

Understanding NTMs between Indonesia and India for Development Strategies of Trade

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Abstract— Understanding Non Tariff Measures (NTMs) principles enable someone to identify forms of policies other than import tariffs. NTMs are generally enforced to protect domestic producers and consumers in accordance with international rules and principles. Indonesia and India are the 4th and 2nd most populous country in the world. Therefore, these countries are interesting subjects to see how NTMs are being implemented. The Normative Juridical Analysis of NTMs found that India has applied more Sanitary and Phytosanitary (SPS) policy to other countries, but Indonesia has applied more Technical Barriers to Trade (TBT) policy to other countries. On Bilateral Trade between India and Indonesia, India has applied more Contingent Trade Protective Measures (CTPM) to Indonesia, but Indonesia has applied more Sanitary and Phytosanitary (SPS) to India. The descriptive analysis of NTMs show that Indonesia and India need to apply internationally accepted standard and treatment on its exported products, both agriculture and non-agriculture, to avoid unnecessary interception and rejection of entry to each other custom territory. Development strategies of trade that can be implemented as follows: (1) remove NTBs and streamline NTMs; (2) encourage trade facilitation; (3) address NTMs to protect the safety of humans, animals, plants and to improve the quality of life.

Keywords— *Bilateral Indonesia and India, Development Strategies of Trade, Normative Juridical Analysis, Descriptive Analysis of NTMs*

I. INTRODUCTION

Bilateral Trade Agreement (BTA) is a formal collaboration between two countries to reduce tariffs and Non-Tariff Barriers (NTBs). The dynamic impact of BTAs that will be received in the medium and long-run term is predicted to have a wider and greater effect in influencing the welfare and economy of a country. Some of the most important effects in the context of BTAs including achieving Foreign Direct Investment (FDI), economic growth, economies of scale, structural policy changes, technology transfer, and increasing of competitiveness in the long period of time.

BTA also is one form of reaction to the existence of liberalization and globalization, which has implication for

elimination and reduction of various obstacles in trade activities both tariff barriers and Non-Tariff Barriers (NTBs). NTBs is non-tariff distortion as any measures (public or private) that causes internationally traded services and goods, to be allocated in such a way as to reduce the potential real income of the world [1].

NTBs is different with Non-Tariff Measures (NTMs). In general, NTMs include all policy-related trade costs incurred from production to final consumer, with the exclusion of tariffs, and categorized depending on the scope/design and broadly distinguished in technical measures (SPS, TBT, pre-shipment inspections) and non-technical measures [2]. In other words, NTMs are all forms of policy other than import tariffs in general, which potentially have an economic impact on trade in goods and services between countries, by affecting the traded quantity, price, or both. The examples of NTMs are: product specific quotas, quality condition, minimum import price, import prohibitions, antidumping measures, SPS requirements, foreign exchange market control, and import license. Although, there are some measures, not included in NTMs: private standard, inadequate infrastructure, procedural obstacle, and production standard.

According to UNCTAD (2013), NTMs severely restrict international trade and its contribution to overall trade restrictions is generally far greater than tariffs [2]. Sometimes, NTMs incorrectly referred the same as Non-Tariff Barriers (NTBs) and it is difficult to distinguish NTBs from NTMs. The difference is that NTMs comprise a wider set of measures than NTBs. NTMs can become NTBs in three conditions: (1) it affects trade more than is necessary to overcome the trade domestic issue, (2) it effect quantity traded and/or prices and have proven discriminatory, (3) it has an intent to be protectionist. Although, some of the trade research literature explains that both NTMs and NTBs are used interchangeably and the distinction is quite vague [3].

Based on the economic and trade data, India is the largest trade partner of ASEAN region with a trading value in the last 5 years increased by 5.3% from USD 16.2 billion in 2014 to USD 18.7 billion in 2018. India is the number one

destination of Indonesian strategic commodity export product such as palm oil at USD 5.16 billion in 2017. Both countries have given the total target trade value to USD 50 billion in the year 2025. India is the 5th largest economic power in the world with total GDP reaching USD 2.65 trillion and having the second fastest economic growth at the level of 7.2% [4]. In the year 2023, it is estimated that India will reach GDP 5 trillion and by the year 2030 will become the world's second largest economic power in the world.

