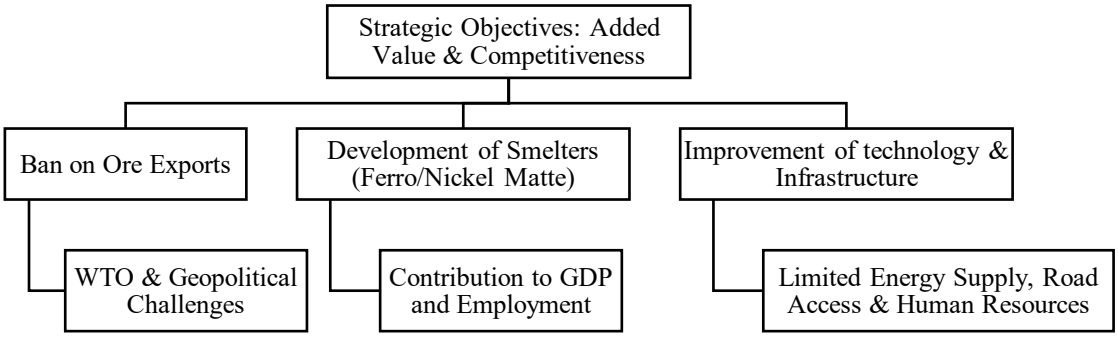


Figure 2 illustrates the government's comprehensive approach to strengthening the national economy by increasing the value added of natural resources and enhancing the competitiveness

[33] Heppi Millia, Ernawati Ernawati, and Heriberta Heriberta, "Do Foreign Direct Investment, Trade and Their Interactions Affect Economic Growth in Indonesia?," *Jurnal Perspektif Pembiayaan Dan Pembangunan Daerah* 11, no. 1 (2023): 1–16, https://doi.org/10.22437/ppd.v11i1.22698.

[34] Dwi Putri Jeng Ivo Nurun Nisa, Darsono, and Ernoiz Antriyandarti, "Determinants of Cocoa Bean Trade in the International Market: Gravity Model Approach," *International Journal of Sustainable Development and Planning* 18, no. 10 (2023): 3347–56, https://doi.org/10.18280/ijsdp.181035.

of domestic industries. At the top of the chart, it is explained that the primary goal of this strategy is to optimise Indonesia's economic potential, particularly in the mining sector, so that the country is not merely a raw-material exporter but also a key player in high-value industrial production.

Economic Diplomacy and Indonesia's Global Role

As a developing country with significant economic potential, Indonesia actively pursues economic diplomacy to strengthen its strategic role and position within the global trade system. Through a structured approach, Indonesia seeks to expand its economic influence by participating in various international forums such as the G20, ASEAN, the Indonesia-European Union Comprehensive Economic Partnership Agreement (IEU-CEPA) negotiations, and the Regional Comprehensive Economic Partnership (RCEP). Indonesia's participation in these forums is intended not only to strengthen its national competitiveness, but also to support a fairer, more inclusive, and more sustainable global trading system, especially for developing countries.

Its role in the G20 reflects Indonesia's interest in participating in discussions on major global economic issues, including climate change, the reform of the international financial architecture, and sustainable development. Indonesia has also advanced social inclusion and the green economy as part of its broader contribution to more equitable and sustainable long-term global growth.

At the regional level, Indonesia remains an important actor in ASEAN, particularly through the ASEAN Economic Community, which seeks to bring Southeast Asian economies closer together through a more integrated market and production base.

Participation in the RCEP gives Indonesia wider access to major markets across the Asia-Pacific and opens further opportunities to expand exports and attract investment. Abdullah argues that Indonesia could derive greater benefits from the agreement by improving the efficiency of trade in goods and services while providing stronger protection for investment.[35]

In its relations with the European Union, Indonesia regards the IEU-CEPA negotiations as an important means of addressing persistent tariff and non-tariff barriers. The agreement is expected to widen market access while opening further scope for technology transfer, industrial innovation, and cooperation on sustainable development. Alongside this, Indonesia has cultivated closer ties with other developing countries to strengthen its hand in multilateral negotiations. In forums such as the G20 and ASEAN, it has increasingly positioned itself as a voice for the Global South. Such coalitions offer a platform for raising unequal market access, trade-distorting subsidies in developed economies, and the case for a more transparent and balanced international trading system. The approach draws on the principle of South-South Cooperation, under which developing countries work more closely together to strengthen their political and economic positions in addressing unequal trade arrangements and shared economic challenges.

