

The Model and the Arrangement of Rules of Engagement in Order to Face the Threats and Disturbances in the North Natuna Sea

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The nine-dash line refers to demarcation line used by China to claim the South China Sea. This line covers the North Natuna Sea which is included in the jurisdiction waters related to Indonesia. There has been no agreement over the exclusive economic zone between Indonesia and other countries and this creates an un-delimited area. This condition causes foreign vessels and warship intrusion in the jurisdiction area of Indonesia which demands the government's special attention to take action in order to uphold Indonesian sovereignty over its territorial waters. The purposes of this study were to analyse threats and disturbances in the North Natuna Sea, to analyse the strategy in facing the threats and disturbances in the North Natuna Sea and to construct a model used to overcome the threats and disturbances. The method of the study was qualitative descriptive and the analysis was based on the data, facts and experience from the research site. The results of the study revealed the threats and disturbances in the North Natuna Sea which includes illegal fishing causing economic loss and damage to the marine ecosystem of Indonesia. A strategy to face the threats and disturbances in North Natuna Sea can be instigated by setting an operational plan and permanent procedure for maritime security with steps of chasing, arresting and investigating. However, this strategy still has weakness, and hence a new document is needed to analyse risks caused by threats and disturbances by making a risk resister and the rules of engagement. The strategy model used to overcome the threats was the model of Operational Risks Guidelines.

Key words: *Rules of engagement, the North Natuna Sea, waters, exclusive economic zone, Operational Risk Guidelines.*

Introduction

Indonesia is a country with a width of body of water of 6.4 million km², a length of coastline of 108.000 km and the exclusive economic zone (EEZ) of 200 nautical miles (according to 1982 United Nations Convention on the Law of the Sea) with the width of 3 million km² (Pushidrosal, 2018). The geographical condition and natural resources have made Indonesia to be recognized as an archipelagic and maritime nation. This makes Indonesia the centre of gravity (CoG) and the global supply chain system (Shanti Dwi Kartika, 2014). This condition triggers some threats, disturbances and problems to Indonesia which may impact on national maritime security. The threats and disturbances influence the concept and the strategy of national defence in the 2005-2025 long term national development plan. It is explained in the appendices that marine resources have not been utilised optimally because there are several things mentioned as follows.

- 1) There has been no arrangement concerning maritime delimitation.
- 2) There are conflicts in the sea space utilisation.
- 3) There is no guarantee of safety and security at sea.
- 4) Regional autonomy supports a condition where there are various understandings on marine resources management.
- 5) There is limited ability of human resources in managing marine resources.
- 6) There is no support in terms of study on marine science and technology.

Indonesia as a State of Islands is demanded to have naval power in order to be able to protect its waters from both domestic or international threats and disturbances Marsetio (2013). Problem of boundaries and the outermost islands is complex and dynamic. There has been no delimitation of boundaries of Indonesia with the neighbouring countries and this becomes a problem in enforcing Indonesian law and sovereignty. The Indonesian National-Military Naval Force, as the component of defence and sovereignty enforcement in Indonesian waters, realizes that the problems will impact the national defence directly. Marsetio (2013)

The Indonesian National-Military Naval Force as the integral part of the Indonesian National Armed Forces has a main role in the maritime defence. They are responsible for doing their duty based on the country political decision and policy to uphold the sovereignty of the state. At the present time, the threat which becomes a national and international problem is the nine-dash line claimed unilaterally by China. Ela Riska (2017) explained that since 2009, there has been tension in the South China Sea and this has an impact on the security stability of Indonesian maritime security. This condition was initially triggered by the nine-dash line map published by China as the form of claim of China territory. In the map, there are dash lines which cut almost 90% of the South China Sea width. The claim of China is based on the historical claim which does not match with the international law of sea in 1982 UNCLOS.

China includes the South China Sea in the nine-dash line as the area of traditional fishing ground which had been claimed for thousand years ago before century (Gao & Jia, 2013). The statement from the Chinese government raises objection and rejection from many countries including Indonesia because the term “traditional fishing ground” is not covered in UNCLOS 1982 (Kuwado, 2016). China affirms the line by performing a positive occupation through the fishing activity in the South China Sea waters and intrusion on the Indonesian exclusive economic zone in Natuna waters which is claimed to be included in the nine-dash line (Kusumadewi, 2016).