Some research papers have discussed issues related to trade development strategies. Gorener (2012) wrote about strategic decisions that provide operational actions that are appropriate for the market at the right time [5]. Trade Analysis and Development Agency proposed a study that give five criteria for the formulation of Indonesia's export development strategy, which are: (1) expansion of private trading companies; (2) coordination of Indonesian Embassies and Consulates with Ministry of Trade in market intelligence; (3) product design creativity; (4) improve product quality in accordance with the standards of destination countries; (5) establishment of outlets in destination countries that sell Indonesian products [6]. Moreover, India's development strategies of trade is not always clear. The position at WTO eventually remain conservative. India has a "defensive" stance on agriculture and an "offensive" stance on service, but the underlying rationale is not too explicit [7].

Moreover, due to the implementation of ASEAN-India Free Trade Agreement [30], tariffs between Indonesia and India are constantly being cut. Therefore, the policy makers of the two countries are employing other measures to protect domestic trade such as Non-Tariff Measures. When multilateral and regional agreements are increasing and tariffs in international trade are gradually being eliminated, the policy makers around the world are focusing on using Non-Tariff Measures (NTMs) in their trade. The above mentioned explanation shows that not many researchers examine the understanding of NTMs between Indonesia and India for developing strategies of trade, which left a place to fill the opportunity for new research paper. Therefore, the purpose of this paper is to analyze the NTMs application between Indonesia and India for developing strategies of trade using normative juridical analysis and descriptive analysis of NTMs.

II. METHODS

Normative Juridical and Descriptive Analysis

The normative juridical analysis is a model that examines the understanding of the implementation and legislation approach. This paper used the model to focus on reviewing regulations and laws related to the Non-Tariff Measures (NTMs) especially in India and Indonesia. Moreover, the implementation approach, focus on reviewing the practice of regulations and laws in Indonesia and India for development strategies. The descriptive analysis is presented in the form of data tabulation consisting of regulatory alignment, regulatory substance, and the relevance to the practiced implementation [25].

The normative juridical and descriptive analysis also can be based on the identification of NTMs refer to the UNCTAD classification in the year 2012. The definition of

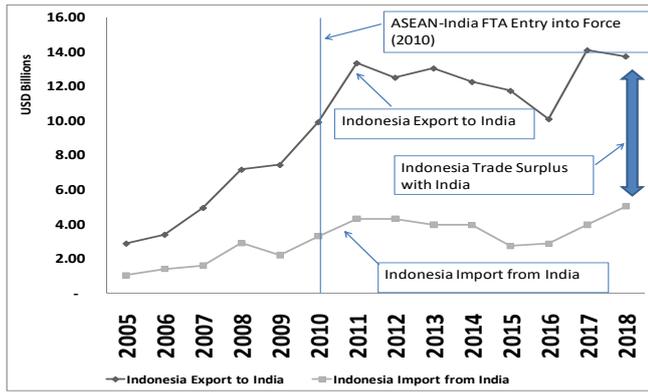
NTMs itself can have an economic influence on international trade commodity or can cause distortion, thereby reducing the potential benefits of international trade [2]. The classification of NTMs is divided into import measures and export measures. Import measures are divided into two parts, namely technical measures and non-technical measures; while export measures only have one classification, namely export related measures.