By strengthening cooperation within forums such as G77 and BRICS+, Indonesia hopes to promote the collective interests of developing countries in shaping a new, more equitable global

[35] Abdullah Ragimun, "Kerja Sama Perdagangan Barang Pada Forum RCEP Bagi Indonesia [Cooperation of Goods Trading on Rcep Forum for Indonesia]," *Jurnal Ekonomi & Kebijakan Publik* 9, no. 1 (2018): 67–81, https://doi.org/https://doi.org/10.22212/jekp.v9i1.914.

economic order. When facing trade pressures or disputes from developed countries, such as the European Union's WTO case challenging Indonesia's nickel export ban, Indonesia adopts a strategic and measured approach. This includes active economic diplomacy through bilateral and multilateral dialogues to explain the rationale behind its domestic industrial policies.[36] These efforts are supported by empirical data showing that the policies aim to protect national industries, promote the downstream processing of natural resources, and generate domestic value added.

In addition to diplomatic efforts, Indonesia is strengthening its international litigation system by establishing competent legal teams to handle trade disputes at institutions like the WTO. This demonstrates the country's readiness to defend its economic sovereignty in accordance with applicable international trade laws.On the other hand, to reduce dependence on raw material exports and enhance bargaining power, Indonesia continues to encourage technological development, knowledge transfer, and capacity building of domestic industries. According to Nisa et al., (2023), improving domestic technological capabilities is a key factor in producing competitive downstream products in the global market and minimising the risk of protectionist-related trade disputes.[37]

Its active participation in forums such as G20, ASEAN, IEU-CEPA, and RCEP reflects Indonesia's long-term strategy to shape a fair and sustainable trade ecosystem. By strengthening alliances among developing countries and adopting a well-crafted strategy to face pressure from developed nations, Indonesia remains optimistic about reinforcing its economic resilience and expanding its strategic role on the international stage.

Export Market Diversification

The Indonesian government is actively exploring export opportunities in regions that were previously less prioritised, namely African countries, the Middle East, and South Asia. These three regions offer untapped market potential but are experiencing a growing demand trend for products.[38] In Africa, economic growth driven by the natural resources and agriculture sectors creates significant opportunities for Indonesian exports, especially food products, agricultural tools, and light manufactured goods. Studies indicate that Indonesia could strengthen its economic relations with African countries through more active trade promotion and the development of preferential trade agreements. The Middle East also presents considerable opportunities, particularly for processed food and high-quality halal products. With more reliable halal certification and stronger product standards, Indonesian goods would be better positioned to compete in several of the region's major markets (See **Table 2**).[39]

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[36] Sari and Ibrahim, "Peran Politik Dalam Pembentukan Kebijakan Bisnis Perdagangan Internasional."

[37] Nisa, Darsono, and Antriyandarti, "Determinants of Cocoa Bean Trade in the International Market: Gravity Model Approach."

[38] Muhammad Afif Fadhli Az Zamzami and Nur Azizah, "Indonesia Strategy in Increasing Economic Cooperation in African Countries," *Jurnal Sosial Humaniora* 15, no. 1 (2024): 13–22, https://doi.org/10.30997/jsh.v15i1.12860.

[39] Alya Viyan Nada and Hendri Hermawan Adinugraha, "Innovation in Halal Packaging and Labeling to Enhance Indonesian Processed Food Export Performance," *Journal of Islamic Economics Management and Business* 7, no. 2 (2025): 157–72, https://doi.org/10.21580/jiemb.2025.7.2.28754.