Figure 1. The map of nine-dash line claim of China Source: Lanal Ranai, 2018



Problem Formulation

The problems of the study were formulated based on the background discussed previously.

- 1) What are the threats and disturbances in the North Natuna Sea?
- 2) How is the strategy used by the Indonesian National-Military Naval Force to overcome the threats and disturbances in the North Natuna Sea?
- 3) How is the model of the strategy used to overcome the threats and disturbances in the North Natuna Sea?

The Purpose of the Study

Based on the problem formulation, the purposes of the study were:

- 1) to analyse the threats and disturbances in the North Natuna Sea;

- 2) to analyse the strategy used by the Indonesian National Military-Naval Force to overcome the threats and disturbances in the North Natuna Sea; and
- 3) to find the model of the strategy used to overcome the threats and disturbances in North Natuna Sea.

Materials and Methods

Literature Review

A theory of Risk Register from Ivan Bursar Dunois, Malden Radujkovic, and Mladen Vukomanovic (2013) explains an original methodology to develop a risk register system to accomplish a project in Croatia by integrating a risk register system into the process of risk management.

A theory of rules of engagement by Boddens Hosang, J.F.R. (2017) explains that the principle of rules of engagement is to use military power and aggression of the army force to confront the enemy. Rules of engagement have been used by many international organisations such as the North Atlantic Treaty Organisation, the European Union and United Nations, by following the system in the organisation and structure. Rules of engagement is an operational command or instruction to rule, both the power and the action which can be considered as a provocative act.

Method

This study used the descriptive qualitative approach and the analysis was based on the data, facts and experience on the site during the process of the research. The research was located in the North Natuna Sea focusing at Lanal Ranai.

Results and Discussion

The Threats and Disturbances in the North Natuna Sea

The threats and disturbances faced by Indonesian government regarding the North Natuna Sea has concerned the maritime security and influenced the stability of Indonesian national defence. The threats and disturbances to Indonesian maritime security in the North Natuna Sea started with the following problems:

- 1) There is the claim of the nine-dash line by China unilaterally in the South China Sea which covers the continental shelf area and Indonesian exclusive economic zone in the North Natuna Sea.

- 2) There is no agreement regarding the exclusive economic zone between Indonesia and Vietnam and this creates an un-delimited area.

Triggered by the problems mentioned previously, there is an intrusion in the North Natuna Sea which is in the form of illegal fishing. This is because China implements the nine-dash line which cuts the line of the Indonesian exclusive economic zone in the North Natuna Sea, hence creates a pocket area which is claimed by China as its traditional fishing ground. Then, the Chinese fishing vessels are dispatched to catch fish in the area, ignoring the fishing exploration rules in the exclusive economic zone regime. In their report on Ocean and the Law of the Sea, the Secretary General of United Nations identified 7 specific threats on the maritime security (Natalie Klein, et. al. 2010) which are:

- 1) piracy and armed robbery against ships;
- 2) terrorist acts concerning ships, offshore installations and other marine-important things in a broad context including the significant impact on the economy, as the result of this aggression;
- 3) smuggling of light arms and weapons of mass destruction;
- 4) drug trafficking (70% of the arrests are at sea);
- 5) human trafficking at sea;
- 6) illegal, unreported and unregulated fishing; and
- 7) purposely destructing the marine environment, especially pollution.

The other problem that must be resolved immediately is the exclusive economic zone boundaries in the North Natuna Sea which is adjacent directly with Vietnam. Because there has been no agreement concerning the exclusive economic zone, illegal activities at sea such as illegal fishing or the intrusion of foreign warships and vessels can potentially happen. This threatens Indonesian national security. Until now, law enforcement at sea, conducted by the Indonesian National-Military Naval Force is still considered difficult because there is a different perception about the rules of understanding between Indonesia and Vietnam. The difference in the sea map used by Vietnam makes them think that Indonesian exclusive economic zone is included in their area. This perception allows Vietnam to conduct fishing in the area. It has been found that many big Vietnamese fishing vessels conduct illegal fishing in Indonesian waters.