Four research reports (Embassy of India, 2018; Purnamawati et al., 2016; Jati, K., 2019a; Jati, K., 2019b) used normative juridical and descriptive analysis in Indonesia and India [8] [9] [28] [29]. The regime of national policies and regulations in India focused on promoting strategic export domestic industries and exports, protection of local markets for domestic products, safeguarding against hazard to public health, environment, and perceptions of social-political-religious and security issues [10]. Moreover, Indonesia as a part of the ASEAN region, the NTMs can be seen in a group of 10 countries. The ASEAN countries' average tariff rates decreased from 8.9 percent in the year 2000 to 4.5 percent in the year of 2015, but the NTMs number increased from 1,634 measures to 5,975 measures in the same period of time, although a country with a relatively higher measure number does not mean it is relatively more protectionist than other countries [11].

Primary data collection was conducted through discussion and interviews from respected authorities, business entities and government that know about NTMs. The researcher through the purposive sampling method of informant selecting certain expert that willing to share their knowledge and experience with NTMs policy. The result of primary data collection is confirmed by a group of expert in Indonesia and India related to NTMs. It is highly relevant to select good informant and using purposive sampling technique is one of the most effective ways to study a certain domain with knowledgeable experts within [12]. Secondary data are obtained from books, articles, journal and other scientific literature that has a good reference for NTMs.

III. RESULT AND DISCUSSION

Indonesia is a key economic partner for India in Southeast Asia with bilateral trade of almost US\$ 20 billion in 2018, Indonesia is the 4th largest trading destination for India in the ASEAN region. Compared to trade in 2005, the export Indonesia to India has witnessed almost fivefold in 2018. From USD 2.9 billion in 2005 to USD 13.7 billion in 2018. India is also the main export destination country of Indonesia with exports to India equivalent to 8% of Indonesia's total exports to the world. Indonesia's exports to India have increased rapidly over the past 10 years with an average growth of 11.5% per year (see figure 1). The most significant increase in export was after the entry into force of the ASEAN-India Free Trade Agreement in 2010.



Source: WITS, 2019 and PresPres No.27 Year 2010 [30]

Fig. 1. Indonesia Trade with India

India is the second largest buyer of coal and crude palm oil from Indonesia. Indonesia export crude palm oil to India reached USD 2.2 billion in 2018 which is more than 60% from Indonesia's total export to the world. Other Indonesia main export products to India are minerals, rubber, pulp and paper, and hydrocarbon reserves. India exports refined petroleum products, commercial vehicles, telecommunication equipment, bovine meat, animal feed, agriculture products, steel and plastics to Indonesia.

India's export to Indonesia 2017 was mainly due to the export of bovine meat which was facilitated by the Government Regulation Republic of Indonesia (Peraturan Pemerintah/PP) Number 4 year 2016 [13] issued in March 2016 that expands cattle import zones from so far as to be a country based (zone based), Indonesia can import cattle from any country, including India. In its implementation, only State-Owned Enterprises (BUMN and BUMD) are authorized to import cattle and beef. In an audit by a team from Ministry of Agriculture of Republic of Indonesia in India in March 2018, 19 new bovine meat plants and 3 dairy plants were approved for exporting to Indonesia. So, this figure is expected to increase in the coming financial year. There is considerable potential for expanding trade between the two countries in the areas of pharmaceuticals, automotive components, automobiles, engineering products, IT, biotechnology and healthcare services.

The total trade between Indonesia and India to the world can provide a clear picture of the importance of Bilateral Trade between these two countries (see table 1). In Indonesia's perspective, India's position as a trading partner is becoming increasingly important. The role of India in Indonesia's export destinations has consistently increased from 2005 to 2018. The negative growth of the value of Indonesia's exports to India is a reflection of the global economic situation that is in crisis and does not indicate that Indonesia's interest in India has diminished. On the contrary, from India's point of view, Indonesia's role as a trading partner tends to be stagnant as indicated by the share of Indian exports to Indonesia to its total exports relatively stable during the period 2005 to 2018.