Table 2: *Indonesia's Export Potential to Non-Traditional Regions*

Region	Potential Commodities	Main Strategy
Africa	Food products, agricultural tools	Trade promotion, preferential agreements
Middle East	Processed foods, halal products	Halal certification, product branding
South Asia	Textiles, herbal products, furniture	Economic diplomacy, quality improvement

Source: *Indonesia's Export Potential to Non-Traditional Regions*[40]

Efforts to diversify export markets are also supported by stronger bilateral and multilateral trade arrangements. Agreements such as the Indonesia–Australia Comprehensive Economic Partnership Agreement (IA-CEPA) and the Regional Comprehensive Economic Partnership (RCEP) may create wider opportunities through lower tariff barriers and increased investment flows.[41]

For strategic commodities such as cocoa, diversification should focus on expanding exports of higher-value processed products into new markets, while preserving Indonesia's position in established destinations such as China and Australia (See **Table 3**).[42]

Table 3: Strategic Trade Agreements Supporting Export Diversification

Agreement	Main Partner	Export Benefits
IA-CEPA	Australia	Tariff reduction, increased export of services
RCEP	ASEAN + 5 Countries	Wider market access, enhanced regional integration

Source: *Strategic Trade Agreements Supporting Export Diversification*.[43]

The main challenge in expanding into non-traditional markets is limited understanding of local market characteristics, including consumer preferences, technical regulations, and logistical barriers. Research emphasises the importance of comprehensive market research as well as improving infrastructure readiness and product quality standards to meet international criteria.[44]

On the other hand, government initiatives to intensify economic diplomacy through trade exhibitions, trade missions, and participation in international forums have become catalysts for increasing the visibility of Indonesian products. With more focused trade promotion and stronger production capacity, Indonesia has greater scope to expand its exports into non-traditional markets.[45]

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40 Delanova, "Health Diplomacy as an Instrument of Indonesian Foreign Policy."; Muhammad Afif Fadhli Az Zamzami and Nur Azizah, "Indonesia Strategy in Increasing Economic Cooperation in African Countries."; Nada and Adinugraha, "Innovation in Halal Packaging and Labeling to Enhance Indonesian Processed Food Export Performance."

41 Alvira Rizki Wulandari and Dadan Suryadipura, "Diplomasi Komersial Indonesia Terhadap Australia Dalam Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA) Pada Era Pemerintahan Joko Widodo (2014-2019)," *Padjadjaran Journal of International Relations* 3, no. 2 (2021): 103, https://doi.org/10.24198/padjir.v3i2.33521.; Frendy Ahmad Afandi, "Pemanfaatan Presidensi Indonesia Dalam G20 Untuk Pembangunan Ekonomi Hijau Dan Dekarbonisasi Indonesia 2060," *Jurnal Analis Kebijakan* 6, no. 1 (2023): 86–95, https://doi.org/10.37145/jak.v6i1.441.

42 Candra Nuraini, Aldianti Nurwansyah, and Dwi Apriyani, "Daya Saing Ekspor Lemak Kakao Indonesia Di Pasar Internasional," *Forum Agribisnis* 14, no. 1 (2024): 50–58, https://doi.org/10.29244/fagb.14.1.50-58.

43 Wulandari and Suryadipura, "Diplomasi Komersial Indonesia Terhadap Australia Dalam Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA) Pada Era Pemerintahan Joko Widodo (2014-2019)."; Afandi, "Pemanfaatan Presidensi Indonesia Dalam G20 Untuk Pembangunan Ekonomi Hijau Dan Dekarbonisasi Indonesia 2060."

44 Muhammad Afif Fadhli Az Zamzami and Nur Azizah, "Indonesia Strategy in Increasing Economic Cooperation in African Countries."

45 Delanova, "Health Diplomacy as an Instrument of Indonesian Foreign Policy."

Diversifying export markets is important not only to reduce Indonesia's dependence on traditional destinations, but also to make the national economy more resilient. This requires greater attention to non-traditional markets, closer bilateral and regional cooperation, and stronger support through market research and continued improvements in product quality. With these measures in place, Indonesia would be better positioned to take fuller and more sustainable advantage of global trade opportunities.