The law enforcement institution, which in this case is the Indonesian National-Military Naval Force, has arrested those who have done illegal fishing in the North Natuna Sea. They are brought to the nearest navy base to be investigated based on Indonesian national law and international law which has been ratified. Then, the Indonesian government will send note of protest through the embassy in the countries where the illegal vessels come from, which in this case are China and Vietnam.

The national loss caused by illegal fishing achieves IDR 240 billion every year. Other loss consist of the marine ecosystem damage caused by poisonous substances and trawling. The Center of Oceanography Study of the Indonesian Institute of Sciences have announced that the coral reefs ecosystem in Indonesia is harmed or is already in bad condition. The damage of coral reefs impacts directly on the damage of the fish ecosystem. Besides that, illegal fishing contributes to the livelihood vulnerability of the marine fishermen.

Illegal fishing activity is categorised as transnational and as organised crime which causes many problems and involves many parties, hence this should be taken into consideration seriously. Besides illegal fishing activity, the other threats to Indonesia are illegal military activities in the North Natuna Sea. From the military perspective, maritime security traditionally has been focused on national security to protect the special territorial integrity of a country from armed attack or other power impositions and to preserve a national interest of a country in another place. The perspective of defence of maritime security has been expanded into a bigger scope of threats. Generally, some indications of security are described in the UNCLOS such as the treatment of innocent passage and identification for a set of activities which will not be consistent with justice, harm, peace and security of the coastal countries (S. Kaye, 2006).

The Strategy of the Indonesian National Military-Naval Force to Face the Threats and Disturbances in the North Natuna Sea

Calvin Agasta, Peni Susetyorini, and L. Tri Setyawanto R. (2017) explained that Natuna waters is included in the Indonesian Exclusive Economic Zones with the right of sovereignty. The Indonesia government has been performing preventive and repressive attempts to prevent illegal fishing from China and Vietnam in the continental shelf and Indonesian Exclusive Economic Zone. It is done by decreasing tension between Indonesia and China by conducting diplomatic dialogue regarding with the claim of nine-dash line, conducting maritime security operation in the border areas which covers the Indonesian jurisdiction area (continental shelf and Indonesian exclusive economic zone), improving the vigilance of the law enforcement officers at sea, implementing positive occupying at the un-delimited area, performing the activities of Quick Reaction Strike Force which shows the power and ability of the Indonesian National Army in Natuna Waters. The purpose is to give a deterrent effect to the neighbouring states showing that Indonesia has a good national defence power.

The preventive and repressive actions are considered to be not enough to stop the illegal fishing and foreign illegal military activities in the North Natuna Sea. Therefore, Indonesia must be able to optimize the role of the Indonesian National Military-Naval Force as the main component of national defence which has duty and responsibility to uphold the sovereignty of the Unitary State of the Republic of Indonesia. During 2005 to 2016, zone intrusion and

illegal fishing by China at Natuna Sea increased. This involved China fishing vessels and its coast guard, especially in the pocket area which is claimed by China as their as traditional fishing ground. Therefore, the Indonesian National Military-Naval Force act strictly through the chasing, arresting and investigating of the illegal activities. These actions are the professional and proportional procedure of the Indonesian National Military-Naval Force to enforce the law at or through the sea. Efforts in law enforcement at sea or by sea are based on the regulation of the chief of staff of Indonesian Navy No. 32/V/2009, 4 May 2009 (Peraturan Perkasal Nomor 32/V/2009).

As a strategy to prepare the maritime security operation in the North Natuna Sea, the Indonesian Navy has constructed a document known as the Operational Plan which contains guidelines about the overall operational plan including the description about the important information regarding the referenced operational activities. The permanent procedure of maritime security explains the act of chasing, arresting and investigating as the strategies to execute those who do the violation at the area of operations. However, the Operational Plan and the Permanent Procedure of Maritime Security are still not sufficient to solve and accommodate the issues of labour protection and defence boundaries. This became the weakness which was found during the analysis process.