TABLE 1. INDONESIA AND INDIA TRADE WITH THE WORLD

Year	Indonesia Export to India USD Billion	Share from Indonesia Export to World (%)	% Growth	India Export to Indonesia USD Billion	Share from India Export to World (%)	% Growth
2005	2.88	3.4		1.39	1.4	
2006	3.39	3.4	17.8	1.87	1.5	34.5
2007	4.94	4.3	45.8	1.88	1.3	0.4
2008	7.16	5.2	44.9	2.66	1.5	41.6
2009	7.43	6.4	3.8	3.00	1.7	12.9
2010	9.92	6.3	33.4	4.56	2.1	51.8
2011	13.34	6.6	34.5	6.40	2.1	40.4
2012	12.50	6.6	-6.3	6.02	2.1	-5.9
2013	13.03	7.1	4.3	5.56	1.7	-7.7
2014	12.25	7.0	-6.0	4.44	1.4	-20.0
2015	11.73	7.8	-4.2	2.87	1.1	-35.5
2016	10.09	7.0	-14.0	3.13	1.2	9.2
2017	14.08	8.3	39.5	3.76	1.3	20.2
2018	13.73	7.6	-2.5	4.79	1.5	27.3

Source: WITS, 2019, calculated by authors

Table 2 shows that most of the India's Tariff are less than 10 percent or approximately 87.7 % of the import share. Although, some of the Indonesia export commodity still has higher tariff, more than 10 percent or 12.3 percent of the India's imports from Indonesia. This indicates that it is more important to analyze the NTMs to get a better understanding of bilateral trade between Indonesia and India.

TABLE 2. SUMMARY OF INDIA'S TARIFF FOR PRODUCTS ORIGINATING FROM INDONESIA, AS PER 2018

Range of Tariff	Number of products on HS 6 Digit	Share of Product (%)	Import Value (USD Billion)	Share of Import (%)
0%	1,227	73	13.1	66.6
0% < X < 5%	286	17	1.0	5.2
5% < X < 10%	32	2	3.1	15.9
10% < X < 20%	84	5	1.8	9.0
20% < X < 50%	32	2	0.6	2.9
50% < X < 100%	16	1	0.1	0.3
X > 100%	3	0	0.0	0.0
Total	1,680	100	19.7	100

Source: WITS, 2019, calculated by authors

According to Singh et al. (2018), Beghin et al. (2012), Baylis et al. (2010) and Disdier (2010), NTMs are now a very important aspect in terms of controlling the worldwide trade in commodities [14] [15] [16] [17]. The table 3 identifies the classifications of NTMs that India imposed to Indonesia. A total of 274 measures enacted consisting of 72 NTMs in the form of SPS, 46 NTMs in the form of TBT, 32 NTMs in the form of export measures, and 116 in the form of other measures for all countries; and 8 NTMs in the form of other measures for bilateral India and Indonesia. So, there are 27.1% of the SPS, 17.3% of TBT, 12% of export measures and 43.6% of other measures for all countries and

100% of other measures for bilateral (India NTMs imposed to Indonesia).

There is indication that India imposed SPS higher than TBT and Export Measures because the relevant authorities want to make sure that the India local markets is getting good quality of commodities that good for public health, especially for palm oil commodity (the same thing happened in Asia-Pacific economies that imposed more SPS compared to other NTMs [27]). Second biggest Indonesian export to India is palm oil and its fractions (HS code 1511) about 3.6 billion USD equals to 23% of total Indonesian export to India.

TABLE 3. CLASSIFICATIONS OF NTMS IMPOSED BY INDIA ON INDONESIAN INTEREST

Partner Affected	Classifications of NTMs (number)				Total
	SPS	TBT	Export Measures	Other Measures	
All Countries	72	46	32	116	266
Bilateral					
(India to Indonesia)	0	0	0	8 (CTPM)	8
Total	72	46	32	124	274

Source: WITS, 2019, calculated by authors

Table 4 shows the classifications of NTMs that Indonesia imposed to Indian interest. A total of 590 measures enacted consisting of 2 kinds of partner affected: all countries and bilateral (Indonesia NTMs imposed to India). The NTMs imposed by India for all countries (included Indonesia) consisting of 116 NTMs in the form of SPS, 311 NTMs in the form of TBT, 74 NTMs in the form of export measures, 68 NTMs in the form of other measures; and for bilateral (Indonesia NTMs imposed to India) consisting of 9 NTMs in the form of SPS, 7 NTMs in the form of TBT, 5 NTMs in the form of other measures. So, there are 21.2% of SPS, 53.9% of TBT, 12.5% of export measures and 12.4% of other measures.