Structural Transformation and Competitiveness Enhancement

Indonesia needs deeper structural reform to remain competitive in international markets. This goes beyond revising administrative procedures. It requires coordinated improvements in several areas, including simpler export processes, stronger human resources, wider use of technology, greater participation by MSMEs in global trade, and careful protection of strategic sectors without violating international obligations. Indonesia needs more than the capacity to respond to changes in global trade; it also needs a stronger and more balanced position from which to compete. Improving the way government administration works is an important part of this effort. At present, export procedures can be costly, time-consuming, and difficult to follow, with smaller businesses often facing the greatest burden. Reducing the complexity of these procedures would ease the financial and administrative burden on exporters and give Indonesian products a better chance of reaching foreign markets. Attention must also be given to the quality of the workforce.

As industries become more reliant on technology, innovation, and productivity, Indonesia needs people who can learn new skills, adjust to change, and meet evolving market demands. Vocational education and industry-based training offer a route to the human capital that stronger export performance and more sustainable industrial growth will require.[46] Gains of this kind are amplified where modern technology is adopted, since it lifts both the productivity and the quality of export products. For example, applying agricultural and post-harvest technology in cocoa cultivation has proven to enhance efficiency and competitiveness in global markets.[47]

MSMEs are the backbone of the national economy, contributing around 60% to GDP. However, their role in exports remains relatively small due to challenges such as limited market information, financing constraints, and lack of technical and managerial support. Therefore, empowering MSMEs is a critical element of structural transformation.

Strategic approaches to strengthen MSMEs in global exports include:[48] 1) Training and Education: Providing technical and managerial training to help MSMEs produce goods that meet international standards; 2) Financing Access: Facilitating access to financing so MSMEs can expand production and promotion efforts; 3) Product Certification: Encouraging MSMEs to

[46] Naila Rohmah Izzatin and Badiatud Durroh, "Analisis Daya Saing Ekspor Kakao Indonesia Di Pasar Internasional Analysis of Indonesian Cocoa Export Competitiveness in International Market Nyata Terhadap Output Devisa Negara Dan Kakao . Sebagai Negara Penghasil Produk Dunia Menurut Informasi Internati," *Agro Bali : Agricultural Journal* 6, no. 2 (2023): 337–49, https://doi.org/https://doi.org/10.37637/ab.v6i2.1266.

[47] Izzatin and Durroh.

[48] Muchammad Andriato Wicaksono, Wahdiyat Moko, and Rofiaty, "Entrepreneurship Orientation on Msme ' S Performance, Competitive Advantage and Innovation," *Interdisciplinary Social Studies* 2, no. 3 (2022): 1729–42, https://doi.org/https://doi.org/10.55324/iss.v2i3.361.

obtain internationally required certifications, such as ISO, HACCP, and halal certification (See **Table 4**).

Table 4: ***Export Challenges Faced by MSMEs and Strategic Solutions***

MSME Export Challenges	Strategic Solutions
Limited market access	Digital promotion, participation in international exhibitions
Financing difficulties	MSME export credit, interest subsidies
Lack of product certification	Training and certification facilitation by the government
Low production capacity	Equipment investment and production management training

Sources: *Export Challenges Faced by MSMEs and Strategic Solutions*.[49]

In the face of the pressures of globalisation, protecting national strategic sectors such as mining, agriculture, and energy becomes increasingly important. However, such protection must be implemented carefully to avoid violating the principles of international free trade. One approach already adopted by Indonesia is the downstream policy of commodities, such as nickel, which aims to add value before exports are sent abroad.[50]

This step encourages the domestic industry to not only act as a raw material exporter but also as a key player in the high-value global supply chain. In addition, constructive bilateral and multilateral trade negotiations must be strengthened to maintain Indonesia's position and ensure that legitimate protective policies are internationally accepted.[51] In line with this Ludfi Arifin & Solihin (2025), emphasise that downstreaming must also be supported by adequate infrastructure readiness, human resource development, and sustainable industrial policies to avoid counterproductive outcomes for national development goals.[52]