Some problems which have not been accommodated should be formulated in a new document, hence the Indonesian National Military-Naval Force has a Standard Operating Procedure. The Indonesian Navy needs a new document covering the risk register and rules of engagement. They must be added into the existing regulation so that the political leader or the stakeholder can use them in their operations. A risk register is a component which is used to arrange the rules of engagement because it gives specific description explaining any risks which probably appear in the area of operations. The rules of engagement are a very crucial document because it contains rules covering limitations of what to do and what cannot be done in the area of operation. Besides that, the rules of engagement have a strong and legitimate power to be used by the on-scene commanders during the operation. This is very useful when the on-scene commander has to make a decision in a short amount of time and in a difficult situation. This help the commander to make a right decision which is legal and based on the legal rules.

The Model of the Strategy used by the Indonesian National Military-Naval Force to Face the Threats and Disturbances in the North Natuna Sea

In constructing a new document, the process of combining the theory of local framework and the theory of risk register is needed. The theory of logical framework was firstly introduced by Leon J. Rosenberg. This theory explains about important steps to be done to arrange and manage a project comprehensively. The theory of risk register was developed by Ivana

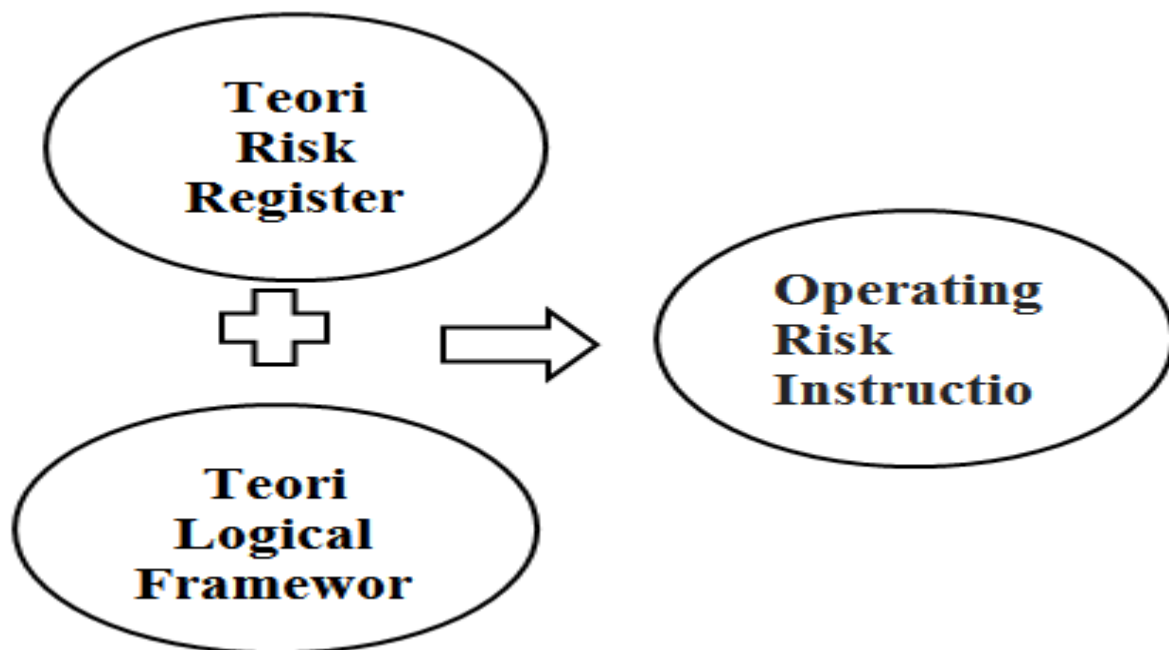


Burcar Dunovic, Mladen Radujkovic and Mladen Vukomanovic (2013). This theory is used based on the previous analysis which shows the importance of risk register as one of the components in arranging the rules of engagement.

The facts show that, during the operation, the marine law enforcement officers often get pressure from the political stakeholder, e.g. when they arrest the Chinese fishing vessels in the North Natuna Sea. This is because political policy has not been understood by the officers or units of the operational level. This is very dangerous because the command from the stakeholder must be delivered soon to the on-scene commander in the area of operation. This may impact the international relations between Indonesia and the related country.

The process similarity of logical framework theory and risk register is needed to facilitate the technical stage of the risk register model construction using the theory of logical framework. Based on the comparison data, a new formulation to construct a new document was found, and it is known as Operational Risk Guidelines.