The Normative Juridical Analysis of NTMs found that India has applied more Sanitary and Phytosanitary (SPS) policy to other countries (see table 3), but Indonesia has applied more Technical Barriers to Trade (TBT) policy to other countries. Although for bilateral trade, India has applied more Contingent Trade Protective Measures (CTPM) to Indonesia, but Indonesia has applied more Sanitary and Phytosanitary (SPS) to India (see table 4).

TABLE 4. CLASSIFICATIONS OF NTMS IMPOSED BY INDONESIA ON INDIAN INTEREST

Partner Affected	Classifications of NTMs (number)				Total
	SPS	TBT	Export Measures	Other Measures	
All Countries	116	311	74	68	569
Bilateral					
(Indonesia to India)	9	7	0	5	21
Total	125	318	74	73	590

Source: WITS, 2019, calculated by Authors

The application of NTMs in India is not as much in Indonesia so that Indonesia is relatively easier to carry out export activities to India. However, in developing trade to

India, it is necessary to pay attention to NTMs related to SPS because Indian NTMs related to SPS are higher than TBT. There are some things that hinder outside NTMs factors to conduct Trade with India, especially trade cost related to logistics, administrative costs and differences in perceptions among customs officials.

The descriptive analysis of NTMs can use various approaches (Dean et al., 2009; Cadot and Gourdon, 2016, Ferrantino, 2009; Fontagné et al., 2013; Francois et al., 2013; and Egger et al., 2015): simple inventory measures computation of price gaps [18] [19] and the estimation of ad valorem equivalents [20] [21] [22] [23]. Based on UNCTAD (2012), and CEPII (2014), simpler approach is based on two indices: the frequency index and the coverage ratio [2] [24]. These approaches purposes are to identify the importance of NTMs and assessing their effects on international trade.

The frequency index accounts only for the presence or absence of an NTM and summarizes the percentage of products to which one or more NTMs are applied (see table 5). Frequency index of NTMs imposed by country *j* for product *i* is formulated as follows (CEPII, 2014):

$$F_j = \left[\frac{\sum D_i M_i}{\sum M_i} \right] \cdot 100 \tag{1}$$

Where *D* is a dummy variable reflecting the presence of one or more NTMs and *M* indicates whether there are imports of good *i* (also a dummy variable).

$$C_j = \left[\frac{\sum D_i V_i}{\sum V_i} \right] \cdot 100 \tag{2}$$

A measure of the importance of NTMs on overall imports is given by the coverage ratio, which measures percentage of trade subject to NTMs for the importing country *j*. In formal terms the coverage ratio is given by (CEPII, 2014):

$$C_j = \left[\frac{\sum D_i V_i}{\sum V_i} \right] \cdot 100 \tag{3}$$

Where *D* is defined as before, and *V* is the value of imports in product *i*.

Furthermore, there are several challenging obstacles that need to be handled by two countries other than NTMs issue such as: (1) The logistic cost in both countries still more expensive compared to other neighboring countries; (2) there is still a considerable amount of regional/state retribution imposed on business actors and is considered burdensome; (3) there are still differences in perceptions between customs officials ([25] different perception of officials to implement government regulation also happened in the research from Jati and Wicaksana (2017)). The obstacles should be reduced by a specific strategies to develop the trade between Indonesia and India.