Indonesia's structural transformation to enhance global economic competitiveness must be comprehensive and integrated. Increasing export volume alone will not be sufficient.Wider changes in economic governance are also needed: bureaucratic reform, stronger human capital, broader use of technology, and more substantial support for MSMEs. Protection of strategic sectors may still be warranted, but any such measures must be carefully designed to remain consistent with Indonesia's international obligations. Much will depend, too, on sustained cooperation among government institutions, business, universities, and civil society, whose combined efforts are indispensable to a national economy that is more resilient, competitive, and inclusive.

A Brief Comparison of Developing Countries' Trade Strategies

Developing countries have responded to global trade pressures in various ways, according to their economic structures, national priorities, and strategic interests. Three commonly referenced countries are Vietnam, Brazil, and South Africa (See **Table 5**).

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[49] Wicaksono, Moko, and Rofiaty.; Izzatin and Durroh, "Analisis Daya Saing Ekspor Kakao Indonesia Di Pasar Internasional Analysis of Indonesian Cocoa Export Competitiveness in International Market Nyata Terhadap Output Devisa Negara Dan Kakao . Sebagai Negara Penghasil Produk Dunia Menurut Informasi Internati."

[50] Khaldun, "Analisis Perdagangan Internasional Indonesia Pada Kebijakan ACFTA Dan AKFTA."

[51] Ragimun, "Kerja Sama Perdagangan Barang Pada Forum RCEP Bagi Indonesia [Cooperation of Goods Trading on Rcep Forum for Indonesia]."

[52] Antoni Ludfi Arifin and Dadang Solihin, "Hilirisasi Pangan Guna Mewujudkan Ketahanan Ekonomi," *Jurnal Pendidikan Ekonomi Akuntansi Kewirausahaan* 5, no. 2 (2025): 19–27, https://doi.org/https://doi.org/10.29407/jpeaku.v5i1.25446.

Table 5: ***Trade Strategies of Developing Countries***

Country	Main Strategy	Key Focus
Vietnam	Utilisation of FTAs (EVFTA & RCEP), FDI incentives, deregulation	Strengthening the manufacturing and export sectors through competitiveness and low costs
Brazil	Protection of local industries, export of key commodities	Dominance in agricultural exports: soybeans, beef, sugar
South Africa	Rejection of unfair agreements, strengthening regional cooperation (SADC)	Sustainability of domestic industries and African economic integration

Sources: *Trade Strategies of Developing Countries*[53]

Vietnam has successfully optimised its free trade agreements, such as EVFTA and RCEP, to expand its export markets. Moreover, its government provides investment incentives and simplifies regulations to create a more investor-friendly climate. These efforts have led to an increase in foreign direct investment (FDI), spurring growth in the manufacturing sector and employment.[54]

Brazil has adopted a protectionist approach, imposing tariffs and regulations to shield its domestic industries. The agriculture sector serves as the backbone of Brazil's exports, with commodities such as soybeans and sugar dominating global markets. However, this dependency makes the Brazilian economy vulnerable to fluctuations in global commodity prices.[55]

South Africa takes a critical stance toward global trade agreements that it perceives as detrimental to local economies. The country rejects agreements containing elements of neo-colonialism, opting instead to strengthen regional cooperation through SADC. This strategy is rooted in the values of equality and independence in international trade relations.[56]

Each developing country has carved its own path to strengthen its position in the global market. Vietnam has focused on trade liberalisation and improving the competitiveness of its manufacturing sector. Brazil, by contrast, relies more heavily on commodity exports and measures that protect domestic industries, while South Africa places greater emphasis on economic self-reliance and regional integration. These differences show that there is no single model for navigating global trade. Each country must shape its strategy around its own economic structure, development priorities, and national objectives.