Figure 2. The illustration of model formulation of Operational Risk Guidelines



Source: The Researchers analysis, 2019

The Operational Risk Guidelines can be the new strategy model which can be used by the Indonesian National Military-Naval Force to conduct maritime security operation in the North Natuna Sea smoothly and safely. The following are the benefits of Operational Risk Guidelines for the Indonesian Navy.

1. This is also the new document to complete the operational plan and the permanent procedure of maritime security. In the present time, the Indonesian Navy has got information concerning the organisational structure – information that supports the operation through operational plan. The information regarding the act of chasing, arresting and investigating is obtained through the permanent procedure of maritime security. Then, it is occupied with the operational risk guidelines which contains the risk analysis, mitigation and the rules of engagement.
2. Analysing the risks of threats and disturbances in the North Natuna Sea is conducted through the stages of stakeholder analysis, problem analysis, objective analysis and strategy analysis. The stages show the role of the stakeholders, cause and effect of the existing problems, the potential risks, the mitigation strategies and the tactical strategies used by leader related to the risks and mitigation.
3. This explains the rules of engagement as the correlation of the risk analysis of the threats and the disturbances in the North Natuna Sea. However, in the rules of engagement, the risks caused by the main problem has been analysed deeply, hence the risks which appear

in the area of operation are the facts faced by the Indonesian Navy Ship. The information regarding the potential of:

4. risks in the area operation can be analysed deeply through discussion among the maritime security officers of the North Natuna Sea, the staff of operational unit and the legal staff of The Indonesian Navy. The discussion can use the report on the operation of the Indonesian Navy Ship after the duty in the North Natuna Sea. Then, the potential of risks in the area of operation will be linked with the existing government's policy, the law fundamental which regulates the state diplomacy. Thus, the Operational Risk Guidelines becomes an applicative document which can be used by the on-scene commander or unit during the operation in the North Natuna Sea because it is based on the need and real condition in the area of operation.
5. The Operational Risk Guidelines are flexible and can be evaluated based on the situation during the operation. Evaluation can be performed by the operational staff of the Indonesian Navy by making the implementation report of Indonesian Navy Ship after the maritime security operation in the North Natuna Sea. In the implementation report, a commander of unit has to explain the existing condition and the potential risks in the area of operation, thus the information can be used by the in-charge leader to update the existing rules of engagement.
6. The Operational Risk Guidelines can be used by any type of war military operation or non-war military operation. It is because in each operation, the systematic risk analysis based on the role of the stakeholder, the existing problems (cause and effect), the potential risk and the mitigation strategies and strategy used by the leader on the tactical or strategical level will be very important to the soldiers. Therefore, the condition and the decision made by the leader are known. The law principle, state diplomacy and the rules of engagement which explain the potential risks in the area of operation completed by the government policy can facilitate the commander of unite in the operational level to perform the duty.

Until now, the Indonesian Navy has not had a special document which can be used to analyse risks and the rules of engagement concerning the threats and disturbances in the North Natuna Sea. Therefore, it is suggested to the chief of the Indonesian Navy to use Operational Risk Guidelines as a document which can be used by the on-scene commander to conduct the operation. The Operational Risk Guidelines are not only for the maritime security operation in the Natuna Sea, but also for any type of operation conducted by the Indonesian Navy.

Conclusion

1. The threats and disturbances in the North Natuna Sea are: a) Chinese and Vietnamese illegal fishing that have caused a big loss for Indonesian economy every year which is IDR 240 billion and the damage of the marine ecosystem caused by poison and trawling.



2. The strategy used by the Indonesian Navy to face the threats and disturbances in the North Natuna Sea is to construct a document of Operational Plan and Permanent Procedure of Maritime Security through the act of chasing, arresting and investigating. However, this strategy is still not adequate. Thus, the rules of engagement and a new document to analyse the risks caused by the threats and disturbances in the North Natuna Sea are needed.
3. The model of Operational Risk Guidelines functions as the new strategy model of the Indonesian Navy to equip the existing strategy. This new strategy model is used to analyse the potential risks caused by the threats and disturbances in the North Natuna Sea. This also explains the rules of engagement as the correlation of risks analysis caused by the threats and disturbances in the North Natuna Sea.

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