TABLE 5. NTMS IMPOSED BY INDONESIA PER SECTOR (NTMS IMPOSED FOR ALL COUNTRIES)

Sector	NTMs Coverage ratio (%)	NTMs Frequency ratio (%)	NTMs affected product - count	NTMs affected trade (USD Billion)
Animal	100.0	100.0	225	2.6
Vegetable	99.3	91.8	290	7.2
Food Products	98.8	99.0	199	7.0
Fuels	96.6	28.2	11	29.8
Transportation	82.7	58.9	76	6.9
Textiles and Clothing	80.6	78.2	612	6.7
Hides and Skins	77.8	76.6	49	0.5
Chemicals	69.6	54.5	413	11.1
Footwear	63.3	53.2	25	0.3
All Import Products	69.0	56.3	2,797	108.2

Source: WTO I-TIP on NTMs, 2019, calculated by Authors

Descriptive Analysis about NTMs can describe as a development strategy of the trade that can be implemented as follows: (1) NTBs should be removed, while NTMs should be streamlined (Indonesia better focus of top 5 biggest NTMs coverage ratio and frequency ratio in table 5); (2) it is necessary to do trade facilitation in order to speed up the efficiency and effectiveness of trade procedures between Indonesia and India and also reduce the cost of trade (Indonesia should evaluate the top 2 biggest NTMs affected trade for fuels and chemicals sectors in the table 5). (3) the policy of NTMs aims is to protect the safety of humans, animals, plants and also to improve the quality of life so that they can be competitive (relevant authorities should focus on animal and vegetable sectors in table 5). Problems increase when every countries make new regulations that result in trade relations being hampered [28]. Indonesia and India trade tend not to experience a very serious problem, even if there are constraints, trade facilitation needs to be improved, such as the availability of data and information [26], increase the role of relevant authorities to facilitate business actors, such as providing certification institution whose quantities and quality can be accepted by both countries. Most important is making the authorities rules and regulations need to involve all the stakeholders.

NTMs is the prerogative right of each country in its implementation, but do not let the NTMs turn into NTBs. It is essential to increase the trade facilitation between the two countries in order to develop new strategies of trade and the application of NTMs especially intended for the safety of Humans, Animals and Plants.

IV. CONCLUSIONS AND POLICY IMPLICATION

It can be identified that India more implementing other measures to secure their domestic interest whereas Indonesia more implementing TBT. However, based on Normative Juridical Analysis, India has applied more SPS policy to other countries. Otherwise, Indonesia has applied more TBT policy to other countries. In bilateral trade, India has applied more CTPM, to Indonesia, whereas Indonesia has applied more SPS to India.

Furthermore, India and Indonesia face several obstacles that need to improve in their trading strategy other than NTMs issue such as logistic cost, burdensome retribution,

and customs coordination between two countries. Moreover, based on Descriptive Analysis, it can be proposed as a development strategy that can be implemented by the two countries as follows (1) remove NTBs and streamline NTMs; (2) encourage trade facilitation in their trading activities [27]; (3) address NTMs as a policy to protect the safety of humans, animals, plants and also to improve the quality of life, not as a policy to discourage trade activities.

The application of NTMs is very important in the midst of a global effort to reduce duties on imported products. Since prices become more affordable, the competition between domestic and imported products become real. Consumers in one hand are profited by the fact that goods are more available in the market. However, state obligation is to administer the wider public interest, included the safety and the security of consumer when utilizing any products, domestic and import.

NTMs appear not primarily as a barrier of entry for imported products. Yet, it is meant to become the guidance and principles to protect the safety and security application of products to consumers. The main principle is National Treatment, which means that such measures are applied both for the domestic and international products.

The descriptive analysis as discussed in this paper show that both countries are actively imposed technical requirements on non agriculture products and follows the international principles of SPS on the agricultural products. Therefore, due to the high awareness of NTMs in both countries, Indonesia and India need to apply internationally accepted standard and treatment on its exported products, both agriculture and non-agriculture, to avoid unnecessary interception and rejection of entry to each other custom territory. Also, it is advisable that both countries follow any development of international rules of technical regulation and SPS to be implemented in their products, specially export oriented products.

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