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[53] Ragimun, "Kerja Sama Perdagangan Barang Pada Forum RCEP Bagi Indonesia [Cooperation of Goods Trading on Rcep Forum for Indonesia]."; Idris Yanto Niode, "The Effect of Management Capability and Entrepreneurial Orientation on Business Performance through Business Strategy as an Intervening Variable," *Jurnal Manajemen Dan Pemasaran Jasa* 15, no. 2 (2022): 255–74, https://doi.org/10.25105/jmpj.v15i2.13802.; Anda Nugroho et al., "Does the US–China Trade War Increase Poverty in a Developing Country? A Dynamic General Equilibrium Analysis for Indonesia," *Economic Analysis and Policy* 71 (2021): 279–90, https://doi.org/https://doi.org/10.1016/j.eap.2021.05.008.; Aisyah Dwi Qudsiati and Badrus Sholeh, "The Role Analysis of Indonesia's Policy Strategy on Indo-Pacific," *Journal of Diplomacy and International Studies* 3, no. 01 (2020): 39–50, https://journal.uir.ac.id/index.php/jdis/index.

[54] Ragimun, "Kerja Sama Perdagangan Barang Pada Forum RCEP Bagi Indonesia [Cooperation of Goods Trading on Rcep Forum for Indonesia]."

[55] Nugroho et al., "Does the US–China Trade War Increase Poverty in a Developing Country? A Dynamic General Equilibrium Analysis for Indonesia."

[56] Niode, "The Effect of Management Capability and Entrepreneurial Orientation on Business Performance through Business Strategy as an Intervening Variable."; Qudsiati and Sholeh, "The Role Analysis of Indonesia's Policy Strategy on Indo-Pacific."

CONCLUSION

This study finds that colonial legacies continue to shape the structure and operation of international trade law, particularly for developing countries such as Indonesia. The legacy of these arrangements remains evident in the difficulty some countries face in entering foreign markets, meeting costly regulatory requirements, and moving into more profitable stages of global production. Indonesia, for example, continues to rely heavily on the export of unprocessed commodities. Its position is further constrained by barriers in developed markets and by the substantial control multinational companies exercise over strategically important industries. Taken together, these conditions show that the underlying structural inequalities remain firmly in place. Indonesia has pursued several ways of responding to these pressures. Indonesia has sought to move beyond its traditional role as a supplier of raw materials by expanding value-added production at home. It has also become more involved in regional and multilateral trade negotiations and has pushed for better terms in its dealings with external partners. These steps are intended to build a stronger industrial base and give Indonesia greater influence in the global trading system. The three countries have taken quite different approaches to the same set of pressures. Vietnam has used export growth as the primary driver of industrial base expansion. Brazil and South Africa have followed a different course, giving more attention to domestic producers and to economic cooperation with other countries in their regions. Their experiences suggest that Indonesia needs enough policy space to adjust its approach, maintain active economic diplomacy, and strengthen cooperation with other developing countries. The constraints may be historically rooted, but they do not foreclose a more independent and development-oriented trade strategy. These difficulties, moreover, cannot be met by economic policy alone. These issues are closely tied to how international trade rules are interpreted and applied, since those rules shape the actual room developing countries have to pursue their own policies. Although Most-Favoured-Nation treatment and National Treatment formally apply to every WTO Member, their effects are not necessarily equal. The impact of these obligations is not the same for every country. Countries with emerging industries, limited technological resources, and less weight in trade negotiations often have far less room to respond than advanced economies. Indonesia has tried to reduce its dependence on raw material exports by developing more processing and production within the country. At the same time, it has taken a more active part in regional and multilateral trade negotiations and worked to secure fairer arrangements with its trading partners. The aim is to strengthen the national industrial base and improve Indonesia's bargaining position in the global trading system. Sufficient policy space to meet the development needs of post-colonial economies. Downstreaming, so understood, belongs to the legal domain as much as the economic. Its purpose is twofold — to hold open the space Indonesia needs for industrial transformation, and to press an international trading system toward a fairer reckoning with inequalities long embedded in its structure.

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